

# CITIZEN ADVOCACY HEARINGS REPORT



Kentucky Commission  
on Human Rights

PROTECTOR OF CIVIL RIGHTS  
VOICE FOR EQUALITY  
CATALYST FOR POSITIVE CHANGE

# Kentucky Commission on Human Rights

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*Photo of Kentucky Governor Edward Breathitt signing The Kentucky Civil Rights Act on March 21, 1964, Commission Archives*

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## Dedicated to Anne M. Braden

The Kentucky Commission on Human Rights proudly dedicates this Citizen Advocacy Hearing Report to the late Anne M. Braden of Louisville. Civil Rights Movement leader, activist, volunteer, champion of so many causes to bring equality to the people of Kentucky, Anne dedicated her life to achieving human freedom for all. For more than 50 years, she demonstrated that she could not and would not tolerate discrimination. Her efforts transcended any one area of civil rights work. She was the first recipient of the American Civil Liberties Union Roger Baldwin Medal of Liberty. She was author of the book, *The Wall Between*, civil rights teacher, and former journalist of the old Louisville Times. She and her husband Carl sold a house to an African American couple in a white Louisville neighborhood, endangering their lives and their freedom and breaking the hard color line that had existed for so long. She was organizer of the West End Community Council and director of the Louisville Chapter of the Alliance Against Racist and Political Repression. She was inducted into the Kentucky Civil Rights Hall of Fame in 2001.



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# Introduction

This written report includes highlights of the 2008 Kentucky Commission on Human Rights Citizen Advocacy Hearings. (The opinions and positions of the panelists expressed herein may not reflect those of the Kentucky Commission on Human Rights.)

The Kentucky Civil Rights Act is the state law that makes discrimination illegal. It protects people based on the classes of age, color, disability, familial status, national origin, race, religion, sex, and tobacco-smoking status.

Responsible for enforcing this law is the Kentucky Commission on Human Rights. The state agency's job is to receive discrimination complaints from the public, impartially investigate those complaints, help resolve them through conciliation or mediation agreements, litigate complaints, when necessary, and take them before the commission body, which rules on the complaints with the authority of a court of law.

As an enforcement authority of this and federal counterpart law that prohibits discrimination, the Kentucky Commission on Human Rights promotes compliance to the Kentucky Civil Rights Act by raising public awareness through communication and education and outreach programs. As such, the commission takes a keen interest in issues that concern the members of its protected classes, issues that may or may not directly be the results of illegal discrimination, but that, nonetheless, affect the protected classes in ways that marginalize, disadvantage or contribute to inequities endured by class members.

Since its creation by the Kentucky General Assembly in 1960, the Kentucky Commission on Human Rights has consistently sought affordable and effective methods to raise public awareness and assist Kentucky Civil Rights Act protected class members. When Executive Director John J. Johnson joined the commission in 2007, he put forth a new initiative to engage civil rights protected class members and the public. The agency then designed the program that would include conducting a number of what became Citizen Advocacy Hearings.

## Citizen Advocacy Hearings Goals

- Provide protected classes opportunities to examine and speak about issues affecting their equal opportunity and welfare.
- Promote protected class problems to the public and to legislators who could then provide avenues for solutions.

- Present opportunities to build partnerships and relationships with advocates and experts related to the topics of discussion.
- Use recommendations made by participants for commission work planning if feasible.
- Achieve an elevated public awareness of civil rights and the state commission role in civil rights protection and advancement.

The commission held its first advocacy hearing in March 2008 and was followed by eight more during the course of the year. The aim was to hold the hearings in a variety of venues and regions of the state as budget would allow and to work through media to publicize the events and the subject matter for increased public awareness. The commission decided to dedicate the hearings to select individuals as a way to honor them for their work in furthering civil rights. Each hearing was dedicated to people from Kentucky whose activism related to the area of the protected class or issue under discussion.

The Citizen Advocacy Hearings became a springboard in the planning process of the commission's 50th anniversary, which will be held in 2010. The hearing topics will be expanded and developed into symposiums at the 50th Anniversary Conference sometime in October of that year. Panelists and participants will be able to further develop and examine several issues related to civil rights protected classes while looking for ways to solve identifiable problems.

We are pleased to have formed a highly valuable partnership with the Louisville National Public Radio Affiliate, WFPL, during the course of the hearings. WFPL aired three advocacy hearings on its live, listener call-in show, *State of Affairs* hosted by Julie Kredens and produced by Robin Fisher. We wish to acknowledge and thank WFPL, Robin and Julie for their outstanding support of this and community affairs coverage.

We thank WFPL News Director Rick Howlett, Courier-Journal reporter Toni Konz and all media representatives who participated as panel questioners and who covered this work for the public awareness. We thank the Louisville Urban League, the Appalshop in Whitesburg, the Mayor's Office in Paducah, and the Americana Center in Louisville for providing us with their wonderful facilities for our hearings.

We especially thank the moderators and panelists who gave their valuable time and knowledge to the production of the hearings.

# **Ain't I a Kentucky Woman?**

## **Status of Equal Opportunity for Women**

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*Photo of Willa Brown Chappel, 1st African American Woman Kentucky pilot, Commission Archives*

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Thursday, March 20, 2008  
1 to 3 pm  
Louisville Urban League  
Community Room  
1535 West Broadway  
Louisville, Kentucky



## The Panel



**Linda McCray**



**Eleanor Jordan**



**Judi Jennings**



**Karina Barillas**

Linda McCray, moderator

Linda has been the executive director of the Bowling Green Human Rights Commission since 2001. Achieving justice and equality for all citizens in the areas of housing, employment and public accommodations, Linda says, is both her passion and her priority. She serves on the U.S. Commission on Civil Rights Kentucky Advisory Committee and a number of boards and committees that work to promote and expand equal opportunity.

Eleanor Jordan, panelist

Eleanor was appointed in 2008 as the executive director of the Kentucky Commission on Women by Gov. Steven Beshear. Her executive branch experience includes ombudsman for the Cabinet for Families and Children under the administration of Gov. Paul Patton and principal assistant to Attorney General Greg Stumbo.

Judi Jennings, panelist

Judi is the executive director of the Kentucky Foundation for Women, a private philanthropy that supports feminist art and social justice. KFW awards grants to individual artists and organizations, provides time and space for artists and activists at its retreat center, and works to share information and build alliances.

Karina Barillas, panelist

Karina is a bilingual family advocate at the Center for Women and Families in Louisville where she works with Latina victims and survivors of domestic violence and sexual assault. She has worked to address women's issues since 2000, as the president of International Students at the University of Louisville. She is a Latina activist and leader in the community and a coordinator for the Hispanic Latino Council in Saint Rita Parish in Louisville.

## The Honorees



Lois Morris of Louisville, Ky., was relentless in her pursuit for equality and was known as the lady who cared. She moved to Louisville from Mississippi in 1955 with her husband Dr. Ralph Morris. She was appointed to the first Louisville Human Relations Commission and, later, to the Kentucky Commission on Human Rights. She served as a Louisville alderwoman from 1969 to 1977. She once said, "I am not in office for prestige nor to win friends. I am here to make the power structure constantly aware of blacks." At her memorial service in 1989, Anne Braden said, "Lois was a politician who cared more about being right than getting elected to public office." She served in many organizations like the National Council of Negro Women, the Kentucky NAACP, the National Black Women for Political Action as executive director, and the Louisville Urban League. In May 2003, a street sign was named for her in the Louisville Park Duvall neighborhood.



Elizabeth (Bettye) Thurmond (1921 - 1989) of Hopkinsville, Ky., was an outstanding leader with a pioneering spirit. She opened her home for civil rights meetings during the years leading up to the U.S. Civil Rights Act in 1964. She and her husband Hal Thurmond endured cross burnings, a failed bombing of their home and other bomb threats. She became vital in the plan to integrate Hopkinsville lunch counters and schools. Later, she became the second executive director of the Hopkinsville Human Relations Commission where she served for 10 years. Her husband was the founder of the commission.

## Citizen Advocacy Hearing Equal Opportunity for Kentucky Women

The title of this discussion, Ain't I a Kentucky Woman? was borrowed from Sojourner Truth's famous speech at the 1851 Women's Rights Convention in Akron, Ohio. The abolitionist and women's rights advocate spoke from her heart that day. Her speech was unplanned and unrehearsed, and her words moved an audience and fired up a movement for women's equality. The speech was not recorded at the time, but, later, president of the convention and abolitionist Francis Gage wrote it from memory. Witnesses described Truth's presentation as bigger than life as she loomed over the audience with her tall frame, her long, strong arms and hands gesticulating and reaching out in persuasion. Gage wrote:

*"Where did your Christ come from?", she [Sojourner Truth] thundered again. "From God and a Woman! Man had nothing to do with him!"*

*The entire church now roared with deafening applause.*

*"If the first woman God ever made was strong enough to turn the world upside down all alone, these women together ought to be able to turn it back and get it right-side up again. And now that they are asking to do it the men better let them."*

A century and a half later, women, like many minorities, continue to play catch up from shortfalls inflicted by long-ago prejudices and the hangers-on of these and similar faulty behavior patterns.

Women in Kentucky pay a particularly harsh price.

According to the 2005-2007 American Community Survey (Census Bureau), the population of Kentucky is 4,206,074. Women are slightly more than half of Kentucky's population, representing 51 percent.

"In the area of economic self sufficiency, Kentucky women are ranked 47th in the nation; in terms of employment and earnings, women in Kentucky are paid on a scale that is one of the worst in the nation, ranking at 43rd; in the area of women's health and well-being, Kentucky is ranked at the bottom of the nation, 50th."

This information was reported by Eleanor Jordan, executive director of the Kentucky Women's Commission, at the Kentucky Commission on Human Rights March 2008 Citizen Advocacy Hearing held in honor of U.S. Women's History Month.

Guest panelists included Jordan, Judy Jennings, executive director of the Kentucky Foundation for Women, and Karina Barillas, bilingual family advocate of the Center for Women

and Families.

Jordan referenced A New Vision for Kentucky, the final report of the 2001 Governor's Task Force on the Economic Status of Kentucky's Women. This project of the Kentucky Commission on Women also found that "the economic status of women is impeding the state's efforts to move ahead economically, socially and culturally." If there is any doubt of this," the study reported, "consider that Kentucky was ranked the third worst state for women due in part to measures of:

- Women's economic autonomy, ranked the 47th worst in the nation as stated above by Eleanor Jordan
- Women's employment and earnings, ranked 43rd worst
- Women's political participation, ranked 43rd worst
- Women's health and well-being, ranked 50th worst as stated above by Jordan

The report goes on to say that Kentucky ranked as the 49th worst state in the nation in the percentage of women with bachelor's degrees, 39th in women's median annual earnings (More than half of households headed by women in Kentucky have incomes below \$15,000).

A New Vision for Kentucky said: "There is clear evidence in Kentucky of wage inequity and other forms of discrimination based on gender, race and other characteristics. In the workplace, even when all mitigating factors are considered, Kentucky men make at least 12 percent more than women with the same educational backgrounds."

Shockingly, the ratings for the status of Kentucky's women have barely improved since a report by the Institute for Women's Policy Research in 1998. In some cases the ratings have worsened. The ranking for women's economic autonomy only improved by one point since 1995 at which time Kentucky was ranked the 48th worst state. The status of Kentucky women's median annual earnings was ranked 31st in 1995 compared to 39th currently.

Pay inequity is a major problem in Kentucky, the panel said. According to the U.S. Census Bureau, on average, full-time working women earn 78 cents to every dollar earned by men. Kentucky is even worse with women making an average of 74 cents to the male dollar. Over a lifetime of work the loss adds up. On average, women lose out on \$9,575 per year and \$434,000 in a lifetime due to the wage gap, according to Census statistics.

According to the 2002 data of the U.S. Census Bureau, the number of women-owned businesses grew 20% from 1997 to 2002 in the U.S. The Census reports that women owned 6.5 million nonfarm U.S. businesses in 2002, employing 7.1 million persons and generating \$940.8 billion in business revenues. These women-owned firms accounted for 28.2% of all nonfarm businesses in the United States, 6.5% of their employment and 4.2% of their receipts.

Kentucky ranked 38th in the percent of businesses owned by women in 2002. Females owned 26% of all firms in Kentucky with sales and receipts over \$9 billion. Sales and receipts from these firms totaled over \$8 billion. Female-owned firms outnumbered male-owned firms in the sectors of educational services by 5% and health care and social assistance by almost 8%.

Kentucky women-owned firms with paid employees accounted for 13% of the total women-owned firms. These firms employed 84,096 employees, almost 6% of the people employed in Kentucky businesses. The largest numbers of these people were employed in the health care and social assistance sectors.

Women bear considerable responsibility for their families' economic well-being. However, the wage gap, women's predominance in low-paid, female-dominated occupations, and their low relative hours of paid work all hinder their ability to ensure their families' financial security, particularly in the cases of single mothers. Nationally, the proportion of women aged 16 and over in poverty was 12.1%, compared with 8.7% for men, in 2002 (Urban Institute 2004). While 7.1% of married couples with children in 2002 were living in poverty, 28.9% of single mothers with children were living in poverty. In 2002, single mother families were half of all families in poverty (IWPR 2003).

The gaps for Kentucky's women of color are even worse. John Johnson, executive director of the Kentucky Commission on Human Rights, spoke to the Lexington Central Kentucky section of the National Council of Negro Women one week after the March Citizen's Advocacy Hearing. He said, "To have survived the terror of slavery only to be bound again for being female must have been the ultimate heartbreak for our black fore mothers."

According to the U.S. Census Bureau, there are 151,915 black women in Kentucky, about 3.8 percent of Kentucky's population. The median wage for Kentucky's black women is \$1,000 less than that of white women, \$6,000 less than

that of black men, and \$12,000 less than that of white men. Approximately 28 percent of Kentucky's black women live in poverty compared to 15 percent of white women, 19 percent of black men, and 11 percent of white men.

The Institute's Status of Women in Kentucky report said: "Kentucky women continue to face serious obstacles in achieving equality with men and with attaining a standing equal to the average for women in the United States... Kentucky clearly does not ensure equal rights for women, and the problems facing Kentucky women demand significant attention from policy makers, women's advocates, and researchers concerned with women's status."

The Citizens' Advocacy Hearing panel agreed that fair treatment in employment, training, and educational opportunities are top priorities in finding solutions to women's needs. State leadership must reach a consensus about what constitutes fair treatment and then practice aggressive methods for implementing fair treatment until successful methods are reached and start to show results, the panel said.

Karilla Barillas of the Center for Women and Families reported that a serious problem women in Kentucky face is domestic strife. Revenue to provide housing opportunities and support for women, who are the most common victims of domestic strife and who many times have no income, must be made available to these women and their children, she said.

The Leo newspaper of Louisville, Ky., reported on Feb. 4, 2009, that the Center for Women and Families (in Louisville) provided services in 2008 to 5,343 abuse victims. In 2007, the center provided services to 4,893 women. Services offered at the center's shelter increased by 10 percent in 2008, while requests for counseling jumped 15 percent.





## Panel Recommendations

- The state legislature should create legislation and programs to improve the economic and general status of women, including support for women and children who need to permanently leave the homes of their abusers.
- The Kentucky Commission on Human Rights should voice its support to legislators of proposed legislation that improves the status of women. The Kentucky Commission on Human Rights should continue its efforts through partnerships with other organizations and through education programs to raise the public awareness about the problems affecting Kentucky women and the urgent need to improve the poor status of women in the state.

## Helpful Resources

- Kentucky Commission on Women: Provides an extensive list of resources: <http://women.ky.gov/resources/>
- Institute for Women's Policy Research: [www.iwpr.org](http://www.iwpr.org)



Panelist Judi Jennings gave her presentation while Karina Barillas and Eleanor Jordan listened. Later, the panel fielded questions from the audience.

In 2008, the Kentucky Commission on Human Rights filed 88 sexual harassment in employment complaints.

In housing, the commission filed two sex discrimination complaints and nine familial status discrimination complaints (includes pregnant women and people living with children under 18 years old).

In public accommodations, such as stores, restaurants, business offices, etc., the commission filed three sex discrimination complaints.

## **Open Housing, Reality or Myth Fair Housing in Kentucky**

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*Photo of Gov. Steve Beshear with commission and other housing partners signing the Fair Housing Proclamation, April 08*

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Thursday, April 17, 2008  
1 to 3 pm  
Appalshop  
91 Madison Street  
Whitesburg, Kentucky

## The Panel



**Vickie Ray**



**Cathy Hinko**



**Art Crosby**



**Ricky Baker**

Vickie Ray, moderator

Vicki serves as the director of the Louisville Fair Housing and Equal Opportunity Center in the Kentucky Office of the U.S. Department of Housing and Urban Development.

Cathy Hinko, panelist

Cathy is a long-time affordable housing advocate who first joined the Metropolitan Housing Coalition in 2004 as director of the Non-Profit Housing Alliance. She became director of the Metro Housing Coalition in 2005.

Art Crosby, panelist

Art is the executive director of the Lexington Fair Housing Council. The council files housing discrimination complaints and provides community outreach programs to combat housing discrimination in all its forms.

Ricky Baker, panelist

As principal assistant to the executive director, Rick is responsible for implementing the overall goals and mission of the Leslie Knott Letcher Perry Community Action Council, a \$34 million community service agency.

## The Honorees



Rev. Leo Lesser Jr. of Louisville, Ky. (1928 - 1974), marched against housing segregation and led civil rights and equal housing rights organizations. He was at one time associate director of the Louisville-Jefferson County Human Relations Commission during a period where African Americans were fighting against disenfranchisement and segregationist ideals. He spoke out against discrimination with every opportunity in his own radio broadcasts, in magazines, and he worked to enlighten the community about the need for fair and equal housing opportunity. He is one of the champions whose efforts led to passage of the Fair Housing Act of Kentucky in 1968.



Suzy Post of Louisville, Ky., has for many years provided spirited and dedicated service to civil and human rights in Kentucky and in the U.S.. During the 60s, she marched constantly in Louisville's West End, in Central Louisville, in the Cherokee Triangle and in South Louisville, and anywhere the opportunity arose to oppose segregation in housing. She founded the Kentucky Pro Equal Right Amendment Alliance in an effort to win equal rights for women. She was president of the Kentucky Civil Liberties Union when it filed the Jefferson County School Desegregation Lawsuit for which she signed on as a plaintiff. She later became director of the Kentucky Civil Liberty Union where she served from 1982 to 1990. She left to become founding director of the Metropolitan Housing Coalition where she served until retirement. She continues to be active with the housing coalition as director emeritus.

## Citizen Advocacy Hearing on Fair Housing in Kentucky

2008 marked the 40<sup>th</sup> anniversary of the passage of the federal and the Kentucky Fair Housing acts.

*In the past 40 years, much progress has been made in eradicating discrimination in housing. However, there remains much work to be done, both by the government and the individual.*

*The National Fair Housing Alliance*

“The current predatory lending and foreclosure crisis is spurring the largest loss of African American wealth in modern times,” said panelist Cathy Hinko, executive director of the Metropolitan Housing Coalition in Louisville.

In Louisville and throughout the U.S., loss of wealth and the lack of opportunity for affordable, fair housing are grave concerns, she said.

“Open Housing in Kentucky, Reality or Myth,” was the second in the Kentucky Commission on Human Rights Advocacy Hearings series. It was held on April 17, 2008 at Appalshop Inc., a non-profit multi-disciplinary arts and education center in Whitesburg, Ky.

Hinko served on the panel along with Ricky Baker of the Leslie-Knott-Letcher-Perry Community Action Council and Art Crosby, executive director of the Lexington Fair Housing Council, echoed Hinko’s findings.

“If you make low income in a rural area, there is very little affordable rental housing in Kentucky, and in rural and urban areas, there is still discrimination against minorities in housing,” Baker said.

Baker, who spoke about fair housing needs in Eastern Kentucky, reported to commissioners and members of the public that, “Open housing is still a myth in many places in Kentucky.”

Crosby talked about recent occurrences of hate crime based on race in the jurisdiction of housing and about the rising instances of discrimination toward people with disabilities seeking housing in the state.

The panel discussed ways to combat housing discrimination and recommended an aggressive fair housing public education campaign, stronger regulations on lending practices, and more funding for affordable housing in the state.

“If you are low income in a rural area, there is very little affordable rental housing in Kentucky and in urban

areas there is still discrimination against some minorities in housing,” Baker said. Many factors contribute to the lack of affordable and fair housing in Eastern Kentucky, he said, such as the lack of flat ground and the lack of basic sewer and water infrastructure. “There is a real dearth of affordable housing options for low income people, particularly renters,” he said.

According to the Brookings Institution Metropolitan Policy Program, in 2005, 41 percent of the mortgagees to lower income households in Kentucky were defined by the Federal Reserve as high-cost mortgages, compared to just 16 percent of mortgages sold to the highest-income households. The study found that in a sample of prices from three insurance companies, homeowners in Kentucky’s lower income neighborhoods pay, on average, at least \$363 more annually for home insurance than homeowners in high income areas.

Low income renters are forced to the bottom of the food chain for housing, panelists said. “The cheapest, most substandard rental units are typically the only units that low income renters can afford, if they can even afford that,” Baker said.

Baker explained that each year community action agencies like his weatherize thousands of homes across Kentucky and including Eastern Kentucky. Community Action and other non-profits help rehab and build hundreds of new homes across the state. “Again,” he said, “the need far outweighs the available resources.

“While in many metropolitan areas, you have additional public and private resources, those are simply not available in rural Kentucky,” Baker said.

Crosby said that although it appears that housing segregation in a systemized form has waned, there remains the appearance of housing segregation when one views the concentration of minorities in certain areas of the state. “If we as a commonwealth are to enhance our schools, workplaces, neighborhoods and ultimately ourselves, we must insist on open and affordable housing,” he said.

According to the U.S. Census, the greatest concentrations of minorities are in Central Kentucky. Of the 1,161,975 citizens who call Louisville home, 155,784 are minorities. The majority of the minorities who live in Louisville live close to the city center, the city is roughly 60 percent segregated. Most people in Louisville live closer to other minorities than to non-minorities. In Lexington,



minorities live close to the city center, are about 48 percent segregated and live closer to other minorities than to non-minorities. In Northern Kentucky, minorities live close to the city center, are about 70 percent segregated and live closer to other minorities than to non minorities. The minority population in these areas is roughly 10 percent of the population.

The lowest concentrations of minorities reside in the Eastern parts of Kentucky. In the Kentucky River Area Development District, which includes Breathitt, Knott, Lee, Leslie, Letcher, Owsly, Perry and Wolfe counties live 1,134 African Americans, 659 Hispanics, and 521 people who identify themselves as another nationality or race. Over 14,000 people in those areas said they are age 65 or older, and 6,369 are 75 or older. The minority population of the Kentucky River district is 1.91 percent of the total population.

According to the Kentucky Housing Corporation, the population of this district with at least one disability from age 16 and older is practically 99 percent of the population. From these statistics, one could infer that there will be a significant need for accessibly designed or universally designed housing, Crosby said. "Open housing or the lack thereof affects not only minorities of color but all who are disenfranchised by

that lack," he said.

- In their *Commonwealth of Kentucky Analysis of Impediments to Fair Housing for Federal Fiscal Years 2004 - 2008*, the Kentucky Housing Corporation and Department for Local Government said that some other impediments to the exercise of fair housing choice in the state are:
- A general scarcity of information given to residents of the commonwealth which allows them to exercise their fair housing rights.
- A general need to increase counseling and education in the area of home ownership, specifically, for blacks and Hispanics.
- The inability of people with disabilities to find housing designed and constructed to meet or accommodate their needs.

The affordable housing/landlord tenant issue provides for the most anecdotal instances reported by residents of restrictions to the exercise of fair housing choice.



## Some Kentucky Housing Statistics

According to the Kentucky Housing Corporation and the U.S. Census Bureau

- Kentucky's home ownership rate is 70.8 percent compared to 68.5 percent nationwide.
- More than 4,000 persons in Kentucky are homeless on any given day.
- Many persons who are homeless are victims of domestic violence, are mentally ill or addicted to drugs or alcohol.
- There are 140,519 households in Kentucky below the poverty level.
- There are 331,298 households in Kentucky considered to have housing cost burdens.
- There are 29,766 homes in Kentucky that lack complete kitchen facilities and 31,517 that lack adequate indoor plumbing.

In 1968, Kentucky became the first state in the south to enact a fair housing law. The law prohibits discrimination against any person who wants to rent or own housing. Everyone has the right to fair housing regardless of one's color, disability, familial status (whether one lives with children under 18 years of age), national origin, race, religion or sex.

In 2008, the Kentucky Commission on Human Rights filed 47 housing discrimination complaints.



Throughout the spring of 1967, people in Kentucky marched to demand a law ending housing discrimination. Efforts like this resulted in passage of the U.S. and Kentucky Fair Housing acts in 1968. In the photo, this march through a Louisville neighborhood was led by Rev. Leo Lesser, Louisville and Jefferson County Human Relations Commission associate director and Southern Christian Leadership Conference Kentucky Chapter president, and Rev. James Crumlin, Kentucky Conference of NAACP Branches president.



## *Panel Recommendations*

The Kentucky Commission on Human Rights should:

- Continue enforcement efforts to emphasize that violations of fair housing law will not be tolerated -- publicize enforcement efforts so that housing providers know they potentially face more than a “slap on the wrist” if they choose to violate the law. Promote testing programs that help to uncover subtle discrimination.
- Increase outreach and education with a focus on partnership with other agencies to spread information on fair housing rights (i.e. Center for Accessible Living, social service agencies, NAACP, local governments, etc.). The commission should proactively train those in the “front lines”: Realtors, Apartment Associations, Newspaper Classified Staff, Architects and Contractors.
- Encourage government and communities to “affirmatively further fair housing” through scattered sites plans for housing (affordable housing, group homes, etc.). Educate neighborhoods about the value of diversity in their area (Yes In My Backyard campaign).
- Encourage housing providers (especially those receiving federal financial assistance) to develop language access plans.
- Help Kentucky plan “ahead of the curve” as to the growing housing issues for the disabled and the immigrant population.
- Encourage Kentucky Housing Corporation to work with non-profit housing providers to develop a goal to add a fixed number of affordable housing units per year per county and produce a report card to communities and legislators to measure results. This would help rural as well as urban areas.
- Encourage legislators to find additional funding beyond the affordable housing trust fund dollars. The need simply outweighs available resources. Additional dollars should be open to non-profits looking to develop affordable housing.
- Encourage the strengthening of state mortgage laws to curb prepayment penalties and practices that, in effect, strip equity from homeowners.
- Encourage legislators to address the predatory practices of payday lending and check cashing businesses.

## *Helpful Resources*

- The Office of Fair Housing and Equal Opportunity (FHEO): [www.hud.gov/offices/fheo](http://www.hud.gov/offices/fheo)
- National Fair Housing Advocate Online: [www.fairhousing.com](http://www.fairhousing.com)
- National fair Housing Alliance: [www.nationalfairhousing.org](http://www.nationalfairhousing.org)
- Kentucky Commission on Human Rights: [www.kchr.ky.gov](http://www.kchr.ky.gov)
- Kentucky Housing Corporation: [www.kyhousing.org](http://www.kyhousing.org)

# Is Equal Quality Education a Dream, Deferred? Equality in Kentucky Schools

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*Photos of Jefferson County, Ky., classrooms when busing began from Courier-Journal Archives*

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Thursday, May 15, 2008  
1 to 3 pm  
Louisville Urban League  
Community Room  
1535 West Broadway  
Louisville, Kentucky

## The Panel



**Chad Berry**



**Blaine Hudson, PhD**



**Sherron Jackson**



**Pat Todd**

Chad Berry, moderator

Chad came to Berea College from Maryville College, where he taught for 11 years. He is the author of *Southern Migrants, Northern Exiles*, published by the University of Illinois Press, which examines the migration of millions of white southerners to the Midwest during the twentieth century.

Dr. James Blaine Hudson, panelist

Blaine is a 1967 graduate of Louisville Male High School and earned his bachelor's degree in 1974 and M.Ed. in 1975 from the University of Louisville and his Ed.D. in 1981 from the University of Kentucky. Between 1974 and 1992, he held successive professional and ultimately administrative positions in university academic support and developmental programs while teaching part-time in the Departments of History and Pan-African Studies and is currently Dean of Arts and Sciences at University of Louisville.

Sherron Jackson, panelist

Sherron is assistant vice president for Finance and Equal Opportunity at the Council on Postsecondary Education. He has over 29 years of experience in postsecondary education finance and 13 years of experience in equal opportunity planning. He received a master's degree in Public Administration from Kentucky State University and a bachelor's degree in Business Administration from Mississippi State University.

Pat Todd, panelist

Pat is the executive director for Student Assignment, Health, Safety, and the Greens Professional Development Academy. She is a member of the school district's team that planned the successful defense of the student assignment plan in U.S. District Court and in the Sixth Circuit Court of Appeals. She was a witness in the proceedings before the U.S. District Court, and her testimony is part of the court record.

## The Honorees



In the early 1970s John E. Haycraft became a plaintiff in the lawsuit filed to desegregate Jefferson County schools. He was an activist and a poet who was deeply involved in the civil rights movement for decades. Although he had a physical disability, he took part in a vast number of marches and demonstrations for human rights and became a familiar figure not only in Louisville, which was his home, but nationally. Among the major demonstrations in which he participated were the 1963 March on Washington, the 1964 March on Frankfort, the 1965 march from Selma to Montgomery, Alabama, the open housing demonstrations in Louisville in 1967, and the Poor People's Campaign in Washington in 1968.



Thomas Hogan was one of four attorneys who filed the original Jefferson County school desegregation suit on August 29, 1971. Nearly four years later, District Judge, James F. Gordon issued a desegregation order that prompted rioting, demonstrations and the burning of school buses. He was a Louisville native who became a civil rights attorney shortly after graduation from the University of Louisville Law School in 1969. He successfully represented a black man who was denied entry to a country club because of his race. In 1976, he represented a Berea man who had been fired for refusing to work on Saturday because of his religion. The case went all the way to the U.S. Supreme Court. He worked at the Kentucky Commission on Human Rights. He was an assistant to the Speaker of the KY House of Representatives. He was a dedicated attorney who remained committed to the causes he believed in until his death in 1984, at age 40.

# Citizen Advocacy Hearing on Equal Education

*“Any genuine teaching will result, if successful, in someone’s knowing how to bring about a better condition of things than existed earlier.”*

*John Dewey*

“It doesn’t magically occur that if you mix classrooms, students will all perform the same and achievement gaps will close, but it does assure those students will all have the same resources to be able to achieve,” said Sherron Jackson, assistant vice-president of Finance and Equal Opportunity for the Council on Postsecondary Education. Jackson was one of three panelists at a May 15 panel presented by the Kentucky Commission on Human Rights.

Fellow panelists Dr. J. Blaine Hudson, dean of Arts and Sciences at the University of Louisville, and Pat Todd, executive director for Student Assignment, Health, Safety, and the Gheens Professional Development Academy said that integrated classrooms help student grades.

“We know from Department of Education national data that when classrooms segregate again, student performance goes down, especially for those kids with the greatest needs,” Hudson said. Students with greatest needs include students from low income households, students with disabilities, minority students, and students who speak English as a second language, says the Kentucky Department of Education.

“Students in integrated classrooms are outperforming their peers,” Todd said. One of her jobs is to help assign students to Jefferson County public schools.

Another important benefit of integrated and diverse classrooms is the socialization process that occurs, Jackson said. “When they are together, students of different cultures and backgrounds learn how to deal with each other, and this prepares them for their careers and successful adaptation to society,” he said.

“Achievement gaps continue in Kentucky schools, and since the Supreme Court last year eliminated the use of race as a primary factor for integrating classrooms, some experts and parents in Kentucky are concerned achievement gaps will widen,” said John Johnson, executive director of the Kentucky Commission on Human Rights.

Among the findings of the Kentucky Council on Postsecondary Education on the current state of African American student access in colleges and universities are the following: In Kentucky, African American (AA) enrollment

increased to 8.3 percent in 2006 from an average of 7 percent in prior years; the 8.3 percent AA enrollment has exceeded every year since 1982 the 7.3 percent of AA people represented in the Kentucky population; and, the share of bachelor’s degrees awarded black students increased from 4.4 percent in 1979-80 to 6.5 percent in 2005-06.

In high schools, the Education Trust Inc., an education watch group, says the Kentucky “on-time” graduation rate in 2003 was 54 percent for black students and 71 percent for white students.

Achievement gaps closed by half in the 1970s and 80s, says the National Education Association, but the national trend has started to reflect a slight widening of the gaps since the 90s.

In 2005, Kentucky black middle school students were still more than 15 percent behind their peers in proficiency for reading and mathematics, said a recent report by the Kentucky Advisory Committee to the U.S. Commission on Civil Rights.

However, the same study also said its researchers found the achievement gap is not about race but about poverty. “It is poverty as measured by [students who receive] free and reduced lunches that the researchers conclude is the determining factor,” the study said.

The study cited a discovery that the success of schools throughout the nation in closing achievement gaps was largely due to the social programs and supports they provided for children in poverty.

These successful schools used “extra supports for children of poverty [including] programs such as free health care, free vision care and eyeglasses, greater social services and counseling support...,” the study said.

The achievement gap between black and white students in Kentucky is not as wide as the national average, said Dr. Hudson. “African American students in Kentucky tend to score higher than African American students, nationally, and Kentucky white students tend to score lower than white students, nationally,” he said.

The achievement gap is defined by the U.S. Department of Education as “a persistent, pervasive, and significant disparity in educational achievement and attainment among groups of students as determined by a standardized measure.”

When analyzed according to race and ethnicity, achievement gaps negatively impact educational outcomes for



poor and children of color on a consistent basis, the Kentucky Department of Education says.

In order to close achievement gaps, “the main factor is that we have to be strategic and intentional about what we’re doing,” Hudson said.

Working to close achievement gaps and integrate classrooms has to be aimed at by legislators, educators, parents and businesses on purpose, Todd agreed. “That’s a large part of the battle,” she said.

“More than half a century ago, the Supreme Court ruled on the landmark *Brown v. Board of Education* decision that our nation’s schools must be integrated; today, despite substantial progress and admirable efforts, the full promise of that decision has yet to be fulfilled.” These remarks by U.S. Congressman John Yarmuth were read at his request at the panel discussion.

Hudson said the state and local governments have to commit more money than they currently do to guarantee quality education for Kentucky students. Also, schools in neighborhoods with fewer resources have to be closely observed to ensure teachers are teaching at equal quality levels, officials have to ensure schools in lower income neighborhoods have the same resources as schools in higher income neighborhoods, and college tuition has to become low enough so that every student who so desires can access college, he said.

“Kentucky has to break the cycle and invest in the availability of quality education for our students,” Hudson said. “Saying that we can’t because Kentucky is a poor state is not an excuse, and this only guarantees that Kentucky will remain a poor state,” he said. “Other states have done it, and we need to commit to it,” he said.

The public school system in Kentucky is operated, managed, and monitored by the Kentucky Department of Education. The department provides resources and guidance to Kentucky’s 174 public school districts as they implement the State’s K-12 education requirements. About two-thirds of the 174 school districts in the state are county-wide school districts; the other third are independent city school districts that operate independently within the boundaries of county school systems. The largest school district in the State is the Jefferson County School District, which enrolls almost 90,000 students. The largest city in the State, Louisville, is part of the Jefferson County School District, and nearly half of all African American public school students in Kentucky attend school in Jefferson County. The Fayette County School District is the second largest district in the State, with about 30,000 students. This district includes the City of Lexington, the state’s second largest city.

In 2003, the Kentucky Commission on Human Rights released an independent study on equal education in the state. The commission reported that race continued to be a major factor related to the achievement levels of Kentucky’s public

school students. Mean scores and the scale score indexes and gaps showed African American students were more than 15% behind their white counterparts in all subjects in both proficient and novice performance levels.

Panelist Dr. Blaine Hudson addressed the issue of achievement gap, which is defined by the U.S. Department of Education as “a persistent, pervasive, and significant disparity in educational achievement and attainment among groups of students as determined by a standardized measure.”

The achievement gap in Kentucky mirrors a national trend. Despite the 1954 *Brown* decision that ended de jure segregation in the schools and initiatives at the federal level to increase academic performance for disadvantaged children, nationwide an achievement gap persists between white students and African American students and the gap has been increasing in recent years. From 1970 to the early 1990s the achievement gap between the two groups declined, but beginning in the mid-1990s evidence showed the achievement gap again widening. Results of the National Education Assessment Program (NEAP) show that in 1998 white fourth grade students scored an average of 30 points higher than their African American peers. In addition, while 38% of whites scored at the proficient level or above, only 9% of African Americans scored at this level. Five years later, in 2003, among the nation’s eighth graders, 34% of white students scored at the proficient level or above in mathematics, while only 5% of African Americans scored at these levels. A number of explanations have traditionally been advanced to explain differences in student achievement. Prominent among these are household poverty, single-parent homes, racial segregation, and large class size.

The disparity between low-income students’ performance on standardized tests and the performance of their more affluent peers is well documented, and there is broad consensus that poverty itself has an adverse affect on academic achievement. Research has indicated the importance of socioeconomic status as a predictor of student achievement. The General Accountability Office has reported that children from low-income families are more likely than others to experience academic failure, and the consequences of this failure follow them through their whole lives.

Working to close achievement gaps and integrate classrooms has to be aimed at by legislators, educators, parents and businesses on purpose, panelist Pat Todd asserted. “That’s a large part of the battle,” she said.

Panelist Sherron Jackson presented a policy perspective on the background and diversity planning for postsecondary education. He highlighted the historical background of educational development in the context of racial diversity. He said as early as 1891, the Kentucky constitution (section 187) stated that separate school for white and colored children are to be maintained. In 1904, the General Assembly mandated the segregation of the races, which was not changed until 1950 when the General Assembly mandated that colored



students be admitted to public institutions on an equal basis.

In 1964, the Civil Rights Act (Title VI) required that all institutions receiving federal aid take affirmative actions to overcome the effects of prior discrimination. Fifteen years later, the Office for Civil Rights began its review of Kentucky's public higher education institutions and programs to determine what vestiges remained. In 1981, the Office for Civil Rights delivered its finding to the Governor John Brown that Kentucky was in violation of Title VI of the Civil Rights Act. The commonwealth submitted a voluntary remedial plan to remove the remaining vestiges. A remedial plan permits the use of race as a primary condition to eliminate vestiges of past discrimination. The Kentucky Desegregation Plan is a remedial plan that strived to desegregate student enrollment, desegregate faculty, administration, non-academic personnel, and governing boards, and monitor success.

Important measures of productivity and progress in postsecondary education are graduation rates and degrees awarded. According to the 2000 Census, 18,156 of 295,994 (6.1%) African Americans in Kentucky held a bachelor's degree compared to 17.1% of Kentucky's total population

(453,469 of 4,041,769). Growth in the proportion of degree holders among African Americans shows slight increases but continues to lag behind the overall growth.

Jackson touched upon the current state of student access, especially minority students, to postsecondary education in Kentucky. Among the findings, African American enrollment has increased to 8.3% in 2006 from an average of 7% in prior years. Furthermore, African American enrollment (8.3%) has exceeded its representation in the Kentucky population (7.3%) each year since 1982. However, first-year retention of African Americans students (63.7% to 70.8%) is a major challenge for Kentucky institutions; in other words, retention of all African Americans has not improved, which requires immediate intervention.

In conclusion, Kentucky's public postsecondary institutions have made slow but steady progress. Although many of the institutions continue to confront challenges, a variety of commitments, plans, programs, and strategies were developed and implemented to address the underrepresentation of African Americans in Kentucky's public higher education system.

## Panel Recommendations



The Kentucky Commission on Human Rights should:

- Encourage parents to support and students to enroll in rigorous academic courses.
- Encourage parents and business leaders to support stronger involvement by the Kentucky Department of Education in low performing schools.
- Support the statewide developmental education policy adopted by the Council on Postsecondary Education to ensure that students coming to college unprepared get the support needed to succeed.
- Support the STEM (Science, Technology, Engineering, Mathematics) initiatives adopted by the Council on Postsecondary Education to increase the pipeline of students interested in and prepared to pursue a college degree in math, science, engineering, or technology.
- Encourage institutions and support Council on Postsecondary Education efforts to keep the cost of education affordable for all students by keeping tuitions low. Encourage policy makers to look at the ability of the least well paid to pay high tuition rather than reply on median family income as the best indicator of ability to pay.

## Helpful Resources

- Council on Postsecondary Education: <http://cpe.ky.gov/>
- The Committee on Equal Opportunities (CEO): <http://cpe.ky.gov/committees/ceo/>
- Kentucky Department of Education: <http://education.ky.gov/KDE/>
- Southern Regional Education Board (SREB): <http://www.sreb.org/>
- Census Bureau: <http://www.census.gov/>

Louisville activist Suzy Post talked to the panel about what it was like to be involved in the busing controversy of 1975 in Jefferson County.



## **Does Kentucky Treat its First, Last? Kentucky Native Americans**

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*Sculpture by Steve Shields, Trail Of Tears Commemorative Park, Hopkinsville, Ky.*

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Thursday, June 19, 2008  
11 am to 12 pm  
National Public Radio WFPL Live Studio  
619 South Fourth Street  
Louisville, Kentucky

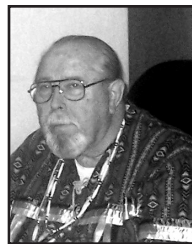
## The Panel



**Julie Kredens**



**Momfeather Erickson**



**Martin Soaring Eagle**



**Michael Dunn**

Julie Kredens, moderator

Julie began her radio career more than 10 years ago, first on the WQMF morning show, Uncle Ron's Asylum, then as a news reporter for WHAS radio. She left radio to perform public relations but returned to radio at WFPL where she is the host of *State of Affairs*, the live, listener-call in show that broadcasts from 11 am to noon on weekdays from Louisville.

Momfeather Erickson, panelist

Momfeather is the founder and executive director of the Mantle Rock Native American Education and Cultural Center in Marion, Ky. Her father is Cherokee Indian and her mother is Scot-Irish. She founded the Mantle Rock Education and Cultural Center to increase public awareness of Native American traditions and issues.

Martin Soaring Eagle, panelist

Martin is a member of the Kentucky Native American Heritage Commission. He is the president of the Circle of Wisdom Unity Conference, a collaborative of 25 organizations and individuals advocating Native American culture and rights. He assisted with the opening of the Kentucky Center for Native American Culture in Butler State Park in Carrol County, Ky. He is a member of the Ohio River Native American Intertribal Council.

Michael Dunn, panelist

Michael is a Cherokee Indian and is head veteran dancer of a Native American Pow Wow. He is a member of the Native American Veterans Honor Guard and has spent most of his life educating the public about American Indian culture and concerns. He is a board member of the Rainbow Spiritual Education Center in Louisville and commander of Ohio Valley Native American Veteran Warrior Society. He teaches social studies and science at Newburg Middle School in Louisville.

## The Honoree



This hearing is dedicated to Momfeather Erickson. The Mantle Rock Native American Education and Cultural Center came about as her dream. Momfeather is a Cherokee Elder raised in a traditional family in Eastern Kentucky. Visiting Mantle Rock in 2001, she says she heard the spirits of the ancestors directing her to bring the Scattered People back to this area as part of the long-awaited Regathering. The center opened on Main Street in Marion, Ky., in December 2002. The local community, which includes many whose ancestors escaped the Removal to Oklahoma via the Trail of Tears, has wholeheartedly embraced the center and its work. The center is a non-profit foundation. Membership is open to all regardless of ethnic background.



# Citizen Advocacy Hearing on Kentucky Native Americans

*In the beginning I was here...in harmony with the Great Spirit, honoring all life around me. In this land Kan-tu-kee, the great meadow, the dark and bloody ground, I was known as Shawnee. I was also known by other names, Cherokee, Chickasaw, Iroquois, Lanapota, Creek...I am Native American, the indigenous tribes of this land, the American Indian.*

*J. Miller, Mercer County, Kentucky*

Many Kentucky American Indians and their advocates want a law that gives official state recognition to Kentucky's American Indians and their tribes.

The June 2008 Kentucky Native American Citizen Advocacy Hearing Panel told Louisville radio listeners that the lack of identity status among Kentucky Native Americans is a serious problem. "We urge all people to support legislation that will officially recognize Native Americans in the state," said Martin Soaring Eagle of Louisville, president of the Circle of Wisdom Unity Conference and a member of the Kentucky Native American Heritage Commission.

The Kentucky Commission on Human Rights panel convened at the National Public Radio WFPL Live Studio in Louisville, Ky. The discussion aired, live, on the listener call-in show, *State of Affairs*. The show's host, Julie Kredens, interviewed the panelists while studio and radio audience members alike asked questions and gave their opinions.

The panelists described the needs for official state recognition:

The U.S. Indian Arts and Crafts Act of 1990 makes it illegal to sell or display for sale any product not made by Native American Indians in a way that falsely suggests it was. It is advantageous to the Native American artist or crafts person to be able to label his or her work with a sticker or certificate that says it is "Indian-Made." This label is a value and price-enhancing tool as well as a point of pride and status for the artist.

According to the U.S. Department of Interior Indian Arts and Crafts Board, the Native American artist or crafts person cannot use this label unless his or her tribe has official recognition from a state or the federal government. The federal government recognizes tribes, but lists none in Kentucky. If a Kentucky Native American cannot prove his or her ancestry through the federally approved tribes elsewhere in the country and is not a documented member of such a tribe, he or she is out of luck and is prohibited from saying his or her art is Indian art. To do so is a federal crime.

The Kentucky Arts Council website says, "If submitting Native American work, please submit a copy of your membership card in a federally or state recognized Indian tribe, band, nation or organized group or community with your entry for authenticity purposes, which will be kept on file at the Kentucky Arts Council."

Kentucky Native Americans want to be able to sell their own arts and crafts with the Indian Made certification, the panel agreed. The denial of this option hurts Kentucky Native American businesses and it cripples state tourism as a result, they said.

There is federal and private funding available for Native American groups just as there is for African Americans, women, and other minorities and common interest groups. However, without state recognition and the arguably resulting low numbers of people who identify themselves on the census in Kentucky as being Native American, Kentucky Native American groups and the state are restricted from applying for this type funding - funding that could assist rural Kentucky Native American children with education, training, health care and more, the panel said, and funding that would help with a number of health related problems in a population that is largely low-income and without insurance.

Native Americans have higher than average numbers who have diabetes, alcoholism, gall bladder disease and heart disease, just to name a few. "Official state recognition of tribes in Kentucky would allow us to be classified as a group so that we can apply for funding," Soaring Eagle said.

Finally, Kentucky's official recognition would carry with it permission to Kentucky Native Americans to obtain owl and other rare bird feathers through legal and animal protective processes (without harm to any animals) for use in their religious ceremonies. Without an exemption, it is illegal to possess many endangered or rare bird feathers. "Without official status, we have to get special permits to be able to practice our faith," said Black Eagle Man, a Dakota Sioux Indian who sat in the studio audience for the advocacy panel.

Panelist Momfeather Erickson later told a commission representative, "We love our feathers, we love to wear them in our hair, on our clothing sometimes to blow in the wind and certainly to do our prayers. We always need our eagle feathers, but can we have them? No way."

In 1996, Kentucky made its first major move toward recognizing the Kentucky American Indian culture, heritage and contributions to the state when Gov. Paul Patton signed

legislation to create the Kentucky Native American Heritage Commission. His wife Judy Patton has Native American ancestry and helped push this forward, saying she is proud to be a Kentucky Native American.

But, the time has come for Kentucky to give its American Indians official legal status as a race so they will have the ability to apply for federal and private funding to help them address shortfalls and problems that plague their members even though many are integrated into the mainstream society, the Kentucky Commission on Human Rights agrees.

"Kentucky's American Indians suffer in large numbers from low income and poverty and all the goes with it," said John Johnson, executive director of the Kentucky Commission on Human Rights. "If it would help Kentucky's Native Americans to carry out their arts and crafts businesses, apply for funding, practice their faith, and if recognition would help heal a scar of having endured their abused and tragic pasts and having lived in the shadows of our communities for so long, then why not give this status?" he asked.

Opponents claim that state recognition would give Kentucky Native Americans the ability to carry out their own gaming and casino businesses without paying taxes. But, thus far, proposed (but, failed) legislation has inserted a statement that would prohibit this.

In the 2009 state legislative session, Louisville, Kentucky Representative Reginald Meeks sponsored a bill to give official status to Native Americans. The bill passed the House and languished as in past years in a Senate committee. After the June 2008 hearing on Kentucky Native American Affairs, the Kentucky Commission on Human Rights passed a resolution that urged the General Assembly to pass such legislation.

Nationally, the U.S. Census reports that there are an estimated 2.1 million Native Americans, and they are the most impoverished of all ethnic groups. According to the 2007 survey by the U.S. Small Business Administration, only 1 percent of Native Americans own and operate a business. Native Americans rank at the bottom of nearly every social statistic: highest teen suicide rate of all minorities at 18.5 percent, highest rate of teen pregnancy (percentage not available), highest high school drop out rate at 54 percent, lowest per capita income, and unemployment rates between 50 percent to 90 percent.

Unfortunately, the panel agreed, because of the lack of people identifying their Native American status on census and other records, there are a lack of current statistics about American Indians in Kentucky, which also affects Kentucky American Indians from seeking funding and assistance with their critical issues.

"Because of the tragedies our people suffered, historically,

and because of the fear of prejudice and discrimination, for generations our people have passed down the philosophy of 'Don't tell' to our children," said Soaring Eagle.

"We are still tucked away in the mountains. Many have stepped forward to try to work on these issues, but many are out there afraid to come out and work to save what little we have left of our memories," Erickson said.

"But, we have been here all along and we are still here," Soaring Eagle said. "We have made many contributions to our state of which our people are proud, and we pay taxes and have served in our military in every American war," he said.

"We are not asking for handouts," said a studio audience member named Susan, who said she is a member of the Iroquois Nation, "but we do need funding for our kids and their schooling."

"We work, pay taxes, just like other Kentuckians," said Soaring Eagle. "No other ethnic group in this country is denied recognition," he said.

According to the U.S. Census Bureau, only .2 percent of Kentucky's population is American Indian. The latest census counted 6,021 people who claimed to be American Indian, alone, and 6,023 who claimed to be American Indian alone or in combination with one or more other categories of race.

Members of the Kentucky Native American panel say there are much higher numbers of Native Americans in Kentucky, as many as 35,000 to 40,000 they agreed.

"The problem is, we have never even been properly identified as a people in this state, and if you are not full blooded or live on a reservation, you are not considered Indian," said panelist and part Cherokee Indian Momfeather Erickson.

Kentucky Native Americans are asking every person who is Native American to register as such on the next U.S. census count. "In generations past, people have been ashamed or afraid to admit their Indian blood, but we are trying to change these perceptions, now," said Erickson.

According to a Kentucky Native American genealogy buff, Shack, who posted on the Rural Democrat website on Aug. 23, 2008:

"Kentucky's Native American population is at a concentration that rivals regions in Oklahoma and North Carolina, but not 300 years ago like one would think. Our fighting men in WWI rushed to the call of duty and registered for the draft and maybe to some of the men's surprise they seemed to be registered in regards to their heritage. One county's registration documents shows us that Southeastern Kentucky was populated by Native Americans, then and always. The WWI registration only helps prove what many have been saying for years; Southeastern Kentucky



is Native American! In 1917 our fathers, grandfathers and uncles registered for the draft and many Native [Americans] went classified as White, but a ton registered as Native Americans, either by choice (which I doubt, your lands would have been confiscated) or by force. Racial bias existed in those days and if you had a choice, you would rather register as white.”

Arguably, the majority of American Indians in Kentucky live in urban areas and have blended in with their neighbors so that their identity as Indians is practically invisible to outsiders, the panelists said. But, the largest communities of identifiable Native Americans are in Southeastern Kentucky. Some argue that Southeastern Kentucky *is* Native American, said one audience member.

There are other pockets in Western and more rural areas. Many of these as well as members in Southeastern areas are agriculturists, said panelist Michael Dunn. “But, for the most part, Native Americans have gone out of Kentucky history,” Dunn said.

Kentucky Native Americans say they are a bicultural people who have a heritage connected to traditional communities.

“We have different value sets, different ways of looking at the world and different ways of adapting to things around us,” Erickson said.

“I guess you could say we walk in two worlds. All the nations represent a rich abundance of cultural diversity, but there is a missing link. A united voice to move us forward,” she said.

President Tom Jones of the Ridgetop Band of Shawnee in Kentucky said on the group’s website, “Native American Indians are a people in transition between history and contemporary America. The challenge for Native American Indians is to maintain their heritage, erase stereotypes, and adjust recognition in society. Native American Indians are too often stereotyped by antiquated and discriminatory attitudes which misrepresent valued contributions to America’s development and growth.”

The Access Genealogy Indian Tribal Records website reported that the majority of Kentucky Native Americans can trace their roots to the following tribes:

“Cherokee. The Cherokee claimed some land in southeastern Kentucky and traces of culture of Cherokee type are said to be found in archeological remains along the upper course of the Cumberland, but no permanent Cherokee settlement is known to have existed in historic times within this State.

“Chickasaw. The western most end of Kentucky was claimed by the Chickasaw, and at a very early period they had

a settlement on the lower course of Tennessee River, either in Kentucky or Tennessee.

“Mosopelea. This tribe may have lived within the boundaries of Kentucky for a brief time, perhaps at the mouth of the Cumberland River, when they were on their way from Ohio to the lower Mississippi.

“Shawnee. The Shawnee had more to do with Kentucky in early times than any other tribe, but maintained few villages in the State for a long period. Their more permanent settlements were farther south about Nashville. At one Shawnee town, located for a short time near Lexington, Ky., the noted Shawnee chief, Blackhoof, was born. The tribe crossed and recrossed the state several times in its history and used it still more frequently as a hunting ground.

“Yuchi. According to some early maps, the Yuchi had a town in this state on a river which appears to be identical with Green River.”

Kenneth Barnett Tankersley, PhD., of the Native American Studies Program at Northern Kentucky University, wrote, “When Kentucky was declared the 15th state on June 1, 1792, more than 20 indigenous tribes held legal claims to the land. Kentucky tribes included Cherokee, Chickasaw, Chippewa, Delaware, Eel River, Haudenosaunee, Kaskaskia, Kickapoo, Miami, Ottawa, Piankeshaw, Potawatomi, Piqua Shawnee, Wea, and Wyandot. At that time, Kentucky was also considered home to the Mingo and Creed (Yuchi and Yamacrow).”

According to the census, there are members of 34 different tribes living in Kentucky. The largest members are, by far, of the Cherokee Nation, the census shows.

In 1838, more than 2,500 of these indigenous people were forced out of Kentucky due to the Indian Removal Act. The law moved, in mass, thousands of Native Americans from states throughout the country to reservations in the west. The people were herded on foot by U.S. officers over what became known as the Trail of Tears, a path that curls through a number of states, including Kentucky. Untold numbers of American Indians died on route from starvation and exposure.

Tankersley said, “After experiencing deluges, drought, death and destruction, those who could escape to the homes of their extended families in the eastern mountains of Kentucky did so.”

For the last almost 200 years, Kentucky Native Americans who escaped removal had the will to survive, he said.

“They preserved their languages, arts, crafts, religions and representative governments generation after generation in locations that have been closely guarded secrets from

mountain cabins and farms to deep grottoes inside caves to remote rock shelters and beyond,” he said, “concealing their identity in order to survive, but continuing to blend into communities and serve their home state during war time, even when they lacked citizenship and human recognition.”

Indigenous people in Kentucky were not considered human until 1879 and were not given the right of American citizenship until 1924, Tankersley said.

“There are lots of Native American groups clustered here

and there in every part of Kentucky,” Momfeather Erickson said. “You never hear about them, does that say anything? It tells me that again we are not noticed but are still quietly hidden away in the social closet,” she said.



## Panel Recommendations

The Kentucky Commission on Human Rights should:

- Support legislation for official recognition of Native American tribes in Kentucky.
- Help publicize the next U.S. Census and the need for Native Americans to identify themselves.
- Assist the Kentucky Native American community toward having its own voice (“No one is paying attention to them,” Momfeather Erickson said.) by conducting additional education and outreach and by speaking to legislators.

## Helpful Resources

- Kentucky Native American Heritage Commission: <http://heritage.ky.gov/knahc>
- Circle of Wisdom Unity Conference: [www.cowuc.org](http://www.cowuc.org)
- Mantle Rock native Education and Cultural Center: [www.mantlerock.org](http://www.mantlerock.org)
- American Bureau of Indian Affairs: <http://www.doi.gov/bia>



Robin Fisher is the producer of WFPL State of Affairs. She took the idea of broadcasting some of the Kentucky Commission on Human Rights Citizen Advocacy Hearings to her team who agreed to air three of the discussions on their radio program. Robin facilitated those hearings and greeted the live studio audiences who attended.

The Native American Citizen Advocacy Hearing Panel from left to right, Martin Soaring Eagle, Michael Dunn, Momfeather Erickson. At far right is WFPL *State of Affairs* host Julie Kredens.



# Kentucky's Overlooked Majority Disability Rights

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This Kentucky Human Rights Commission 2002 complainant was blocked by a curb in his Kentucky city from accessing the sidewalk, Commission Archives.

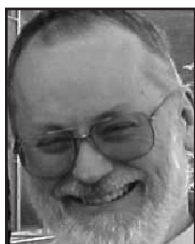
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Thursday, July 17, 2008  
11 to Noon  
Louisville Urban League  
1535 West Broadway  
Louisville, Kentucky

## The Panel



**Lauren Rothstein**



**Timothy Owens**



**Cass Irvin**



**Judge David Holton**



**Marcellus Mayes**



**Sharon Fields**

Lauren Rothstein, moderator

Lauren is a professor of Law and Distinguished University Scholar of the University of Louisville Louis D. Brandeis School of Law. She joined the school as a professor of Law and dean in 2000.

Timothy "Timo" Owens, panelist

Tim Owens is an innovative, enthusiastic teaching professional with a passionate commitment to student development, the learning experience, and the application of skills to enhance the dual language and culture of deaf and hard of hearing people.

Cass Irvin, panelist

Cass is a community organizer and disability rights activist. She served on local and state boards of disability organizations and has been involved with civil rights, women's and arts organizations for over 30 years. She was the first disability activist inducted into the Kentucky Civil Rights Hall of Fame (2005).

Judge David Holton, panelist

David is a 1984 graduate of Moorhead University and a 1988 graduate of the University of Kentucky College of Law. He was appointed by Governor Beshear as District Judge in April 2008 and is the first judge who is blind in the history of Kentucky.

Marcellus Mayes, panelist

Marcellus is currently the president of Metro Disability Coalition, a non-profit organization located in Louisville, Ky. The purpose of the organization is to educate and advocate on behalf of persons with disabilities.

Sharon Fields, panelist

Sharon is executive director of the Kentucky Disabilities Coalition, a statewide advocacy organization that educates and advocates disability issues.

## The Honorees



Cass Irvin was cofounder of The Disability Rag and contributing editor from 1984-92. Her memoir, *Home Bound: Growing Up with a Disability in America*, chronicles her growth as an activist and writer. Presently, she is executive director of Access to the Arts, Inc., an arts and disability advocacy organization. She teaches disability history and culture through the Lifelong Learning Program of the Jefferson County Public Schools.



Sharon Fields is executive director of the Kentucky Disabilities Coalition. She is a longtime activist for disability rights and has served on a variety of committees and boards to advocate disability issues.



## Citizen Advocacy Hearing on Disability Rights

*“When I was growing up, I learned that if you were a girl you went to school and college, then you married, became a wife and had a family. . . . When I became disabled, my journey, I was pretty sure, was not going to take me in those directions. What was I supposed to be? What kind of life was I supposed to have?”*

*Cass Irvin, Kentucky Disability Rights Activist*

When asked if, as a lawyer, he ever lost clients because he was blind, 30th District Court Judge David Holton said, “Yes, I’m sure it happened.”

Among the states, Kentucky has one of the five highest disability rates in the country, according to the U.S. Census. An estimated 830,000 people in Kentucky, including almost 60,000 African Americans, have a disability.

Holton, who recently became Kentucky’s first blind judge, said, “We need to do a better job of educating people who have disabilities and a better job of educating the public about people with disabilities,” he said.

Holton was one of five panelists for the Kentucky Commission on Human Rights fifth Citizen Advocacy Hearing. “Kentucky’s Overlooked Majority: A Presentation on Disability Rights” was held on Thursday, July 17, at the Louisville Urban League headquarters in downtown Louisville.

“Just because you have no sight, doesn’t mean you have no vision,” Holton said. People with disabilities can be prosperous, can hold powerful positions, and can make major contributions to society, he said.

Fellow panelists Sharon Fields, executive director of the Kentucky Disabilities Coalition, Cass Irvin, community organizer and disability rights activist, Marcellus Mayes, president of the Metro Disability Coalition in Louisville, and Timothy Owens, American Sign Language educator and interpreter, agreed that people with disabilities need equal access and better services in the areas of education, employment and transportation.

Fields said there is also an urgent need for accessible transportation throughout the state. “Rural communities need proper public transportation for people with disabilities as well as cities,” she said. Current transportation that provides access to people in wheelchairs, for example, or who need other services that make it possible for them to board and travel in safety, are expensive, Fields said. The costs shut out

many people with disabilities who live on low, fixed incomes.

The U.S. American Disabilities Act, passed in 1990, is a wide-ranging legislation intended to make American society more available and reachable to people with disabilities. One of its titles is Public Services, which requires state and local government authorities to be accessible to individuals with disabilities.

Fields recommended that Kentucky voters urge their legislators to improve funding to provide affordable, public transportation to more of the disabled population.

In the area of employment, people with non-severe disabilities earn an average of \$3,000 a year less those with no disabilities, and people with severe disabilities earn an average of \$12,200 less, according to Civil Rights.Org. The panelists said a major key to insuring that people with disabilities have the opportunities they need to perform in the workplace is education.

“There is a need for better education of people with disabilities,” Fields said. “Teachers need to assure that what they are teaching is accessible to all students, not just the mainstream students,” she said.

“Students with disabilities often times feel isolated and shut out,” said panelist Marcellus Mayes. “The plight of seeing 91 percent of blind people being unemployed despite the laws that have been passed is overwhelming and dramatic for me,” he said. Mayes said he is visually impaired.

Mary Phillips, who attended the panel discussion, said students with disabilities can excel, and that it is up to Kentucky’s legislature to fund the services they need in order to learn.

“Students with disabilities have an equal right to education,” she said. “Students with disabilities, who now are estimated to represent nearly 10 percent of all college students, currently experience outcomes far inferior to those of their non-disabled peers, despite the fact that research shows they are more likely to obtain positive professional employment after degree completion than their peers,” she said.

Phillips operates an organization called Visions Inc., and uses technical learning centers to assist people with disabilities to develop the skills they need to achieve, she said.

A person with a disability has a better chance when his or her family is encouraging and supportive, Holton said. “I was provided the opportunity I needed and I have people



around me who believe I can achieve,” he said.

Holton said, “My dream was to have a life that is fulfilling; I’m living a dream.”

Once polio had made her a quadriplegic, Cass Irvin didn’t know where she fit in or what would become of her. Neither did her parents, teachers, counselors, or rehabilitation therapists. And so began her search for a place to call home.

In her memoir, she tells of the remarkable journey that transformed her from a young girl too timid to ask for help to a community activist and writer who speaks forcefully about the needs of people with disabilities. As a young girl she was taken to Warm Springs, Georgia, where she learned about living as a disabled person and found a hero in Franklin Delano Roosevelt, the famously if silently disabled president. Bright and inquisitive, Cass soon began to question the prevailing assumptions of a society that had no place for her and to question her own meekness.

In time, her keen sense of injustice gave her the courage to fight for a college education. That personal victory emboldened her to find the means to live independently, but it also persuaded her that political work is the key to enabling all people with disabilities to live fulfilling lives. This book, then, is testimony to the importance of community building and organizing as well as the story of one woman’s struggle for independence.

Kentucky has the third highest percentage (19.5%) of non-institutionalized working-age (ages 21 to 64) people with disabilities using 2007 data from the Census Bureau (Puerto Rico 24.4% and West Virginia 22.4%).

According to the 2005 Census Bureau data, an estimated 830,000 people in Kentucky have a disability, or 22% of the population age 5 and over (this splits almost evenly among males (21.3%) and females (22.4%)). An estimated 153,000 people, or 4% of the population 5 and over, have difficulty performing self-care activities, also known as Activities of Daily Living, such as dressing, bathing, or getting around inside the home. Among all the people with disability, children constitute 9.1%, working ages (18-64) 19.1%, and elderly (65+) 54.5%. On the racial and ethnic makeup of people with disabilities, 22.2% are white, 20.4% are African Americans, 10.9% are Asians, 39% are American Indians, and 10.1% are Hispanic. Only 8.2% of people with disabilities are employed, 19% are employed but in labor force and 45.5% are not in labor force.

Just by mentioning the word “disability,” people often think of the most obvious types of disabilities – mobility impairments that require a person to use a wheelchair to move around, or perhaps visual or hearing impairments. But disabilities may be physical or cognitive, may be readily observed or “hidden” (such as epilepsy, arthritis, and diabetes), and may result from a variety of causes.

The definition of disability set forth in the Americans with Disabilities Act of 1990 (ADA) does not distinguish between type, severity, or duration of the disability. It states: “The term ‘disability’ means, with respect to an individual –

- A physical or mental impairment that substantially limits one or more of the major life activities of such individual;
- A record of such impairment; or
- Being regarded as having such an impairment.” (P.L. 101-336, Sec.)

The ADA definition is an inclusive definition that tends to capture both the largest and broadest estimate of people with disabilities. It describes a disability as a condition which limits a person’s ability to function in major life activities – including communication, walking, and self-care (such as feeding and dressing oneself) – and which is likely to continue indefinitely, resulting in the need for supportive services.

These definitions are very important to understand for both the public and the people with disabilities. Panelist Judge Holton’s main theme was about education, that is, educating people with disabilities and educating the public about people with disabilities.

The concept of disability is one that definitely arouses emotions in all of us especially when it starts at an early age. Many parents have become involved with often confusing range of services designed to address the needs of their children who have disability especially in educational institutions. And parents are faced with conflicting advice about educational options from number of various sources, some of whom have vested interests in perpetuating their own form of educational provision. Others may view the child’s needs from the limited perspective of their professional orientation, or lacking knowledge of either the children’s potential for development or the ways in which that potential maybe achieved. Adult people with disability often face the same challenge of lack of knowledge about disability laws or from their immediate environment such as employers, means of transportation, and public accommodations. The range of these challenges for people with disabilities can always be met by education, perseverance, and dedication. “I hope the public perception is that people with disabilities can hold powerful positions. Just because you have no sight doesn’t mean you have no vision. I’m living a dream. My dream was to have a life that was fulfilling,” Judge Holton said.

Another major point that most of the panelists heavily stressed is the need for reliable, accessible, and affordable transportation. Sharon Fields noted, “There is an extreme need for accessible transportation within the commonwealth. The more rural communities need proper public transportation; the transportation that is there is expensive. There has to be more funding for public transportation so

those individuals have access to things other than just being able to go to the doctor,” she said.

Community-based and faith-based organizations play a significant role in local communities, and as providers of transportation to those with disabilities, their presence has become increasingly important. In Kentucky, community-based organizations are major actors in the Human Service Transportation Delivery Program (HSTDP).

These organizations face a number of barriers in beginning their programs and sustaining their services. The main barriers in sustainability are funding, insurance/liability coverage, and recruiting volunteers.

The Transportation Equity Act for the 21st Century, commonly known as the TEA-21 Act, was passed by Congress in 1998, and policy makers designed it to fill the gaps in transportation left by public transit providers. Some of the major provisions related to low-income persons, elderly and the disabled include Section 5310. Under TEA-21, Section 5310, known as the Elderly and Persons with Disabilities Program, awards formula grants to states for capital assistance in order to meet the transportation needs of elderly persons and persons with disabilities where existing services are unavailable, insufficient or inappropriate. The funds for 5310 are allocated among states by a formula based on the population of the elderly persons and persons with disabilities in each state according to the U.S. Census figures. Grants can be made for 80% of the eligible costs while vehicle related equipment required to comply with the ADA might be funded at 90% of the cost.

Kentucky was awarded \$1,406,077.00 in Section 5310 funds during the 2002 fiscal year. However, these funds do not begin to cover all who apply for them. According to

the Kentucky Transportation Cabinet, only one-third of organizations that apply for Section 5310 funds receive them (about 40 out of 120 applicants), revealing that there is a large need in this state for capital assistance to aid transportation programs for the elderly and disabled population.

In order for the disabled population in Kentucky to have accessible, affordable and reliable transportation, the government in Kentucky must continue to support partnerships with community-based and faith-based organizations. In order for these organizations to be successful in their efforts, they will need adequate funding and resources and support from government agencies. These organizations fill transportation gaps, but more organizations are needed as the disabled population continues to be underserved in the area of transportation.

Disability is a challenge. Disability is not an alien experience that is strange to us. It's all around us and among us. Unfortunately this experience is often made more difficult by the existence of negative forces that can frustrate, hinder, and reverse the goals of self-actualization, independence, recovery, and rehabilitation. Continuous efforts to educate the public and the people with disabilities about the challenges faced, ensuring equal educational opportunities and suitable environment, and providing an accessible and affordable network of transportation for people with disabilities will make the challenge of “disability” feasible to overcome.



The Disability Citizen Advocacy Hearing Panel (from left to right, Judge David Horton, Tim Owens, Marcellus Mayes, Sharon Fields and Cass Irvin) listened as audience members and Kentucky Human Rights commissioners expressed opinions.

## Panel Recommendations

The Kentucky Commission on Human Rights should:

- Continue partnerships with disability rights advocacy groups
- Support pro-disability legislation
- Continue public awareness initiatives for disability rights
- Ask the legislature for transportation funding for people with disabilities

## Helpful Resources

### General

- Interdisciplinary Human Development Institute (University of Kentucky Affiliated Program): <http://www.ihdi.uky.edu/>
- Kentucky Disabilities Coalition: <http://www.geocities.com/kydisabilitiescoalition/>
- KY CARES: Kentucky's Guide to Services: <http://www.kycares.net/>
- State Services for Kentuckians with Disabilities: <http://www.fulton.k12.ky.us/atc/studenthandbook/statervdis.htm>

### Advocacy and Legal Rights

- Direct Access (Access Center Partnership): <http://www.win.net/accessada/>
- Institute for ADA Mediation: <http://www.win.net/accessada/institute.htm>
- Kentucky Client Assistance Program (CAP): <http://www.kycwd.org/cap.htm>
- Kentucky Commission on Human Rights: <http://www.kchr.ky.gov>
- Kentucky Protection and Advocacy: <http://www.kypa.net/>
- Southeast Disability and Business Technical Assistance Center: <http://www.sedbtac.org/>

### Children

- First Steps: Kentucky's Early Intervention System (KEIS): <http://chs.ky.gov/commissionkids/firststeps/>
- Kentucky Commission for Children with Special Health Care Needs: <http://commissionkids.state.ky.us/>
- Kentucky Special Parent Involvement Network (KY-SPIN): <http://www.kyspin.com/>
- NICHCY State Contact Sheet: <http://www.nichcy.org/stateshe/ky.htm>
- University of Kentucky Children's Hospital: <http://www.mc.uky.edu/chuk/>
- WHAS Crusade for Children: <http://www.whas-crusade.org/>



Rick Howlett, interim news director for NPR Radio Affiliate WFPL in Louisville, Ky., participated in the Disability Citizen Advocacy Hearing as a panel questioner. Rick has been with the station since the fall of 2001. He previously was a reporter and anchor at WHAS Radio and the Kentucky News Network. He began his career at WBRT and WOKH Radio in his hometown of Bardstown, Kentucky. Rick is a 1983 graduate of the University of Kentucky.

# **Respecting the Bridge that Brought Us Over Equal Opportunity for Aging Kentuckians**

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Friday, August 8, 2008  
1 to 3 pm  
City Hall  
300 S. Fifth Street  
Paducah, Kentucky



## The Panel



**Leslie Peters**



**Jim Kimbrough**



**Lee Ogden**



**Randa Ramsey**

Leslie J. Peters, moderator

Leslie is currently an attorney in a small town in South Illinois with an emphasis on family law, including elder law and probate. Since 2007, she serves as an adjunct professor at the Barkley School of Law in Paducah and teaches Family Law, Health Law and Elder Law and Remedies.

Jim Kimbrough, panelist

Jim became AARP Kentucky's Long-Term Care specialist in June 2008, following his retirement from Protection and Advocacy in the state Justice and Public Safety Cabinet Department of Public Advocacy.

Len Ogden, Jr., panelist

Len graduated from the University of Virginia with a B.A. in government, received his Juris Doctorate from the University of Louisville, graduated from the U.S. Army's Armor School for Commissioned Officers at Fort Knox, Ky., and completed the National College of Criminal Defense Lawyers and Public Defenders in Houston, Texas, with special honors in trial practice.

Randa Ramsey, panelist

Randa is a licensed social worker and received her degree from Murray State University. She has won regional and national awards for her work with the elderly including the NADO Innovation Award and the Positive Images of Aging Award.

## The Honorees

Laurel True is currently the legislative committee chairman for the American Association for Retired Persons and the chairman for the Foundation for a Healthy Kentucky. He serves as on the executive council on Advocacy for the AARP. He was on the executive staff of two governors, was director of State Planning, cabinet secretary for Human Resources, and deputy superintendent of the State Department of Education. He is a former member of AARP's National Legislative Committee, as well as a member of the Capital Planning Advisory Board. Previously, he served as AARP Kentucky's Legislative Committee chair and VOTE state coordinator. He has a master's degree in Medical Care Finance and Management from the University of Michigan. He has been an AARP volunteer since 1990 and was honored with the coveted Andrus Award for Community Service in 2004. No photograph available.



William Carl "W.C." Young was a local civil rights leader. He created a job bank to find qualified black applicants, and secured state and federal grants to provide after-school programs for struggling students. He helped Paducah hire its first African American police force and worked to gain federal funding for minority businesses during his tenure as aide to Congressman Tom Barlow. He established the Paducah Community Center in 1976, to assist those in need of poverty and deplorable housing relief. He was inducted into the Civil Rights Hall of Fame in 2003.

## Citizen Advocacy Hearing on Aging Kentuckians

*A man's age is something impressive, it sums up his life: maturity reached slowly and against many obstacles, illnesses cured, griefs and despairs overcome, and unconscious risks taken; maturity formed through so many desires, hopes, regrets, forgotten things, loves. A man's age represents a fine cargo of experiences and memories.*

*Antoine de Saint-Exupéry*

The Kentucky Commission on Human Rights hosted its sixth advocacy hearing at the City Hall of Paducah on August 8th, 2008, under the title “Does Kentucky Respect the Bridge that Brought us Over?”

This advocacy hearing focused on a certain sector of Kentucky's population, the elderly. The panelists were Jim Kimbrough, American Association of Retired Persons (AARP) Kentucky's Long-Term Care Specialist, Len Ogden, Jr., an attorney from Paducah, president of the Southeastern Association of Area Agencies on Aging, Randa Ramsey, social worker, and the moderator, Leslie Peters, an attorney.

Nationally, the older population (65 and up) numbered 36.3 million in 2004, an increase of 3.1 million or 9.3% since 1994. About one in every eight, or 12.4%, of the population is an older American. Persons reaching age 65 have an average life expectancy of an additional 18.5 years (19.8 years for females and 16.8 years for males). Older women outnumber older men at 21.1 million older women to 15.2 million older men. In 2004, 18.1% of persons 65 and up were minorities – 8.2% were African Americans, 6% were Hispanic, 2.9% were Asian, and less than 1% were American Indians.

The population 65 and up will increase from 35 million in 2000 to 40 million in 2010 (a 15% increase) and then to 55 million in 2020 (a 36% increase). The 85+ population is projected to increase from 4.2 million in 2000 to 6.1 million in 2010 (a 40% increase) and then to 7.3 million in 2020 (a 44% increase). Members of minority groups are projected to increase from 5.7 million in 2000 (16.4% of the elderly population) to 8.1 million in 2010 (20.1% of the elderly) and then to 12.9 million in 2020 (23.6% of the elderly).

Major sources of income for older people were: Social Security (reported by 90% of older persons), income from assets (reported by 56%), private pensions (reported by 30%), government employee pensions (reported by 14%), and earnings (reported by 23%). For one-third of Americans over 65, Social Security benefits constitute 90% of their income. About 3.6 million elderly persons (9.8%) were below the poverty level in 2004.

In 1930, the elderly population of Kentucky numbered just over 142,000, less than a third of today's figure. During the early part of the century, the elderly nationwide accounted for a relatively small share of the total population; Kentucky was no exception with an elderly percentage of about 5.4 in 1930. The decades following 1930 signaled a period of rapid population growth for the elderly that continues today. By 1950, elders accounted for 8% of the state total (or about 235,000 persons aged 65 and up) and by 1970 these levels increased to 12% or 337,000 individuals. By 1990 there were 465,068 Kentucky residents 65 years of age or older, comprising 12.6% of the population of the Commonwealth. One in four Kentucky households contained one or more persons 65 or older and over 14 % of Kentucky's households contained two or more persons 65 or older. In 2007 Kentucky had 13% of its population aged 65 and up, that is slightly over the national average (12.4%). In 2007, 6.1% of persons 65 and up were minorities – 5.1% were African Americans, .13% were American Indians, .47% were Asians, and .48% were Hispanic.

There are at least two important factors regarding the manner in which Kentucky's population is aging. First, Kentucky's population is aging faster than most states. Second, some regions of the state will have a much higher concentration of elderly than others. In short, the much-feared aging of Baby Boomers, which will be felt nationally, will be felt more acutely in Kentucky. The Census Bureau ranked Kentucky 28th in 1995 among the 50 states and the District of Columbia in terms of its population 65 and older. By 2025, however, the state is expected to rank 14th. Kentucky's 65 and older population is predicted to increase by almost 9%, from around 12.6% to 21.3%. From 1975 to 2000, Kentucky's 65 and older population looked similar to that of the nation as a whole. However, from 2005 until at least 2025, Kentucky is expected to pull away from the U.S. average.

Another important subject is the state of Kentucky's elderly health. According to Centers for Disease Control (CDC) Merck Study in 2004, Kentucky ranked:

- 1st in frequency of mental distress
- 1st in poor oral health (complete tooth loss)
- 1st in disability levels
- 1st in smoking—highest rates
- 5th in rates of hypertension
- 6th in terms of lack of leisure time activity (38.8% do not participate)

- 14th with respect to rates of obesity

In 1995, 28.8% were at health risk from being overweight or obese, in 2005, 61.5% were at health risk from being overweight or obese.

Today, according to Amy Watts at the Kentucky Long-Term Policy Research Center, nursing homes, the institutional component of long-term care, face big challenges, including a shortage of trained staff, a more acutely ill patient population, and a model of caregiving that elder advocates argue is woefully outdated. Medicaid faces its own challenges, not the least of which is the *Olmstead* decision, a 1999 U.S. Supreme Court ruling prohibiting states from discriminating in the care they provide people with disabilities—including frail elders. Citizens with disabilities, the court ruled, have the right to care in their own homes and communities when appropriate and if the state has the resources, a caveat that may exempt many from compliance for the time being. Nevertheless, advocates for expanded home- and community-based care now have a key legal precedent on their side. Medicaid, which some argue has encouraged overdependence on institutional rather than home- and community-based care, faces rising pressure from elders and their families, who provide about 75% of long-term care at home, which affects, among other things, employee productivity and employer costs.

Demographers and budget analysts have been warning policymakers for years that the coming wave of retiring Baby Boomers will wash away projected budget surpluses and erode existing spending priorities. While expenditures for various entitlement programs are expected to increase dramatically, it is already estimated that over half of federal domestic spending outside of interest goes to people 65 and up.

The projected growth in spending on Medicare, Medicaid, and Social Security dominates the long-term federal budget outlook. If current policies at the federal level remain the same, spending on these three programs is likely to grow significantly faster than the economy as a whole over the next few decades. By 2040, the Congressional Budget Office (CBO) projects, spending on these three programs could account for about 17% of gross domestic product (GDP), which is more than double the current 8%. And if proposals to increase benefits in any of these programs are adopted, spending will grow even more rapidly, which will result in an even greater share of the gross domestic product going to these programs.

Anticipated increases in health and retirement spending are due to three factors. First, as the Baby Boom generation retires, spending for Social Security and Medicare will increase considerably simply by virtue of the increase in numbers of recipients. Second, Americans are living longer and spending more time in retirement, thus increasing the time during which they are dependent upon these programs. Third, the cost of health care is expected to continue rising steadily and thus increasing costs for Medicare and Medicaid.

Moreover, the demographic changes projected over the coming decades will significantly alter the ratio between retirees and workers and thereby affect both sides of federal, state, and local government ledgers. According to CBO, “In 1960, 5.1 workers supported each beneficiary in the Social Security Program; today, the ratio is about 3.4 to 1, and in 2040, it is projected to fall to just 2.1 workers per beneficiary.” Thus, the growth of federal outlays for Social Security and Medicare will increase rapidly while the growth of revenues from taxes that largely fund these programs will slow.

Kentucky’s older population, which is expected to be larger than that of many states, will almost certainly increase demand for public services at the state and local, as well as the federal, level. A significant portion of the cost of Medicaid, three quarters of which is spent on nursing home or adult day care for older recipients, is paid for by the Commonwealth. Indeed, Medicaid has been the fastest rising public cost in the state of Kentucky for a number of years. Moreover, Kentucky’s older citizens have historically been disproportionately poor and thus more likely to rely heavily on a combination of federal and state programs for support. We also know that a significant percentage of Kentuckians will depend on Medicare and Social Security in their retirement.



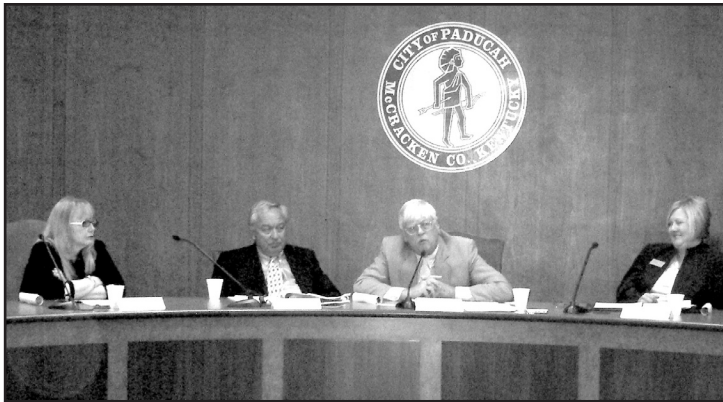
## Panel Recommendations

The Kentucky Commission on Human Rights should:

- Continue partnerships with age-related rights advocacy groups
- Support legislation that benefits older persons and the elderly
- Continue public awareness initiatives for the rights of older persons and the elderly

## Helpful Resources

- Division on Aging Services, Cabinet for Health and Family Services: <http://chfs.ky.gov/dhss/das/>
- Aging and Independent Living: <http://www.kradd.org/Aging/Aging.htm>
- The University of Kentucky Sanders-Brown Center on Aging: <http://www.mc.uky.edu/coa>
- American Association of Retired Persons (AARP): <http://www.aarp.org/>



The Aging Citizen Advocacy Hearing Panel in progress in Paducah, Ky. L to R, Leslie Peters, Lee Ogden, Jim Kimbrough and Randa Ramsey.



# **Does Slavery Still Exist in Kentucky? Human Trafficking**

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*From the cover of Dr. TK Logan's report, "Human Trafficking in Kentucky"*

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Thursday, September 18, 2008  
11 am to Noon  
National Public Radio Live Studio  
619 South Fourth Street  
Louisville, Kentucky

## The Panel



**Julie Kredens**



**Julie Arostegui**



**Marissa Castellanos**



**TK Logan, PhD**

Julie Kredens, moderator

Julie began her radio career more than 10 years ago, first on the WQMF morning show, Uncle Ron's Asylum, then as a news reporter for WHAS radio. She left radio to perform public relations but returned to radio at WFPL where she is the host of *State of Affairs*, the live, listener-call in show that broadcasts from 11 am to noon on weekdays from Louisville.

Julie Arostegui, panelist

Julie works with anti-slavery groups, human rights organizations, educational institutions and legal associations regionally and nationally to increase awareness and advocacy of contemporary slavery issues. She has an extensive background in human rights advocacy and education.

Marissa Castellanos, panelist

Marissa is a MSW with various experiences in multi-cultural social work. She currently works with Catholic Charities of Louisville as the Program Manager of Kentucky Rescue and Restore Victims of Human Trafficking.

Dr. TK Logan, panelist

TK is currently a professor in the Department of Behavioral Science at the University of Kentucky and the Center on Drug and Alcohol Research, with joint appointments in Psychiatry, Psychology, and Social Work.

## The Honoree



Gretchen Hunt is an attorney with the Division of Violence Prevention Resources of the Cabinet for Health and Family Services under the federal Violence Against Women Act grant. Prior to her work for the division, She spent five years representing immigrant women and children who were victims of domestic violence, sexual assault and human trafficking. She continues to provide training and consultation on these issues as well as the rights of domestic violence and sexual assault survivors in general. She received her bachelor's and law degrees from Boston College. She lives in Louisville.

# Citizen Advocacy Hearing on Human Trafficking

*“Human trafficking, often referred to as modern day slavery, is not a new phenomenon. In fact, it is closely related to slavery in various forms throughout history.”*

*Dr. TK Logan, “Human Trafficking in Kentucky”*

Human Trafficking is the fastest growing criminal industry in the world. According to the U.S. Department of State, anywhere from 14,500 to 17,500 people a year fall victim to human traffickers in the United States. Internationally, 12.27 million people are enslaved. From 100,000 to 300,000 American children are at risk annually.

The Kentucky Commission on Human Rights panel discussion about human trafficking was presented, live, on the 89.3 FM WFPL *State of Affairs* show, Thursday, Sept. 18, 2008.

One panelist and expert on the subject, Dr. TK Logan of the University of Kentucky, said that because of the force these perpetrators use over victims to remain quiet about their plight and the lack of public awareness about this activity, it is difficult to estimate the amount of human trafficking in Kentucky. Logan said she and other experts find evidence that the numbers run into the hundreds and that such bondage exists in Louisville and other cities as well as in rural areas in every region.

Kentucky and other states are fighting multiple forms of documented slavery. Examples are a forced life of prostitution, sexual servitude to an individual or group in individual homes, forced or unpaid labor on farms, in restaurants and at other labor sites, and even indentured domestic labor in residences. Many times, traffickers trick people into slavery through debt bondage, drug addiction, the promise of shelter or a better life, or the illegal holding of a person's documentation papers with the intention of making that person believe the trafficker has the power to have the person deported from the country in which he or she is living.

To have to use terms in 2008 like “indentured servant,” “mail-order bride,” “human smuggling ring,” or “sexual slave” to describe current realities in our state is unconscionable, the panelists said.

Being forced to work 12 to 18 hours a day with little or no pay, a person exercising total control over another's life to the extent of not allowing him or her to go out alone, determining when or if the person eats or even uses the restroom – these are some of the conditions under which

victims are forced to live, the panel reported.

Marissa Castellanos, program manager of Kentucky Rescue and Restore Victims of Human Trafficking told radio listeners that victims do not report their slavery even when they are allowed to go to the store alone because they fear for their lives, their families' lives, and they feel they are trapped beyond hope.

“In our state and local communities, we must open our eyes to what is happening,” she said. Castellanos suggested members of Kentucky communities should look for common denominators in order to root out human trafficking.

Examples of suspicious behavior might include your next door neighbors bringing several mattresses to their home or transporting numbers of people in and out of their home on a regular basis; a restaurant or business where the workers shy away or avoid small talk, are always watched by management or are not allowed to be alone with customers, or where they may even appear to be living and sleeping at the business facility when they are off duty.

Modern day slavery involves more than sexual trafficking. It could involve bosses who hire immigrants and then take their passports and identification as a means of control. It could involve companies who pay workers less than the minimum wage and threaten to turn their workers over to ICE and deportation. It is a national, international and local problem, said Julie Arostegui, manager of The Partnership for Human Freedom at the National Underground Railroad Freedom Center in Cincinnati, Ohio.

The following is an editorial on human trafficking in Kentucky called, “Forced Prostitution and Domestic Servitude,” written by Gretchen Hunt, attorney and honoree of the September 2008 advocacy hearing on human trafficking:

*Recent media reports have shed light on modern-day slavery in Kentucky - women forced into prostitution and domestic servitude, working long hours for little pay under inhumane, degrading conditions.*

*Several Asian women working in massage parlors in Central Kentucky recently were arrested and another, working as a maid for a powerful Northern Kentucky business executive and his wife, was assaulted when the couple tried to forcibly deport her. Far from being criminals, these women actually may be victims of human trafficking.*

*Victims of human trafficking often are held*

*captive through the use or threat of physical abuse, isolation, threats to loved ones, confiscation of their documents and even forced drug addiction. They are forced to work to enrich their captors with little or no compensation. People committing these crimes range from organized crime leaders to the well-respected and influential.*

*Trafficking is different from smuggling, which involves people who consent and pay a fee to be brought to the U.S. illegally. Victims of human trafficking often are imprisoned and not allowed to leave the massage parlors, factories, farms and homes where they serve as cheap labor, slaves or in servile marriages. Victims may be held through force, fraud, coercion or psychological and physical abuse. Even their family members may be threatened and afraid to tell authorities about the enslavement. Though victims may consent to the work at first, this is not a defense against charges of trafficking.*

*Trafficking victims often are constantly monitored and accompanied, have limited freedom of movement, show signs of physical abuse, suffer health problems, are fearful of speaking to outsiders and lack identity documents.*

*Uncovering such enslavement takes time, cultural and linguistic competency and detailed questions, as victims rarely identify themselves.*

*The Trafficking Victims Protection Act of 2000 and 2005 grants human trafficking victims basic rights, such as the right not to be jailed and the right to an interpreter, benefits, housing and legal protection. Law enforcement and other first responders can best help victims and identify traffickers by coordinating their efforts with victim service providers to ensure victims rights are honored and to build the trust needed for victims to testify against their traffickers.*

*The state Division of Child Abuse and Domestic Violence Services in the Cabinet for Health and Family Services conducts victim services and responder training and recently helped organize a meeting of victim advocates, law enforcement, legal services and prosecutors in the Lexington area to address the human trafficking problem.*

*State government also is collaborating with the University of Kentucky to conduct a trafficking victims needs assessment. Findings from the assessment will be used to both measure the scope of the problem in Kentucky and develop strategies to combat it.*

*Communities should prepare themselves to respond to victims of trafficking and meet their special needs. Police, social workers, health care providers and others are encouraged to seek training to recognize and respond to signs of human trafficking. The Division of Child Abuse and Domestic Violence Services can provide basic*

*human trafficking awareness training and will train more than 65 new recruits and officers with the Lexington police later this month.*

*Among the main concerns of human trafficking advocates is ensuring the safety of victims. Law enforcement policies and procedures should also be reexamined to ensure victims of human trafficking suffer no further trauma and the crime isn't drive deeper underground by hasty arrests.*

*Prosecutors and judges, too, need to be aware of the impact of this crime and how well-intended attempts to resolve criminal cases can do more harm than good. In the case of the maid in Northern Kentucky, for instance, forcing her to confront her traffickers in mediation instead of prosecuting the case through traditional means compounds the trauma she has suffered.*

*It takes remarkable courage to come forward as a trafficking victim and hold abusers accountable in criminal court. The outcome of this case and the massage parlor investigations may determine whether other hidden victims come forward to report their abuse and exploitation.*

*And, it is our hope that the outcome of these send a clear message that human trafficking is unacceptable in our state.*

*Victims of trafficking are urged to call toll-free 888-3737-888 for assistance. To report possible trafficking, call 1-888-428-7581. For information about trafficking and training, contact Gretchen Hunt at the Division of Child Abuse and Domestic Violence Services at 502-564-9433.*

The following is excerpted from "Know Your Rights - A Manual for Immigrants, Refugees, Migrants, and Undocumented Individuals:"

*Human trafficking (or trafficking in persons) is a form of modern-day slavery and is a very serious crime. Trafficking involves a process of using physical force, fraud, deception, or other forms of coercion or intimidation to obtain, recruit, and transport people. Traffickers often prey on individuals who are poor, frequently unemployed or underemployed, and who may lack access to social safety nets, predominantly women and children in certain countries. Victims (people who have been trafficked) are often promised good jobs and better lives, and then are forced to work under cruel conditions.*

*Human trafficking does not require the crossing of an international border – it does not even require the transportation of victims from one community to another. Trafficking victims include men, women, and children, some forced to work in the sex trade, but also forced into labor situations such as domestic servitude, labor in prison-like factories, or migrant agricultural work. In the United States,*



*no one, no matter how powerful that person may be in the United States or in another country, has the right to force other people to work or perform sexual acts against their will.*

*Traffickers often use different methods to make their victims afraid and keep them in slavery. They may:*

- *Force you to work to pay back a financial debt*
- *Force you to work using or threatening violence toward you or your family*
- *Limit your contact with the public and make sure that any contact is monitored*
- *Isolate you from your family members and members of your ethnic and religious community*
- *Take away your passport, birth certificate, visa and/or your identification card*
- *Threaten to shame you by exposing your circumstances to your family*
- *Tell you that you will be imprisoned or deported for immigration violations if you contact authorities*
- *Control your money – for example, holding your money for “safe-keeping”*
- *Force or pressure you into prostitution or to do other sexual acts*
- *Use you for any kind of sex work if you are under 18*

*Every person in the U.S. has the right to be free—free from violence and forced labor. In addition, every victim of trafficking has a right to certain government-funded programs, services, and assistance, regardless of their immigration status, including:*

- *Emergency medical assistance*
- *Emergency food and shelter*
- *Translation services*
- *Counseling and legal assistance*

*Every federal law enforcement agency has someone who can help victims and answer questions. If you are a victim, this person can tell you about community agencies and programs that can help you. The Federal Bureau of Investigation (FBI), the Department of U.S. Citizenship and Immigration Services (USCIS), and U.S. Attorneys’ offices have victim specialists who assist victims of federal crimes throughout federal criminal investigations and prosecutions.*

- *Federal victim specialists can provide the following assistance to victims of federal crime:*
- *Information about available protections, especially against threats and intimidation, and available remedies*

- *Information about emergency medical and social services*
- *Information about shelter options*
- *Referrals to public and private programs available to provide counseling, treatment and other support to victims, such as domestic violence and rape crisis centers*
- *Information about a victim’s rights and his or her role in the criminal justice process*
- *General information about the status of an investigation and notice of important case events*
- *Information about how to apply for crime victim compensation through state compensation programs (these programs reimburse victims for such crime-related expenses as medical costs, mental health counseling, funeral and burial costs, and lost wages or loss of support)*
- *Information about restitution*
- *Information about the right to individual privacy and confidentiality issues*

*The federal government will try to protect you and your family. And it won’t give your name or the names of your family members to the public.*

*Some people may tell you not to trust immigration agents, other federal agents or the police. Don’t believe them. The people who say these things want you to be afraid of the people who can help you the most. Please call a government agent or the police, because they can help you.*

*There may be ways for you to stay in the United States while your case is being investigated, even if you don’t have the proper papers. If you are a victim of trafficking in persons, USCIS may let you stay in the U.S. You may also get a work permit.*

*You also may be able to stay in the United States for a longer time depending upon your situation. Some of the ways you may be able to stay in the United States include:*

*The T visa – a program for certain human trafficking victims*

*The U visa – a program for certain crime victims who have been hurt and are working with law enforcement officials*

*The S visa – a program for certain people helping in criminal investigations*

*Asylum – a program for certain people who have experienced or are facing persecution in their home country*

*There may be other immigration programs that are right for you. It is important to talk with an immigration lawyer or community organization that can advise you about your choices. A victim specialist may be able to help you find a free or low-cost lawyer.*



## Panel Recommendations

The Kentucky Commission on Human Rights should:

- Continue partnerships with human trafficking advocacy groups
- Continue public awareness initiatives regarding human trafficking

## Helpful Resources

Report trafficking crimes or get help by calling the toll-free hotline 1-888-428-7581 or 1-888-373-7888. If you are hurt or need immediate emergency assistance call 9-1-1. The following offices may also be contacted to receive assistance:

- Catholic Charities: 502-637-9097
- Center for Women & Families: 502-581-7222
- FBI (Louisville): 502-583-3941
- U.S. Citizenship and Immigration Services: 1-800-375-5283
- U.S. Attorney's Office (Western Kentucky Division): 502-582-5911
- Any Kentucky local police department
- Legal Aid: 502-584-1254 or toll-free at 1-800-292-1862

To request a presentation about contemporary slavery, contact Kathleen Davis or Julie Arostegui at the National Underground Railroad Freedom Center, 50 E. Freedom Way, Cincinnati, Ohio 45202, Tel: (513)333-7573 or (513)333-7591, Fax: (513)333-7718 or Email: [partnership@nurfc.org](mailto:partnership@nurfc.org)



Left, is the live studio WFPL audience as it watched the *State of Affairs* show.

Right, is the Human Trafficking panel with Julie Kredens as she introduces Commission Executive Director John J. Johnson.



# **I, Too, Sing Kentucky Kentucky's Foreign Born People**

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Thursday, October 16, 2008  
1 to 3 pm  
Americana Community Center  
4801 Southside Drive  
Louisville, Kentucky

## *The Panel*



***Carolyn Miller Cooper***



***Cori Hash***



***Glen Rodriguez***

Carolyn Miller-Cooper, moderator

Carolyn is the director of the Louisville Metro Human Relations Commission and was appointed by Mayor Jerry Abramson. Prior to becoming the director, Miller-Cooper served as interim director of the agency since March 2008.

Cori Hash , panelist

Cori is a 2004 graduate of the University of Texas Law School and is admitted to practice in Texas and Kentucky. She received a B.A. from the University of Texas in 1998 in Plan II Honors and Latin American Studies and is fluent in Spanish.

Robert K. McBride , panelist

Robert is an assistant United States Attorney in the Eastern District of Kentucky, where he currently serves as the district's Criminal chief in Lexington. Photograph not available.

Marco Antonio  
Velasquez Navarrete , panelist

Marco works for RMALC (Mexican Action Network on Free Trade) in Mexico City, Mexico. RMALC documents and studies the impacts of NAFTA on Mexican farmers, workers and migrants. Photograph not available.

Edgardo Mansilla, panelist

Edwardo is the executive director for the Americana Community Center, a non-profit organization, which provides a spectrum of services for the many diverse residents of Metro Louisville. Photograph not available.

Glen Rodriguez , panelist

Glenn is dean of McKendree University Kentucky Campuses. He has served as director in various functions for Union Carbide, Orr Safety Corporation, and most recently as director of International Operations for Papa John's International.

## *The Honorees*



Elisa Bruce, a native of Colombia, came to Lexington, Ky., in 2000. She is the Latino Development Manager and assistant vice president of Fifth Third Bank of Central Kentucky. She has a weekly radio show on Radio Vida, 1440 AM, and is the host on the Spanish Television Show in Central Kentucky on Insight Para Ti-Channel 17. She serves on numerous boards in the Bluegrass area including the Lexington Partnership for Workforce Development, Lexington Public Library and serves as treasurer of the Lexington Hispanic Association.





Sandra Añez Powell is the Hispanic Outreach coordinator for Foothills Community Action Partnership formally known as Kentucky River Foothills Development Council. Her main responsibility is to coordinate self-development projects for the Hispanic population. She works with migrant farm worker families. She is responsible for organizing events in collaboration with social services agencies to promote the self-sufficient programs and services. She founded and coordinates the group, Mujeres Unidas, a leadership program for women and their families. She is the chair of the Richmond Commission on Human Rights and works as a conversational Hispanic instructor. She is an active funding board member for the Southeastern medical interpreter Association (SEMIA).



Adolfo (Ben) Ruiz along with his wife own and manage Adhawks Advertising & Public Relations Inc. in Louisville, Kentucky. In 1994, they were each appointed Kentucky Colonels by Gov. Brereton Jones in recognition of their commitment to community work. Ben serves on various community organization boards and committees such as Americana Community Center, the Louisville Hispanic Latino Coalition, GLI Hispanic Latino Business Council, Brain Injury Association of Kentucky, Kentucky Mexican American Relations Institute, and YMCA Run to the Sun.

## Citizen Advocacy Hearing On Kentucky's Foreign Born People

*When you want something, all the universe conspires in helping you to achieve it.* *Paulo Coelho, "The Alchemist"*

At the Kentucky Commission on Human Rights Citizen Advocacy Hearing on Kentucky's foreign born population, panelists talked about a variety of related subjects.

Panelist Marco Antonio Velasquez Navarrete asked the audience to urge the U.S. government to do away with NAFTA. "It is increasing migration into the United States," he said, "and we are losing many of our business and our farmers who are looking for better opportunities." NAFTA, the North American Free Trade Agreement, is a trilateral trade bloc in North America created by the governments of the United States, Canada, and Mexico. The agreement creating the trade bloc came into force on January 1, 1994.

Navarrete also estimated that the onslaught of the worldwide recession will cause an increase in migration to the U.S. as well, he said.

Glen Rodriguez expressed worry about young Latinos and Hispanics in America. "They are disconnected youth," he said. "They are not attending school and they are not working," he said.

Cori Hash argued on behalf of illegal immigrants

affect on the U.S. economy. "Everyone pays retail taxes," she said. "Everyone pays salary taxes, and it is a misnomer that immigrants are taking social security or American taxes by living here illegally," she said.

Hash urged the audience to push for solutions to the medical problems illegal immigrants are confronting in the states. "It is a problem for everyone when immigrants cannot buy medical insurance so end up in emergency rooms instead of in doctors' offices," she said.

The Kentucky population has increased by 9.9% between 1990 and 2000, and by 3.9% between 2000 and 2006, making Kentucky's total population to approximately 4.2 million. Approximately 17.2% of the total population increase between 2000 and 2006 in Kentucky was attributed to immigrants.

Like many states in the U.S., Kentucky has experienced a significant increase in immigration during the last decade; it has tripled since the 1990s. However, legal immigrants constitute only 2.65% of Kentucky's total population according to the 2007 American Community Survey (Census Bureau). This figure is far smaller compared to 10% of immigrants in the U.S.

Kentucky's foreign-born population increased by 33.6% between 2000 and 2006. During that period Kentucky

gained over 26,000 immigrants, bringing the total number of foreign-born residents in the state to over 107,000.

Although there is no reliable data on the number of undocumented immigrants, the Urban Institute (nonpartisan economic and social policy research), based on the March 2002 Current Population Survey and other data sources, estimated that there were 9.3 million undocumented immigrants in the country. In Kentucky, undocumented immigrants represent approximately 30% of the total number of foreign-born population.

Many legal and undocumented immigrants are from countries in Latin America. However, in the last decade, many of the immigrants were increasingly from Vietnam, Cuba, Bosnia, Iraq, and countries of the sub-Saharan Africa.

Immigrants in general are younger, on average, than native state citizens. More than a third of immigrants work in lower paying jobs that require little education and are concentrated in the agriculture and service industries. However, there is also a significant share of immigrants who are highly educated professionals.

Kentucky employers have used immigrant workers during the last two decades because of inability to find native workers at the offered wages. Although there is an assumption that the increase in immigration over the past decade has led to a decrease in available jobs for native-born workers and that immigrants depress the earnings of native-born workers by increasing the labor pool or holding down wages, empirical evidence on the existence and magnitude of these effects seem to point to the conclusion that immigration has not significantly reduced wages or increased unemployment for native-born workers. It is possible that the effect of immigration on wages and employment varies during periods of expansion and labor shortage versus periods of recession and high unemployment. Now that the nation including Kentucky is in a severe recession, there is no research to illustrate the dynamic change of the immigrant labor force on employment.

Since Kentucky is moving away from tobacco production, which employed mainly immigrants, many farm workers (who are immigrants) are moving to other occupations such as construction, factory and service work (hotels and restaurants).

In exchange for dependable immigrant workers, employers have to deal with more legal issues than they do when hiring citizens. The immigration Act of 1990 requires employers to complete Form I-9 for everyone hired in the U.S. after November 6th, 1986. The form, which requires certain types of identification, was developed to verify that persons are eligible to work. Employers are responsible for assuring the form is completed. In many instances when the employers are not aware of the requirements of Form I-9, by asking for extra documentations from immigrants, they end up violating federal laws. The Office of Special Counsel for

Immigration Related Unfair Employment Practices oversees and enforces the Immigration and Naturalization Act (INA) to prevent undocumented immigrants from getting jobs and employers from abusing the law when hiring immigrants.

That's why many employers use employment agencies as they handle paperwork, any translation, they pay payroll taxes and workers' compensation and other services. Many employers are now hiring bilingual persons to help in training, translating, and diversity issues in Kentucky.

In the thoroughbred industry, immigrants have become an integral part of the workforce. The Kentucky Thoroughbred Association estimated that immigrants currently make up 80-90% of thoroughbred farm workers. The market area for jobs includes Fayette, Woodford, Scott, Bourbon, Madison, Jasmine, and Harrison counties. Nearly 80% of the farms in these areas hire immigrants and there are approximately 460-500 farms with an average of 13 employees per farm; that is, more than 5,000 immigrant workers.

As the influx of immigrants continues in Kentucky, public schools are reflecting the increase of immigrant students with limited English proficiency.

Kentucky public schools in some regions of the state are faced with significant challenges in addressing the needs of immigrant students because most of the students have limited proficiency in English which make school administrators, teachers, and staff challenged to communicate adequately with the students and their parents. Furthermore, many schools believe funding is insufficient to meet immigrants' needs. However, Kentucky has fewer limited English proficiency students than surrounding states.

Panelist Glen Rodriguez said, "The number one thing that educators need to do for immigrant students is to seek to understand the different backgrounds of the students who are entering the school systems."

For instance, he said, "Homecoming is not part of the culture for Hispanics; living in dormitories is not part of the Hispanic culture." Further, "Holidays are important days to many immigrants. Some of these may occur when most American students are studying for finals, but in the countries these children come from, students do not study or attend school on those days," he said. "We must learn to adjust to the different cultures we are dealing with in schools before we make blanket judgements about students' behaviors," he said.

To a large degree, the increasing number of immigrants in the state has not affected Kentucky's postsecondary educational institutions yet.

Rodriguez said he and others are pushing for the U.S. to pass legislation supporters call The Dream Act. It would allow illegal immigrants to go to college even if they would not be allowed to work.

Local health departments, emergency medical service agencies, law enforcement agencies, court officials, and other public service agencies report an increasing need to expand language capabilities to better communicate with non-English speaking patients, victims, perpetrators, witnesses, and so on. Private social service groups, nonprofit organizations, advocacy groups and others have developed programs to help new immigrants settle in Kentucky.

The two largest metropolitan areas in Kentucky, Louisville and Lexington, have formed city agencies to assist immigrants settling in those cities. The Louisville Office of International and Cultural Affairs and Lexington's Immigration Services Office help international newcomers, whether they are new residents, such as immigrants and refugees, or only temporarily in the community as students or

visitors.

Churches appear to be among the most active private groups extending services to immigrants especially Hispanics. Services include Spanish worship services, language classes, meals, social gathering, and recreation. The Kentucky Refugee Ministries is also well-known for its services to the immigrant community. Although it receives funding from the federal government, it serves as a resettlement agency for refugees.

Although the phenomenon is recent in Kentucky, the influx of immigrants is changing the face of the state. The commonwealth is becoming more diverse and enriched by new immigrants now as it did with German, Irish, and African immigrants in earlier eras.



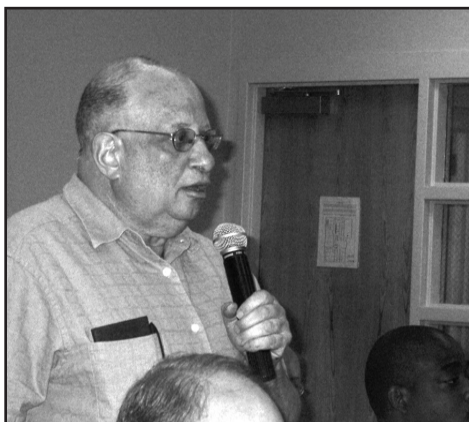
## Panel Recommendations

The Kentucky Commission on Human Rights should:

- Support ending the North American Free Trade Agreement.
- Support education programs for immigrants in the Kentucky school system. Support passage of legislation that would allow illegal immigrants to attend schools and colleges.

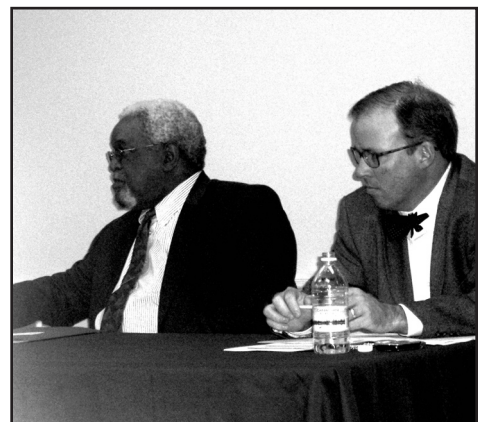
## Helpful Resources

- Immigration in Kentucky (Legislative Research Commission): <http://lrc.ky.gov/lrcpubs/Rr305.pdf>
- Kentucky Immigration Statistics (KY Stats, Kentucky Virtual Library): <http://www.kyvl.org/html/gia/saimmigration.shtml>
- Kentucky Refugee Ministries: <http://www.kyrm.org/index.html>
- Yearbook of Immigration Statistics U.S. Immigration and Customs: <http://uscis.gov/graphics/shared/aboutus/statistics/ybpage.htm>



Left, an audience member at a citizen advocacy hearing asks panelists questions.

Right, Kentucky Human Rights then Commissioner Henry Blythe and Commissioner Duane Bonifer observe a panel.



# **Does Kentucky Still Have Faith in Interfaith? Religious Discrimination**

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Thursday, November 20, 2008  
11 am to Noon  
National Public Radio Closed Studio  
619 South Fourth Street  
Louisville, Kentucky



## The Panel



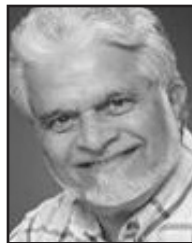
**Julie Kredens**



**Nancy Harris**



**Dr. Stanley Miles**



**Dr. Ghouse Shareef**



**Dr. Paul Simmons**

Julie Kredens, moderator

Julie began her radio career more than 10 years ago, first on the WQMF morning show, Uncle Ron's Asylum, then as a news reporter for WHAS radio. She left radio to perform public relations but returned to radio at WFPL where she is the host of *State of Affairs*, the live, listener-call in show that broadcasts from 11 am to noon on weekdays from Louisville.

Nancy Harris, panelist

As a representative of the local Bahá'í community, Nancy has worked with media and public relations for over 30 years. She currently serves in the appointed position of Public Information Officer for the Spiritual Assembly of the Bahá'ís of Louisville. She has worked with the Kentucky state prison system to ensure that incarcerated Bahá'ís have the right to practice their religion.

Rabbi Stanley Miles, panelist

Stanley teaches at the Community Religious School, the Louisville Hebrew School, the High School of Jewish Studies, and Kehillah Middle School. He leads Shabbat Morning Torah Study at temple and individually prepares Temple Shalom students for Bar/Bat Mitzvah, meeting with them on a weekly basis for a year prior to the ceremony.

Dr. Ghouse A. Shareef, panelist

Ghouse is a member of the Board of Directors of the Center for Interfaith Relations (fka Cathedral Heritage Foundation), in Louisville, Kentucky. He participated in Louisville in the President's (Pres. Clinton) Initiative on Race Relations and worked on the Boards of Directors for profit and non-profit corporations.

Dr. Paul Simmons, panelist

Paul is a clinical professor of the Department of Family and Geriatric Medicine, Division of Ethics and Professionalism, at the University of Louisville School of Medicine, and adjunct professor in the Department of Philosophy, where he teaches courses in Medical Ethics, Business Ethics, Philosophical Ethics, and Human Rights. He is an ordained Baptist minister and taught at Southern Baptist Theological Seminary for 23 years.

## The Honoree



Lewis D. Cole, was a senior statesman, a consummate volunteer and a true leader in every sense of the word. Cole's vision, direction and creativity had a profound impact on many areas of our community and our nation, from Metro United Way to the Jewish community to the pension system for communal service workers across the country. While many of Cole's earliest activities focused on the Jewish community, he was also very sensitive to the needs of the general community. The late statesman was a life-long member of The Temple and more recently, a member of Temple Shalom as well. In 2000, the Jewish Community Federation honored Cole by establishing the Lewis D. Cole Youth Initiative, which funds the Federation's B'nai Tzedek program. The B'nai Tzedek program teaches young teens the importance of philanthropy by enabling them to establish and manage small endowment funds in their own names.

# Citizen Advocacy Hearing on Religious Discrimination

*I have one life and one chance to make it count for something . . . I'm free to choose what that something is, and the something I've chosen is my faith. Now, my faith goes beyond theology and religion and requires considerable work and effort. My faith demands -- this is not optional -- my faith demands that I do whatever I can, wherever I am, whenever I can, for as long as I can with whatever I have to try to make a difference.*

U.S. President Jimmy Carter

The Citizen Advocacy Hearing on Interfaith was held in the closed studio on the WFPL *State of Affairs* Show with Julie Kredens. This particular panel was not held in front of a studio audience because the live studio was not set up for so large a panel. The show was aired live to the listening audience.

Due to the nature of this subject and the passions it invokes, we thought readers would find most interesting the actual interview, with the question and answer form, to discuss the topic of Kentucky's belief in interfaith.

What do we mean when we say, interfaith? Julie Kredens asked the group. Nancy Harris of the Bahá'í belief said interfaith can mean interdenominational, or among the religions of the world. Or, Rabbi Stanley Miles said, it could refer to the biggest context of all, "where absolutely every faith can walk into the tent and share fully, have an interfaith dialogue, where everyone can actually share liturgies with each other." This, he said, is the best use of the word interfaith.

Dr. Ghouse Shareef suggested that his favorite discussion about the interfaith subject is when it refers to the Interfaith Movement. "This is part of globalization," he said. "When human beings come to know more about themselves," he said, "they need to understand other people out there." So the emphasis is on forming parliaments, he said. "Understanding each other is more important than being divided," he added.

Kredens asked, "What are barriers to interfaith efforts?"

Harris said, "The lack of interest in wanting to know about other faiths." But, having the right to practice one's religion does not negate other's right to practice his or her faith, she said.

Dr. Paul Simmons said the barrier is "the spirit of exclusiveness that is harsh on others, full of rejection and

punishment."

To resolve these barriers, Rabbi Miles said, "We must be willing to have an honest conversation that comes with a principle, which is, 'I have my faith, you have yours, we will share our differences, but not with the purpose of changing each others' minds.'"

Shareef added, "Cooperate and learn. One has to have his or her own faith, freely. There is always the natural fear of the unknown."

A listener named Sharone called in to say he has "certain anger and fear about Muslims." He is afraid the Muslims think of him as an infidel, he said. "How do I handle those feelings and have dialogue?"

Dr. Shareef, who is a Muslim, said, "When politics abuse religion, we all pay the price."

He continued, "There are three billion Muslims but only a few thousand who have this political agenda. The backlash after 9/11 has put Muslims on the defensive. We cannot generalize because of politicalization."

Miles: "Jews have been victimized in such ways. Look at history. So, we should not persecute Muslims because we Jews have been victims of the same thing."

A caller named Andrea said she is the wife of an atheist, a pagan, and that the panel should recognize this and all faiths.

Harris said, "No belief should be excluded. The Bahá'í faith believes in the independent investigation of truth."

Simmons said: "Religion is the greatest threat to the world and the end of the world. Religious dogmatism leads to the quest for power. That's why we have the First Amendment, we have to respect each other."

Kredens asked, "How do smaller, marginalized faiths feel their faith is taken into account?"

Harris said, "We simply persevere."

Shareef said, "Small faiths are not being represented in the holidays, for example, but the Highland Christian Ministries has a holiday interfaith dinner. In other words, people are working toward being inclusive. When you are in a small group, you just keep on trying."

He added, “The younger generation is not interested in religion. They are interested in fun and making money!”

A caller named Tom said, “Organized religion is the cause of most world problems.”

“This is the problem when you bring religion forward as a government,” Shareef said.

Rabbi Miles said: “Religion doesn’t cause the world’s problems, religious fanaticism does. But there is also political fanaticism that causes chaos, as in , ‘It’s my way or the highway.’”

Harris said: “Nationalism, racism, gender inequality, religious fanaticism are the cause of the world’s turmoils. It’s the institution versus the idea. And when that becomes politicized, it breaks down.”

Caller Terry said, “We should simply do things to

bring people of different religions together. You discover commonalities such as how we are all just trying to put food on the table and put our kids through college.”

Caller Bethany said, “In our religion, we believe our faith is the true faith and we just want others to have that as well, we can have a meaningful dialogue, sure, but surely all believers at heart believe that their faith is the one true faith.”

Caller Caleb said, “I was raised a fundamentalist Christian, but as an adult I studied Buddhism to help me better clarify the teachings of Jesus.”

Dr. Shareef said, “And, let’s not forget the people who do not have a belief or a faith. They have a place at the table too. They must be considered a valuable part of the discussion, too.”



## Panel Recommendations

The Kentucky Commission on Human Rights should:

- Continue to provide venues for discussion on the subject of religious equality.

## Helpful Resources

- Northern Kentucky Interfaith Commission: [www.nkyinterfaith.com](http://www.nkyinterfaith.com)
- University of Kentucky Interfaith Dialogue Organization: [www.dialogueuk.org](http://www.dialogueuk.org)
- Center for Interfaith Relations (Louisville, Kentucky): [www.interfaithrelations.org](http://www.interfaithrelations.org)
- Interfaith Paths to Peace (Louisville, Kentucky): [www.interfaithpathstopeace.org](http://www.interfaithpathstopeace.org)

WFPL State of Affairs Host Julie Kredens interviews panelists and takes calls from radio listeners in the Louisville, Ky. area.



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