

## City of Lincoln Commission on Human Rights News

### BLACK COMMUNITY DENIED WATER FOR DECADES

[From CNN and The Columbus Dispatch]

Residents of the mostly black neighborhood of Coal Run in rural Ohio were awarded nearly \$10.9 million by a jury who found that they were victims of racial discrimination. The community had been denied public water service by Muskingum County and neighboring Zanesville for 50 years due to the color of their skin, according to the lawsuit that was filed. Sixty-eight current and former residents of Coal Run, a low-income area of east of Zanesville, Ohio filed the lawsuit against the city, county, and the East Muskingum Water Authority. The attorneys for the city and county stated that they will appeal the decision.

Coal Run residents either paid to have wells dug, hauled water for cisterns, or collected rain water so they could drink, cook, and bathe. This lasted for almost 50 years.

Freddie Martin, 70, grew up on Coal Run Road and moved away at age 32 so his children wouldn't have to grow up the way he did. As a child, Martin's parents would fill the bathtub and not change the water until five of the ten children in the family bathed in order to conserve water. Martin wished that his mother, who lived on Coal Run her whole life, was alive to see the outcome



of the lawsuit. He said he's sure she is looking down and saying, "Well done." "There is a price to pay if you discriminate," he said. "They've got to answer not just to the court but to God."

Cindy Hale Harston, 47, still lives on Coal Run Road. "I'm ecstatic. It's been a very emotional situation. It hurt to know they would let our neighborhood go without public water. I believe the Jury found we were discriminated against."

The Ohio Civil Rights Commission ruled in 2003 that blacks were denied public water because of discrimination by government officials. Nearby whites were served water lines, but not blacks, it found.

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### One Lincoln Close Up: John Relman

[From CNN and Relmanlaw.com]

John Relman has worked with the Lincoln Commission on Human Rights as a presenter at its annual Fair Housing Conference. We would like to take a moment to honor this relationship as well as his achievement in winning a recent landmark civil rights case.



John Relman, a civil rights attorney based in Washington, DC represented the residents of Coal Run in their fight for water and equal rights (see article above). The almost \$11 million award to the victims was reported in the media as having been unique among civil rights cases both in the nature of the ruling and in the remarkable size of the award.

The jury in US District Court found that failing to provide water service to the residents violated state and federal civil rights laws and harmed the 25-30 families currently living in Coal Run. The plaintiffs attorneys successfully argued

that the decision not to pipe water to the plaintiffs was racially motivated, painting a picture of a community with a history of segregation. Black residents of Coal Run Road were denied water over the years while nearby white neighbors were provided it, they argued.

John P. Relman is the founder and director of Relman & Dane. Since 1986, Mr. Relman has represented scores of plaintiffs and public interest organizations in individual and class action discrimination cases in federal court. From 1989 to 1999, Mr. Relman served as project director of the Fair Housing Project at the Washington Lawyers' Committee for Civil Rights and Urban Affairs. Under his leadership the project achieved national

recognition, winning some of the largest housing, lending, and public accommodations discrimination jury verdicts and settlements obtained in the country. From 1986 to 1989, Mr. Relman worked as a staff attorney at the National Office of the Lawyers' Committee. Prior to



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## BLACK COMMUNITY DENIED WATER

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The next year, water lines were extended to homes in Coal Run. Residents previously trucked in water to cisterns because wells in the area were contaminated with sulfur from abandoned coal-mine shafts. The city and county denied



discrimination, citing a lack of knowledge of resident's complaints, jurisdictional questions over who was responsible for providing water to the area, and the cost of extending water lines. Whites also remain without public water in some parts of the county, officials said.

Zanesville Mayor Butch Zwelling said he was concerned because he wasn't sure how big the award would be. "We would hope that the city would not draw any conclusions until appeals have been exhausted and it reaches the bottom line which could be a few years away. You always want the decision to go your way, but the jury has spoken. Now it'll be up to the court of appeals."

Each of the 67 plaintiffs was awarded \$15,000 to \$300,000, depending on how long they had lived in the Coal Run neighborhood. The money covers both monetary losses and the residents' pain and suffering between 1956, when water lines were first laid in the surrounding areas, and 2003 when Coal Run finally received public water.

## Our Mission

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

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

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

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

## Our Goals

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

## One Lincoln Close Up: John Relman

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joining the Committee, he clerked for the Honorable Sam J. Ervin III of the U.S. Court of Appeals for the Fourth Circuit and the Honorable Joyce Hens Green of the U.S. District Court for the District of Columbia.

Mr. Relman's better-known cases include *Timus v. William J. Davis, Inc.* (\$2.4 million jury verdict for housing discrimination against families with children); *Dyson v. Denny's Restaurants* (\$17.725 million class settlement for racial discrimination against customers); *Pugh v. Avis Rent-A-Car* (\$5.4 class settlement for racial discrimination in the rental of cars); and *Gilliam v. Adam's Mark Hotels* (\$2.1 million class settlement for racial discrimination against guests). Mr. Relman has written and lectured extensively in the areas of fair housing and fair lending law and has provided numerous training classes and seminars for plaintiffs' lawyers, fair housing organizations, the real estate industry, and lending institutions. He is the author of

Housing Discrimination Practice Manual, published by the West Group.

Mr. Relman teaches public interest law at Georgetown University Law Center, where he serves as an adjunct professor. He received his law degree from the University of Michigan and undergraduate degree from Harvard. He is admitted to practice in the District of Columbia.

The Lincoln Commission on Human Rights congratulates Mr. Relman on his work with the landmark Coal Run case, and we look forward to continuing our relationship with this powerful voice for civil rights.



## FROM THE DIRECTOR: LCHR UPCOMING EVENTS

2008 has been an exciting year for the Lincoln Commission on Human Rights. In January we helped organized and took part in the city's Martin Luther King, Jr. celebration, in April we held our annual Fair Housing Conference which also commemorated the 40th anniversary of the 1968 Fair Housing Act, and in August we hosted the RECCR regional conference which was held in Omaha, Nebraska. Also, our televised "One Lincoln" program on hate crimes with guest Police Chief Tom Casady was very well received by our viewers. But, unfortunately, this year has also proven to be a very busy one for our investigators and for our commissioners as discrimination cases continue to be on the rise.

2009 promises to be just as exciting as we are planning to celebrate the 40th anniversary of the Commission's decision in 1969 to appoint City Human Rights Officer and fair housing activist, Gerald Henderson, to be the first LCHR Director. Currently (until October 22, 2008), we are accepting nominations for the 2008 Gerald Henderson Human Rights Award. Also in 2009, we will resume hosting our annual city-wide Fair Employment Practices Conference.

We are very proud of both our outreach efforts and of our timely investigations so far this year, and we are grateful for the opportunity to continue to serve the people of Lincoln.

Receive your own issue of **One Lincoln** by sending your email address to [pvanslooten@lincoln.ne.gov](mailto:pvanslooten@lincoln.ne.gov). You may also access this issue and all current issues on our website at [www.lincoln.ne.gov/city/mayor/human/index.htm](http://www.lincoln.ne.gov/city/mayor/human/index.htm)

### *LCHR Welcomes an International Visitor*



On August 5, 2008 the Lincoln Commission on Human Rights was honored to receive the Reverend Monsignor Fortunatus Nwachukwu, Head of

Protocol, Vatican Secretary of State, Counselor, Holy See Secretariat of State, Relations with States of The Vatican.

The LCHR Commissioners and staff introduced themselves to the Reverend Monsignor before presenting a powerpoint explaining the important role the office plays in fighting discrimination in Lincoln, Nebraska.

The Reverend Monsignor was invited to the

United States under the auspices of the Department of State's International Visitor Leadership Program and he was accompanied by Mr. Zion Avdi, an English Language Officer with the State Department.

The Reverend Monsignor was deeply interested in the voice that LCHR provides for the community and was particularly interested in its relationship with the City Council. He strongly encouraged the LCHR Commissioners and staff to continue to do their good works and said he would keep them in his prayers.



# RECCR OMAHA CONFERENCE A SUCCESS



On August 20-22, 2008 the Regional Executive Council on Civil Rights held its annual housing and employment training conference in Omaha, Nebraska. The weather was perfect for the event, and many of the attendees, at the encouragement of RECCR President, Mr. Larry Williams, ventured out of the Embassy Suites conference venue to enjoy the shops and restaurants of Omaha's beautifully renovated Old Market district.

RECCR consists of civil and human rights workers and commissioners from the states of Missouri, Iowa, Nebraska, and Kansas. The Region VII office of the US Department of Housing and Urban Development, which is under the directorship of Ms. Myrtle Wilson, started off the event with a legal update. During the update, Ms. Kristy McTighe and Ms. Heather Ousley covered such current topics as the Roommates.com housing discrimination case, and issues dealing with anti-immigrant ordinances in a growing number of communities.

The first day ended with a retirement celebration honoring Ms. Kaye Crawford, Executive Director for the Salina Human Relations Department, and Mr. Bill Blum, formerly of the Dubuque Human Rights Commission. Both were powerful forces for civil rights in their communities, and the attendees thanked them warmly for their tireless service.



Ms. Stella Adams, of SJ Adams Consulting, also raised awareness with her presentation on wealth and the causes of the current foreclosure crisis, while on day two of the event Mr. Joe

Gerstandt, of Our Time to Act, energized the audience with his dynamic speaking style and his challenge to be an active proponent for change rather than just a bystander. "It is very different to be a non-sexist as opposed to anti-sexist."



During the annual RECCR luncheon, Mr. Bob Shands spoke of his book *In My Father's House: Lessons Learned in the Home of a Civil Rights Pioneer*. He painted a picture for the audience of what it was like to grow up in the deep South right when the Supreme Court ruled in 1954 that separate was inherently unequal. He spoke of his father, a Baptist preacher who ardently fought against segregation and who worked with African American Baptist preachers to make integration a reality in the South. Mr. Shand's presentation was moving, and reminded the civil rights workers and commissioners of what the world would be like without their brave and relentless efforts.

The second half of day two consisted of concurrent workshops for the commissioners, for the directors and for investigators. Ms. Angela Wortman, a Senior Civil Rights Investigator with the Lincoln Commission on Human Rights, and Ms. Jill Fenner, Director of the Fair Housing Center, informed the commissioners on the basics of discrimination law, focusing on disability rights.

The conference ended with two inspiring presentations, one from Mr. Ralph Rosenberg, the RECCR Vice President-elect, on political activism and one from Ms. Patty Gilligan, the RECCR Treasurer, on understanding poverty and the rules of class.

Overall, the conference provided not only training and information, but also inspiration and encouragement for the attendees to continue to do the work they do to ensure equal opportunity and equality of life for the communities that they serve.



## 18TH ANNIVERSARY OF THE AMERICANS WITH DISABILITIES ACT: "RESTORATION" CURRENTLY SOUGHT IN CONGRESS

[From the US Department of Justice]



July 26, 2008 marked the 18th anniversary of the signing of the Americans with Disabilities Act (ADA) into law. It was the result of a

broad-based bipartisan support effort with the backing of organizations representing individuals with all types of mental and physical disabilities. Since that time, American society has made significant progress towards advancing equality of opportunity and access for the more than 50 million men, women, and children with disabilities who comprise 1 in 6 individuals living in this country.

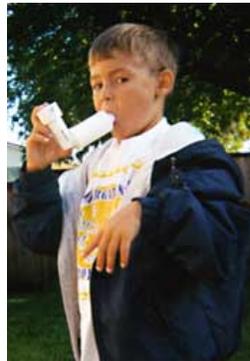
The proposed ADA Restoration Act (ADARA), which is currently being debated in Congress, is a response to decisions by the Supreme Court and by lower courts that had narrowed the group of people whom Congress had intended to protect under the Americans with Disabilities Act (ADA).

The Supreme Court had interpreted the ADA to impose a "demanding" standard for coverage as a person with a disability. It had also held that the ameliorative effects of "mitigating measures" that people use to control the effects of their disabilities must be considered in determining whether a person has an impairment that substantially limits a major life activity and hence is protected by the ADA. In response to these court decisions, the ADARA amended the ADA to provide broad protection for any individual who has a physical or mental impairment, a record of an impairment, or who was treated as having an impairment.

The US Department of Justice, Civil Rights Division, is committed to continue its vigorous enforcement of the ADA. Since the signing of the ADA in 1990, there have been three major wars that the US has been involved in (the Persian Gulf War, the Iraq War, and the war in Afghanistan), leading to scores of disabled vets joining the ranks of those protected and accommodated under the ADA. For example, in March 2008, the Justice Department and the Michigan Paralyzed Veterans of America reached a settlement with the University of Michigan concerning the lack of accessible seating in the University's football stadium. This is reminiscent of a scene in the film "Born on the

Fourth of July," when disabled veteran Ron Kovic was unable to follow a female friend into a university building because the entrance was not wheelchair accessible. In the Michigan case, under the terms of the settlement, the University agreed to add a minimum of 248 pairs of permanent wheelchair and companion seats to the stadium during the next two years.

One case recently handled by the US Department of Justice, Civil Rights Division, concerned Jose and Lynn Alvarez and their son, Jeremy, who lives with severe asthma.



The Alvarazes wanted to place their son in the pre-school program at the Fountainhead Child Care Center, but Jeremy uses an inhaler and takes medications twice a day to control his asthma. So, Fountainhead turned away the Alvarazes, stating that Jeremy's needs violated their "no medications" policy. Fountainhead stated that the only way Jeremy could attend their program was if he waited for his parents or grandparents to show up and administer his inhaler. They then would have to take the inhaler with them when they left. This simply was not an option for the Alvarez family.

The Alvarazes filed an ADA lawsuit and the US Department of Justice submitted a brief in support of them. The Justice Department argued that all of the children were to receive minimal monitoring and supervision as part of the child care program, and all child care programs were responsible for insuring the safety and well being of all of the children in their care. The administering of Jeremy's inhaler was a reasonable accommodation to their "no medication" policy.

In this case, the ADA helped Jeremy and other disabled children like him receive the same care as any other child.

To achieve increased access to public life for persons with disabilities, the Justice Department implemented Project Civic Access (PCA). Under this project, the Department's Civil Rights Division carries out review of local and state governments to bring communities into full compliance with the requirements of Title II of the ADA. The project now includes 158 settlement agreements with 145 localities in all 50 states, the District of Columbia and Puerto Rico.

Those interested in finding out more about the Americans with Disabilities Act can contact the Lincoln Commission on Human Rights at 402-441-7624.



# One Lincoln

## Addressing Discrimination In Lincoln

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

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

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

### About the LCHR

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

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

#### What is discrimination?

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

### Need Help Making Sense of Discrimination Laws?

*We're Here for You.*

We provide free assistance and training to large or small businesses in understanding the discrimination laws and creating Human Resources' policies to help you avoid liability issues.

Call us at 441-7624 for more information.

### Lincoln Commission on Human Rights Staff

**Larry Williams** - Director/Equal Opportunity Officer 441-8691 - [lwiliams@lincoln.ne.gov](mailto:lwiliams@lincoln.ne.gov)

**Angela Wortman** - Sr. Civil Rights Investigator 441-3870 - [awortman@lincoln.ne.gov](mailto:awortman@lincoln.ne.gov)

**Margie Kniep** - Civil Rights Investigator 441-8690 - [mkniep@lincoln.ne.gov](mailto:mkniep@lincoln.ne.gov)

**Pippi VanSlooten** - VISTA/Outreach Coordinator 441-7624 - [pvanslooten@lincoln.ne.gov](mailto:pvanslooten@lincoln.ne.gov)

**Lisa Blakey** - Interim Senior Office Assistant 441-7625 - [lchr@lincoln.ne.gov](mailto:lchr@lincoln.ne.gov)

### Commissioners:

David Fikar (Chair)

Lori Lopez Urdiales (Vice Chair)

Rev. Karla Cooper

Wendy Francis

Gene Crump

Dr. Sitaram Jaswal

Dick Noble

Hazell Rodriguez

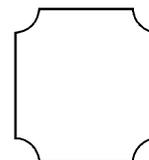
Jose Quintero



**EQUAL HOUSING  
OPPORTUNITY**

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

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



## Jurisdiction:

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

## Resources:

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