

Race Relations in Rural Western Kansas Towns

**Kansas Advisory Committee to the
United States Commission on Civil Rights**

June 1998

A summary report of the Kansas Advisory Committee to the U.S. Commission on Civil Rights prepared for the information and consideration of the Commission. This report will be considered by the Commission and the Commission will make public its reaction. Statements and viewpoints in the report should not be attributed to the Commission or to the Advisory Committee, but only to individual participants in the community forum.

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The United States Commission on Civil Rights, first created by the Civil Rights Act of 1957, and reestablished by the United States Commission on Civil Rights Act of 1983, is an independent, bipartisan agency of the Federal Government. By the terms of the 1983 act, as amended by the Civil Rights Commission Amendments Act of 1994, the Commission is charged with the following duties pertaining to discrimination or denials of the equal protection of the laws based on race, color, religion, sex, age, disability, or national origin, or in the administration of justice: investigation of individual discriminatory denials of the right to vote; study and collection of information relating to discrimination or denials of the equal protection of the law; appraisal of the laws and policies of the United States with respect to discrimination or denials of equal protection of the law; maintenance of a national clearinghouse for information respecting discrimination or denials of equal protection of the law; investigation of patterns or practices of fraud of discrimination in the conduct of Federal elections; and preparation and issuance of public service announcements and advertising campaigns to discourage discrimination or denials of equal protection of the law. The Commission is also required to submit reports to the President and the Congress at such times as the Commission, the Congress, or the President shall deem desirable.

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Letter of Transmittal

Kansas Advisory Committee to the
U.S. Commission on Civil Rights

Members of the Commission

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This report is the result of a community forum held by the Advisory Committee on December 13-14, 1995, in Garden City, Kansas, to obtain information on race relations in three selected rural towns in western Kansas. The Advisory Committee heard from Federal, State, and local officials, law enforcement representatives, school district personnel, community leaders, business owners, and concerned citizens.

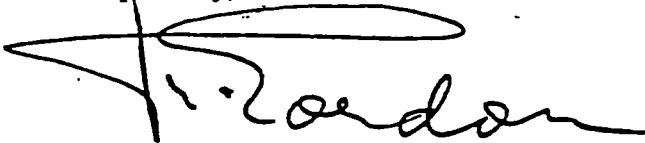
Despite a positive, national reputation that western Kansas has received for accommodating new immigrants and cultural diversity, something is amiss in the rural towns of Dodge City, Garden City, and Liberal. Economic growth is encouraged, yet minority and women small business owners are not joining the local chambers of commerce. Job creation is successful; however, the local labor market is inadequate and corporations recruit Hispanic and Asian persons from California and cities on the U.S.-Mexican border.

A recurring scenario that causes strained human relations is the raids conducted by the Immigration and Naturalization Service on work sites to apprehend undocumented persons. The undercurrents of race relations runs deep in Kansas rural towns. If there is a discriminatory incident in a small town, people generally do not know where or how to file a discrimination complaint. Police and sheriff departments from the three towns and three counties reviewed all claimed to have good operations and equality of treatment for all citizens.

School district officials provided the Advisory Committee with straightforward reports on the performance of their mission. Some districts acknowledged a high student dropout rate and difficulty in recruiting minority teachers. Some community presenters had some strong feelings on the need for school districts' to improve in the area of educational equity for the protected classes.

The Kansas Advisory Committee hopes that the presentations given by Federal officials, the research by the University of Kansas, and the input of other forum participants will improve race relations in rural western Kansas towns.

Respectfully,



JACOB U. GORDON, *Chairperson*
Kansas Advisory Committee

Kansas Advisory Committee

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Acknowledgments

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1 Background

In the past, the Kansas Advisory Committee to the U.S. Commission on Civil Rights has conducted civil rights projects on racial and religious tensions on selected Kansas college campuses¹ and on the administration of justice regarding Native Americans in Lawrence.² In 1987 a briefing report was written by the Advisory Committee on the status of civil rights in Garden City. The report found no major examples of discrimination in the areas of employment, housing, public accommodations, or the administration of justice in Garden City, Kansas.³

In recent years, the Advisory Committee has held community briefings in Mayetta and Coffeyville.⁴ The Commission's Federal presence in small, rural towns has made a positive albeit temporary influence. The Advisory Committee members agreed that continued monitoring of civil rights issues was necessary in small towns. The Committee avowed that minorities, women and the disabled person must be made aware of their civil rights under the law. Advisory Committee members and the Commission's regional office staff conducted community assessments on race relations in Dodge City, Garden City, and Liberal, Kansas.⁵ The Advisory Committee reviewed the information from the community assessments and decided to conduct a project entitled "Race Relations in Rural Western Kansas Towns."⁶

¹ Kansas Advisory Committee to the U.S. Commission on Civil Rights, *Racial and Religious Tensions on Selected Kansas College Campuses* (February 1992).

² Kansas Advisory Committee to the U.S. Commission on Civil Rights, *Administration of Justice in Lawrence Native American Community*, community forum, July 10, 1991.

³ Kansas Advisory Committee to the U.S. Commission on Civil Rights, community forum on the *Status of Civil Rights in Garden City and Finney County* Kansas, July 1987.

⁴ "Civil Rights Panel Looks at Coffeyville," *Coffeyville Journal*, May 3, 1995.

⁵ Minutes of the Kansas Advisory Committee meeting, May 7, 1993.

⁶ Minutes of Kansas Advisory Committee meeting, June 23, 1995.

Population

In 1990 the total population for Kansas was 2,477,574. The white population numbered 2,231,986 or 90.1 percent. There were 143,076 blacks or 5.8 percent; American Indians represented 21,965 or 0.8 percent; Asians, 31,750 or 1.3 percent; and Hispanics were 93,670 or 3.8 percent of the population.⁷ The total Garden City population in the 1990 census was 24,097 persons. The white population totaled 18,859; blacks, 405; American Indians, 158; Asians, 962; and Hispanics, 6,092 persons. Females accounted for 12,013 persons.⁸ The total Dodge City population in 1990 was 21,129 persons. The white population numbered 16,759; blacks, 458; American Indians, 124; Asians, 635; and Hispanics, 3,845 persons. Females accounted for 10,527 persons.⁹ The total Liberal, Kansas population in 1990 was 16,573 persons. The white population totaled 12,578; blacks, 1,097; American Indian, 132, Asians, 442; and Hispanics, 2,324 persons.¹⁰

Purpose of the Forum

To ascertain important civil rights issues among the Hispanic population in Garden City, Commission staff met with representatives of the Garden City Association of Hispanic Professionals. Persons attending the meeting indicated that their main concerns were education, the administration of justice, and housing.¹¹

In discussing housing issues the meeting participants noted that there is little or no affordable housing for newcomers in western Kansas. Generally, house trailer rentals have been made available for the beef packing plant workers. There have been indications of fair housing law

⁷ U.S. Department of Commerce, Bureau of Census, "1990 Census, By Race and Hispanic Origin," Press Release, April 1991.

⁸ *Ibid.*, 1990 Census, *Selected Population and Housing Characteristics*, table 1, Garden City.

⁹ *Ibid.*, Dodge City.

¹⁰ *Ibid.*, Liberal.

¹¹ Informal survey of civil rights issues taken during a meeting of Hispanic professionals in Garden City, May 31, 1995, by USCCR staff.

violations, but few complaints have been filed with social services agencies, the Kansas Legal Services, or with the city.¹²

In Dodge City, there had been allegations of discrimination against Hispanics. This resulted in a wildcat strike and a show of force by law enforcement officials and of a city commissioner who made a public comment comparing the Mexicans in Dodge City to cockroaches. The comment appeared in the *New York Times*. There was no public reprimand or action taken against this elected official by her colleagues.¹³

In Liberal, according to an Advisory Committee member, there is a need to examine the administration of justice that appears to target the arrest of Hispanics as reflected in driving under the influence (DUI) arrest figures and news articles. Staffing patterns of sworn officers in police departments do not reflect the area's ethnic population. There also appears to be a need for more Spanish translators in the local courts.¹⁴

In Garden City, Dodge City, and Liberal, the three largest towns in western Kansas, there have been indications of civil rights violations in the areas of education, the administration of justice, housing, and employment. Donald D. Stull, a University of Kansas professor and a team of researchers authored a report entitled "Changing Relations: Newcomers and Established Residents in Garden City."¹⁵ Dr. Stull described the prototype rural community of Garden City as the fastest growing in Kansas. The city's growth is attributed to immigration and to its central location.¹⁶

Garden City and other western Kansas towns have experienced dynamic population and economic growth. The beef packing plants and the agricultural industry have created new employment opportunities.¹⁷ The study noted the impact of the beef packing industry on the changing demographics of a community of 18,256 that was 82 percent white and 16 percent Hispanic in 1980. In 1983 there were two beef packing plants in Garden City, two beef packing plants in Dodge City, and one plant in Liberal, which created a beef packing "Golden Triangle." By 1985 Kansas had replaced Texas as the leading beef packing State.¹⁸ Garden City grew by 33 percent, the fastest growing community in Kansas. The region was transformed from a bicultural community of established Anglos and Mexican Americans to a multicultural community as Southeast Asian refugees and Hispanic immigrants came to work in the beef packing plants.¹⁹ The region developed a reputation for successfully accommodating new immigrants along with the tremendous growth of a new economy.²⁰

The Advisory Committee's forum focused on race relations within the context of police-community relations and educational equity issues in the three school districts of the towns reviewed by the Committee. Housing and employment were also mentioned as civil rights issues of concern by some of the persons interviewed.²¹

¹² Ibid.

¹³ "Roach Comments Angers Residents," Aug. 19, 1993, *Dodge City Daily Globe*.

¹⁴ Information provided by Kansas Advisory Committee member Teresa Flores at May 7, 1993, meeting.

¹⁵ Donald D. Stull, et al., *Changing Relations: Newcomers and Established Residents in Garden City*, Institute for Public Policy and Business Research, University of Kansas, Report 172, Feb. 5, 1990.

¹⁶ Ibid., p. 3.

¹⁷ Ibid., p. 2.

¹⁸ Ibid., p. 2.

¹⁹ Ibid., p. 2.

²⁰ Ibid., p. 2.

²¹ Ibid., p. 2.

2 Community Perspective

The community perspective on race relations in western Kansas was provided by community organizations, social service agencies, and individuals. Dr. Stull stated that the pattern of discrimination toward Garden City's ethnic groups is fairly typical of American communities.¹ There is open bigotry and subtle acts of thoughtless omissions and commissions such as racial and ethnic slurs. He added that the degree of discrimination is inversely related to the group's position on the social ladder.² Interethnic discrimination is a fact of life in Garden City as elsewhere in America. Yet, Anglos, African Americans, and Hispanics maintain frequent and overtly smooth relations.³ Interaction between Southeast Asians and members of other ethnic groups remain limited and superficial in spite of very positive images often held by Anglos about Southeast Asians.⁴

Although the beef packing plants have been perceived as employers using discriminatory practices on Latino immigrants and women, some plants have been helpful to their employees. Child care facilities have been established onsite; however, the rates are not cheap. Signs at the plants are translated into the Spanish and Vietnamese languages. A bilingual person who can communicate with the work force has an enhanced chance for upward mobility.⁵

Dr. Stull felt that the industry could do a better job of assessing the skills of their own employees. There are immigrant doctors, teachers, engineers, and other professionally trained personnel, working at entry level jobs because they do not speak English or understand the system in the U.S.⁶

Labor unions represent workers at two of six beef packing plants in Kansas, a right-to-work

State. The union leadership stopped further organizing efforts in the 1980s with the hopes of getting a better master contract. Moreover the union leadership in western Kansas is composed of white men who have more in common with the plant's management than they do with the line workers who are new immigrants.⁷

Ivanhoe Love, Jr. a city commissioner from Liberal, spoke to the Advisory Committee about the importance of educating the minority population about voting rights. He said many minority group issues are overlooked by the political structure because some minorities and new immigrants are not well-informed about their voting rights and do not vote.⁸ Mr. Love also stated that city government officials will reply to inquiries on civil rights by saying they have a committee on race relations that reviews complaints but seldom is there a viable vehicle or method for processing or investigating a discrimination complaint in rural towns.⁹

He indicated that discrimination against Asians has occurred because they are different from Anglos and are put in the same basket as other nonwhites.¹⁰ However, Mr. Love felt that Hispanics in Liberal are discriminated far more than any other minority because of their rapid growth and higher visibility in the community.¹¹ Generally, minorities do not know how to file discrimination complaints nor is there an agency in Liberal to help them. Even if they knew how to file a complaint, the hint of retaliation by those in authority would discourage any formal legal action.¹²

In addition to supporting a need for establishing a viable discrimination complaint system for the city of Liberal, Mr. Love shared his experience in improving police practices in the minority neighborhoods of Liberal. He said that he convened a dialogue panel of law enforcement

¹ Kansas Advisory Committee to the U.S. Commission on Civil Rights, Community Forum on Race Relations in Rural Kansas Towns, Garden City, Dec. 13-14, 1995 (hereafter cited as *Transcript*), pp. 35-36.

² *Ibid.*

³ *Ibid.*, p. 35.

⁴ *Ibid.*, p. 35.

⁵ *Ibid.*, pp. 49-50.

⁶ *Ibid.*, p. 51.

⁷ *Ibid.*, pp. 52-53.

⁸ *Ibid.*, p. 61.

⁹ *Ibid.*, pp. 63-64.

¹⁰ *Ibid.*, p. 72.

¹¹ *Ibid.*

¹² *Ibid.*, p. 74.

officials and the minority community. As a result, the police department is now using pepper mace more often instead of police batons to subdue law violators who resist arrest. The DUI arrest rates for Hispanic persons went down after the police department was accused by Hispanics of selective law enforcement arrest in the vicinity of Hispanic taverns in Liberal.¹³

Donna Sanchez-Jenning, a community developer with the United Methodist Mexican American Ministries, declared that racism is alive and well in Liberal, Kansas, but added that it is nurtured in a very sophisticated way that makes it difficult to pinpoint and effectively address race relations.¹⁴ Among civil rights issues in Liberal, she felt that the city has done little to translate housing information for non-English-speaking tenants. City inspectors close their eyes to housing units where minority persons live, thereby creating substandard conditions. If the tenants complain, they get eviction notices and become homeless persons.¹⁵ Ms. Sanchez-Jennings affirmed the small town phenomena of a tightly knit, good old boy system that has control and does not want to relinquish it. It is very difficult to become part of this group that controls the city and manipulates people. The old money people dictate what happens in town.¹⁶ She said Hispanic families are controlled by fear because they do not know the law, and little effort or outreach is made to teach them how to become part of the community.

Ms. Sanchez-Jennings said that the Liberal school district is not providing a learning atmosphere for all students.¹⁷ She believes that because the limited-English-speaking students have a tendency to bring down test scores, school officials will suggest moving limited-English-speaking students from the regular school classes and transfer them to adult basic education, thus denying them many benefits of the school district's programs.¹⁸ Schools have become more intimidating for limited-English-speaking parents. Ms. Sanchez-Jennings said that school officials subtly insist that parents must have

social security numbers. However, INS law prohibits this questioning or need for documentation.¹⁹

Joan Lobmeyer, a parent and student advocate evaluated the high school's 1995 ACT scores, a volunteer test, and was dismayed by the comparison among Anglos, Asians, and Mexican Americans.²⁰ She alerted the Garden City school board that there was something wrong in the classroom when students are not allowed to develop their capabilities. She has received complaints from parents who said their children have not been allowed to enroll in certain classes because the teacher does not want them.²¹ In response to parent complaints, Ms. Lobmeyer also surveyed student discipline. She found that if a minority student and an Anglo student are involved in an altercation, the minority student is more likely to be suspended from school than the nonminority student.²² Further, the suspension process does not help the student's morale and sometimes leads to a dropping out. The school board was presented with the results of this student discipline survey and agreed that something must be done but the followup did not occur.²³ The school district agreed with Ms. Lobmeyer because their own employee had done an inhouse survey that showed a 37 percent student dropout rate, with a severe problem among minorities. This employee left the school district, and the position was not filled, nor was the job of analyzing dropout statistics continued. This occurred despite the fact that the Garden City school district's strategic planning committee stated objective was "We will reduce the cumulative dropout rate to 10 percent without measurable disparity among the ethnic populations." The strategic plan with this objective was accepted by the school board but it was not achieved.²⁴

A 1995 Kansas statewide report on high school dropouts ranked school districts by the dropout percentage rate from lowest to highest. For the 1993-94 school year's purpose and for a total of 298 school districts reporting, Liberal

¹³ Ibid., p. 68.

¹⁴ Ibid., p. 84.

¹⁵ Ibid., p. 85.

¹⁶ Ibid., pp. 86-87.

¹⁷ Ibid., pp. 87-89.

¹⁸ Ibid., pp. 89-91.

¹⁹ Ibid., p. 90.

²⁰ Ibid., pp. 179-80.

²¹ Ibid.

²² Ibid., p. 184.

²³ Ibid., p. 182.

²⁴ Ibid., pp. 184.

USD 480 ranked 259 with a 4.2 percent high school dropout rate; Garden City ranked 287 with a 5.6 percent dropout rate; and Dodge City ranked 296 with a 7.0 dropout rate. Dropout data by ethnicity was not available in this report.²⁵

Ms. Lobmeyer also told the Advisory Committee that qualified minority teachers were difficult to recruit and when found, were not encouraged to remain. According to Ms. Lobmeyer football coaches appear to be more important than other teachers. She also indicated that in the Garden City High School only 1.8 percent of minority students are in the gifted student program out of a total of 50 students.²⁶ In Garden City the ordinary citizen is afraid to speak out or ask questions about the schools for fear his or her children will suffer even more.²⁷

Sang Nguyen, a Headstart social service coordinator in Garden City, said that there are no problems for the Southeast Asians in town. Federal funding is provided and English as a Second Language classes are available for Asians. There is no problem adapting to the new society and there is no discrimination. Asians do not have any problems with the police.²⁸ Mr. Nguyen also mentioned that the Asian family works very hard and sacrifices for the education of their children. The Southeast Asian immigrants are considered political refugees because of the Vietnam War. Their integration into American society is subsidized by U.S. Government funding and some families are sponsored by church groups.²⁹

Reynaldo Mesa is a member of the Inclusion Committee of Garden City's Chamber of Commerce and president of the Hispanic Professionals Association. The objective of the Inclusion Committee is to recruit more minority business owners to become members of the chamber. There are approximately 75 minority or women-owned businesses in the city and only a few are members of the local chamber of commerce.³⁰ When referring to Hispanic concerns in the city

Mr. Mesa told the Advisory Committee that the local beef packing plant employs a workforce that is 80 percent Hispanic. Because of the way in which they conduct their raids for undocumented persons, the Immigration and Naturalization Service (INS) has given the Hispanic community a black eye. In Garden City, the INS raids instill fear among Hispanics, disrupting school routines and family life. Parents keep their children at home during and after the raids to avoid arrest and deportation.³¹ Mr. Mesa felt that Garden City is trying to improve race relations with the immigrant community but that national election politics and the Hispanic wedge issues work counter to these local efforts.³²

Loretta de la Rosa, a resident of Garden City, spoke to the Committee about the new immigrants. She described them as persons trying to make a new life for themselves and are good, hardworking people, working long hours, which sometimes does not allow time for learning the school system and helping their children survive. The legal system also poses barriers for new residents who encounter laws that are different from those in Mexico or the mother country. According to Ms. de la Rosa, unlike the Asian people, the Mexican comes without sponsors, and learns the ropes from relatives who are still having problems themselves making the transition to American society. The Mexican people do not have Federal programs to help them adjust to this new society.³³ Ms. de la Rosa spoke clearly about the schools' failures with the dropout student, yet the money the district gets for each student stays within the district budget, but the student is out on the streets. In addition to school subjects, students should be taught how to cope with everyday problems, including acceptable behavior in school and outside of school. How to handle subtle prejudice, whether in the school, in the department store or from the police, has to be dealt with through the educational process. According to Ms. de la Rosa, racism is difficult to pinpoint but its affect on the individual's self-esteem is damaging for the average student and more difficult for the new immigrant.³⁴ The people who experience dis-

²⁵ Kansas State Board of Education, *Kansas USD Dropout Report 1989-90 through 1993-94*, March 1995.

²⁶ *Ibid.*, pp. 186-87.

²⁷ *Ibid.*, p. 193.

²⁸ *Ibid.*, pp. 107-09.

²⁹ *Ibid.*, p. 110.

³⁰ *Ibid.*, pp. 134-36.

³¹ *Ibid.*, pp. 118-23.

³² *Ibid.*

³³ *Ibid.*, pp. 139-40.

³⁴ *Ibid.*, pp. 144-45.

crimination should know how to file a discrimination complaint, as a right and as a defense.

Dora Falcon, a community developer for the United Methodist Mexican American Ministries in Dodge City, spoke of the various social services available to persons in the community. She also spoke of the rapid growth of the Hispanic population in her city over the past 10 years. She remarked that non-Hispanic residents get extremely uncomfortable and intolerant when Hispanics are visible in their community and speak Spanish in public. Non-Hispanics avow that Hispanics should learn to speak English if they are living in the U.S. Hispanics are also blamed for the effects of overcrowded schools. Ms. Falcon said the Hispanic student dropout rate is very high; the Dodge City School District's student dropout rate is one of the highest in the State.³⁵ Hispanic leaders and Dodge City officials have worked together to find solutions to problems in the community. The creation of a local human

relations department, a Hispanic leadership development program, and a Spanish newspaper are some of the new directions taken. There have not been any attempts in Dodge City to keep Hispanics from exercising their right to vote.³⁶

The issues for the new immigrants in Dodge City mirror the concerns in Garden City and Liberal. The language barrier and the new and different order of living poses a problem for Hispanics. Bad communication and the misunderstanding of cultural norms place Mexicans and Anglos in a sensitive situation with reference to coexistence in society. The old guard is fearful of losing power and community clout and often a common ground is not found.³⁷ Ms. Falcon felt that a solution for many of the social needs can be solved through the proper education of the new residents and Hispanics both at the school district level and at the community college level, including adult basic education.³⁸

³⁵ Ibid., pp. 155-59.

³⁶ Ibid., p. 175.

³⁷ Ibid., p. 159.

³⁸ Ibid., p. 168.

3 Government Perspective

The Kansas Advisory Committee invited local, State, and Federal governmental agencies to explain how their agency works in processing discriminatory complaints filed by the community.

James Weston, an equal opportunity specialist for the U.S. Department of Education, Office for Civil Rights (OCR), gave a brief overview of the five Federal civil rights statutes that prohibit discrimination in programs and activities that receive Federal financial assistance from the Department of Education. OCR enforces Title VI of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972, Section 504 of the Rehabilitation Act of 1973, the Americans with Disabilities Act, and the Age Discrimination Act of 1975. OCR deals with institutions such as the State educational agencies, elementary and secondary schools, colleges, universities, vocational schools, vocational rehabilitation agencies, libraries and museums.¹ OCR carries out its missions by investigating discrimination, doing compliance reviews and providing technical assistance. In order to process a formal complaint, the document must have five characteristics:

- (1) It has to be written and signed.
- (2) It has to describe a way to contact the complainant.
- (3) The complaint has to identify the person, entity or group that is being injured by the alleged discrimination.
- (4) It must also identify the person or institution alleged to have done the discrimination.
- (5) Last, the complaint must provide sufficient information to understand the factual basis for the complainant's belief that discrimination has occurred and when that discrimination has occurred.

¹ Kansas Advisory Committee to the U.S. Commission on Civil Rights, Community Forum on Race Relations in Rural Kansas Towns, Garden City, Dec. 13-14, 1995 (hereafter cited as *Transcript*), pp. 198-99.

"Why do you feel the discriminatory act is based on race, sex, disability or whatever the issue is?" This question and these elements must be in the complaint so that the investigation can begin.² The entity being charged with discrimination must be a recipient of Federal financial assistance from the Department of Education before the charge can be valid under the law.

A new part of the compliance review is the profile assessment and resolution review. When an institution, such as a school district is reviewed, a specific data request is made of the district. The district is given a self-assessment guide related to questions on the specific issue under review. At the end of the site visit OCR is able to give immediate feedback at the exit interview on how to correct the out-of-compliance issues. The compliance review generally looks at the screening process for advanced educational programs, at school discipline procedures, at racial harassment, and hostile environment, at minority representation in special education, and educational services for the limited English proficient students.³

John Halverson, the regional manager of the U.S. Department of Health and Human Services (HHS), Office for Civil Rights (OCR) described his agency's function. HHS/OCR enforces civil rights laws through a comprehensive program of individual complaint investigations, compliance reviews, technical assistance, and monitoring to ensure continued compliance.⁴ HHS/OCR enforces Title VI of the Civil Rights Act of 1964, a law that protects persons from discrimination in the receipt of services based on their race, color, or national origin. HHS/OCR enforces this law in programs and activities that receive funds from HHS.⁵ Covered recipients include hospitals, nursing homes, mental health centers, and migrant health centers as well as State and local social services agencies. A person who meets the program eligibility requirements has the right to

² *Ibid.*

³ *Ibid.*, p. 201-03.

⁴ *Transcript*, pp. 212-13.

⁵ *Ibid.*, p. 213.

participate in health care services, such as prenatal care, inpatient hospitalization, long-term care, and in social services such as senior citizens activities and youth services.⁶ HHS/OCR also enforces the Hill-Burton Act, which provides financial assistance for construction of hospital facilities and other health care facilities such as nursing homes.⁷

Other statutes enforced by HHS/OCR are Section 504 of the Rehabilitation Act of 1973, the Age Discrimination Act, and the provision of the Omnibus Budget Reconciliation Act of 1981, which requires nondiscrimination in the block grant program administered by HHS.⁸ On January 26, 1992, OCR commenced enforcement of Title II of the Americans with Disabilities Act which prohibits discrimination by State and local government entities on the basis of disability.⁹

In order to better target the limited resources of OCR, the agency is conducting limited scope compliance reviews, which focus only on one HHS recipient compliance area, one law, and, usually on one issue. These are reviews conducted from the office, using data requests and telephone interviews.¹⁰

Robert G. Lay, the executive director of the Kansas Human Rights Commission (KHRC), gave the Advisory Committee an overview of his agency's work statewide and information on race relations. This State agency is empowered by law to investigate complaints of discrimination based on race, religion, color, sex, disability, national origin, ancestry, or age in the areas of employment, public accommodations, and housing. Complaints must be filed within 6 months or 1 year in the case of housing discrimination. There is no filing fee and intake personnel are helpful in drafting the complaint based on information provided by the complainant.¹¹

The goal of the commission is to conduct a thorough and objective investigation. The commission is required by law to assume a neutral, nonadversarial, and impartial role in its investigations.

After gathering the facts, interviewing witnesses, and reviewing records, the field investigator will write a case summary. The summary is presented to an investigating commissioner who is responsible for issuing a finding of either probable cause or no probable cause. There must be evidence of discrimination for a probable cause finding. If the commission makes a no cause finding, it closes the case and takes no further action. The complainant however may then file an action in the district court of Kansas or through private legal counsel. If the commission issues a probable cause finding, the commission attempts to resolve the complaint through a written conciliation settlement. If settlement fails, the case will likely be scheduled for a public hearing. The commission's decision after a public hearing can then be appealed to the district court by either party.

After a complaint has been on file with the Kansas Commission on Human Rights for 300 days without a determination of probable cause or other disposition, the case may be closed if the complainant makes a written request for dismissal so that he or she can file the case in district court.¹²

In western Kansas 96 percent of discrimination complaints emanated from five towns: Dodge City, Garden City, Liberal, Great Bend, and Hays. Disability was the most common basis for complaints filed over a 3-year period. Employment discrimination complaints accounted for 95 percent of all complaints.¹³ Mr. Lay noted that more incidents of discrimination occur that do not get reported. Many people either do not know how to file a complaint, do not want to get involved in an adversarial situation, or they fear retaliation. He added that new immigrants, documented and undocumented, are suspicious of government entities, live in fear of deportation, and, therefore, do not report discriminatory treatment. This is common in western Kansas where the huge food processing plants employ large numbers of Hispanic and Asian workers.¹⁴

The Kansas Human Rights Commission has contracted with the Dodge City Human Relations Commission to have the city process, accept, and investigate discrimination complaints.

⁶ Ibid., pp. 213-14.

⁷ Ibid.

⁸ Ibid., p. 215.

⁹ Ibid.

¹⁰ Ibid., p. 218.

¹¹ Ibid., pp. 217-18.

¹² Ibid., pp. 234-37.

¹³ Ibid., pp. 235-37.

¹⁴ Ibid., p. 241-42.

This effort to bring a State agency closer to the citizens in western Kansas is one viable, feasible alternative to establishing a district office for handling discrimination complaints in western Kansas.¹⁵ KHRC has also improved its complaint process and has eliminated approximately 50 cases per month from its backlog of approximately 2,000 cases.¹⁶

John Deardoff, the city manager for Dodge City, said the city is a growing community of approximately 23,000 people. Although the 1990 census pegs the minority population at 15 percent, a more realistic number is 30 percent, with Hispanics making up the larger share of that number. Dodge City has a commission/manager form of government whereby five city commissioners are elected at large on a nonpartisan basis. The commission hires a city manager who administers the day-to-day operations of the city and advises them on policy implementation. There are five white males on the commission.¹⁷

The city manager sees three segments of the population in Dodge City, one, the Caucasian, two, the resident Hispanic or the long-term Hispanic who has grown up in Dodge City, and third, the immigrant Hispanic.¹⁸ The immigrant Hispanic has been responsible for the 15 percent increase in the Dodge City population. According to the city manager the immigrant Hispanic is attracted to the jobs that are available at two large packing plants in Dodge City. The Excel Corporation employs approximately 2,400 people and National Beef employs approximately 1,000 people. The city manager was informed by the corporations that 60 to 80 percent of the employment force at the plants is Hispanic.¹⁹ There is a perceived split in the community as to the value of the packing plants in Dodge City. One side sees the packing plants as a major contributor to the economic well-being of the community. The other side sees the plants as the explanation for overcrowded schools, for the negative impact on social services, and for the increase in criminal activity.²⁰

¹⁵ Ibid., p. 244.

¹⁶ Ibid., p. 258.

¹⁷ *Transcript*, pp. 282-83.

¹⁸ Ibid., p. 283.

¹⁹ Ibid., pp. 283-84.

²⁰ Ibid., pp. 281.

Mr. Deardoff is satisfied with the creation of the Dodge City Human Relations Commission. He was told that the local commission was formed as a result of racial tensions created over a labor dispute possibly involving a labor union at one of the beef packing plants. The local human relations commission has focused their efforts on educating the public on resources available for addressing race relations.²¹

Dodge City has 176 employees and of that number 12 percent are minorities compared to a Hispanic population of 30 percent in the city's population. The Dodge City Police Department has two officers that are bilingual Spanish speaking. The city has a pay incentive for any city employee who has bilingual skills that are used in the delivery of city services. Of the 20 different city advisory boards with a possible 129 appointments, 93 percent are filled by whites and 7 percent by Hispanics.²²

Robert M. Halloran, the city manager of Garden City described a brief history of the minority population's growth in the city. Traditionally, the Hispanic community has been a large part of Garden City. Historically it has made up 20 percent of the population but recently it has grown to about 33 percent. The Southeast Asian community accounts for approximately 7 percent, which makes a 40 percent minority population. The Asian community is largely Vietnamese, with a significant number of people from Laos and Thailand. The rapid population growth has been due to the location of the IBP Corporation and the construction of the Sunflower Electric Plant. Mr. Halloran described one-half of the Hispanic population as a native, vital part of the community for many years and the other half as fairly new to Garden City but also very dynamic, mostly young and male, involved with the work at the packing plants.²³

The Garden City city hall has publications and signs in English, Spanish, and Vietnamese. The city offers pay differential for bilingual capability for public employers in certain jobs that require contact with the public. The city is proud of its ability to respond to the public's needs using bilingual communicative skills.²⁴

²¹ Ibid., pp. 284-85.

²² Ibid., p. 284.

²³ Ibid., p. 305.

²⁴ Ibid., pp. 306-07.

The city Commission has three whites and two Hispanics, one who is a woman. Representation on the city advisory committees has to improve with reference to appointments of Hispanics and youth.²⁵

Mr. Halloran is proud of the successful efforts of the Adult Learning Center, a project of the community college, the school district, the city, and the county. The center has been successful with a curriculum that helps integrate the newcomer to the community by helping one understand how to live, work, and function in a new country and in a new environment.²⁶

The city manager, in describing the community and the employment involved with the meat packing industry, said it was dynamic and changing. Few of the immigrants stay long enough to take advantage of the promotion opportunities within the corporation. The turnover is great and many persons do not stay with their positions. It is very hard and hazardous work.²⁷

²⁵ Ibid., pp. 308-09.

²⁶ Ibid., p. 312.

²⁷ Ibid., p. 319-20.

4 Law Enforcement Perspective

The Kansas Advisory Committee received concerns about the high rate of arrest for driving under the influence of alcohol (DUI) for Hispanics and of the targeting of bars frequented by Hispanics. In addition the law enforcement agencies' hiring of minorities, women, and the disabled person has always been a subject for review by the Committee. Because of the concerns related to law enforcement, both police chiefs and sheriffs were invited to share their views on race relations and their operations in western Kansas.

Vernon "Sonny" Ralston, the acting police chief from Liberal, Kansas, told the Advisory Committee that he had been on the police force for 33 years, starting as a dispatcher. He felt that the community supported the police department. He cited a recent example in which an officer was shot in the head by a juvenile and the community rallied to his support.¹ Mr. Ralston said there was a lack of leadership in Liberal with city managers not staying long and a vacant police chief position. Recently a city manager and a police chief were hired. A bond issue was passed that will allow for new community police projects. Chief Ralston talked about community policing, enhanced police training, and overall good community relations. The Liberal police force has 20 sworn white officers including three white female officers. There is one black male officer, two Hispanic male officers, and one Japanese male officer. Reserve officers include one Asian male, one Hispanic male, and one white female. There is also diversity in the support services of the police department that has improved the city communications with the public.² Mr. Ralston was quite specific about the number of members of the police force but spoke in generalities about the Asian population, the community policing project, the city's complaint process, and the arrest rate information of the

minority populations. A new police chief will take over operations within the month.³

Oakley C. Ralph, the police chief of Dodge City, has been on the force for 32 years and chief for almost 25 years. He said that there has been public pressure for the police department to develop more of an enforcement mode than a public service mode which he does not like because it promotes negative views about what the police department is doing. Chief Ralph described the community policing program in Dodge City as a partnership between the department and the community. The police department receives input from the community residents in identifying the problems that need to be corrected. A funding grant for the community policing program was given to Dodge City, which allowed one police officer to do community surveys, coordinating of the program, provide training in the philosophy of community policing, and in general developing closer relationships with the community.⁴ Police Chief Ralph said that he had not received or heard any citizen complaints or negative reports on race relations. He acknowledged that, over the years, Dodge City has changed from a small, established rural community of 15,000 people to a more transient population of 22,000 with a substantial Hispanic community and many residents that he does not know.⁵ The cultural clash of the new Hispanic immigrant lifestyle with that of the established Dodge City resident centers mostly around the language barrier and living customs. Most of the police department complaints are related to loud house parties, parking cars in the front yard, and pig roasts in the backyard, but seldom have there been racial tensions.⁶

The Dodge City Police Department has a police force of 38 of which 4 are Hispanic officers.⁷

James Hawkins is a captain for the Garden City Police Department. He has 12 years experi-

¹Kansas Advisory Committee to the U.S. Commission on Civil Rights, Community Forum on Race Relations in Rural Kansas Towns, Garden City, Dec. 13-14, 1995 (hereafter cited as *Transcript*), p. 325.

² *Ibid.*, p. 330.

³ *Ibid.*, p. 342.

⁴ *Ibid.*, pp. 348-49.

⁵ *Ibid.*, pp. 352-53.

⁶ *Ibid.*, pp. 354-55.

⁷ *Ibid.*, p. 360.

ence on the force and a master's degree in Spanish. He stated to the Advisory Committee that the Police Department has a total staff of 85 people, 2 with master degrees, 21 with bachelor's degrees, 18 with associate degrees. There are 26 female employees, 59 male employees, 12 Spanish-speaking employees, 3 sworn female officers, 1 Korean male officer and 6 sworn bilingual officers. There are six nonsworn bilingual employees.⁸

According to Captain Hawkins, Garden City's community policing unit has nine members and soon may have four additional positions. The team with bicycle officers, is part of a neighborhood watch and crime prevention project and it does community relations. The department has also established a scholarship program to encourage Hispanics interested in a criminal justice career. They recruit for job vacancies in highly populated Hispanic areas of New Mexico, Texas, and California.⁹ In addition to a community policing program and recruiting for a diverse work force, the Garden City Police Department offers classes in conflict resolution, drug resistance, and alcohol resistance. The police department is conducting activities that will bring law enforcement officials closer to the residents of Garden City.¹⁰

Arlyn Leaming is the Sheriff of Ford County. He runs the county jail located in Dodge City. The county jail maintains approximately 52 inmates per day. The inmate ratio is 40 percent Hispanic to 60 percent white. The Asian and black inmate population is very low. Crime violations in Ford County are mostly drug related. Sheriff Leaming believes that the cocaine and marijuana drug trail in Kansas follows the employment traffic of the beef packing plants. The

drugs come from Mexico through the southwest into Kansas to destinations in Chicago and Maine.¹¹

The Sheriff's Department has a youth out-of-school suspension program, called Community Education Opportunity. It identifies the individual's problem, and makes a referral to a community-based agency. A mentor program is part of the CEO activity. The key to its success depends on the parents' involvement. Parents have been very responsive because of the educational needs and supportive services for the youth. It is a good gang prevention approach that uses parent groups.¹²

Grover Craig, the sheriff for Finney County, spoke to the Advisory Committee about his operations. He is responsible for jail operations for Finney County. There is a patrol division, an investigative division, a warrant division, an office division and a civil division. Sheriff Craig has been in the position for 25 years plus 12 years with the Garden City Police Department. The Sheriff's Department has a good reputation in the community. This is due to some extent to 15 Hispanics who work and communicate well with all the people, eliminating language barrier problems of the Spanish speaking population. All officers are encouraged to be bilingual. The department has also issued some community bulletins in the Spanish language.¹³ Jail space is a problem in Finney County and sometimes prisoners are housed in other county jails. Finney County law enforcement operations appears to be in good shape, with no apparent race relations issues according to Sheriff Craig's perspective.¹⁴

⁸ Ibid., p. 366.

⁹ Ibid., pp. 366-67.

¹⁰ Ibid., p. 368-69.

¹¹ Ibid., pp. 374-75.

¹² Ibid., pp. 377-78.

¹³ Ibid., pp. 382-84.

¹⁴ Ibid., pp. 387-88.

5 School District Perspective

The three school districts in western Kansas invited to the Advisory Committee's forum on race relations are among the rural districts with the highest high school student dropout rates in the State. Hispanics have a higher dropout rate than Anglos or other minorities in the school districts reviewed by the Committee. Garden City in the 1970s was among the first school districts in Kansas to implement the provisions of the *Lau v. Nichols* Supreme Court decision which provided for bilingual education as a vehicle for improving the educational achievement level of non-English-speaking students.¹ One educational objective of our society is to assimilate language minorities into the economic, social, and political mainstream of our country. Good language methods of instruction hasten the assimilation process. The current impact of the migration of culturally diverse students to western Kansas has shifted the teaching method from bilingual to English as a Second Language (ESL). The Committee requested information on what has happen in the school districts of western Kansas vis-à-vis public education for the protected classes.

Gordon Riffel, the deputy superintendent for USD 480 in Liberal described his operations. He stated that the district's vision statement reflects quality learning through quality education. Accordingly, the Liberal school district has been a pioneer in English as a Second Language curriculum. They have a migrant education program that serves 710 students. The district uses minority paraprofessionals, Spanish language in their staff development, and "grow your own" teacher recruiting methods for bridging the gap

between teachers and the culturally different student population.²

In response to a question on disciplinary measures and student suspensions Dr. Riffel stated that all of the Liberal schools subscribe to Lee Cantor's assertive discipline program.³ When students do not adhere to the discipline policies and commit major infractions of the rules, they are given an inschool suspension (SID) which is held in a separate school building. Those individuals who violate the provisions for SID or who demonstrate behavior that is injurious to themselves or others may be placed on a 3 or 5 day suspension.⁴

Dr. Riffel also stated that the school districts' special education and applied classes do not have a disproportion number of minority students. He indicated that research finds special education intervention necessary for 12 percent of the student population. In the applied classes, he has not seen the numbers of minority students he would like to see enrolled.⁵ Liberal School District data show that for the school years 1992-95, the gifted program enrolled 129 students of which 9 were minority students. In another program category for the learning disabled, for the 3-year period, 1992-1995, the school district enrolled 311 students, of which 104 students were minority students. The district has nine additional program categories in special education.⁶

In a December 11, 1992, letter to Dr. Harvey Ludwick, superintendent of the Liberal USD 480, the U.S. Department of Education, Office for Civil Rights (OCR) issued the results of their compliance review of the Liberal School District. OCR determined that the district violated Title VI of the Civil Rights Act of 1964 and its imple-

¹ 414 U.S. 563, 568 (1974). This decision upheld Title VI administrative regulations from 1970 stating: "Where inability to speak and understand the English language excludes national origin-minority group children from effective participation in the educational program offered by a school district, the district must take affirmative steps to rectify the language deficiency in order to open its instructional program to these students." *quoting HEW guidelines, 35 Fed. Reg. 11595).

² Kansas Advisory Committee to the U.S. Commission on Civil Rights, Community Forum on Race Relations in Rural Kansas Towns, Garden City, Dec. 13-14, 1995 (hereafter cited as *Transcript*), pp. 391-93.

³ *Ibid.*, pp. 397-98.

⁴ *Ibid.*, p. 398.

⁵ *Ibid.*, p. 404.

⁶ Data requested from Liberal School District, Item #10, USCCR's letter dated Aug. 28, 1995.

menting regulations regarding the issues of equal educational opportunity to limited English proficiency (LEP) students. OCR also found that the district violated the regulations implementing Title IX of the Education Amendments of 1972 and Section 504. The district submitted a letter dated October 26, 1992, that provided the specific steps the district would take to correct the violations.⁷

Gene Young is the superintendent for Dodge City School District 443. The district has an enrollment of 5,067 students. The ethnic student distribution is 37 percent Hispanic, 3 percent Asian, and 3 percent black. A free or reduced cost lunch is provided for 47 percent of the student population. The district has the largest migrant education program in Kansas serving 2,283 students. The district employs 670 persons and has a total operating budget of \$24,032,926.⁸

The superintendent predicts that within 3 years the minority student population will be larger than the white student population. The school district is running out of classroom space, adding students and not receiving additional monies, which make for a tight school year budget.⁹

Dr. Young said the school district is using a controlled choice (enrollment) that will eventually equalize or balance the student population in all the seven elementary schools between minority students and white students. Currently there is one school with 90 percent minority student enrollment and another with 10 percent minority students. He anticipates problems from white parents when the transferring of students occurs.¹⁰

According to Dr. Young, while the number of students has gone up, the number of dropouts and the percentage of dropouts has gone down, but he is not quite sure how to interpret the data. However, he stated that the Hispanic student dropout rate (16.6 percent) at the high school is twice the dropout rate (5.9 percent) for Anglo students. He correlates the indicator of

high income level of Anglo with a lower student dropout rate and the lower income level with a high dropout rate for Hispanics.¹¹

Information provided January 29, 1993, by the Dodge City Unified School District 443 to the U.S. Department of Education, OCR using Form ED102 indicated that Dodge City Middle School had a total enrollment of 941 students including 20 blacks and 226 Hispanics. The school's gifted and talented program enrolled 46 students which included 42 white students, two Hispanics, and two blacks. Additionally information provided by the Dodge City High School on Form ED102 showed a total enrollment of 1,238 students. Of the 91 students suspended, 56 students, or 61.5 percent were white; 4 students, or 4 percent were black; 29 students, or 31.8 percent were Hispanic. Of 229 Dodge City high school students who completed schooling for the reporting year (1991-92) 30 Hispanics, or 13 percent of all completers, received diplomas.¹²

Linda Trujillo, the director of supplemental programs for USD 457 Garden City, said that she felt that Garden City has a growing ethnic group that gets along very well. The city and the school district have received national media attention and warranted a research study from the Ford Foundation. She said that there are some school problems but race relations are good. The school district's student population is approximately 7,400, with the ethnic group student rate at about 51 percent versus 49 percent for the white student population. The district has 541 certified personnel including teachers and administrators and 483 classified personnel. Of the 541 certified personnel counted 37 are Hispanic teachers or administrators, 7 Southeast Asians (Vietnamese and Chinese), 2 African Americans, 2 Native Americans, and 493 whites. The district has 131 teachers and administrators who are male and 410 who are female. Within the classified personnel 133 are Hispanic, 10 are Southeast Asians, 2 African Americans, 9 Native Americans, and 329 are white. Ninety classified personnel are male and 393 are female.¹³

Ms. Trujillo said that the student population at the elementary school level is almost a 50 percent split with reference to gender and about 56

⁷ Letter from U.S. Department of Education, OCR to Dr. Harvey Ludwick, dated Dec. 11, 1992.

⁸ Dodge City USD 443 Quick Facts. Data request information, Commission's letter dated Aug. 25, 1995.

⁹ *Transcript*, pp. 415-16.

¹⁰ *Ibid.*, pp. 419-20.

¹¹ *Ibid.*, p. 430.

¹² Dodge City USD 443, ED 102 Forms.

¹³ *Transcript*, pp. 436-37.

percent ethnic group, with 49 percent being Hispanic and 4 percent Asian. Forty-four percent of the elementary school level students are white. At the secondary school level, the Hispanic percentage of students goes down to 37 percent and the white student percentage goes up from 44 percent to 55 percent.¹⁴

She also stated that over the last 20 years, there has been a tremendous change in the students. In previous years, the Hispanic student could speak English and needed help with reading and writing. Currently there are 1,000 students who are limited English proficient in reading, writing, and speaking. The number is climbing, and the student population is very transitory. Teaching the Hispanic population is difficult because of the different levels of education that they bring from their native countries. Students receive a good education in Mexico but the Central and South American student pres-

ents a new challenge for teachers; for example 30 percent of the Hispanic students at the district elementary school level are illiterate in their first language. English as a Second Language is used because at one time, 5 years ago, 17 different languages or dialects were spoken in the district's school system, representing 11 different countries.¹⁵

In response to why Hispanics have a low ACT scores, Ms. Trujillo said that the district does a good job of teaching kids to speak English but has not done a good job of teaching anything else, such as science and math. Because the district students can not handle what is going on in the classroom and do not want to look stupid, they just leave school, and Ms. Trujillo feels that the Hispanic males are the ones they fail to keep in school.¹⁶ Ms. Trujillo explained the positives and the negatives of program areas.

¹⁴ Ibid., pp. 437-38.

¹⁵ Ibid., pp. 439-42.

¹⁶ Ibid., pp. 448-52.

6 Summary

A Kansas Human Rights Commission official and forum participants confirmed what some citizens in western Kansas have claimed. Persons who have suffered discrimination in the school system, in the public and private sectors of employment, and in the administration of justice, do not know how to file formal complaints of discrimination using the mechanisms available to them. Additionally, fear of retaliation by persons in authority or fear of deportation of legal immigrants and undocumented persons are barriers to filing the complaints. The high dropout rate of Hispanic high school students in western Kansas school districts has been ongoing for years. Some alternative programs have been designed to help lower the dropout rate but progress has been slowed. Government agencies at the State and Federal levels have monitored educational programs in the school districts with mixed results. The high dropout rate of minority students in the school districts was mentioned. Some felt a need for a different approach to education, with a new focus on the academic

achievement of minority students and the creation of a stronger link with the community by increasing parental involvement.

There should also be accountability by the school system for every tax dollar spent. There must be proper and equal distribution of school expenditures throughout the school district so that every student can benefit from the district's resources. Equity in hiring opportunities in some school districts, sheriff departments, and police departments have to be improved because current recruiting methods have failed to improve staffing patterns for the protected classes in these institutions. Community participants in the forum repeatedly stated that the education of all the residents in rural western Kansas towns is needed to solve the emerging problems of a diverse work force that has been attracted by the beef packing plants in western Kansas. Education at all levels for the new immigrants is one solution suggested by forum participants for improving race relations in western Kansas.

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