

# THE RIGHTS STUFF

QUARTERLY PUBLICATION OF THE MINNESOTA DEPARTMENT OF HUMAN RIGHTS • AUTUMN 2009

*As American culture changes and groups long without a voice speak up, other Americans are shouting back. Why are so many so angry? How can we get beyond the rage to a more civil discourse?*

## Backlash

1. a sudden, forceful backward movement; recoil.
2. a strong or violent reaction, as to some social or political change.



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# As I See It



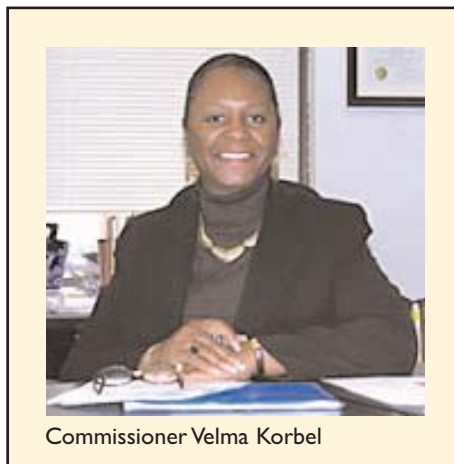
*Commissioner Velma Korbelt shares her point of view on a variety of topics in this blog*

## Do You Believe in Backlash?

When I was about ten years old they cut down the hundred-year-old pin oak tree that stood next to the post office on the town square. The tree provided a shady gathering place for folks when they came to town on Saturdays. A few weeks before they cut down that stately old tree, some of the men had talked about putting one of them up to run for the city council. The word that got around was that the tree was cut down as a result of the backlash the Black community suffered for using it as a gathering place to talk politics against the town's establishment. The "official" reason given for the destruction of this beautiful, old tree was that it fixed a loitering problem. Of course folks still loitered around the corner at the mercantile, but they weren't Black.

MSN Encarta's Online Dictionary defines backlash as a strong adverse reaction among a group of people to an event, development, or trend, especially one that benefits another group. The Cambridge Dictionary defines it to be a strong reaction among a group of people in response to a change or reaction to recent events in society or politics.

I agree with these definitions,



Commissioner Velma Korbelt

and offer some questions to ponder as we delve deeper into the issue of backlash.

Is the increase in violence against women as reported by the Feminist Peace Network backlash for women's standing up against oppression?

Is the 48% increase in 2008 in hate crimes in Minnesota as reported by the National Coalition of Anti-Violence Programs backlash for the prominence of the discussion of immigration issues or issues regarding the GLBT community?

Some would say not all backlash is bad. For example, the outcry against genital mutilation has created an awareness and a movement to resolve this issue. There are some that have said that the election of Barack Obama to the presidency is backlash for eight years of the Bush-Cheney

administration.

Is it true then, that backlash that results in a movement that creates positive social change is good?

Which group of statements do you believe?

### **Group 1:**

*America is the land of opportunity.*

*You should be free to love whomever you want.*

*Every person should be able to worship as they choose.*

*Every child should grow up to become what s/he wants to be.*

*Every person should be treated with dignity and respect.*

### **Group 2:**

*America is the land of opportunity...for some.*

*You should be free to love whomever you want...except when (fill in the blank).*

*Every person should be able to worship as they choose...but not when (fill in the blank).*

*Every child should grow up to become what s/he wants to be...in most cases.*

*Every person should be treated with dignity and respect...unless (fill in the blank).*

Which group did you choose?

As I see it, every person has a tendency to engage in backlash...the good kind or the bad kind. But don't let yours run afoul of the Minnesota Human Rights Act.

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# Case of the Month

*Department of Human Rights finds probable cause that female kitchen manager sexually harassed male bartender at Wheaton, MN American Legion*



**When he refused her advances, she retaliated by continually and constantly harassing him, the Department's investigation found.**

## **What the charging party alleged:**

While employed at the Wheaton American Legion, Billy Lambert was sexually harassed by the Legion's kitchen manager, Cindy Iverson, on numerous occasions. One day when he was washing glasses in the bar area, she grabbed his testicles and attempted to kiss him. She told him that she intended to have sex with him. When he refused her advances, she retaliated by continually and constantly harassing him, failing to pay him overtime, and accusing him of not performing his duties in a timely manner.

As a result of the harassment, Lambert developed ulcers and experienced nightmares, insomnia, and depression.

He complained about the harassment to the general manager of the Legion, Tony Theil, and reported it to the Legion's chairmen, Rudy Rodriguez and Al White. But the harassment was never investigated, nor was Iverson disciplined for her behavior.

In September 2007, Lambert filed a charge with the Equal Employment Opportunity Commission (EEOC), which was transferred to the Minnesota Department of Human Rights. Lambert alleged that he was sexually harassed, and that his employer had engaged in reprisal after

## **Charging Party**

Billy Lambert  
Wheaton, MN

## **Respondent**

Wheaton American Legion  
P.O. Box 835  
Wheaton, MN 56296

Case number 50337  
closed 9-22-09

he complained about the harassment.

## **What the Department's investigation found:**

In answering the charge, the employer denied that Lambert was subjected to sexual harassment or reprisal. The Legion had moved to a bigger facility and increased its staff two years earlier, and since that time it had been having issues with personality conflicts, back stabbing, and unwarranted accusations among its employees, the employer explained. The Legion had never investigated Lambert's accusations of sexual harassment, because it had never received a formal complaint; it only learned of the harassment when Lambert brought it up at a meeting

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called for a different purpose, three months after the alleged incident occurred, the employer stated. At the same meeting, Lambert turned in his one week notice and announced that he was starting another job the next Monday; thus the employer saw no need to investigate the matter at the time, since Lambert had already resigned. In his complaint, Lambert had “over exaggerated” the incident due to unresolved personality conflicts with the kitchen manager, the employer claimed.

In its investigation, the department found sufficient evidence to support Lambert’s charge that he had been subjected to sexual harassment by the kitchen manager. A female co-worker indicated that she saw two different incidents of harassment. During the first incident, the kitchen manager grabbed Lambert’s groin area, grabbed his head, and tried to kiss him; when he told her to stop, she continued to harass him by making sexual comments, the witness stated. In the second incident, the kitchen manager grabbed Lambert’s buttocks, according to the witness.

Although the employer denied that Lambert had officially complained, the department found

sufficient evidence that he complained to both the bar manager and a committee chairman. The department’s investigation also found that the employer had no sexual harassment policies, that it had failed to take prompt and reasonable action when Lambert complained, and that Lambert had been subject to an intimidating, hostile and offensive work

environment. As result of this environment, he had been “constructively discharged.” (A constructive discharge is said to occur when a work situation becomes so intolerable that any reasonable employee would be compelled to quit in like circumstances.)

“The evidence supports the charging party’s claim of sexual touching, language and actions

performed by the kitchen manager, the respondent’s agent, directed at him,” the department said, in finding probable cause that Lambert had been subjected to sexual harassment in violation of the Human Rights Act. “Witnesses confirm that the charging party found this conduct to be unwelcome, causing an offensive and hostile work environment. The sexual conduct to which the charging party was subjected was

sufficiently severe and pervasive to reach the level of sexual harassment.”

The department’s investigation did not find that Lambert had been subjected to any adverse action as a result of complaining about the kitchen manager’s harassment. Thus, the department did not find sufficient evidence to support Lambert’s claim that he had been subjected to reprisal.

In a settlement negotiated with the Department of Human Rights, the Wheaton American Legion agreed to pay Billy Lambert \$10,000. It also agreed to reexamine its policies and procedures with respect to sexual harassment, to revise those policies as necessary, and to provide at least two hours of training for its managers, supervisors and human resource personnel regarding employer obligations under the Human Rights Act, including information on sexual harassment.

*This settlement agreement does not constitute an admission of any liability, an admission of a violation of the Minnesota Human Rights Act or any other law, or an admission of wrongdoing by the respondent.*

## Human Rights Day Conference At a Glance

**When:**

Friday, December 4, 2009

**Where:**

Saint Paul RiverCentre

**Conference Theme:**

Where Do We Go From Here

-- Dr. Martin Luther King Jr., 1967

**Keynote Speaker:**

Dr. Frank Wu, author of *Yellow: Race in America Beyond Black and White*, and co-author of *Race, Rights and Reparation: Law and the Japanese American Internment*.

**Conference Cost:**

Individual rate: \$200 per person.

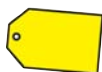
Group rate: \$175 per person. For 8 or more people registered at the same time. Includes table with organization name.

**Event Sponsors:**

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*"Where Do We Go From Here?"*

## Human Rights Day 2009 Update

The The Minnesota Department of Human Rights 26th Annual Human Rights Day conference will feature two dozen workshops on some of today's most important human rights issues. The conference will be held Friday, December 4, 2009, at Saint Paul RiverCentre.

Workshop sessions and topics are scheduled to include:

**Session One 9:20 am - 10:20 am**

- *Anchoring Human Rights Work in Racial Equity*
- *Disability Employment Issues in the Current Economy*
- *Homeownership Best Practices for Emerging Markets*
- *Human Rights Dimensions to the Immigrant Experience*
- *LMHRC Annual Meeting and Building Community using Language and Civility*
- *Stereotype Discrimination that Undermines Equal Opportunity for Working Women*

**Session Two 10:30 am - 11:30 am**

- *An Employer's Guide to Reasonable Accommodation*
- *A Rights-Based Approach to Social Justice Work*
- *Combating Bias by Building Strong Community & Police Partnerships*
- *Immigration Legal Relief for Vulnerable Populations*
- *Mediating Discrimination Claims with Public Agencies*
- *Human Rights as Community Action*

**Session Three 1:30 pm - 2:30 pm**

- *Civil Rights Protections under Federal Law*
- *Contemporary Review of*

*Globalization and Its Effects on American Human/Civil Rights Jurisprudence*

- *Q&A with Dr. Frank Wu, Keynote Speaker*
- *Tribal Sovereignty: Historical Perspectives and Current Realities*
- *Understanding Mental Illness*
- *"Sorry, We don't take Section 8": A Violation of the MHRA?*

**Session Four 2:40 pm - 3:40 pm**

- *Common Mistakes that Lead to Discrimination Charges*
- *Civil Rights and the Minnesota Muslim Community*
- *Climate Change, Climate Justice: A Minnesota Human Rights Issue*
- *From Prejudice to Pride: Understanding Hate/Bias Crimes*
- *Minnesota Crisis Intervention Team*
- *Your Rights under the National Labor Relations Act*

The conference will feature a keynote address by author and Wayne State University Law School Dean Dr. Frank Wu. Wu is the author of *Yellow: Race in America Beyond Black and White*, and co-author of *Race, Rights and Reparation: Law and The Japanese American Internment*.

The conference is sponsored by the Minnesota Department of Human Rights and the League of Minnesota Human Rights Commissions.

*Conference workshops, times and other information are subject to change. Check the department's web site for the latest conference updates.*

# Backlash

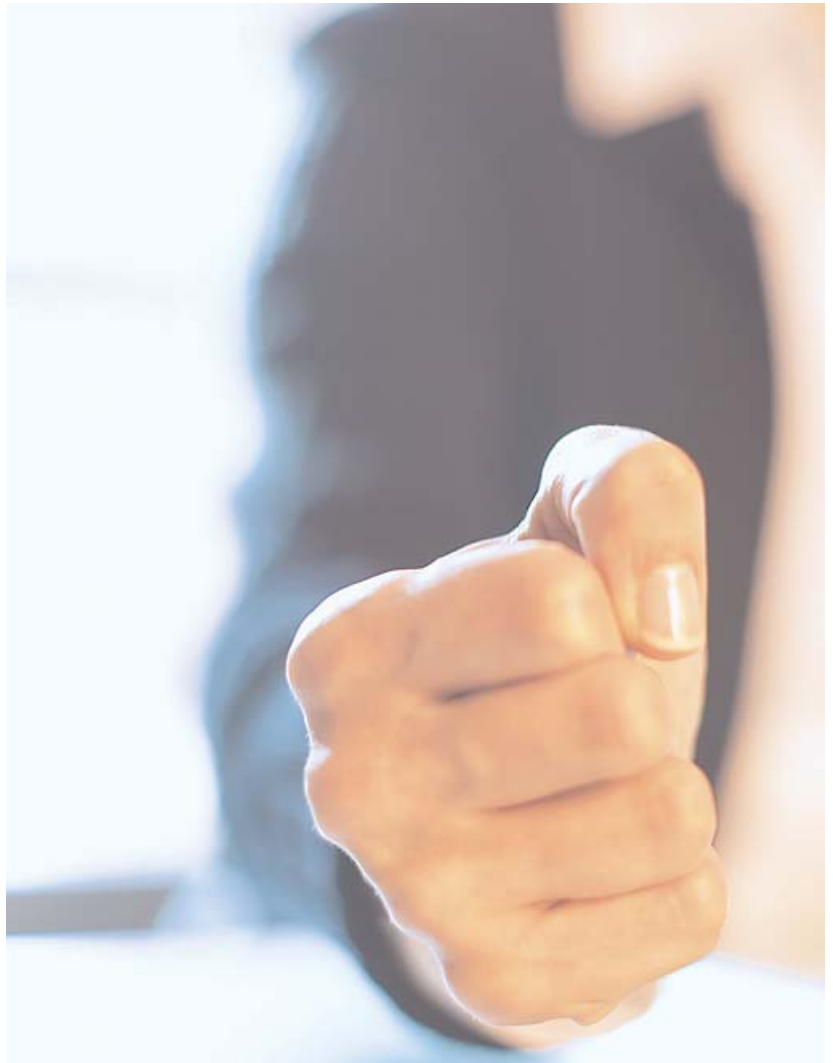
*As American culture changes and groups long without a voice speak up, other Americans are shouting back. To some, our country seems more divided, and the conversation more heated, than ever.*

*In this Rights Stuff Forum, we present a selection of viewpoints from those who have observed or experienced firsthand the increasing tendency to lash out – from hostility to hate speech – that finds its way into news reports, online blogs and everyday conversations. How can we get beyond the rage to a more civil discourse? Here eleven Minnesotans share their perspectives.*

In 1991 Wall Street Journal reporter Susan Faludi published “Backlash: The Undeclared War Against American Women,” a cultural manifesto in which she declared that the victories of the feminist movement had spawned a powerful reaction from those who sought to roll back hard-won gains.

In America in 2009, it appears to many as if we are in the middle of numerous wars — a never-ending series of cultural battles being fought over the rights of women, gays, immigrants, Muslims, the poor, and just about any group that is perceived as staking a claim for its slice of the American dream. The skirmishes are perhaps part of a new, larger undeclared war, in which Americans on one side have articulated a variety of cultural and political grievances, but seem to have found and fear one common enemy: change.

“You’re looking at people who think that their culture and their beliefs are disappearing, which to some extent is true,” comments Jerry Carrier, a lecturer and trainer on diversity, class and American culture (see interview, page 19).



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America is becoming more polarized, Carrier adds, and as some groups long excluded become more visible and vocal in their quest for equal opportunity, others are convinced that these gains are being made at their expense. “Now somewhere between 15 and 25 percent of people in this country are certain that they are getting short shrift in all this — that either women, or minorities, or someone is getting more than they’re getting, and getting it because they have an unfair advantage,” Carrier explains.

### The many faces of backlash

The backlash — and the urge to strike out against someone else’s perceived undeserved advances — comes in many forms, from a disapproving glance at a mother on “welfare” using food stamps at a grocery store, to a snide comment about disabled people getting all the good parking places, to hate crimes. But perhaps nowhere is the anger more evident than in the pages of our daily newspapers, which have adapted to the internet age by giving readers the opportunity to post comments on news stories online. “There is a lot of hatred out there,” says Terry Sauer, Assistant Managing Editor for the Star Tribune, who is in charge of the paper’s online presence.

So much venom has already been spewed in its columns, that the

Star Tribune has declared eight topics off limits for reader comments (see story, page 16). Among the topics on which comments are no longer allowed are racially sensitive stories, crime, gays, and Muslims. Stories related to Muslims are particularly likely to inflame passions. Before the Star Tribune banned comments on Muslim-related stories, discussions would frequently be undermined by “just a horrible series of hateful comments,” Sauer recalls. “We need to have a good dialogue, and not just this hatred spewing on any topic that Muslims are referred to.”

The comments have become so outrageous that the Star Tribune has recently hired moderators to review all reader contributions, in most cases within two to five minutes after they are posted. Now that moderators can maintain some

**“Now somewhere between 15 and 25 percent of people in this country are certain that they are getting short shrift in all this — that either women, or minorities, or someone is getting more than they’re getting, and getting it because they have an unfair advantage.”**

control, the banned subject areas (including stories about Muslims and gays) will soon be opened to reader comments once again. But moderators will review all comments in these categories —before they are posted — to preempt any hateful attacks.

The internet typically allows Americans to lambast and villify others anonymously, a fact lamented by critics who argue that anonymity encourages hateful and irresponsible speech online. Sauer and other online editors argue that even if posters were required to use their real names, it would be virtually impossible to check to ensure that

they are who they say they are. And while the ability to hide behind a screen name might contribute to online incivility, there seem to be plenty of people who are quite willing to attack others publicly, with no need to hide.

Verbal harassment is increasingly common. Some incidents make headlines: In 2006, a Rochester woman driving a minivan reportedly followed a terrified female Muslim driver, who was wearing a traditional headscarf, into a parking lot and confronted her about terrorism and her Islamic religious beliefs. Although the driver argued that her conduct was protected by the First Amendment, a court found her guilty of stalking and imposed a \$3,000 fine and a jail sentence (the sentence stayed on the condition that she perform community service).

Backlash can also take the form of sexual harassment, according to University of Minnesota sociology graduate student Heather McLaughlin, who recently completed a well-publicized study that found that women who hold supervisory positions are more likely to be sexually harassed at work than women who are not supervisors (see interview, page 21). Although more research needs to be done, she says, her study suggests that a backlash occurs as women move into positions of power. “They’re threatening the dominant position of men in the workplace, and that’s why they are experiencing harassment.”

As with other forms of harassment, the comments can be brutal — and revealing. In the study, woman managers in male dominated industries talked about experiencing

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sexual harassment from men who believed that women should be secretaries. The sexual harassment — unwelcome discussions of sex and suggestive stories — was often accompanied by other backlash designed to undermine the female manager’s authority, including comments like, “if we had someone with balls in this position, we’d be getting things done,” McLaughlin explains.

But often backlash can be subtle, even hiding under a veneer of Minnesota nice. While anti-Muslim hate speech may be rampant on the internet, “most of the stuff that we experience is so intangible. It’s a general sentiment, a feeling, a way someone is treated,” say Taneeza Islam, Civil Rights Director for CAIR-MN, the Minnesota Chapter of the Council on American Islamic Relations. “You go to the restaurant and everyone is given a seat at a table except you and your family, who wait for half an hour. Or you’re seated at the booth but not served for 45 minutes, while everyone else is.”

Then, sometimes, it can explode, and result in a bias-motivated crime. Whether bias or hate crimes are becoming more common in Minnesota depends upon whom you ask. A report by Minnesota’s Bureau of Criminal Apprehension (BCA) and the Department of Public Safety found that there was a 9 percent decrease in bias offenses reported for 2008, compared to 2007. Critics argue, however, that statistics from law enforcement agencies may significantly understate the true incidence of bias crimes, especially violent crimes. Because they may not want to reveal their sexual

orientation or gender identity, GLBT victims may be reluctant to contact the police. In contrast to law enforcement statistics, a report by the National Coalition of Anti-Violence Programs, which advocates for the GLBT community, concluded that anti-GLBT violence in Minnesota increased 48 percent from 2007 to 2008. Others who may fear contact with law enforcement, leading to under-reporting of bias crimes, include undocumented immigrants, as well as those here legally who may feel increasingly targeted and vulnerable.

**The many targets of backlash**

The Muslim community has been viewed by some with suspicion and enmity ever since 9-11, but recent news reports about Somali youth disappearing overseas may have added fuel to the stereotype that Muslims are terrorists. “I think that especially with the missing youth stuff, the Somali community specifically feels kind of under the gun in how they are being treated,” says Islam, who herself has been told she ought to go back to her country. “The joke is always, I was born and raised here,” says Islam. “I could go back to Michigan, but that’s not very far.”

The “go back where you came from” mantra seems to be aimed increasingly by some at immigrants in general, but especially at Hispanics. In Southern Minnesota, the National Socialist Movement (NSM) has been active and vocal, showing up at educational

workshops sponsored by organizations like the Austin Human Rights Commission. “They’re a small group locally, but they’re loud,” says Kirsten Lindbloom, chair of the commission (see interview page 26). The NSM has organized rallies in the Austin area, which has brought organizations seeking immigration reform out into the streets to oppose them. “You’ve got both sides standing in downtown Austin on the other ends of bullhorns, yelling,” says Lindbloom. “It’s pretty intense.”

The hostility toward immigrants comes in many forms, and can rear its head unpredictably, even on a nice Sunday afternoon. “We’ve heard of cases where people are just walking in the park with their kids, and they hear racist words coming from drivers and people going by,”

**“We need to have a good dialogue, and not just this hatred spewing on any topic that Muslims are referred to.”**

says Ernesto Bustos, a community organizer for Centro Campesino, an organization that advocates on behalf of Hispanic/Latino

immigrants in southern Minnesota. Bustos sounds almost used to it, and says it is hard to measure if anti-immigrant sentiment has really increased in Minnesota lately. “We have the Nazi groups in the area, so it can seem like there is more. But really it just moves around — kind of like a virus, or the flu.”

Another group targeted by a history of hateful online comments, gays appear to be increasingly targeted for backlash, even as some polls show Americans becoming more accepting of gay marriage and President Obama vows to end the

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military's "don't ask, don't tell" policy. "We are becoming much more accepting of the GLBT population, and as that happens, the folks who are opposed to that are getting strident about it," notes Carrier. The stridency can cross the line to become dangerous. The number of GLBT people killed in bias-motivated incidents increased by 28 percent in 2008 compared to a year earlier, according to a national coalition of advocacy groups. "What we're also seeing, more disturbingly, is the increase in the severity of violence," said Sharon Stapel, executive director of the New York City Anti-Violence Project which coordinates the coalition, has been quoted as saying.

But backlash — that simmering anger fueled by the feeling that someone else has something they really don't deserve, and they got it at your expense — seems to increasingly target those who you might not expect to in its crosshairs. An Accessibility Specialist for the Minnesota State Council on Disability, Margo Imdieke Cross has seen a growing backlash against those in the disability community. "I think that as our society becomes increasingly self-centered, that anger is out there," says Cross. That means for people with disabilities, "as we increase or exercise our individual rights, people get angry if they are not equally applied to everyone. And sometimes they can't be."

**"The pie is getting smaller and smaller, so competition for that piece of pie is getting a lot more intense. And everybody is sure that everyone else is getting a larger slice."**

But perhaps you don't need to have much to be a target of someone else's resentment and rage. Those who receive government assistance have long been vilified by some as lazy or "welfare crooks," but one doesn't need to be getting "welfare" to be seen as a burden to society, deserving of scorn — one just needs to be poor. As America remains in an economic recession, some Americans seem to hate poor

people more than ever, and find the homeless, especially, to be easy targets. Violent, unprovoked attacks against homeless people have risen steadily over the past decade, according to a just-

released report from the National Coalition for the Homeless. The increase has prompted Maryland to add attacks against the homeless to its bias crime statute, and at least five other states are considering doing so. A bill has also been introduced in the U.S. House of Representatives to make attacks on the homeless a federal hate crime and require the F.B.I. to collect data on it.

### **What's behind the backlash: why are so many so angry?**

The reasons so many Americans seem inclined to lash out at others may have a lot to do with an economy in turmoil, many observers agree. "There is a lot of research that shows that in times of heightened economic competition, what is seen as racial or religious strife often has an economic component to it," says Joseph

Gerteis, an Associate Professor in the Department of Sociology at the University of Minnesota (see interview, page 17). "People are out of work, and along with losing their job, are losing access to health care. There is resentment about that — you've got something I don't, and I want it," agrees David Hancox, Director of the Metropolitan Center for Independent Living (see interview, page 31).

Mike Knaak, Assistant Managing Editor of the St. Cloud Times, believes the incivility and outright racism that can crop up in reader comments on his newspaper's web site is also born of economic frustration. "These are tough times for folks. They feel threatened and challenged, and they are scared, and some people express that emotion in different ways — sometimes it's to lash out," he says (see interview, page 13). Carrier sums up what may be our economic zeitgeist. "The pie is getting smaller and smaller, so competition for that piece of pie is getting a lot more intense. And everybody is sure that everyone else is getting a larger slice," he observes.

But the economy is surely not the whole story. One reason there seems to be more incivility, is that in the Internet age, there is more opportunity to lash out, and to do so anonymously if one wishes. "I really do think that the norms of discussion have changed, so that in the Star Tribune, for example, you see more angry and seemingly unhinged commentary than you would have in past years. That's a manifestation of the anonymity of Internet chat rooms," says sociologist Gerteis. "I also see it in e-mail... the expected civility and

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formality of written communication is not there anymore, in quite the same way that it was in past years.”

The fact that America is changing drastically demographically is also causing some people to feel threatened and challenged, even if they are getting by or doing well economically. In Minnesota, the numbers of Latinos, blacks and Asians are projected to more than double over the next 30 years, while the white population will grow slowly and decline

in some parts of the state, according to the Minnesota State Demographic Center. By 2035, all regions of the state will become more racially and ethnically diverse than they are now, and already diversity has come to nearly every corner of our state, from urban areas to the suburbs to small towns, catching many Minnesotans by surprise. “When I first moved to town 14 years ago, there was a nonwhite community but it has grown significantly,” notes Lindbloom, who is also an Austin teacher. “In Austin’s public schools roughly 45 percent of our kindergarten class this year is not white.”

The traditionally white suburbs are also seeing a wave of newcomers. “The largest group of immigrants that have been coming in are the undocumented Latinos,” says Peg Kennedy, Cultural Services Manager for Roseville Schools (see interview, page 32). The latest group, landing in Roseville with assistance of refugee

resettlement agencies, are the Karen from Myanmar (Burma), a group that is expected to eventually be larger than either the Hmong or the Somali populations in Minnesota, Kennedy has been told. “That’s shocking to me,” she says. Roseville’s once predominately white school district is considered 36% ethnically diverse, and those numbers will certainly climb.

How have the newcomers been received in inner-ring suburbs like Roseville? “My experience with the community is that if you take the

unknown out — if they know who is here, why are they here, and what are their customs — people are very open,” says Kennedy. “But if they don’t know who the strangers are who are moving

in next door, that’s where you get a lot of fear.”

When Somali students started arriving in Roseville, soon after 9-11, “we did have a few speedbumps,” Kennedy says, with respect to community reaction. As the schools accommodated the Muslim students’ need to pray by providing prayer space, some parents were also concerned about the role of religion in the schools. “There was a little backlash — parents thought there would be less resources for their child,” Kennedy explains. But “we don’t take away from other students when we provide additional services to some students,” she adds.

For some Americans, there may be no more obvious sign that their country has changed dramatically than the election of President Barack Obama. “The big change has

been the election of a black president,” says Gerteis. “There are folks who just can’t accept that there is a black president, and that might be a moment around which a lot of these underlying claims come to be expressed.” Those underlying claims are goals and grievances of those on both sides of the political spectrum, which were brought into sharper focus in the presidential campaign. The election of Obama seems to have proved to be a pivotal moment, in the aspirations of those on the left and the right, for their view of what America ought to be.

It is the right that is the most excitable now, and their voices tend to be the most strident, but that stridency goes back and forth, says Knaak of comments posted by readers of the St. Cloud Times. “The conservative comments we get are harsher than the liberal comments, right now. But it was probably the other way around a year ago, toward the end of the Republican reign.”

### Solutions — where do we go from here

Despite the fact that America seems increasingly polarized, incivility appears to have reached new heights and people sound more angry than they used to be, there is still reason for optimism, some social observers say. Things aren’t as bad as they seem and most people aren’t as agitated as those whose opinions dominate cable news, talk radio and internet blogs, some who have studied American opinion insist.

“There are often fringe movements that drive the national

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media and the national discussion," maintains Gerteis. "It's not that those movements aren't important, but you have to look at where the average person is. And when you see a broad cross-section of Americans, it doesn't look as polarized and antagonistic as that."

Things could be worse — and in fact, they often have been. There

have been plenty of times

in American history when it seemed as if the country was coming apart, yet it held together. "In the late 60s and early 70s, it was the left that was radicalized... this seems like the same kind of moment, except for the right," Gerteis observes. The fact that we survived the turmoil of the 60s doesn't mean that there wasn't violence, and there is the potential for increased violence today, he warns.

If one looks back further in history, says Gerteis, there were moments when partisan struggles between political parties were every bit as hot as today. "In the election of 1892, there was huge election fraud, and groups were just at each other's throats — there were killings and all sorts of things, neighbor against neighbor stuff," Gerteis continues. "These kind of moments cycle through."

Before the current cycle of incivility and divisiveness ends, the country is likely to experience a bit more social turmoil, some believe. "I think things are going to get a lot more intense before they get

better," says Carrier. "It's kind of like a lightbulb — it burns brighter, before it burns out. That's exactly the pressure that you're seeing. It's a pretty predictable thing in terms of cultural anthropology."

Does that suggest people of goodwill are helpless to curtail

backlash and encourage a more respectful dialogue? That all we can do is wait for better, more tolerant times?

There is plenty we can do, particularly in our own communities, say those who have studied social

movements. Although it may be difficult in times of backlash, one thing to do is to get involved in organizations that bring people together for local interests, even if their broader political views are opposed. "Neighborhood organizations or PTA groups that support a local community around a neighborhood or around a school — that can do good things to support communities and knit people together, even though people might be opposed in lots of other ways," suggests Gerteis.

In other words, get to know your neighbors. In times of backlash, Americans need to get acquainted again, even if they don't agree with each other. "It's real easy to be a racist if you don't know anybody of a different race," notes Carrier. "It gets more difficult when you start knowing the folks, and having to start dealing with them on a daily basis."

The fact that our society is

becoming so more diverse provides reason to be optimistic that we will learn, perhaps out of necessity, to talk to each other again. "If you lived in small-town, rural Minnesota even 10 years ago, your chances of running into a minority and actually working out a personal relationship with somebody of a different race was pretty small," Carrier notes. "That's not true anymore. There are large Latino, Somali and Russian speaking populations all over the state."

And while it might sound Pollyanna-ish: one can disagree with ones' neighbors without being disagreeable — one can be thoughtful and respectful, even in an online forum where civility is sometimes in short supply. "I think good speech drives out bad speech," says editor Knaak, of the reader comments posted in the St. Cloud Times online. "I think the way to drive out the people who just want to be obnoxious and offensive is to have more of the good stuff." He believes that "free speech has with it

some responsibilities, and one of them is articulate, logical arguments."

There is much that can be done. And unlike real

venom, for that poison that is spewed in hateful comments on the internet and angry voices on TV, it's never too late for an antidote: equal parts reason and compassion just might revive civility and promote an end to backlash, especially if applied locally.

"I think civility isn't dead," says Gerteis. "It might be kind of in abeyance in the public discussions, but it's not dead yet."

## Further Reading

### **Minnesota Department of Public Safety and Bureau of Criminal Apprehension (BCA) Uniform Crime Report**

*A comprehensive report on criminal activity in Minnesota, report includes information on bias-motivated crimes in Minnesota for 2006, 2007 and 2008.*

<http://www.dps.state.mn.us/bca/cjis/documents/crime2008/mci2008.pdf>

### **Religious Influences on Understandings of Racial Inequality in the United States**

*How does religion influence the way Americans understand the racial inequality that pervades our society?*

Penny Edgell, University of Minnesota;  
Eric Tranby, University of Minnesota

<http://www.soc.umn.edu/assets/pdf/EdgellandTranby-SocialProblems2007.pdf>

### **Immigrants Targeted: Extremist Rhetoric Moves into the Mainstream**

*Report by the Anti-Defamation League examines the tactics and motives of groups opposed to increased immigration.*

[http://www.adl.org/Civil\\_Rights/anti\\_immigrant/default.asp](http://www.adl.org/Civil_Rights/anti_immigrant/default.asp)

[http://www.adl.org/Civil\\_Rights/anti\\_immigrant/Immigrants%20Targeted%20UPDATE\\_2008.pdf](http://www.adl.org/Civil_Rights/anti_immigrant/Immigrants%20Targeted%20UPDATE_2008.pdf)

### **Confronting the New Faces of Hate: Hate Crimes in America 2009**

*Report by the Leadership Conference on Civil Rights Education Fund examines the nature and magnitude of hate crimes in the U.S.*

<http://www.civilrights.org/publications/hatecrimes/>  
[http://www.civilrights.org/publications/hatecrimes/lccref\\_hate\\_crimes\\_report.pdf](http://www.civilrights.org/publications/hatecrimes/lccref_hate_crimes_report.pdf)

### **Hate, Violence, And Death On Main Street USA**

*The National Coalition for the Homeless and the National Law Center on Homelessness & Poverty found that attacks against homeless people in the United States rose by 13 percent from 2006 to 2007. Study proposes that the actual number of attacks is probably higher, because many are never reported.*

[http://www.nationalhomeless.org/publications/hatecrimes/hate\\_report\\_2008.pdf](http://www.nationalhomeless.org/publications/hatecrimes/hate_report_2008.pdf)

### **The Sexual Harassment of Uppity Women**

Jennifer L. Berdahl

University of Toronto

Journal of Applied Psychology

2007, Vol. 92, No. 2, 425-437

*Study suggests that sexual harassment is directed primarily at women who violate "feminine ideals" and that women in male-dominated organizations are harassed more than women in female-dominated organizations.*

<http://www.rotman.utoronto.ca/facBios/file/Berdahl%20JAP%202007.pdf>

### **Harassment Based on Sex: Protecting Social Status in the Context of Gender Hierarchy**

Jennifer L. Berdahl

University of Toronto

Academy of Management Review

2007, Vol. 32, No. 2, 641-658.

*Berdahl argues that the primary motive underlying all sexual harassment is a desire to protect one's social status when it seems threatened, a desire held by men and women alike.*

<http://www.rotman.utoronto.ca/facBios/file/BerdahlAMR2007.pdf>

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*The views expressed are those of the individuals interviewed for this issue of The Rights Stuff and not necessarily those of the Minnesota Department of Human Rights.*

## Backlash Online

### MIKE KNAAK

Assistant Managing Editor – St. Cloud Times

*In these tough economic times, people are feeling threatened, scared and increasingly inclined to lash out — sometimes in comments posted on the web site of the St. Cloud Times, says Mike Knaak, St. Cloud Times Assistant Managing Editor. If comments are racist or otherwise patently offensive, they are removed from the site quickly, says Knaak. But the line between what is acceptable and what is not can be fuzzy, he explains. Knaak shared his thoughts on civility and what some call journalism's "comment conundrum" in an interview.*



Mike Knaak

**Question: When did the St. Cloud Times start permitting readers to comment on individual stories?**

I think we started it in 1999.

**Question: How many comments does the St. Cloud Times get every day -- and has the number been increasing?**

It varies, but it's in the thousands a day. I would say at first it just went up like crazy, and it's still going up. And about two years ago we added some more features to the site so people can still comment on stories, but if you register, you can start your own blog. There are more opportunities to speak out, so that pushes the numbers up, too.

**Question: Do you require people to register to post comments?**

They do have to register. They can use a screen name, but when they

register they have to provide some demographic information and also a verifiable e-mail address.

**Question: There has been a lot of discussion about an increased lack of civility in our society, and some have observed that one place that this lack of civility occurs is in the reader comments that appear in newspapers such as yours. Do you find that lack of civility to be increasing in the comments posted by your readers?**

It comes and goes. I guess my feeling is, these are tough times for folks. They feel threatened and challenged, and they are scared, and some people express that emotion in different ways — sometimes it's to lash out. I don't know if it's any better or any worse than it ever was, there are just new ways for people to express themselves. And some

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people are more articulate than others.

**Question: When people do lash out in the pages of the St. Cloud Times, what are the kinds of things they lash out about?**

The concerns of society: crime. Immigration. Anything having to do with schools, especially if they are worried about if their kids are safe and being educated properly. Those are the things that people want to talk about. What we've seen in the last few months, with the change in power in Washington, is that the conservative comments we get are harsher than the liberal comments, right now. But it was probably the other way around a year ago, toward the end of the Republican reign. It seems that the people who are the outs are a little more stirred up. I'm not surprised at that.

**Question: Much has been made of the fact that we have a black president, and some have alleged that there has been a resurgence of racism as a result. Have there been more racially-motivated comments from your readers since Obama was sworn in as president?**

You can't tell someone's motivation. People will make rather rough comments about politicians — is the motivation because Obama is black, or because he is a Democrat? This whole birther thing — is that motivated by anger over a black man being elected president, or is it anger over a liberal being elected president? You don't know.

We do see racism on our site in

terms of things like immigration and crime. If people want to engage in a discussion on the criminal justice system, or if they want to engage in a discussion on immigration, that's fine. But when it's out and out racist stuff, it's gone. We take it down. We don't want to encourage hate speech.

**Question: Where do you draw the line? What are your standards as far as what is acceptable and what isn't?**

The line is fuzzy. We have a filter that takes out or tries to take out obscenities and offensive words, and we are not going to allow people to make specific, violent threats. For example, we had a fairly nasty sexual assault here a couple of weeks ago, and somebody said, let's take the guy out and shoot him. That comment is gone. We don't moderate the comments, but they are essentially reader moderated. And if you see something you find offensive, there is a little thing you click, and it drops the comment into a queue. I'll see it, or one of my colleagues will see it, and we'll act on it.

If somebody wants to say something like, "I really think we shouldn't have as many Somali immigrants as we have, we should not let them into the country" — that's one thing. But if somebody makes a general disparaging comment against a whole group of people or threatens them, that's something we

frown on.

**Question: The Star Tribune has certain categories of stories on which they will not allow any comments, including stories about Muslims and gays, because too many abusive comments have been posted. Does your publication have "forbidden" or blocked categories?**

No. A few years back, maybe eight or nine years ago, we blocked comments on high school sports of all things, because there was this trash talk that was not very useful. But we've since put it back, our thoughts on selectively turning off "story chat" is that, first of all, it's not very practical. If they really

**"What we've seen in the last few months, with the change in power in Washington, is that the conservative comments we get are harsher than the liberal comments, right now. But it was probably the other way around a year ago."**

want to comment on a story, people will just post their comment on another story. And secondly, there are stories that get a lot of participation. And if five percent of those comments are offensive and we have to remove them, should we take that opportunity away from everybody else?

It's a fairness issue, as well as a practical issue.

It happens on our site quite a bit that if somebody says something that's totally outrageous, somebody will come along and swat them down. And I'd rather see that sort of community control than us saying, you know, folks, you're not mature enough to handle this topic

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because of a few lunkheads who want to throw gas on a fire. We always try and stress to people that if things get out of hand, at the end of the day the well reasoned, articulate argument or opinion will force out the other ones. We don't have a stupidity filter — if somebody wants to say something that is just wrong, the way to deal with this is to let them say it, let the ideas stand on their own. That being said, we do have the rules we talked about before.

### Question: Do you ever find it necessary to ban a user because he or she has posted something completely inappropriate?

We'll do that. If someone is a repeat offender, I'll send them a little e-mail saying hey, you know, here's why your stuff is getting blocked — keep it up and you're gone. If it's something really, really out of line, I'll take them off without any warning.

### Question: What's the kind of comment that would get someone banned at the St. Cloud Times?

One thing would be a specific, violent threat. Or use of the site for essentially just being a jerk — “I want to see how many dirty words I can put on the Internet.” And we don't allow people to put up anything that's essentially a promotion for their business. That's not what story chat is about.

### Question: How often do you need to block someone?

Maybe once a week.

### Question: How many comments do you get that you need to remove?

It comes and goes with the news, but on a given day, I'll knocked down five to ten maybe.

### Question: In the ten years you've been doing this, what have the comments posted by readers told you about St. Cloud, that you might not have known if your paper wasn't providing this service?

I don't think you want to say, because of the comments we see, this is what our community thinks.

**“These are opinions that you hear — on the street, in the bar, in the café, and in some cases when you gather with your relatives. There are some angry folks out there.”**

But on the other hand, these are opinions that you hear — on the street, in the bar, in the café, and in some cases when you gather with your relatives.

There are some angry folks out there. We don't all agree, we don't have all the same ideas. And I think this, in a nonscientific way, gives people a chance to see the breath of ideas in a community, good or bad.

What I like about our site is we have an interesting group of people. Some of them post with their real names, some use screen names. But we've got school board members, the former mayor, a former school superintendent, and some of them do blogs — they add a lot to the

discussion in St. Cloud about what's going on, a lot of perspective. And I think the ability to interact with each other and to provide a perspective to the community more than outweighs the trolls who basically are immature and want to just see what kind of trouble they can cause.

It's clear that our society has to learn how to behave in a new world, and what's acceptable. I think we have to educate people in a number of ways that free speech has with it some responsibilities, and one of them is articulate, logical arguments. But I think the way to drive out the people who just want to be obnoxious and offensive is to have more of the good stuff, rather than just trying to shut everybody down. I think good speech drives out bad speech.

## FURTHER READING

### Journalism's Comment Conundrum

*What are news outlets doing to ensure civil discourse on their web sites? What happens when inappropriate content is posted? A recap of a forum sponsored in October 2009 by the Minnesota News Council and the Minnesota Society of Professional Journalists, analyzing the role of readers' online comments and how they help and/or harm society.*

<http://news-council.org/2009/10/05/journalism's-comment-conundrum/>

## TERRY SAUER

Assistant Managing Editor/Digital  
Star Tribune

*Each month more than 15,000 comments are posted by Star Tribune readers, reacting to stories on the newspaper's web site at Star Tribune.com. Because a percentage of those comments had been highly offensive, the newspaper had found it necessary to prohibit posting on certain categories of stories — including racially sensitive stories, and stories related to the Muslim and gay communities. Recently the newspaper re-examined its policies in an effort to encourage dialog on important topics, while avoiding content that is vulgar, hate-filled or otherwise inappropriate. Star Tribune Assistant Managing Editor/Digital Terry Sauer talked about the newspaper's experience with online readers comments and its evolving policies in an interview.*



Terry Sauer

**Question: You had mentioned that some new rules are in place with respect to the Star Tribune's online comments. Can you elaborate?**

We have now hired moderators, so we are now moderating comments 24-7, seven days a week. Comments that pass through our filter — meaning ones that do not have vulgarity — go live on the site when you post them. But our goal is that within two to five minutes, each of those comments will be seen by a human. And that person will make a call on whether it should remain on the site, or come off.

**Question: What standards or rules determine whether or not a reader's comment is appropriate, and can remain?**

We look at profanity or vulgarity — people are creative when it comes to getting them through the filter. But one of the things that we look at

even more so — because the filter does catch much of the vulgarity — is personal attacks. These are attacks generally against others who are commenting, or often against somebody in the story, or attacks against the reporter. We do realize a reporter perhaps has a thicker skin than people in the story, but we still need to not allow attacks on reporters.

**Question: What are the Star Tribune's policies with respect to comments that might be considered bias or hate speech?**

We have eight topics that we don't allow comments on — crime, Muslims, fatalities and suicides, gays, distressed local companies, racially sensitive stories, local homes stories, and CJ — although we are going to cut that group down now, since we have the moderators.

**Question: What prompted the Star**

**Tribune to ban the comments on stories related to Muslims, and to stories about gays?**

It's just a horrible discussion. The commenting often goes on until somebody says, "Did you see the comments on that story?" And you go and look, and for the past three hours there have been just a horrible series of hateful comments. There is a lot of hatred out there. We need to have a good dialogue, and not just this hatred spewing on any topic that Muslims are referred to.

**Question: What objectionable comments have been posted on fatalities?**

You'd be surprised. It's basically Darwin's theory — "all these people should be killed because they're on the highway and they don't know how to drive" — things like that. There's just no good commenting that comes out of a fatality, really.

**Question: Now that the Star Tribune has hired moderators, will commenting be allowed on stories related to Muslims, and on stories related to gays?**

That is the plan. We will phase it in on a story-by-story basis over the next month. But comments in these areas will be moderated first. They will not go immediately on the site, but hopefully within two to five minutes of a comment being made, it will either be pushed live because it is something that adds to the conversation, or it will be left off. There will be a note in the commenting area saying that due to the nature of this topic, we are moderating comments, and readers

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will know that it's a little different than the other commented topics.

**Question: How long has the Star Tribune been allowing readers to post comments online?**

I would say two and one half years.

**Question: Is the level of incivility increasing? Are people angrier this year than they were last year?**

It goes in streaks. It's hard to make a comparison between this year, last year, and the year before. We do ban commenters, and as you do that, you hopefully continue to improve your pool of commenters because some of the trolls or the nastier commenters lose the ability to comment. Over time, you hope you are elevating the discussion that way. But we do have 15,000 unique commenters, and about 75,000 comments, each month. So it's pretty hard to stay on top of people who are just out to disrupt the conversation.

**Question: Why does your newspaper allow people to post anonymously? Wouldn't it be preferable if people had to put their name on their comments?**

That's certainly a big issue, and we talk about that a lot. But I firmly believe that there is no way you can verify the real name. Even if we did require real names, how do you verify that it is Joe Smith, and not Joe Smith's neighbor, who is pretending to be Joe Smith? We can send people an e-mail confirmation, but that e-mail address has no name on it, so you really don't know whether you're getting a real name or not.

## Researching Backlash

### JOSEPH GERTEIS

**Associate Professor, Department of Sociology  
University of Minnesota**

*Joseph Gerteis is an Associate Professor at the University of Minnesota's Department of Sociology, whose recent work has explored how Americans think about diversity in modern America through the lenses of race and religion. Along with University of Minnesota Professor Penny Edgell and Associate Professor Douglas Hartmann, Gerteis has focused on these issues as part of the sociology department's American Mosaic Project. The three-year project is described by the University as an effort "designed to contribute to our understanding of what brings Americans together, what divides us, and the implications of our diversity for our political and civic life." Gerteis shared some of the study's findings in an interview.*



Joseph Gerteis

**Question: Could you tell us a bit more about the Mosaic Project?**

The American Mosaic Project is really about diversity and solidarity in American life. We had a national survey in 2003, and the following summer we had people out in four different field sites across the country, looking at how groups think about the United States as a nation, and how groups are thinking about issues of group interaction. In other words, who is part of the "we" when we talk about America, and who is part of the "them." And how does race and religion play into that.

**Question: Has the project reached any conclusions?**

One of the things we've been finding is that America doesn't look as strikingly separated as

recent events would suggest. When you're looking at the news, you see these protests from selected groups, and so it's hard to gain a sense of what the average American opinion is on some of these questions.

**Question: So people who would show up at a protest rally might tend to be those whose opinions are more extreme, on one side or the other, than those of most Americans?**

Exactly.

**Question: Is the dialog among those with opposing views actually becoming more uncivil — are people angrier than ever before — or does it just seem that way?**

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It seems worse, probably for two reasons. One is the Internet age, which allows for comments to be made with a degree of anonymity. I really do think that the norms of discussion have changed, so that in the Star Tribune, for example, you see more angry and seemingly unhinged commentary than you would have in past years. That's a manifestation of the anonymity of Internet chat rooms. I also see it in e-mail — not that I get that many angry ones — but the expected civility and formality of written communication is not there anymore, in quite the same way that it was in past years.

But the other thing I thought I should probably talk with you about is this notion of framing, especially in social movements. Protests don't emerge simply because of heightened grievances. It's often the fact that there are organizations or pre-existing networks in place that are helping people to frame the grievances, and then who the enemies are, and then what to do about it. Why weren't there massive civil rights protests before the mid to late 50s? It's not that oppression was any better before then, but rather that there wasn't a set of political opportunities or resources that were helping everyday people to sort out and frame their grievances in the same way.

**Question: Are you finding that people are really no more angry than they have ever been, but there are opportunities to express these feelings now?**

Right. There are both opportunities and networks.

**Question: It's clear that America is changing demographically, and some are worried about these changes. But you seem to suggest that these demographic shifts are not the main reason behind the backlash against certain groups.**

I think the racial story may be slightly different. There has been a change, and the big change has been the election of a black president. There are folks who just can't accept that there is a black president, and that might be a moment around which a lot of these underlying claims come to be expressed.

**Question: Is it necessarily bad or dangerous for society that some people are angry and want things to be more like they used to be?**

Democracy is kind of messy and loud, and not always well reasoned. Some of my previous work was on 19th century populism. There were moments when partisan struggles between political parties were every bit as hot as today. In the election of 1892, there was huge election fraud, and groups were just at each other's throats — there were killings and all sorts of things, neighbor against neighbor's stuff. In a broader sense, these kind of moments cycle through. The 1890s were one moment of that, and to a large extent the 1960s and the early 70s seemed like that sort of cultural moment.

**Question: When people are showing up at demonstrations with guns, is there reason to be alarmed?**

I'm absolutely alarmed, too. From an academic, ivory tower perspective, I can say that there were moments in the 60s where it seemed every bit as much that the United States was breaking apart and wouldn't hold together. It's just that those moments didn't carry forward — they sometimes had terrible consequences. In the late 60s and early 70s, it was the left that was radicalized, and you had all these fringe movements arming themselves against what they saw as an oppressive state. This seems like the same kind of moment, except for the right. It doesn't mean that those things can't turn violent — those 60s, 70s movements were often violent, and there were deaths involved.

**Question: One of the things that may be different now, than in the 60s, is that the economy is in far worse shape. How does the competition for jobs and resources factor into how groups view one another? Does a bad economy create more backlash?**

Yes. There is a lot of research that shows that in times of heightened economic competition, what is seen as racial or religious strife often has an economic component to it. But a bad economy doesn't last forever — it might last for some time, but not forever.

**Question: If someone is concerned about lack of civility, backlash, and the potential for violence in our society, what can they do about it?**

One thing, which is hard in moments of backlash, is to continue

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to get involved in organizations that bring people together for local interests, even if their broader political views are opposed. Neighborhood organizations or PTA groups that support a local community around a neighborhood or around a school — that can do good things to support communities and knit people together, even though people might be opposed in lots of other ways.

**Question: Is there anything you'd like to add about this phenomenon we've been calling backlash or lack of civility?**

I'll tell you what was making me think about this just recently: I was at the University art museum, and it has this display by the artist Robert Rauschenberg, right now. It was 1969 or 70 when he was taking clippings from the paper and doing these kind of collages with them. So there is this whole wall I was just down there looking at — violent, crazy people arrested, things breaking apart — it really seemed like, oh my God, what's going on. But there are often fringe movements that drive the national media and the national discussion. It's not that those movements aren't important, but you have to look at where the average person is. And when you see a broad cross-section of Americans, it doesn't look as polarized and antagonistic as that. And I think civility isn't dead. It might be kind of in abeyance in the public discussions, but it's not dead yet.

## JERRY CARRIER

### Senior Consultant and Trainer Carrier & Associates

*Jerry Carrier is a nationally recognized instructor in diversity, American culture, class, community development and poverty issues, and is the principal and senior consultant and trainer for Carrier & Associates. He has presented workshops at several recent MDHR Human Rights Day conferences, focusing on the role of class in American society, how we are different, and the changing nature of intolerance in America. He shared his thoughts and research on intolerance, civility and backlash in an interview.*



Jerry Carrier

**Question: What do you believe is causing what appears to be an increased lack of civility in public discourse, and the anger and hostility that appears to be increasing among some Americans?**

There are multiple causes. A big piece of it is that the pie is getting smaller and smaller, so competition for that piece of pie is getting a lot more intense. And everybody is sure that everyone else is getting a larger slice.

**Is the hostility that some Americans apparently feel toward Americans increasing, and more of a factor today than it was 10 or 20 years ago?**

I think it is heightened — I don't know if it is increasing. We are becoming more polarized. Now somewhere between 15 and 25 percent of people are certain that they are getting short shrift in all this — that either women, or minorities, or someone is getting more than they're getting, and they

are getting it because they have an unfair advantage.

**Question: Who are the people who believe that they are getting short shrift?**

It's principally working class whites, who are mostly — but not all — rural. There are other groups, too, that feel some of those stresses as well. But if you were going to do a poster person for that movement, it would be a rural, white male, who probably is earning under \$30,000 a year. In some ways it's frightening, because it mirrors what Germany went through in the 1920s and 30s. We are seeing the same type of group that's saying, "someone has stolen my future."

**Question: Is there something that our society has in common with the Germany of the 1920s and 30s, that is creating the same dynamic?**

We have similar cultures — part of

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that is our religious heritage, and people get real touchy when you start talking about that. But a lot of that venom and so forth is coming out of that religious right.

**Question: In previous presentations you have suggested there is evidence that America is becoming more tolerant. Do you still see increased tolerance as well as increased hostility?**

Yes. And I think that the evidence of that is the election of Barack Obama. When you ask Americans, would you vote for a qualified person for president who was African American, right now it's between 13 and 15 percent who say no — which is the same percentage, interestingly enough, who would not vote for a woman. And at the same time, intolerance against Latinos and Hispanics is rising. As we talk more and more about illegal immigrants, the number of Americans who say they would not vote for a Latino is going up. In the last survey I saw, 23 or 24 percent said they wouldn't vote for an Asian for president, but I think Latinos have topped Asians now.

**Question: Does research suggest that intolerance toward African Americans has increased or decreased since the election of Barack Obama?**

I'd say that's fairly static right now, but it has become heightened. It used to be that there were people who didn't want to see an African American president, but they weren't that vociferous about it. But now you're seeing that that hard core group really is quite adamant, to the point where it could be dangerous.

**Question: You suggest that it's partly the economy, and the feeling that the pie is shrinking, that is making some Americans increasingly resent others —**

I think that intensifies things. I don't think it necessarily changes people's viewpoints, but it magnifies and intensifies them.

**Question: Those who are concerned about immigration have been heard to complain that Hispanics are taking "their" jobs. But other groups seem to be**

**targeted for backlash, too, including the GLBT community. What accounts for the hostility toward those who are GLBT?**

With gays and lesbians, it's a cultural thing. You're looking at people who think that their culture and that their beliefs are disappearing, which to some extent is true. We are becoming much more accepting to the GLBT population, and as that happens, the folks who are opposed to that are getting strident about it. This is something that is not in keeping with what they view as their cultural beliefs and their code of ethics and their religion. It's very

definitely a cultural and religious thing.

**Question: America is changing demographically, and it appears that at some point, Caucasians will no longer be in the majority. As America continues to change, will the cultural wars grow more heated? Will Americans who feel that their culture is disappearing become even more vocal?**

I think things are going to get a lot more intense before they get better. It's kind of like a lightbulb — it burns brighter, before it burns out. And that's exactly the pressure that you're seeing. It's a pretty predictable thing in terms of cultural anthropology. I think in some regards, Europe has already been through that process, and the United States is on a fairly predictable curve. The temperature is rising. It's the most strident who feel that their country is being taken away, and that quite honestly is dangerous, because some of that can be very violent.

**Question: What can we do to bring down the temperature — what are the solutions to the increasing lack of civility that seems to undermine our ability to get along with each other?**

If you understand what's happening, whatever your own personal beliefs are, I think that helps significantly. The other part of it is that obviously, it's real easy to be a racist if you don't know anybody of a different race. It gets more difficult when you start knowing the folks, and having to start dealing with

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them on a daily basis. That's happening to a good degree, including in rural areas. Even 10 years ago, if you lived in small-town, rural Minnesota, your chances of running into a minority and actually working out a personal relationship with somebody of a different race was pretty small. That's not true anymore. And there are large Latino, Somali and Russian-speaking populations all over the state.

**Question: So you are saying there is reason to be optimistic, even if things may be more difficult in the short term?**

Right. Once you get the racial stuff out of the way, it always comes down to class, and you watch racial and ethnic differences disappear when groups have the same economic concerns. For example, in rural Minnesota, at a factory where whites and Latinos were working, the whites didn't like the Latinos, and so forth. But all of the sudden, when there was almost a strike, the Latinos and the whites coalesced as a group, because they had the same economic interests. And in that case, how they viewed it was, it was us against those "fat cats." That's another thing that will probably happen in America: as the conversation continues as to who's got the most benefits in the society, which is a legitimate concern, then you're going to see some of those groups find some of the same interests. And once that happens, they are going to be on the same page.

## HEATHER McLAUGHLIN

Graduate Student, Department of Sociology  
University of Minnesota

*A new study of sexual harassment in the workplace made headlines this fall, because its results surprised many: women in supervisory or managerial positions are more likely to be sexually harassed at work than women who are not supervisors, the study found. To some, conventional wisdom might suggest the opposite — that women with less power in an organization might experience more sexual harassment, because they would be perceived to be more vulnerable. But this University of Minnesota study found that almost 50 percent of female supervisors had been sexually harassed on the job, while only one-third of women who were not supervisors had reported harassment.*

*Other studies have also found that women supervisors experience more sexual harassment than their female nonsupervisory counterparts who presumably have less clout. The study's principal investigator, University of Minnesota sociology graduate student Heather McLaughlin, observed in releasing the study that "male coworkers, clients and supervisors seem to be using harassment as an equalizer against women in power." McLaughlin elaborated on the study's finding in an interview.*



Heather McLaughlin

**Question: You were quoted as saying that male coworkers, clients and supervisors seem to be using sexual harassment as an equalizer against women in power. It's clear that female supervisors reported more harassment than women who were not supervisors. Did the study provide any other data suggesting that men are uncomfortable with women in positions of authority and using sexual harassment as an equalizer?**

In the survey we asked those who had been targets of sexual harassment about who was doing the harassing. And we found that coworkers were more likely than supervisors to harass others. So it's not this quid pro quo situation,

where sexual favors are exchanged for employment decisions, but rather it's this more hostile work environment.

We didn't really ask survey respondents about the harassers' perceived motivations — to get at that, we did interviews with a subset of respondents. Those who were supervisors did suggest this was going on — many talked about experiencing sexual harassment from individuals who just think women should be secretaries. We had someone who was quoted as saying, "if we had someone with balls in this position, we'd be getting things done." So they did experience a lot of backlash from other

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employees. And this was particularly true for women in more male dominated industries, where perhaps these beliefs are even stronger about what women are capable of doing.

**Question: Was the backlash and harassment against women in supervisory positions coming from other supervisors who were at an equal level, from people who were at a level higher in the organization, or from people who were at a lower level than the female supervisors?**

With our sample of about 700 people, it was hard to really get at that. We didn't have a large enough sample to really statistically say what is most common. But we did have women talking about harassment from other supervisors, coworkers, and from subordinates as well.

**Question: Does it seem surprising that subordinates would sexually harass supervisors? Would they not be concerned about consequences?**

We always hear about cases — the Clinton scandals, or the Clarence Thomas confirmation hearings — where it's a supervisor and a subordinate, but these are really exceptional cases. We are finding that's not the usual situation — that even when you have less power, you may still perceive that you can get away with it (sexual harassment), that there aren't consequences, and a lot of times, unfortunately, there aren't. Women who are suffering through this talk about their

concern that, if they say something, they will draw attention to themselves and they won't be accepted as one of the guys — as being able to do their job adequately. A lot of times, when they do say something, their supervisors tell them, just go home, think about it, it's not a big deal. Their complaints are not really taken seriously sometimes.

**Question: So a female manager might have even less protection from sexual harassment than a lower-level employee — if their supervisor believes that they should be able to "deal with" the harassment because they are managers.**

I can't answer that for sure with our data. But my guess is that that is probably the case — if you are given this responsibility, you should be able to handle it, and if you can't, maybe you shouldn't be a supervisor.

**Question: When female supervisors were sexually harassed, what form did the sexual harassment most often take?**

We asked about eight different behaviors, including those that some would consider borderline harassment. I think the most common were discussing sex and suggestive stories, and then staring or leering, and then offensive pictures. Quid pro quo was the least common form.

**Question: The book *Backlash* was**

**published about 18 years ago, and dealt with hostility toward the advances made by career-minded woman. Do you see a correlation between the arguments raised in that book, and the findings of your research? How can we best understand the motivations of those who are doing the harassing?**

There are two separate lines of theory. The first is that those who have the least amount of power are the most vulnerable to sexual harassment, so those would be women who are racial minorities, or those in precarious positions with less job security. But the alternate hypothesis is this "power threat" model — that those who pose a

**"Even when you have less power, you may still perceive that you can get away with it (sexual harassment). That there aren't consequences, and a lot of times, unfortunately, there aren't."**

greater threat to male dominance are more likely to be targets. That more highly-educated women, women who don't have a family, who don't have a

husband and kids — these are the types of women who are more likely to experience harassment.

There is still a lot of research that needs to be done on the topic to confirm those findings. But in terms of our evidence, we are finding this "power threat" hypothesis to better explain our data. And it really has been framed a lot of times as a sort of backlash argument — they're threatening the dominant position of men in the workplace, and that's why they are experiencing harassment.

## Backlash and Muslims

### TANEEZA ISLAM

Civil Rights Director

CAIR-MN (Council on American Islamic Relations)

*Taneeza Islam is the Civil Rights Director for CAIR-MN, the Minnesota chapter of the Council on American Islamic Relations, a national organization with 35 chapters in the U.S. and Canada. The Minnesota chapter advocates for the civil rights and civil liberties of Muslims in Minnesota, presents know-your-rights trainings for the Muslim community, and provides diversity presentations for employers. Islam elaborated on the organization's activities and on discrimination and backlash against Muslims in an interview.*



Taneeza Islam

**Could you tell us a little more about your organization and its activities in Minnesota?**

The chapter in Minnesota is about three years old now — we're still really young. Over the last couple of years, we've primarily concentrated on employment discrimination. In our role as an advocate, we try to negotiate situations with employers directly, and many times that works. But when it doesn't, then we refer people to the state human rights department, or the civil rights departments in the cities.

Because there is such a large Somali immigrant population here, we also cover a little bit of national origin discrimination, and usually that coincides with the religious discrimination that we are seeing.

**Question: What is the most common type of discrimination that Muslims in Minnesota experience?**

The overwhelming majority of situations that we deal with in an employment context involve prayer accommodations, or dress accommodations — wearing of the headscarf or the skirt, or for men, the beard and so on. That's primarily what we are seeing. But just recently, we've started seeing more school discrimination issues.

**Question: What happens in schools that is discriminatory toward Muslims?**

Harassment by students against the Muslim students — racial epithets. Usually the students who contact us feel that the school administration is not doing what they need to do, so we contact the schools directly and try to work it out.

There are also some situations where students are asking to pray during school time. What we do is to educate the Muslim population on what their rights and obligations

are, and then do the same with the schools and the employers. So many times we are having difficult conversations with both sides to get them to negotiate, or come to some middle ground.

**Question: Is harassment of Muslim students in Minnesota schools increasing?**

We are getting more and more of those types of calls, but it seems to be correlated by how much outreach we do, or who in the community knows what we're doing. In our community, in general, word of mouth travels much more quickly than anything else. So we see kind of a skyrocketing of complaints come in once we do a presentation, because people in the audience will say, oh yes, that happens to me, so maybe I should tell them about it.

**Question: In the three years that your organization has been around, has hostility toward Muslims increased in Minnesota, or have people become more accepting?**

That's a really difficult question. The number of complaints that come in each month don't necessarily reflect public sentiment — for us, it means that more people in the community know that we're a resource for them, so they can call us. Case in point: with the news of the missing Somali men, our role has been to do "know your rights" presentations for the Muslim community on how to interact with federal agents, and what their rights are, when it comes to the right to remain silent and the right to an attorney. Once one person heard

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that presentation, we started getting five or six calls a day.

Most of the time, immigrant communities are very fearful of raising any of these issues, whether it be about police officers or government workers or school officials. Once we tell them that they are protected in doing so, that they do have a right to complain, they seem to be talking more. But it's really hard to answer that question, because I think there are thousands and thousands more situations than we know of.

### Question: When people in the Muslim community encounter hostility from non-Muslims, what form does that hostility take?

If you just look at the Star Tribune website when they have that comments section, if you read anything related to Muslims or the Somali community, I think you will see — the insults, being called terrorists, or being told to go back to your country because you are not American — stuff like that. I think that especially with the missing youth stuff, the Somali community specifically feels kind of under the gun in how they are being treated.

We don't really go out into the community and ask the non-Muslim community how they are feeling; we're just hearing the stories from the Muslim community. I think there are two gauges: if you look at the web sites and their comments

sections, you can kind of gauge what people's sentiments are about immigrants. The other gauge is the complaints that we are getting, those kind of everyday situations.

### Question: How has hostility that you see in blogs, and that Muslims sometimes experience directly, affected the Muslim community?

I think it depends on who the actor is. The unique thing about Minnesota is that over 80 percent of the Muslim population here is Somali. But nationwide, the African Muslim population is only about three or four percent, so nowhere else do we see the dynamics that we see here in Minnesota. It's really difficult when you have an actor who is wearing a uniform, and acts a certain way against certain people — rumors fly around in the community pretty quickly. So then there is a distrust of that particular agency, or

**“It's unfortunate that whether Obama was Muslim was used as something demonic. It took someone like Colin Powell to say look, you guys are asking the wrong question — so what if he was?”**

of those particular officials. When it's individuals, I think people can take that a little easier actually. Maybe part of us expects that to happen. But when that individual is a government worker, a school teacher, or a person of authority, that's a lot harder to swallow.

### Question: Are employers now more willing to make accommodations for Muslims' religious needs, than they were two or three years ago?

I think, maybe. The Gold'n Plump decision (a federally mediated

settlement that requires Gold'n Plump to make accommodations for Muslim religious practices) was huge, especially here in Minnesota with the factory jobs. I think people are now more aware that Muslims have special accommodations. But interestingly, I'm not sure how much employers really understand how religious accommodation works. It's not like the once a year accommodation; it's a daily accommodation. And so I think employers may get kind of scared by that, and not really know how to accommodate.

### Question: As a Muslim, have you ever been personally confronted by someone who was not sympathetic with the idea of Muslims being in this country?

Of course. It happens all the time. I personally do not wear a head covering, so people don't necessarily know I am Muslim, or attack me verbally or what not right away. But my last name is Islam — that's pretty hard to cover up. I have been told to go back to my country. But the joke is always, I was born and raised here — I could go back to Michigan, but that's not very far away. When I was going to school, I went to a Lutheran high school, and I was told that my religion was wrong and theirs was right, and that I was going to go to hell, and they were going to go to heaven — from teachers.

I think all of us have had those experiences at the airport, coming back in from overseas travel — you have the feeling that it's racial profiling, but it's difficult to really pinpoint. My husband is Muslim as

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well, and when we came back from our honeymoon, I was in secondary and he was not. They asked me if I was a Muslim, then they said where is your husband, and I pointed — he was waiting for me outside. They kind of did a double take — “well is he Islam to?” And I said yes, he is Muslim. That for me was finally a tangible moment, when I could see this was some sort of racial or religious profiling. Because I am clearly not white, and he’s clearly white — all signs point to me being Muslim, and all signs point to him not being Muslim. When you have a tangible moment like that, things becomes a lot more clear.

But most of the stuff that we experience is so intangible. It’s a general sentiment, a feeling, a way someone is treated — you go to the restaurant and everyone is given a seat at a table except you and your family, who wait for half an hour. Or you’re seated at the booth but not served for 45 minutes, while everyone else is. Or you’ve ordered a meal and they keep messing it up by providing you with bacon or ham — the general population knows that Muslims don’t eat pork or drink alcohol, at the very least.

**Question: How has the recent news about Somali youth going overseas, and the reaction to it, affected the Muslim community here?**

I think the way it’s going to impact our community the most is at the airports. We’ve already had people on our board who have recently traveled, and then been asked questions that are against the first amendment. So those are the

trainings that we’ve started to do more now — what are your rights at the airport and when interacting with federal agents.

**Question: What questions are members of your community being asked?**

“Are you Muslim?” That’s just completely inappropriate. We’ve had several meetings with local customs and border patrol here in Minneapolis, and they have clearly stated to us that their job is to see that you have legal status when coming back in to the U.S., and that you’re not carrying anything hazardous — agricultural products, or whatever. They have no business knowing what religion you practice. But people are asked what mosque they go to — that has no relevance to assuring that you are a legal citizen, or to determining what agricultural products you are bringing in. They are asked, how many times a day do you pray? These are some of the questions our board members have gotten, as well as complaints that we get.

**Question: Is there anything that you’d like people to know out there, that perhaps they might not know?**

I think it’s interesting that when Obama was running for President, there was the question, is he a Muslim? And then Colin Powell came out and said, what if he was? Would that mean he’s a bad person — is Muslim something so evil that the leader of this country could not be Muslim? So all these questions came up. I think it sparked a really

interesting debate within the community. but it’s unfortunate that whether Obama was Muslim was used as something demonic. It took someone like Colin Powell to say look, you guys are asking the wrong question — so what if he was? There are always those underlying sentiments, but once in a while they really come out, and come out in a way that people have to talk about them.

### FURTHER READING

**2003-2007 Report on Hate Crimes and Discrimination Against Arab Americans**

*A report released in Dec. 2008 by the American-Arab Anti-Discrimination Committee (ADC) on hate crimes and discrimination against Arab Americans.*

<http://www.adc.org/PDF/hcro7.pdf>

**Voices from Silence: Personal Accounts of the Long Term Impact of 9-11**

*A report by the Minnesota-based non-profit group, The Advocates for Human Rights, on the impact of the government and community’s response to the 9-11 terrorist attacks on refugee, immigrant, and religious minority communities.*

[http://www.mnadvocates.org/sites/608a3887-dd53-4796-8904-997a0131ca54/uploads/97648\\_FINAL\\_Voices\\_From\\_Silence2.pdf](http://www.mnadvocates.org/sites/608a3887-dd53-4796-8904-997a0131ca54/uploads/97648_FINAL_Voices_From_Silence2.pdf)

## Backlash and Immigration

### KIRSTEN LINDBLOOM

Chair

Austin Human Rights Commission

*The controversy over immigration in Austin remains heated, with the neo-Nazi National Socialist Movement and its opponents both taking to downtown Austin streets, confronting each other with bullhorns, their crowds of supporters promoting vastly different views of immigration and opposing visions of America. "It's pretty intense," says Kirsten Lindbloom, chair of the Austin Human Rights Commission and herself an immigrant from Canada. A town that was more than 90 percent white as recently as the 2000 census, Austin has changed dramatically through increased Latino immigration — this year its public schools' kindergarten class is 45 percent nonwhite. In this divided community, the Commission works to promote dialog and respect for human rights. Lindbloom talked about the continuing debate of immigration in Austin in an interview.*



Kirsten Lindbloom

**Question: The growth of the immigrant community in Austin has sparked controversy in the past. How would you characterize attitudes in Austin toward immigration now?**

I think that no matter where we stand on the issue of immigration, we all agree that things need to change. The current system is not working for any of us. I'm actually an immigrant — I'm Canadian and in year nine of my own immigration journey. I have a green card, and it took me eight years to get it. I'm white, I'm educated, and I found the system to be cold and challenging. I can't imagine what it must be like for my counterparts, who have language issues.

As far as what's happening in Austin, we've got some opposition

(to immigration) here. We have strong voices on both sides of the table, and as I'm sure you've heard, there is a National Socialist Movement (NSM) group that has been very active locally. They were with us at an event on September 12th, and then on the 14th they attended Riverland Community College's Mexican Independence Day celebration. They're a small group locally, but they're loud.

**Question: Is it your sense that anti-immigrant sentiment is increasing in Austin?**

I wouldn't say it's increasing, but I think the discussion is happening more openly. It's more visible.

**Question: What effect is this more visible debate having on the community?**

As far as the Austin Human Rights Commission is concerned, we believe that immigration is something that needs to be talked about. And no matter where you individually stand on this issue, it is something that is a huge part of our changing community. When I first moved to town 14 years ago, there was a nonwhite community but it has grown significantly in that time. In Austin's public schools roughly 45 percent of our kindergarten class this year is not white. We're changing, just as many other communities are — Worthington, Willmar and other communities. We've got lots of families and lots of children in our system, and something we need to talk about is that not all of those families, and not all of those children, are here legally. Many of them are, but many of them are not.

**Question: Many have observed that nationally the debate over immigration has become much more intense, and less civil. How would you characterize that debate in Austin?**

It's heated. We're talking about citizenship, we're talking about people's jobs, we're talking about taxes, we're talking about Social Security — it's all those things. There is a lot of misinformation out there, on those key areas that people really feel strongly about. Of course it's going to get heated.

**Question: What are the concerns of those in your community who are opposed to immigration?**

I'd say you need to talk to them.

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There is the perception that they are taking American jobs — one gentleman at one of our workshops was very clear that he believes he can't get a job because he's not Hispanic. There is concern about increased crime, and the housing problem that it causes. And they feel that immigrants are accessing services, and using American tax dollars, to have services that only citizens should have.

### Question: Does the Austin Human Rights Commission take a position on these concerns?

As a commission, our view is that in this dialogue — whatever happens with immigration and immigration reform — human rights need to be honored. Certainly it's clear to us as a commission that there are problems, and that people's rights are not being respected. We have a welcome center in Austin that has done some different things to help all of our families coming in. And we've got those who would say that the efforts we are making in our community are too welcoming. As a commission, we want to promote dialogue and ensure that people's rights are respected.

### Question: How can a community be too welcoming? What is the criticism?

With the welcome center for instance, there is a perception that we don't need one, that having a place to land and some support — that helping in any way — is seen as a problem, especially if we're talking about "illegals". That's not my word,

but their word. There is really that anxiety about people here illegally.

### Question: How has the National Socialist Movement figured into this debate?

They have been pretty active this spring and into the summer. They've had a couple of rallies, and they have been attending events like the immigration training that we held on September 12. They were not disruptive, but they came and attended the

workshops, and they were very active in the discussion.

But at the rallies, you've got both sides standing in downtown Austin on the other ends of bullhorns, yelling. You've got the NSM (National Socialist Movement) crew that is organizing these rallies, and you've got community folks coming to oppose that, standing and circling them. At the first NSM rally there were maybe 40 or 50 people who would dare to oppose them; the next time they did it, there were well over 100 people, outnumbering them, and being vocal about their opposition to the NSM messages. It's pretty intense.

As a commission, we are working at finding our way in this, and at continuing to keep a dialogue open. We're a quieter voice in the storm. Our approach is education, reinforcing the facts, and eliminating some of the myths.

### Question: What are the myths you want to eliminate?

It's things like misunderstandings about taxes. If people are working, legally or illegally, they are paying taxes. If you are employed, they're taking out taxes. There is misunderstanding about the kinds of services and support we are giving to non-documented people in our communities — they can't just walk in and have access to services.

The other thing that is needed is general education about immigration. People don't have any idea how hard it is to immigrate. When I tell my story, people ask, are you a citizen yet? Why is it taking so long? Well, because there's a system and a process. You just don't fill out a form

and say, all right, I am a good person, and I'd like to work and live in the United States. You've got to jump through hoop after hoop after hoop, and many of those hoops are very expensive, and take time. I think if most people understood the system, they would be less critical about people who are trying to maneuver that system. I mean, it's brutal.

## ERNESTO BUSTOS

### Community Organizer Centro Campesino

*For the past six years Ernesto Bustos has worked as a community organizer for Centro Campesino, an organization that provides services and advocates on behalf of migrant workers and Hispanic/Latino immigrants in southern Minnesota. Its territory includes a range of cities from Northfield down to Albert Lea, east to Winona, and west as far as Worthington.*

**Question: What has your community experienced in terms of backlash?**

In terms of the environment for immigrants in the region, I would say that it hasn't changed. From time to time we do see greater activity coming from the anti-immigrant groups, and now we have the Nazi groups in the area. So it can seem like there is more, but really it just moves around — kind of like a virus, or the flu. They all seem to have the perspective that immigrants are not good, they're bad for the economy, bad for the community, they create all this trouble. And the result of that is harassment toward that specific community.

**Question: So the harassment is no worse than it was five or six years ago — it just moves around?**

Yes. And in some cities it is more intense than in others.

**Question: What does your organization do to combat it?**

Most of our work is community organizing. We do educational workshops for both the English speaking community and the

Spanish speaking community. We also do direct organizing — people send letters, they make phone calls, they do postcards — and we also have meetings with our local state and federal representatives. At the same time, we do a lot of what I call “casework.” When someone comes through our door or telephones us with a current situation — it can range from something very minor to a very large problem having to do with employment, discrimination or sexual harassment — we try to do an assessment of those situations. We look at them individually, of course, and then explain to the person that what is happening to them is nothing new, and unfortunately they are not the only person to whom it has happened. We try to put it in a way that they see this bigger picture.

**Question: Are you saying that things aren't getting worse with respect to community attitudes toward immigrants, but that they also aren't getting better?**

It depends on the town. For example, Owatonna has become kind of a neutral place. That doesn't mean that everyone there is comfortable with the situation. But

then you look at towns like Albert Lea and Austin, where the situation is completely different — it's hostile, in a way.

**Question: What form does that hostility take?**

It varies. We've heard of cases where people are just walking in the park with their kids, and they hear racist words coming from drivers and people going by. We've also heard of very direct harassment from the police department. When I say the police department, I do not mean the entire police force, but if only one person or two is doing it, they are seen as direct representatives of that institution.

**Question: How has the economic downturn affected people in your community?**

It has affected us all, directly and indirectly. The downturn in the economy began at the very high end. Our people don't do executive work — we are not dealing with insurance or investments or things like that — so fewer of our community members were affected at the beginning. But as things trickle down, as companies have fewer contracts and there is less demand, then it comes all the way to the bottom of the labor force, where many of our community members are employed.

**Question: There has been a lot of news coverage about violence in Mexico. Has concern about the situation in Mexico affected how people view Latinos in Minnesota?**

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## Backlash and Disability

### MARGOT IMDIEKE CROSS

Accessibility Specialist

Minnesota State Council on Disability

*The more people with disabilities exercise their rights, the more likely they are to encounter backlash from those who resent what they see as special privileges granted to the disabled, observes Margot Imdieke Cross, an Accessibility Specialist for Minnesota State Council on Disability. The result is that some people with disabilities are reluctant speak up, or ask for an accommodation to which they may be legally entitled, fearing the reaction of coworkers, employers and others who are unsympathetic or uninformed about disability issues. Cross talked about the backlash and its effect in an interview.*



Margot Imdieke Cross

This is part of the problem. There is a lot of talk on the news about violence, drugs, and guns, and people who receive that information take it as fact. But in reality, that's not the case. There is a lot more that needs to be explored, that needs to be presented to the public, for them to actually get a good sense of how the drugs get there. How is it that the guns get there? Probably 80 to 90 percent of the guns and high caliber armaments that are in Mexico come from the

**“We’ve heard of cases where people are just walking in the park with their kids, and they hear racist words coming from drivers and people going by.”**

United States, because here it is very easy to purchase them. So the traffic actually goes from here to there, and then it spills back over here. Those are the things that people don't get.

**Question: To what extent has the disability community experienced backlash from those who believe society has gone too far in protecting the rights of individuals with disabilities?**

It's always part of the equation, in just about every employment call I get. People will call me and want to know, should I request a reasonable accommodation? Should I complain about my coworker who is wearing too much perfume? Should I complain that there is not adequate disability parking? They are always afraid that there is going to be retaliation or backlash. I will get a lot of people in small towns, who will call me and say, “you can't identify me — I can't even give you my name. I'm so fearful the word is going to get out that I complained, because I don't want people to ostracize me.”

I think that as our society becomes increasingly self-centered, that feeling, that anger is out there. Often

when I call to advocate on somebody's behalf, what I'm told is, is that if I do it (provide an accommodation) for this disabled person, I'm going to have to do it for everyone. And when that doesn't happen — when you provide an accommodation just for the disabled person because it's required by law — then you have people saying, “how come they get this accommodation?” That is part of this whole double edged sword that we call America: as we increase or exercise our individual rights, people get angry if they are not equally applied to everyone. And sometimes they can't be.

**Question: Are you hearing more concerns about backlash against disabled people and disability rights than you heard a few years ago?**

I think back 15 years ago the hostility was actually a lot greater because the law (the Americans with Disabilities

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Act) was new, and people truly didn't understand. I think now people understand disability and reasonable accommodation — but that doesn't mean that they like it. I remember once I was waiting for a friend who was making a phone call. It was at Hennepin County Government Center, and the only phones that were available were these wheelchair accessible phones. And this very tall gentleman walked up to a phone, and he exclaimed to a friend, something to the effect: "What the hell — are they building things for midjets now?" He was just kind of pissed off about the whole thing. And then he turned around and he saw my friend and I, both in wheelchairs, — he was so embarrassed, because he didn't see us when he said this. And then it dawned on him that, of course the phones are lower, because they are for people in chairs. It didn't mean that he liked it. So I don't think people necessarily like all of the changes (required under the ADA) and I don't know how to address that. How do you explain to people that they can't have something that someone else is getting — like disability parking — because they don't have a disability?

**Question: Do you often hear complaints about accessible parking from those who are unhappy that they can't have those accessible spots?**

Definitely. We've always had requirements for disability parking, but with the passage of ADA, they were taken a lot more seriously, and people really started pushing for it because they had this federal law. And I think that the more we push, the more there is going to be a push back. People still say today, why should they (individuals with disabilities) get all the good parking? What I've noticed is, as long as we get the less desirable stuff, people are okay with it. For instance, in a lot of sports facilities, disability seating is really not the best. If you go to a sports facility, or to a theater or any number of places, the disability seating is in the back row, or it's in the back of the theater — it's crap seating. And as long as what we are getting is mediocre at best, then everybody else seems okay with it. But the minute we start getting the better seating at the theaters and sports facilities, or the better tables at the restaurant, then I think that there might be a bit of envy. And as our laws become more sophisticated and as what we are trying to achieve becomes more desirable, then people start to say, "well how come the people in the wheelchairs are in the better seating?"

**Question: Are disabled individuals often confronted by those who feel upset that someone else is getting some special accommodation?**

Absolutely. It happens all the time, especially if they don't look like what they're "supposed" to look like if they are disabled. If somebody doesn't have a visible disability, especially if they are using disability parking, it happens all the time . I

try to impress upon folks that the vast majority of people who use disability parking don't have a visible disability. If people are feeling a little bit vigilante, they need to step back and take a deep breath.

And it happens with service animals. I got a call from a woman the other day, who is a general manager for a bank in a small town. One of their patrons brought in a little dog, that she carries around and she calls it her companion. It's a companion animal, but probably technically not a service animal. And I said why are you calling me, did somebody complain? She said yes, a woman standing in a line over from her, another patron, saw the little animal and started complaining.

**Question: Does this backlash or vigilante-ism toward individuals with disabilities seem to be increasing?**

Is it happening more often now? I don't know. There has always been some of it. But I think one thing that has changed is that people are becoming a lot more comfortable talking about it. In the past, there has been a lot of shame associated with disability, but as our society ages, the percentage of people with disabilities seems to be increasing, and it becomes more commonplace. I think in the past they (people with disabilities) might have been more inclined to not talk about it, be ashamed of it. But now they're willing to talk about it and say, "hey, you wouldn't believe what just happened to me...."

## DAVID HANCOX

### Director, Metropolitan Center for Independent Living

*David Hancox is Director of the Metropolitan Center for Independent Living, a nonprofit organization dedicated to supporting individuals with disabilities in their efforts to pursue independent, self-directed lives. Like other advocates for the disability community, Hancox perceives that resentment toward individuals with disabilities has grown, exacerbated by the desperation many feel in a tough economy. Hancox shared his observations on backlash and disability in an interview.*



David Hancox

**Question: We seem to be living in a time in which many people feel angry, and our public conversations have become less civil. Is there increasing hostility or lack of civility toward people with disabilities?**

I think it is increasing. I don't know that I would say it is increasing in a dramatic fashion, but it is certainly bringing out spontaneous comments from folks. For example, one of my board members here at MCIL (Metropolitan Center for Independent Living) happens to be a person with cerebral palsy, and he uses a wheelchair for mobility. He is gainfully employed, he has a Masters degree, and he works in finance and accounting for The Travelers. He provides

**“I think when we have an economic downturn like this, the desperation level changes for people. They begin to target people, individuals that they view are being given advantages that they just simply can't access.”**

mentoring to other young people with disabilities, he referees basketball games — he is very active in the community. He was on a public transit bus one day and there was somebody sitting across the aisle from him, a young person, probably 25 to 30. This person kept looking at him — he would just kind of glance over at him — then look away. So finally my board member

said to the young man, “Is there a problem?” And the young person looked at him and said, “you know, you are the reason that our economy is in the trouble that it's in today. It's because we take care of people like you, who just sit around all day and do nothing.”

I think people make presumptions, resentments grow, and we see that kind of discourse. People get frustrated, especially if someone has been unemployed for a long period of time, or they are having trouble

getting healthcare, and they see somebody who is being served by a personal care attendant. On an ongoing basis, we have people who don't recognize the use of a service dog. And I think it's well understood that people with a mental health diagnosis are treated with even greater disdain than people with developmental or physical disabilities.

**Question: Is disability parking still controversial or a source of resentment?**

Every day at my office building I see people using accessible parking spaces — and if they are genuinely eligible to use those spaces, they aren't displaying the eligibility on their car, they don't have the plates, they don't have the placard that hangs or anything like that. I think on an individual level we still see people misusing the privilege.

**Question: How is the economy affecting the willingness or ability of employers to accommodate people with disabilities?**

I don't have any data on that. But it would seem reasonable to me that with layoffs, and business and industry having to cut back, that one of the areas they might be looking at to cut costs is in area of accommodation — that would make sense to me, that that would be one of the first areas they would look at.

**Question: What do you believe is causing this resentment to express itself, to perhaps a greater extent than a few years ago?**

I think part of it is the economy.

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## Change & Backlash in the Suburbs

People are out of work, and along with losing their job, are losing access to health care. Then they look at other individuals — and it's not just people with disabilities — you see the resentment toward older adults. I think when we have an economic downturn like this, the desperation level

**“People get frustrated, especially if someone has been unemployed for a long period of time, or they are having trouble getting healthcare, and they see somebody who is being served by a personal care attendant.”**

changes for people. They begin to target people, individuals that they view are being given advantages that they just simply can't access. And there is resentment about that — you've got something I don't, and I want it.

### PEG KENNEDY Cultural Services Manager Roseville Area Schools

*It would probably surprise some residents of Roseville that more than one-third of the students in its public schools are now categorized as “diverse” or non-white. “A lot of this change is hidden from the community,” explains Peg Kennedy, cultural service manager for the Roseville Area Schools. The largest group of newcomers to this inner-ring suburb are Hispanics, many of whom are undocumented and keep a low profile, according to Kennedy. But Roseville is also home to Somalis, Hmong, and increasingly, to a new immigrant group of Karen refugees from Myanmar (formerly Burma).*

*As Roseville's traditional white, European population notices that its schools — and increasingly, its neighborhoods — are becoming more diverse, how is the community responding? Quite positively, says Kennedy. But there have been what she calls some “speedbumps” along the way, and the school district has experienced some backlash from parents who worry that educating refugee kids from Asia or Africa may mean fewer resources available for their children. That concern is unwarranted, says Kennedy, whose school district includes Roseville as well as the surrounding communities of Arden Hills, Falcon Heights, Lauderdale, Little Canada, Maplewood, and Shoreview. Kennedy talked about Roseville's increasing diversity and the community's reaction in an interview.*

**Question: Could you talk about the demographic changes that Roseville has seen in the past few years, and how those changes have affected the community?**

Our ethnic diversity had been going up one to two percent every year for the past 20 years. Five years ago it started going up faster, and in the past three years it has accelerated more. I've done a lot of presentations with churches and senior citizen groups and explained the diversity — who these new immigrants are, where they come from, why are they here. Our community has been very accepting — if they know who they are. It's the unknown that creates fear.

**Question: What has caused this trend to accelerate and made Roseville so much more diverse?**

For our community, it is directly proportional to the refugee resettlement. Until about two or three years ago, refugees normally landed in St. Paul and Minneapolis. They would spend five years in Minneapolis or St. Paul getting on their feet, and as soon as they did — just like the Italians, the Irish and the Germans — they moved to the suburbs for safety, better education and lower-cost housing. Now they are getting off the plane and moving right into Roseville — this is something

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that has never happened to us before.

### Question: Where are these immigrants and refugees who are suddenly arriving in Roseville coming from?

The largest group of immigrants that have been coming in are the undocumented Latinos. They're very invisible in communities — they fear run-ins with the law — so even though that is our largest group, it really hasn't caused friction. It's one of those very hidden, don't ask, don't tell situations.

The latest group are the Karen refugees from Burma-Myanmar.

There is a very oppressive military regime in control, and the Karen were the minority tribe that supported the democracy. The previous group were the East Africans — the Somali. The group before that were the Hmong, and until three years ago, Hmong were our largest group. These are second or third generation Hmong — the parents speak English, the kids speak English; they move out of St. Paul and buy homes in Roseville. So we have a very large Hmong home owner population — we have St. Paul's successes. We also had a one-time influx of Somalis. They were families who had been in Minneapolis for a long time, ten or 15 years, and they came into

Roseville, and now their students are some of our top students.

That's what we were used to — Hmong and Somalis. You land in Minneapolis and St. Paul and when you get enough English and enough income, you move to Roseville. That had always been our story until the last two or three years.

So this is a very new phenomenon — having refugees settle in directly, straight off the plane, into a suburban community. It caused us angst because we did not have a lot of those community services like food shelves, clothing banks, transportation. The suburbs typically have not had those. So in the past two years we've been working with the churches and the city and community organizations to create some of these safety nets.

### Question: Why so many of these new refugees moving to Roseville, instead of the inner cities or somewhere else?

We have the largest refugee resettlement agencies in the country, in Minneapolis and St. Paul — Catholic Charities and Lutheran Social Services. But the thing is, there is no housing left in Minneapolis or St. Paul when you already have two huge groups of refugees (Hmong and Somali) settled in. The availability and cost of housing is a huge reason for this influx to a first-ring suburb.

### Question: Where are these newcomers living — is there enough available housing in Roseville?

We don't have public housing in Roseville, but what we have are some really dilapidated apartment complexes. We would call them substandard — market rate is the term. The Karen live in two apartment complexes. They pay full price rent, they get no subsidies. The Latinos live in manufactured housing — you and I call them trailer parks.

The city housing department has worked with the schools saying okay, we're all in this together — how can we make sure that residents are provided safe, livable homes. But I think that new, just-off-the-plane refugee has caught Roseville by surprise.

### Question: What affect has the arrival of these immigrants and refugees had on Roseville's schools?

Our Hispanic population has gone from just over 300 in the 2004-05 school year, to over 500. That was the fastest growing group until the fall of 2007. Then on the first day of school in 2007, 156 kids from Myanmar got off our school buses and walked into our Roseville school buildings. And we looked at them and said, who are you? The refugee agencies had signed them up for St. Paul schools, but they lived on the north (Roseville) side of Larpenteur, so St. Paul was staffed for 156 Karen kids who didn't arrive. Now this

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year, we're up over 200 students from Karen, but we now know who they are, and we're ready for them.

### Question: What is your role as cultural services manager for Roseville schools?

These kids have nothing. These new immigrant refugees come and they land, and they don't have a bed, they don't have appropriate clothing, they don't have a backpack, and they're coming into school. So I went to the pastors in Roseville and I said, help. We can teach them English, but there is no way we can handle all these family basic needs. And 26 of the 33 churches stepped up and mentored at least one family — some churches have gone on to mentor several more. The refugees do qualify for MFIP (the Minnesota Family Investment Program, a welfare program that replaced AFDC). It is minimal life support, but it is more than the undocumented get.

### Question: How does the school population break down demographically in Roseville area schools?

The Caucasians are 64 percent. Of those 36 percent categorized as ethnic diversity, 16 percent are Asian, and 11.5 percent are black — about half of those are African immigrants, and the other half are African American. Hispanics are about 8 percent, and we have a 1

percent American Indian population.

### Question: How has the Roseville community reacted to this influx of families and students from so many other places?

When we were starting to experience this huge transition, we were thinking, oh my God, is this the white exodus? Are white families leaving the community, or sending their kids to private schools? We researched the last five years, and we did not find any evidence of a white exodus. It's just that white families are having fewer kids. And the number of students

**“When we go out into the community and talk about our new refugees and immigrants, the first question we are asked is, where do they live? How can we be this diverse, because my neighbors are all white?”**

who live in Roseville, but go to private schools, that hasn't changed — other than this year, when we've seen a lot of students who had been in private schools come back to public, because of the economy.

There is also what's called “aging in place” — retired couples in Roseville are staying in their ramblers, because they are all one level. But as the cities of Roseville, Little Canada and Maplewood have put up a lot of senior assisted-living and apartment complexes, some seniors, who were living in three to five bedroom ramblers, have vacated these ramblers and were able to stay in the community. That is one piece of the influx of diversity: a lot of Hmong and other Asian groups are coming in and buying these larger ramblers, which works great,

because they have larger families. So in Roseville, our school enrollment is going up — that's unheard of in the Twin Cities.

My experience with the community is that if you take the unknown out — if they know who is here, why are they here, and what are their customs — people are very open. But if they don't know who the strangers are who are moving in next door, that's where you get a lot of fear.

### How has this fear shown up in Roseville?

We have a significant open enrollment contingent — I think it's about 10 percent. One factor is St. Paul families crossing Larpenteur and open enrolling in Roseville schools. We are so close to St. Paul, there is the perception that there are gangs here — no, there really aren't. There are St. Paul gangs that may come up to Roseville and do icky stuff, but they are not our kids. When we got the first group of Somali who came in, we did have a few speed bumps — 9/11 had just happened. That first year we did have some comments in public places from parents, which we reacted to with community forums and education, to dispel a lot of the fear and the myths.

### Question: What was the fear about?

There was the fear of bringing religion into school. We don't bring religion into school — we do have to offer prayer space and accommodate that, but nothing is taken away from anyone else's child

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to provide a culturally appropriate prayer space. We had to just help other parents understand that we actually get additional funding to provide these services — we don't take away from other students when we provide additional services to some students.

There was a little backlash — parents thought there would be less resources for their child. But we don't see that as a white versus a non-white issue. With the generation of parents now, it's more about white versus white — it's about “my kid — I don't care about the rest of the kids, I don't care about the greater good, I just care about my kid.” That's just a transition in parent ideology. It's amazing.

### Question: Is there anything you'd like to add?

A lot of this change is hidden from the community. As a school district, this is where the diversity is seen the most. When we go out into the community and talk about our new refugees and immigrants, the first question we are asked is, where do they live? How can we be this diverse, because my neighbors are all white? They don't see this diversity in their neighborhoods. It's very hidden — that's the sad part.

### Question: Where is diversity headed in Roseville? Has someone said to you, get ready for the next wave of immigrants from this place or that place?

Supposedly this is the beginning of the Karen influx. When I meet with the resettlement agencies, they say the Karen is supposed to be the largest group yet — larger than the Hmong, larger than the Somali. That's shocking to me. So we are preparing — I don't know how much more you can prepare. But Karen have been very welcomed in Roseville — if they can find places in Roseville, they come, and we love it. We get a new Karen family every day.

The Bhutanese (refugees from Bhutan) are the next group, and we've only seen a couple of those families. The Latino population has

stabilized — and I think overall in the state and the country, immigration has slowed down because of the economy. Our African American population has always kind of remained the same. The white population is declining, but that's just because there are less white kids.

The suburbs that do not have this influx of ethnic diversity have declining enrollments. So from our standpoint as a school district, this is a wonderful thing. I would hope other communities are as welcoming. I know Roseville is welcoming.

## FURTHER READING

### Minnesota Population Projections by Race and Hispanic Origin, 2005 to 2035.

#### Minnesota State Demographic Center

*Report finds that the numbers of Latino, black, and Asian Minnesotans are projected to more than double over the next 30 years, while the white population is projected to grow slowly and will decline in some parts of the state. All regions of the state will become more racially and ethnically diverse than they are now.*

<http://www.demography.state.mn.us/documents/MinnesotaPopulationProjectionsbyRaceandHispanicOrigin2005to2035.pdf>

### U of M Department of Sociology Publications and Working Papers

*A collection of publications related to the Department of Sociology's American Mosaic Project.*

<http://www.soc.umn.edu/research/amppub.html>

### Hate Crime Statistics, 2007, U.S. Department of Justice

<http://www.fbi.gov/ucr/hc2007/index.html>

### Hate Crime incidents in Minnesota, listed by bias motivation and Minnesota county

[http://www.fbi.gov/ucr/hc2007/table\\_13mn.htm](http://www.fbi.gov/ucr/hc2007/table_13mn.htm)



# By Rights...



## *Commissioner Korbel answers your human rights questions*

**CAN A LANDLORD REFUSE TO RENT AN APARTMENT BECAUSE OF AGE?**

**To the Commissioner:**

Can a landlord discriminate against a tenant because of the tenant's age? I'm currently renting a house from a landlord with two others, we are all 24 or 25, but the house has been sold and we are looking to move. We found a home we are interested in, but the owner informed me he didn't want to rent his home to us, due to our ages. Is this legal? In his rental ad, he did not have any age limits. We are more than able to make the rent.

**The Commissioner says:**

*Although age discrimination is prohibited in employment and in education, age is not a protected characteristic in the housing area under the Minnesota Human Rights Act. Thus, a landlord can refuse to rent to a tenant or tenants because of their age(s), as long as some other discriminatory factor is not involved. For example, if a landlord were to refuse to rent to younger people of a certain race or national origin, but not impose the same age restriction when renting to people of another race or national origin, that would likely be illegal discrimination — but on the basis of race or national origin, not on the basis of age.*

*If age was the sole reason you were refused an apartment, you would have no recourse under the Human Rights Act. If you think some other factor may have been involved, you may want to contact our intake unit at 651-296-5663 or 1-800-657-3704 to discuss filing a charge of discrimination.*

**CAN MY BOSS REFUSE TO LET ME TAKE A VACATION?**

**To the Commissioner:**

I need to know if I have a right to a vacation. I work for a motel in a Twin Cities suburb. I have been there for three years, but I have no benefits, no medical insurance, and no paid vacations. But just like everyone else, after working full time for an entire year, I need a break. I told the manager (who is very racist) that I needed to take a vacation — without pay — before my kids went back to school, so I could do something with them. He told me that if I wanted a vacation, I had to find someone to work for me. Otherwise, when I came back he would only give me two hours per night, instead of full time work. Can he do that? They are not paying for me to take a vacation, so why don't they want me to take it? I can't lose my job, but I am tired and I need a break.

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To submit a question to this column, visit the Department's web site where the column regularly appears, or send your question to: The Minnesota Department of Human Rights, 190 East 5th Street, Suite 700, St. Paul, MN 55101. Attn: By Rights.

We will not publish your name or the names of individuals or companies you identify, but you must include your name and phone number.

Note: If you have a human rights question but would prefer that your question not be published, call the Department at 651-296-5663 or 1-800-657-3704 (toll free) and ask for Intake.

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**The Commissioner says:**

*It may be that everyone needs a vacation now and then, but there is no employee “right” to a vacation, paid or unpaid. Employers are required under Minnesota law to provide restroom and meal breaks during the work day, and to pay overtime for work in excess of 48 hours per week. These and related laws are enforced by the Minnesota Department of Labor and Industry. You can find more information about those laws here:*

*<http://www.dli.mn.gov/LS/FaqHours.asp>*

*You mention that you consider your manager “very racist.” Are other employees of a different race or national origin being allowed to take vacations? Are they required to find someone to work for them? If you believe you are being treated worse than other employees, and that your race or national origin is the reason for this treatment, you may wish to contact our intake unit at 651-296-5663 to discuss your situation further.*

**CAN AN EMPLOYER  
JOKINGLY THREATEN TO  
FIRE SOMEONE?**

**To the Commissioner:**

Is it ever appropriate for a supervisor to threaten an employee’s employment in front of others, even in a joking manner?

**The Commissioner says:**

*The Department of Human Rights does not pass judgment on what is or is*

*not appropriate workplace conduct for supervisors or anyone else — such matters are outside of our jurisdiction, unless the conduct involves a potential violation of the Human Rights Act. While threatening an employee’s job in front of coworkers may be a poor management practice, such conduct would not be illegal under the Human Rights Act, unless the employee whose job was threatened was being singled out because of his or her race, religion, age, gender, national origin, sexual orientation, a disability, or another characteristic protected under the Act.*

**CAN A MEDICAL CENTER  
REQUIRE EMPLOYEES TO BE  
VACCINATED?**

**To the Commissioner:**

Can a county medical center employer require employees to be vaccinated as a condition of employment? The healthcare industry is considering mandatory vaccinations because of H1N1, and I would like to be confident that legally we can mandate influenza immunization as a fitness for duty requirement (absent a medical or religious reason).

**The Commissioner says:**

*The Minnesota Human Rights Act does not address the issue of mandatory vaccinations. The Act does require that employers not discriminate on the basis of disability or religion (or other protected characteristics). If an individual had a medical condition, rising to the level of a disability, that could be adversely affected by a vaccination, it is possible that an employer could be required to exclude this individual from its vaccination requirement, as a reasonable accommodation for that individual’s*

*disability.*

*The duty to not discriminate on the basis of religion can in some cases include a requirement to accommodate an employee’s religious beliefs. So it is conceivable that an employer could also be required to exclude an individual who opposed vaccination on religious grounds, as an accommodation for that person’s religion.*

*In cases involving reasonable accommodation, it is difficult to identify a “general rule” that would be applicable in all situations. More information about reasonable accommodation in disability cases is available on our web site at: [http://www.humanrights.state.mn.us/education/articles/rs03\\_3disability.html](http://www.humanrights.state.mn.us/education/articles/rs03_3disability.html)*

**CAN EMPLOYEES BE  
REQUIRED TO SIGN IN AND  
OUT FOR RESTROOM BREAKS?**

**To the Commissioner:**

I work for a medical company here in Minnesota and my supervisor has instituted a policy requiring all employees in our department to sign in and out on a prepared form for restroom breaks, and state the time they leave and the time they return. Is this acceptable? Isn’t this a violation of one’s right to a free and non-hostile work environment?

**The Commissioner says:**

*The restroom break policy you describe does not appear to violate the law we enforce, the state Human Rights Act, unless it is being applied in a discriminatory fashion. For example, if an employer required members of a*

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*certain race or national origin (or other protected characteristic) to sign in and out to use the restroom, but did not have the same requirement for members of another race or national origin, there could be a potential violation of the Act. Other protected characteristics include age, gender, disability, marital status, sexual orientation, color, creed, public assistance status, and religion.*

*There are laws that deal specifically with restroom and meal breaks, and these are enforced by the state Department of Labor and Industry. You can find more information about those laws here: <http://www.dli.mn.gov/LS/FaqHours.asp>*

**FIRED FOR TAKING DOWN A CARTOON? WHAT ARE EMPLOYEE'S RIGHTS?**

**To the Commissioner:**

A coworker of mine was offended by a cartoon depicting President Obama as a "Steve Erkle" character and the economy drowning as a result. This was posted by the administrator in the entryway of the facility where the public must pass. This coworker took the cartoon down. As a result, the coworker was verbally accosted by the administrator and put on suspension. Does she have any rights in this regard?

**The Commissioner says:**

*Was the coworker who took down the cartoon offended because it criticized the president, because the coworker believed it was inappropriate to display a political cartoon in an area accessible to the public, or because the coworker*

*believed the cartoon stereotyped African Americans and could create a hostile environment for African Americans in his or her workplace?*

*If the coworker was offended by the cartoon because the coworker believed its posting could constitute discrimination, it might have been preferable for the coworker to raise that issue with the administrator, a supervisor, or to follow other procedures the company may have in place for filing a complaint about discrimination — assuming the company has such procedures. But since the coworker chose to take down the cartoon on his or her own initiative, whether the resulting disciplinary action was discriminatory could depend in large part on company's reason for the discipline. If the coworker objected to the cartoon because she considered it racially offensive, or if the coworker believes the suspension was an act of reprisal for objecting to behavior he or she viewed as discriminatory, the coworker may want to contact our intake unit to discuss filing a charge of discrimination.*

**MUST ASSISTED LIVING FACILITIES PROVIDE ACCESSIBLE AUTOMATIC DOORS?**

**To the Commissioner:**

Do assisted living communities have to have automatic, handicap accessible doors on every floor with outdoor egress? It makes it difficult for older people in wheelchairs to access a building when there is no automatic door. Is there a requirement for such a door in new construction?

**The Commissioner says:**

*The Minnesota Human Rights Act requires assisted living facilities (as well*

*as all other public accommodations) to not discriminate against individuals with disabilities, and to provide reasonable accommodation to the known physical, sensory, or mental disability of a disabled person. The Act does not set specific requirements for the type or locations of doors, nor does it specify what type of accommodation would be reasonable in any individual case. Cases of disability discrimination tend to be fact-specific. If you believe people with disabilities are being denied access to the facility you mention, and/or if you have requested an accommodation (such as an automatic door) and it has been denied, you may want to contact our intake unit at 651-296-5663 to discuss the situation further.*

*You may also wish to contact the Minnesota State Council on Disability, which serves as a resource for disability issues and may be able to provide you with further information on your accessibility question. You can find the Council on the web at: <http://www.state.mn.us/portal/mn/jsp/home.do?agency=MSCOD>*

Note: If you have a human rights question but would prefer that your question not be published, call the Department at 651-296-5663 or 1-800-657-3704 (toll free) and ask for Intake.

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MDHR COMMUNITY PARTNERS

*The Department of Human Rights works collaboratively with community partners committed to our common vision of a discrimination-free Minnesota.*



**The League of Minnesota  
Human Rights Commissions**  
Website: [www.hrusa.org/league](http://www.hrusa.org/league)



**Tolerance Minnesota**  
Website: [www.minndakjrc.org/wp/stand-up-for-israel/tolerance-minnesota/](http://www.minndakjrc.org/wp/stand-up-for-israel/tolerance-minnesota/)



**The Human Rights  
Resource Center**  
Website: [www.hrusa.org](http://www.hrusa.org)



**The Advocates for Human Rights**  
Website: [www.mnadvocates.org/](http://www.mnadvocates.org/)



**Advocating Change Together (ACT)**  
Website: [www.selfadvocacy.org](http://www.selfadvocacy.org)

*The Minnesota Department of Human Rights is not responsible for the content of external websites.*