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1 UNITED STATES COMMISSION ON CIVIL RIGHTS
2 OHIO ADVISORY COMMITTEE

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4
5 IN THE MATTER OF:
6
7 THE FACT-FINDING MEETING
8 OF THE OHIO ADVISORY COMMITTEE
9 ON HATE CRIME IN OHIO

10 _____ /
11 REPORT OF PROCEEDINGS, taken in the
12 above-entitled cause, taken before MR. LYNWOOD L.
13 BATTLE, Chairman of the Ohio Advisory Committee of
14 the United States Commission on Civil Rights, taken
15 on the 12th day of August, A.D., 1993 at the
16 Hyatt-Saks Fifth Avenue Center, 151 West Fifth
17 Street, Cincinnati, Ohio, at the hour of 9:00
18 o'clock, a.m.

1 APPEARANCES:

2 COMMITTEE MEMBERS

3 MR. LYNWOOD L. BATTLE
Chairman

4 MR. KENNETH D. OYA
MS. FRANCES CURTIS FRAZIER

5 MS. MELANIE M. LACKLAND
MR. RAYMOND L. LEVENTHAL

6 MR. JAMES L. FRANCIS

7 MR. ROBERT M. JOBU

8 MS. GRACE RAMOS

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1 (The meeting was convened at 9:05 a.m.)

2 CHAIRMAN BATTLE: Good morning, this meeting
3 of the Ohio Advisory Committee of the U.S.
4 Commission on Civil Rights will come to order, and
5 for the benefit of those in our audience, I'd like to
6 introduce myself and my colleagues who are at the
7 table. I'm Lynwood Battle, I am the Chairperson of
8 the Advisory Committee, and the members of the
9 committee who are here with me from my right, Grace
10 Ramos, Robert Jiobu, James Francis, Ray Leventhal,
11 Frances Curtis-Frazier and Ken Oya. In addition we
12 have two members of the staff of the U.S. Civil
13 Rights Commission. With us in the audience is
14 Constance Davis, the Regional Director and up here at
15 the front is Peter Minarik, the Commission Analyst
16 out of Chicago.

17 We are here this morning to conduct a
18 fact-finding meeting for the purpose of gathering
19 information on hate crime in Ohio. The jurisdiction
20 of the Commission includes discrimination or denial
21 of equal protection of laws because of race, color,
22 religion, sex, age, disability or national origin, and
23 the administration of justice. Information that

1 relate to this topic of the forum will be especially
2 helpful to those of us on the Advisory Committee and
3 the proceedings of this meeting are being recorded by
4 a public stenographer and will be sent to the
5 Commission for it's advice and consideration. The
6 information provided may also be used by the Advisory
7 Committee to plan future activities.

8 At the outset, I want to remind
9 everyone present of the ground rules. This is a
10 public meeting, and it's open to the media and to the
11 general public, but we do have a very full schedule
12 of people who will be making presentations within the
13 limited time that we have available. The time
14 allotted for each presentation must be strictly
15 adhered to. This will include a presentation by each
16 participant followed by questions from committee
17 members. To accommodate persons who have not been,
18 invited, but who wish to make statements, we have
19 scheduled an open session today at 3:30 and tomorrow,
20 August 13th, at 11:30 a.m.. Anyone wishing to make a
21 statement during that period should contact Peter
22 Minarik for scheduling. Written statements may be
23 submitted to committee members or to staff here today

1 or by mail to the U.S. Commission on Civil Rights at
2 55 West Monroe Street, Suite 410, Chicago, Illinois.
3 The record of this meeting will close on September
4 13th, 1993.

5 Though some of the statements made here
6 today may be controversial, we want to ensure that
7 all invited guests do not defame or degrade any
8 persons or organizations. In order to ensure that
9 all aspects of the issues are represented,
10 knowledgeable persons with a wide variety of
11 experience and viewpoints have been invited to share
12 information with us. Any person or organization that
13 feels defamed or degraded by statements made in these
14 proceedings should contact our staff during the
15 meeting so that we can provide a chance for public
16 response. Alternately, such persons or organizations
17 can file written statements for inclusion in the
18 proceedings. I urge all persons making presentations
19 to be judicious in their statements.

20 The Advisory Committee appreciates the
21 willingness of all participants to share their views
22 and experiences with the Committee.

23 Mr. Karas, Ms. Seeley, welcome.

SIMON KARAS

1
2 Thank you, Chairman Battle. My name is
3 Simon Karas, I am a Deputy Chief Counsel for the Ohio
4 Attorney General's Office. With me is Sharon Seeley
5 who is Deputy Attorney General for the Cincinnati
6 Office of the Attorney General. I will be doing the
7 presentation. Ms. Seeley is also going to be
8 available for participation in questions.

9 It's an honor and a pleasure to be
10 representing Attorney General Fisher and to be
11 appearing before this honorable committee for the
12 purposes of testimony. Thank you for the
13 opportunity.

14 In one respect I feel like I'm not only
15 representing Attorney General Fisher, but I'm
16 representing the people of the State of Ohio in a
17 quest that began in 1986 which, unfortunately, has
18 not yet ended at this time. That quest is a fight
19 for an enforceable and constitutional ethnic
20 intimidation statute in the State of Ohio which is
21 intended to serve as a tool to protect the civil
22 rights of the Ohio citizens. As I indicated, the
23 quest began in 1986 following a series of cross

1 burnings and other incidents in the Collinwood area
2 of Cleveland. Then State Senators Fisher and
3 Michael White, who is now, of course, the Mayor of
4 Cleveland, introduced what is known as Ohio's Ethnic
5 Intimidation Statute into the Ohio legislation. The
6 bill passed with great support, bipartisan support,
7 and became effective in 1987. Unfortunately, as was
8 the case in other states that had these types of
9 statutes, the enforcement of the Act soon became
10 mired in constitutional challenges. My role in this
11 particular process has been to assist the Attorney
12 General of Ohio in fighting for the constitutionality
13 of Ohio's ethnic intimidation statute, and that's my
14 background on this particular matter.

15 Before I get too far, I should briefly
16 outline what Ohio's ethnic intimidation statute does
17 and I've provided a copy. It's the exhibit that has
18 all the legalese on it, but it's Section 27.12 of the
19 Ohio Revised Code. Basically what it provides is
20 that if a person commits certain predicate offenses
21 by reason of race, color, religion or national origin
22 of another person or group of persons, then the
23 penalty level for that offense goes up one penalty

1 level over what it would be if the crime had been
2 committed not by reason of. Thus, for example, if
3 the predicate crime had a penalty of a misdemeanor;
4 one, if it was committed by reason of race, color, et
5 cetera, it would jump to a felony 4. If it was a
6 felony 4, it would jump to a felony 3, and so on. The
7 predicate offense in Ohio are the crimes of
8 aggravated menacing, menacing, criminal mischief,
9 criminal endangerment, and three forms of telephone
10 harassment. Now, as I'm sure you're aware, in 1992
11 the Ohio Supreme Court threw out Ohio's ethnic
12 intimidation statute as being unconstitutional, in
13 violation of the First Amendment of the Constitution.
14 Attorney General Fisher, along with the prosecuting
15 attorney from Delaware, Franklin and Montgomery
16 Counties, filed a petition for review in the United
17 States Supreme Court at the same time that the State
18 of Wisconsin did appeal a similar decision by the
19 Wisconsin Supreme Court threw out their version of
20 the law. The Supreme Court, the United States
21 Supreme Court accepted the Wisconsin case for review
22 and that kind of held our case in limbo during those
23 proceedings. The Wisconsin case, called Wisconsin

1 versus Mitchell and I'm sure you've seen references
2 to it in the newspapers. Our role in the Wisconsin
3 versus Mitchell case and again one of the exhibits
4 I've provided, we filed what I would call an
5 unprecedented amicus or friend of the Court brief
6 with the United States Supreme Court because we had
7 signatures of joining in the amicus brief by all 50
8 attorneys general. I haven't seen my phone bill for
9 that month yet, but I'm sure that it's probably
10 excessive. But, we did manage to have all 50
11 attorneys general sign onto the brief and to support
12 the Wisconsin Statute. In addition, I had the
13 personal honor of helping -- the Wisconsin Attorney
14 General had prepared for the argument and I attended
15 the argument in Washington. Now, on June 11th of
16 this year, the United States Supreme Court
17 unanimously reversed the decision of the Wisconsin
18 Supreme Court and held Wisconsin's statute to be
19 constitutional. On June 14th, they took action in
20 the Ohio case by vacating the decision of the Ohio
21 Supreme Court sending it back to the Ohio Supreme
22 Court and saying reconsider in light of what we did
23 in the Wisconsin case. The Court has now set a

1 briefing schedule for September 3rd for all briefs to
2 be filed. I don't have an exact date that oral
3 argument will be held in the Ohio Supreme Court, but
4 it probably will be in October and we would hope that
5 the Court would have a decision by the end of this
6 year.

7 The background here I think is
8 necessary for the comment that I'm going to make.
9 Critics of the law argue that these are measures of
10 political correctness, that they're intended to
11 punish somebody for having or expressing certain
12 bigoted or biased thoughts, words or actions. And as
13 much as one might find certain words or thoughts to
14 be despicable, there's a First Amendment right for
15 people to have opinions and express their opinions no
16 matter how unpopular they are. But, their argument
17 goes something like this. They argue that if you
18 have two crimes which are identical and aggravated
19 menacing, let's say that's committed for one reason
20 and another aggravated menacing, that's committed by
21 reason of race and you impose a higher penalty for
22 the aggravating menacing that's committed by reason
23 of race, that what you have to be doing here is to be

1 punishing the thoughts and the speech and the biases
2 that motivated somebody to commit that crime by
3 reason of race, color, religion, so forth. The
4 problem with that is I think that they start with the
5 wrong premise. The premise that they use is that the
6 crimes are identical and, in fact, they are not. The
7 harms that are associated with a crime that is
8 committed by reason of race or religion or national
9 origin is not the same as a -- the same conduct that
10 may have been committed for personal reason, but not
11 by reason of race, color, religion, so forth. It's
12 no more identical than the situation under Ohio law
13 where a higher penalty is imposed for the rape of a
14 female under the age of 13 than it is for the rape of
15 a female over the age of 13, even though the same
16 physical act is involved. Or the situation in which
17 a higher penalty is imposed where a theft offense
18 occurs against someone who is over the age of 65 and
19 the offender gets a higher penalty than if that same
20 theft offense had been committed against someone who
21 was less than age 65. Legislature has deemed that
22 those same types of conduct don't have the same type
23 of harm and because they don't have the same type of

1 harm, they can be punished differently.

2 If there's one thing in the United
3 States Supreme Court decision in Mitchell and I
4 provided that as one of the attachments also, that
5 crystallizes it's holding is a recognition by the
6 Court that offenses committed by reason of race,
7 religion, national origin are not the same conduct,
8 they don't have the same harm as similar conduct
9 which is committed for other reasons. The Court
10 stated that it's this way. Moreover, the Wisconsin
11 statute singles out for enhancement by it's inspired
12 conduct because this conduct is thought to inflict
13 greater individual societal harm. For example,
14 according to the statement that bias motivated
15 crimes are more likely to revoke retaliatory crimes,
16 inflict distinct emotional harms on their victims and
17 incite community unrest. The State's desire to
18 redress these perceived harms provide an adequate
19 explanation for it's penalty enhancement provision
20 over and above mere disagreement with the offender's
21 beliefs or biases. In other words, the Court held
22 that since such crimes are more harmful, it's okay to
23 enhance the penalty in order to make the punishment

1 fit the crime. And that's a basic premise of the
2 criminal law that you make the punishment fit the
3 crime and if you have a crime which is more severe,
4 you can punish it more severely. The Court's
5 conclusion really isn't novel in the context of hate
6 crimes. That crimes committed because of a person's
7 status, in other words, just because who a person is,
8 the fact that that's been deemed to be more harmful
9 has long been recognized. There are now 46 states
10 that have some version of what could be called a hate
11 crime law and over 20 states have some version of a
12 penalty enhancement law like Ohio's which was
13 patterned after model legislation proposed by the
14 Anti Defamation League. Congress itself has
15 recognized that hate crimes are a different breed of
16 animal. In 1990 they passed the Hate Crimes
17 Statistics Act of 1990 for the express purpose for
18 the first time quantifying and getting a handle on
19 what has become a national growing problem.

20 Last year Representative Charles
21 Schumer introduced the bill in Congress which passed
22 the House, which was not enacted, which was the Hate
23 Crime Penalty Enhancement Act of 1992. And

1 essentially it would do the same type of thing as the
2 Ohio statute or the Wisconsin Statute. It would add
3 certain penalty levels if crimes were committed by
4 reason of status. In the Supreme Court itself, there
5 was an outpouring of support by groups that are
6 affected by the problem of hate crimes and I'll give
7 you a list of some of them. But the point I want you
8 to note is as I hear the names of these groups is
9 that it's not just victims, it's others who are
10 affected by it; the police, the city officials and so
11 forth. It's not just victims that's saying this is a
12 problem, it's the community leaders and the police
13 officers that have to deal with the consequences of
14 hate crime having been committed. And, those groups
15 and this is just a representative example, of course,
16 all fifty state Attorneys General, the U.S. Solicitor
17 General, the Fraternal Order of Police, the National
18 Organization of Black Law Enforcement Executives, the
19 Anti Defamation League, the National Gay and Lesbian
20 Task Force, 35 members of Congress, the cities of
21 Atlanta, Baltimore, Boston, Chicago, Cleveland, Los
22 Angeles, New Jersey, Philadelphia and San Francisco,
23 the NAACP Legal Defense and Education Funds, the

1 National League of Cities, the U.S. Conference of
2 Mayors, the National Governor's Association and many,
3 many more. There were about 70 organizations that
4 filed briefs in support of the Wisconsin statute.
5 It's really a sad commentary about the fact that so
6 many groups felt the need to speak up about this,
7 validate the very fact that hate crimes are unique.
8 Now, even the national ACLU, which is recognized as a
9 staunch defender of the First Amendment, had
10 recognized the hate crime penalty enhancement laws
11 address the unique harms of hate crimes rather than
12 the thought, the biases of the offender. They
13 supported the Wisconsin law and in their brief to the
14 Supreme Court, they had this to say, which I wish I
15 could write this well because I think it sums it up a
16 lot of the debate about hate crimes. "The sort of
17 bias attack that took place in this case is more than
18 an assault on the victim's essential human worth. A
19 person who has been singled out for victimization,
20 based on some group characteristic such as race,
21 religion or national origin, has by that very act,
22 been deprived of the right to participate in the life
23 of the community on an equal footing for reasons that

1 have nothing to do with what the victim did, but
2 everything to do with who the victim is. In short, a
3 bias attack is as much an attack on the victim's
4 persona as on the victim's person. Recognition of
5 that fact inevitably produces a sense of venerable
6 isolation and oppression that rarely disappeared when
7 the physical injury disappeared." As an aside, I
8 note that one of the groups speaking to you today is
9 representatives of the Ohio ACLU. There was a very
10 interesting dicotomy in the U.S. Supreme Court
11 because the Ohio ACLU filed a brief opposing the
12 statute and, in fact, opposing the views of the
13 national organization. I suspect that there will be
14 disagreement as to who has been more faithful to the
15 principle of the First Amendment. Certainly there's
16 room under the First Amendment for people to
17 disagree, but the point that I would note, and again
18 it's an attachment, is that before the Ohio bill was
19 even acted, representatives of the Ohio ACLU were
20 brought in, were asked for their comments and
21 essentially indicated that they saw no significant
22 constitutional problems with the statute before it
23 was enacted.

1 Unfortunately, hate crime is a growing
2 national problem. It's been recognized by social
3 science studies by police, city officials and, of
4 course, the victims. You'll hear from
5 representatives of those groups, but every
6 organization that tracks these crimes has noted an
7 increase. The ACLU, the Plan Watch, the National Gay
8 and Lesbian Task Force, the Asian-Pacific Law
9 Conference, every group that submitted an amicus
10 brief in the Supreme Court said this is a problem
11 that government needs to deal with. In Ohio there
12 are unfortunately no hard and fast statistics that I
13 know of. There are two reasons for this; one is
14 definition, what is considered to be a hate crime?
15 Ohio's ethnic intimidation law doesn't cover every
16 crime. It doesn't cover every status offense. The
17 only offense that it covers are the seven that I
18 indicated by the Wisconsin Law covered all of the
19 offenses under the Wisconsin code. The Ohio statute
20 covers race, color, religion and national origin.
21 Wisconsin statute covered other categories such as
22 handicap, age, ancestry, sexual orientation and I
23 think I'm probably forgetting some. But it was much

1 more inclusive. So, you might look at the Ohio ethnic
2 intimidation statute as being a subset of what could
3 be called hate crimes.

4 Another problem is under reporting.
5 Even though there is now the Hate Crimes Statistics
6 Act, it's recognized that a very small percentage of
7 police departments actually report. There are no
8 penalties under the system for a failure to report,
9 and they use the Uniform Crime Report System now with
10 a movement in the future towards something called the
11 National Incident-Based Reporting System which is
12 much more complete and hopefully will produce better
13 statistics. But, I think most social scientists
14 would indicate that even if you had all of the police
15 departments reporting that there's an under reporting
16 from victims themselves. So, you really don't have a
17 true measure of what the problem of hate crime might
18 be. One measure that you might use to get some idea
19 is just to look at local media. Not a week goes by
20 in the State of Ohio that you could not look at the
21 major papers and find some incident of hate crime
22 being reported in the State of Ohio.

23 One of the attachments is the

1 Cincinnati Post Article that from I think two months
2 ago that indicated that there in the City of
3 Cincinnati there were at least 70 reported hate crime
4 incidents in the last year. And, you could carry
5 that out into each of the cities and find some
6 statistical measure just by looking at the media
7 report; the cross burning that's occurred, the racial
8 assaults that's occurred and so forth. Another
9 aspect of hate crimes is not just the incidents of
10 them, but the seriousness of the crime. Sometimes
11 they're planned, but most often, most often they are
12 unplanned, they're random. That's what happened in
13 the Mitchell case. In the Mitchell case the group of
14 offenders noticed somebody walking down the street
15 and because they had the motive to commit an act
16 against somebody just because of who they were, well
17 that victim happened to be the unfortunate one who
18 just happened to be in the wrong place at the wrong
19 time. They're often committed in groups, there's
20 often violence that's associated with it. One of the
21 statistical reports that was submitted to the Supreme
22 Court indicated that violence is four times more
23 likely to occur in the hate crime than it is in a

1 crime of the same conduct that's committed not for
2 those reasons; and, of course, as noted by the
3 Supreme Court, there's this unique psychological harm
4 to the victims. One incident from New York, two
5 black teenaged girls were walking down the street. An
6 offender came up, threw white shoe polish on them,
7 and said, you'll be white today. Now, tell me that
8 those victims are not going to be scarred by the
9 psychological aspect of that attack more so than any
10 physical damage that was done in that instance.

11 And, finally, and again, as noted by
12 the Supreme Court, hate crimes can provoke
13 retaliatory crimes because the initial crime is
14 viewed as being an attack against the community to
15 which the victim belongs and not just an attack on
16 the victim themselves. And I don't think it needs
17 much comment to note that a racial incident could
18 quickly escalate into an entire community situation
19 as opposed to an incident between two individuals.

20 The one aspect of hate crimes that I
21 don't think has gotten enough attention is to a very
22 real extent hate crimes deprive people of their civil
23 rights. If a black family wishing to move into a

1 neighborhood is greeted by cross burnings or threats,
2 that's as much a disincentive to move into that
3 neighborhood as if the real estate agent wouldn't
4 rent the house or sell the house in the first
5 instance. If a Jewish family wants to attend a
6 synagogue and as they walk in the door they see the
7 swastika that's been scrawled on the wall, that
8 destroys the religious experience. That's not the
9 same freedom of religion for that Jewish family as it
10 would be for someone else.

11 Hate crimes are acts of discrimination,
12 they deprive people of their right to full enjoyment
13 of society and penalty enhancement laws are an
14 attempt, just like other discrimination laws, to
15 protect against and to redress the discrimination.
16 Again, I'm going to quote from the national ACLU
17 brief because I think when you're talking about
18 criminal action and the constitution, you're talking
19 about a balancing of interest and I think that they
20 recognize the right balancing here that society has
21 the right to enact measures that will protect all the
22 rights of the citizens of the state. They said:
23 "Mitchell was not punished for his beliefs, he was

1 punished for acting on those beliefs. This
2 distinction is central to every antidiscrimination
3 law. A landlord need not believe in racial equality,
4 but he may not act on those beliefs by refusing to
5 rent to tenants on the basis of race without
6 violating federal law." Now, I anticipate opponents
7 of these laws will indicate that they can be used
8 against the very groups that seem to support them,
9 minorities. Well, there are two comments I'd like to
10 make to that. One is that the premise is wrong
11 because the statutes are color blind. The laws apply
12 whether it's a white attacking a black or a black
13 attacking a white or even a white attacking another
14 white for their association with a black. So the law
15 is not intended just for the benefit of minorities,
16 but the fact that the groups that they claim these
17 laws could be used against are the ones that are
18 supporting it I think speaks volumes in terms of
19 facts that those groups have more faith in the system
20 and in the police these laws are going to be properly
21 enforced and that they are of good social benefit. I
22 also anticipate the claim that these laws don't work,
23 that they're a political feel good, that they don't

3
1 get at the root cause of racism and that's really
2 where society should be putting it's effort. Well, I
3 agree with them up to a point. That when you're
4 dealing with a crime, any law you're talking about
5 the tail end of the system, but that's true with
6 respect to every criminal law. And while I see these
7 laws as being not a cure all, I see them as a
8 complement to other things like multicultural
9 sensitivity and education and training and tolerance
10 and things that society ought to be doing in any
11 event. I don't think that what you do is throw out
12 these laws until you create the perfect society. You
13 still have the right to deter and to punish criminal
14 acts that have occurred because you haven't been able
15 to reach somebody at an earlier age.

16 I'm going to close my remarks and open
17 it up for questions just by indicating where I think
18 we go from here. Various states have upheld these
19 ethnic intimidation; New York, Florida, Michigan,
20 Vermont, California, Georgia and Oregon. We expect,
21 of course, that there are going to be other
22 challenges to the ethnic intimidation statute. There
23 will be claims that the Ohio Constitution should

1 provide an additional protection over and above the
2 First Amendment. So that even if it doesn't violate
3 the First Amendment, that it might violate the Ohio
4 Constitution that there are differences in the
5 wording of the Ohio Statute that operates in
6 different ways and so forth. Of course we'll be
7 addressing those challenges in the legal forum, but
8 my hope is that next year we will be talking not
9 about the constitutionality of the statute, but we
10 will be talking about successful prosecutions under
11 it and deterrence and redress for persons that have
12 had their civil rights violated. The Attorney
13 General believes that ethnic intimidation laws are a
14 necessary tool in the fight against hate crime.
15 They're a benefit to the State of Ohio. We endorse
16 them and we would ask the Commission to endorse them
17 as a vehicle for the enforcement of person's civil
18 rights. And at this point, if you have any
19 questions, I'll try to answer them.

20 CHAIRMAN BATTLE: Thank you, Mr. Karas. Are
21 there questions from committee members? Mr.
22 Leventhal?

23 MR. LEVENTHAL: I'd like to ask who

1 determines whether a crime is a hate crime or a
2 regular crime? I can see on one end of the spectrum
3 a cemetery desecration or cross burning, but if
4 someone, a black, holds up a white, how do you know
5 either that's done because of hate or a white does
6 something to an Asiatic, who charges a person then
7 legally -- I'm not an attorney -- with a hate crime?
8 How do you know the difference between a hate crime
9 and a regular crime?

10 MR. KARAS: Okay. One of the charges that's
11 been made against the statute is that they are vague
12 and that it could be used in situations where it's
13 not otherwise intended. The hate crime statute is
14 not intended for every instance in which someone
15 might use a racial or religious comment in the
16 commission of a crime. It's the fact that the person
17 selected the victim because of who they are. So, you
18 could have a situation in which it could be a close
19 call. A jury might have to make the final decision
20 as to whether or not that offender selected the
21 person because of race or religion or the words that
22 were used were simply, you know, words that were
23 improperly stated in the heat of the moment when they

1 were upset about something else. But, that's not
2 unique. There are many situations in the criminal
3 law in which there are questions of interpretation
4 where a jury has to make a call. The entire process
5 all the way down the line acts as a check and
6 balance. The police officer has to make the initial
7 decision in terms of an arrest. His decision is
8 reviewed by a prosecuting attorney. The prosecuting
9 attorney is going to have interest in terms of not
10 charging somebody with a crime if he's not going to
11 be able to make it stick. You have the judge who has
12 to properly instruct the jury. You have the jury
13 that has to make the decision, and if all of those
14 things fail, you've got the appellate system. And
15 those checks and balances are generally deemed to be
16 adequate checks and balances for making those kind of
17 winnowing out decisions in terms of who ultimately
18 gets charged with a hate crime and who does not.

19 MS. SEELEY: Mr. Leventhal, if I might just
20 supplement that. Training is very important because
21 as a practical matter, if that front line duty
22 officer does not adequately investigate or ask the
23 right questions, in many cases, the victim is

1 hesitant to couch it as a charge based on a hate
2 crime. In 1991 the attorney general of Ohio and the
3 U.S. Attorney co-sponsored an ethnic intimidation
4 conference at which over a thousand attendees watched
5 a training film that was promoted as something that
6 local law enforcements would want to adopt as part of
7 their training. Of course, one thousand law
8 enforcement officials across the state, that being
9 sheriff deputy, police officers, chiefs, et cetera,
10 is really a drop in the bucket compared to the total
11 number. So, to a certain extent, local law
12 enforcement and training in cultural diversity and
13 reporting of hate crime is very important and I think
14 everyone recognizes that the tension with the law
15 enforcement is the resource issue, and the issue with
16 training when a police officer is in training
17 session, he or she is not on the street and;
18 therefore, there's additional resources that have to
19 be devoted. The Ohio Attorney General in connection
20 with the peace officer's training counsel has adopted
21 a 24 hours per person requirement for new recruits
22 that are trained out of the peace officer's training
23 academy in Ohio for cultural sensitivity and that

1 issue was adopted prior to the Rodney King beating.
2 But, it's certainly going to prevent that from
3 happening in Ohio, hopefully, if that case could have
4 happened here. But, that's just only for new
5 recruits and again has a drop in the bucket compared
6 to the total number of law enforcement.

7 CHAIRMAN BATTLE: Other questions of the
8 committee? Mr. Jiobu?

9 MR. JIOBU: Can you tell me what exactly is
10 legal statute of Ohio ethnic discrimination law? Is
11 it being enforced at the present time or is it
12 waiting for --

13 MR. KARAS: It's not being enforced at the
14 present time and I may get too technical here, but
15 technically, the Ohio Supreme Court's position
16 throwing out the law has been vacated. So, if you
17 wanted to look at it real narrowly, we should return
18 to where we were before the Ohio Supreme Court had
19 decided it, which was one appellate district had
20 upheld and two appellate districts had thrown it out.
21 But, as a practical matter, no prosecutor, and I
22 would not recommend to a prosecutor to program an
23 ethnic intimidation charge now because we're going to

1 have a decision within a very short period of time.

2 CHAIRMAN BATTLE: Thank you very much, Mr.
3 Karas. Ms. Seeley, I appreciate your testimony.

4 MR. KARAS: Thank you.

5 CHAIRMAN BATTLE: We've been joined by
6 another member of our committee, Melanie Lackland.
7 If you'd like to take your seat up here when we can
8 get a seat for you, and we'll prepare for the next
9 speakers.

10 (A brief recess was taken.)

11 CHAIRMAN BATTLE: Good morning.

12 MR. TOLENCE

13 Good Morning, Morton Beem welcomes
14 you. I've got Dave Upchurch here who is my senior
15 agent. He handles all of our civil rights violations
16 and anything we do under hate crimes. So, I'll make
17 a few statements and from the bureau's aspect and if
18 you have any questions for us, we'd be glad to answer
19 anything we can. If there are some questions we
20 can't answer, we'll get right back to you.

21 The Attorney General Department in the
22 FBI came up with the definition of what is a bias or
23 hate crime, and I'd like to give that to you from our

1 standpoint at this time. A hate crime is a criminal
2 offense committed against a person or property which
3 is motivated in whole or in part by the offender's
4 bias against a race, religion, ethnic, national origin
5 group or sexual orientation group. In order that a
6 crime may be classified as a hate crime, there must
7 be present sufficient or particular objectionable
8 factors which lead a reasonable and prudent person to
9 conclude that the offender's actions were motivated
10 in whole or in part by bias.

11 One example we had that would be a hate
12 crime, although after investigation, proved it not to
13 be a hate crime occurred here in Cincinnati within
14 the past two or three years. We had a white female
15 who was married to a black male and a child was born
16 of this union. And at her work she had a picture of
17 her boy on her desk. She reports, I believe to local
18 first and then to us somebody had written, and they
19 had written on this picture KKK in quotes, which
20 would definitely be a type of a hate crime. After we
21 done extensive investigation, she admitted to writing
22 it on there herself, which is not a hate crime. She
23 actually wrote the picture on there -- wrote the

1 initials on there herself. Kind of an unusual
2 situation, but we spent a lot of time investigating
3 the case, found out there was, in another instance,
4 somewhere in the past and she admitted it to us
5 later.

6 In 1991 the latest figures we have at
7 the FBI nearly 3,000 law enforcement agencies, 32
8 states reported a total of 4,558 hate crime incidents
9 throughout the United States. Among those types of
10 hate crimes reported were intimidation at the top of
11 the list, and intimidation accounted for one of every
12 three offenses reported in 1991. Following that it
13 was destruction, damage and vandalism of property
14 which was about 27 percent of all the incidents
15 reported. Simple assault made up about 17 percent,
16 aggravated assault made up 16 percent and robbery was
17 about 3 percent in the hate crimes. The remaining
18 offenses such as murder, forcible rape, burglary,
19 simple theft, motor vehicle theft and arson accounted
20 for about 1 percent or less of the total number
21 reported for 1991. Racial bias motivated six of ten
22 offenses reported. Religious bias was responsible
23 for two of every ten incidents reporting. Ethnic and

1 sexual orientation bias, one of ten of all those
2 reported. Among the specific type of biases, anti
3 black offenses accounted for the highest percentage
4 which was about 36 percent of the total, anti white
5 and anti Jewish motivations followed with about 19
6 and 17 percent respectively. Considering the
7 incidents for which suspected race offender was
8 reported, 65 percent of the hate crimes were
9 committed by whites and about 30 percent by blacks
10 and the remainder was by persons of other races. In
11 1991 in Ohio 30 local agencies reported to the
12 uniform crime reporting FBI headquarters on 80 hate
13 crimes in the State of Ohio. We do not have the
14 breakdown of which districts or which agencies at
15 this time.

16 And the statistics collected in 1991,
17 most of the hate crimes occurred at the residence of
18 the victim. We know that's kind of a key issue to
19 us. The second most common location for a hate crime
20 was on a public highway or roadway. In 1990, the FBI
21 convened a group of national experts in Washington,
22 experienced in the issues surrounding hate crimes and
23 crime data collection. A major effort of all

1 participants was to identify existing incentives for
2 local law enforcement authority to participate in the
3 collection and reporting of hate crime statistics.
4 The experts highly recommended a training program
5 that discussed the positive experience of
6 contributing to the collection program. Following
7 that, the FBI nationally sponsored a series of
8 sessions to familiarize local law enforcement
9 agencies with the effort to collect hate crime data.
10 Regional conferences were held in Boston, Chicago,
11 Austin, Texas, Denver, Colorado, and Washington, D.C.
12 initially. These conferences presented the details
13 of this new data collection effort to the directors
14 for the state crime reporting unit or to
15 representatives in the state unit that had no crime
16 reporting units.

17 A second series of regional conferences
18 was targeted by the FBI later that year at 315 of the
19 largest cities in the United States. This was all
20 sponsored by the Bureau and the community relations
21 service within the Department of Justice in
22 Washington, D.C.. In March of this year the
23 Cincinnati Division of the FBI during our national

1 academy lunches, which is made up of police officers
2 within the southern and northern districts of Ohio
3 who have attended our national academy, most of these
4 officers are executives in their departments. We had
5 a meeting. We discussed reporting on hate crimes,
6 the collection of data and that it needs to be
7 reported. That was in March of this year, and June
8 of this year we set up a school with the Hamilton
9 County Police Chief's Association to present hate
10 crimes statistic acts recorded, and the basis for
11 hate crimes. Numerous agencies throughout the
12 Southern District of Ohio and a few from the Northern
13 District of Ohio attended those meetings and we also
14 had officials from Miami University, Dayton
15 University, University of Cincinnati. Just last
16 month we participated in the Ohio Attorney General's
17 conference in which Attorney General Janet Reno came
18 out in Columbus and we participated in a workshop up
19 there on hate crimes with the State of Ohio ethnic
20 intimidation group. During this workshop
21 presentations were made concerning the Hate Crime
22 Statistics Act and hate crime reporting. Attending
23 this meeting we had attorneys throughout the state, a

1 lot of law enforcement officers throughout Ohio. In
2 1992, in association with the Hamilton County Chief
3 of Police Association, we began a program here of
4 holding lunches with minority leaders within the
5 Cincinnati area and in conjunction with HOME and
6 Jonathan Williams and we wanted the police chiefs to
7 sit down with the minority leaders and see what the
8 problems were in the community and to ensure that
9 things would come to the police departments in those
10 communities. I think it's the first time that it had
11 ever been done in Cincinnati. We thought it was a
12 good idea. We got the chiefs to get in behind it.
13 We sponsored the luncheon. The next luncheon the
14 minority leaders sponsored. It's been about two or
15 three months. Jonathan and I have been talking about
16 a different agenda, what we could get into at the
17 next luncheon, but I think it opened up a lot of
18 lines of communication. Some people were very vocal
19 on some problems and I think those are ironed out and
20 it will be a very worthwhile thing.

21 Also, following the Rodney King incident in
22 L.A., a couple of years ago, I sponsored a civil
23 rights conference at the University of Cincinnati Law

1 School for all the chiefs in this area and we
2 discussed the Bureau's role in the civil rights
3 investigations and that it's one of the top
4 priorities in the FBI in any type of police brutality
5 or anything like that will be vigorously pursued by
6 the FBI and we had an all day meeting up there on
7 that and explained a lot of details for civil rights
8 statute and also touched a little bit on the hate
9 crime attitude.

10 One other thing I'd just like to
11 mention is Dr. Ronald Deworken, his work entitled
12 Taking Rights Seriously stated that justice is
13 fairness, rests on the assumption of a natural right
14 of all men and women to equality of concern and
15 respect, a right they possess not by virtue of birth
16 or characteristics or merit or excellence, but simply
17 as human beings. Dr. Deworken's words reflect the
18 constitutional protections which are guaranteed to
19 all Americans, yet they are still those who are
20 victimized. When no reason other than the color of
21 their skin or religion they profess, the heritage of
22 their parents or their sexual orientation, it's most
23 unsettling to be victims because there's nothing they

1 can do to alter the situation or is there anything
2 that they should be expected to change. Not only is
3 the individual who is personally touched by these
4 offenses victimized, but the entire class of
5 individuals residing in the community is severely
6 affected.

7 For these reasons, we believe that all
8 law enforcement officers must be particularly
9 skillful in responding in such a way that the trauma
10 of the victim and the community is not left by lack
11 of sensitivity in the law enforcement response. Like
12 rape victims, victims of hate crimes, suffer possible
13 serious and long lasting traumatic stress which can
14 be increased by an inappropriate law enforcement
15 response. We've tried to stress this with all of our
16 meetings with the police agencies. We've got some
17 additional conferences set up to ensure that the
18 reporting is increased and I think we need to get the
19 word out more to the community to report these types
20 of incidents because we know there's a lot of them
21 that are not reported. That's the only presentation
22 I will make. We'll be happy to answer any questions.
23 Thank you for your kind attention.

1 CHAIRMAN BATTLE: Thank you, Mr. Tolen.

2 Questions? Yes, Mr. Francis?

3 MR. FRANCIS: In previous testimony it was
4 stated that hate crimes lead to retaliatory acts. Do
5 you have any type of statistics that will support
6 that?

7 MR. TOLEN: No, I don't think we have any
8 statistics reported, but I would agree with that. I
9 think they do lead to retaliatory attacks,
10 definitely. We've seen that happen in instances, but
11 I don't think we have any statistics at this point to
12 substantiate that.

13 MR. FRANCIS: Thank you.

14 HEARING OFFICER: Other questions?
15 Committee members?

16 MS. LACKLAND: I'm a little unclear as to --
17 you said that in 1991 that there were 80 hate crimes
18 reported in Ohio.

19 MR. TOLEN: In Ohio.

20 HEARING OFFICER: Is the FBI automatically
21 get involved in also investigating those crimes when
22 they're reported?

23 MR. TOLEN: Most of those are investigated

1 by local authorities. Some of them are referred to
2 us. When they are referred to us, we do investigate
3 them.

4 MS. LACKLAND: In what situation would they
5 be referred?

6 MR. TOLEN: Local authorities call us, we
7 read about it in the newspaper, we would hear that
8 type of information coming to us. Although we have
9 went out and investigated a lot of types of what
10 could possibly be hate crimes under the civil rights
11 statute, and when we got into it, we found out it was
12 more kid mischief and things like that, and it turned
13 out not to be that. But we have seen them where they
14 were definitely crimes, too. And we're there mainly
15 to see if local authorities go ahead and prosecute
16 the matter, then we don't do anything with it. But
17 if locals do not take that matter of prosecution and
18 it's resolved, we would then go to the United States
19 Attorney and get those men in there and prosecute
20 them.

21 MR. UPCHURCH: If I might add, it would also
22 have to rise to the occasion, meaning a violation of
23 federal law. And what you compare here is instances

1 that are reported under the Uniform Crime Reporting
2 Act of hate crimes and that's different than a
3 violation that would fall within the violation of the
4 federal law. That's a constitutional violation
5 nature. So, for the Bureau to get involved, it would
6 have to rise to the occasion of a federal violation.
7 My point being this, is that there are numerous local
8 violations of law that will identify itself with
9 being a hate crime that will not be in violation of
10 federal statute protected under the constitution at
11 the federal level. So, to answer your question very
12 specific, not all hate crimes are reported under the
13 Uniform Crime Reporting Act will be investigated with
14 the FBI because there are no federal violations.
15 It's a state violation that takes on the identity of
16 a hate crime as by definition.

17 CHAIRMAN BATTLE: Mr. Leventhal?

18 MR. LEVENTHAL: It's been reported to me
19 many times that people who write letters to the
20 editor of newspapers are then, then they receive hate
21 mail as a result of their being for or against
22 certain causes. Now I know this is not a major
23 crime, but it does intimidate people and it does

1 deter people from freedom of speech and freedom of
2 expression. I don't know whether this comes under
3 the brubrick of the FBI or local authorities, I know,
4 but it's almost impossible to trace down who sends
5 out hate mail, but it's a problem and a serious
6 problem because it does stop people from expressing
7 their point of view. Do you have any comments on
8 that?

9 MR. TOLEN: In a situation like that it
10 could be a violation of the postal inspectors. It
11 all depends. They would look into almost anything
12 like that. We get letters frequently where there are
13 threats in the letters to do bodily harm and we
14 worked a lot of those type investigations. If it's a
15 threat against the individual, if there's an
16 interstate activity and if the mail could be
17 interstate activity and so on, we do get a lot of
18 things like that. The postal inspectors I think
19 would be the first and it would probably be a local
20 law violation matter.

21 CHAIRMAN BATTLE: Other questions?
22 Committee members? Yes, Mr. Oya?

23 MR. OYA: What percentage in the State of

1 Ohio would you say local law enforcement agencies
2 understand the statistical reporting requirements are
3 also in compliance with that. Is it high, low?

4 MR. TOLEN: I would have said that probably
5 two or three years ago very few of them would have
6 understood it. I think now we're getting more and
7 more of them on board to understand it and it's a lot
8 of work for local agencies, some of the smaller
9 agencies. But, I think we're getting more and more
10 of them up-to-date on what they should do and we pass
11 out literature on it almost a file in the book of
12 what they have to do. But, it's still the
13 departments are strapped budget wise. It's tough for
14 a lot of them to do, but I think we're getting more
15 and more. Right here we've got 80 reported which is
16 not very many, but I think when the figures come out,
17 you're going to see a lot more reporting on this.

18 CHAIRMAN BATTLE: Yes, Ms. Ramos?

19 MS. RAMOS: How do you determine if it's a
20 hate crime?

21 MR. TOLEN: How do we determine?

22 MS. RAMOS: Yes, you just ask them what is
23 your --

1 MR. TOLEN: Well, we go by our definition on
2 hate crime whether it's a hate crime or not, but we
3 tell them that they should report it whether they're
4 positive or not it's a hate crime, they should still
5 report it, report the facts.

6 MS. RAMOS: What I'm saying is a victim is
7 burglarized or victimized. How do you determine that
8 the basis for that was the rare use by --

9 MR. TOLEN: You have to do that through
10 investigation; through investigation, interviews and
11 a whole lot of hard work. You have to determine
12 that, and it will usually come out if that's what it
13 was, the basis for it.

14 MR. JIOBU: If I understand this law about
15 reporting hate crimes is due to expire, is that
16 correct?

17 MR. TOLEN: The law is about to expire on
18 reporting hate crimes?

19 MR. JIOBU: Is that correct?

20 MR. TOLEN: I have not heard that.

21 MR. UPCHURCH: No, I'm not aware of that.
22 It did run for I think three years or four years for
23 the purpose of collecting statistics. I don't know

1 that it will expire. That depends on the Congress.
2 But, to answer your question, is it about to expire,
3 the statute itself only ran for a specific period of
4 time. If I may address your question just a little
5 bit in order to report on the Uniform Crime Reporting
6 Act, a hate crime or bias crime part of the key
7 definition is the motivational factor of the
8 assailant, not particularly of the victim, but on the
9 assailant. How is that person motivated? Was he
10 motivated by his bias? And I think there are
11 several things that could potentially indicate that
12 at the crime scene, so forth. What may have been
13 left, if there were statements made at the time the
14 crime occurred, if there were things left after the
15 scene, signs, insignias, et cetera, that may have
16 been left after the crime was committed. Or if the
17 crime that was committed did not follow through, for
18 example, an ultimate robbery, I mean, the program was
19 and it was just strictly an assault and it's clear
20 that it was a definite race type assault, but there
21 was no robbery, there was nothing else. Those type
22 of things would indicate that there would be a hate
23 crime. But, they say generally that numerous crimes

1 are committed that are not hate crimes, but there are
2 numerous hate crimes committed. Every hate crime
3 committed is not a hate crime, and so the definition
4 that was adopted goes to the fact that you have to
5 have the facts to indicate to a reasonable person
6 that a bias was a part of the motivation.

7 CHAIRMAN BATTLE: Other questions? Frances?

8 MS. CURTIS-FRAZIER: I think your report,
9 Mr. Tolen, that 65 percent of the hate crimes were
10 committed by whites.

11 MR. TOLEN: Yes.

12 MS. CURTIS-FRAZIER: Towards what particular
13 group?

14 MR. TOLEN: We did not have that. We did
15 not have which group. That information wasn't
16 available to us.

17 MR. UPCHURCH: The target was not available.

18 MS. CURTIS-FRAZIER: The target group?

19 MR. TOLEN: Just the offenders were told to
20 us. We really don't know because we had names, but
21 we have no way of knowing from the names. It didn't
22 tell us what the victims were or any of that nature.

23 MS. CURTIS-FRAZIER: Did they identify what

1 those crimes might have been?

2 MR. TOLEN: I think intimidation was the
3 leader among the group. I think intimidation and
4 vandalism and destruction of property follows that.

5 MS. CURTIS-FRAZIER: But the target groups
6 weren't identified?

7 MR. TOLEN: No.

8 CHAIRMAN BATTLE: Thank you very much, Mr.
9 Tolen, Mr. Upchurch.

10 MR. TOLEN: Thank you.

11 (A brief recess was taken.)

12 CHAIRMAN BATTLE: Welcome. We'll begin with
13 Mr. Katchen.

14 MR. SCHULMAN: Sir, can I ask a question?

15 CHAIRMAN BATTLE: Yes.

16 MR. SCHULMAN: I'm just a volunteer, not a
17 professional. Could you tell me --

18 CHAIRMAN BATTLE: Very important persons,
19 volunteers.

20 MR. SCHULMAN: Could you tell me the thrust
21 of the meeting this morning? What is the nature of
22 the question and how shall we answer it?

23 CHAIRMAN BATTLE: Well, the nature of the

1 inquiry that we're making this morning, Mr. Schulman,
2 as an advisory committee, our role is to listen to
3 assorted testimony on hate crimes in Ohio. We have
4 no preconception of what that testimony or data might
5 produce, but it's the committee's, for the two days
6 here in Cincinnati and for the two days next week in
7 Cleveland will be hearing testimony that gives us
8 information on the existence of hate crimes; is it
9 remaining the same, is it decreasing, refining the
10 definition, an educational set of testimony for the
11 committee to be able to write findings and
12 recommendations at some point over the next few
13 months to go to the United States Commission on Civil
14 Rights in Washington, D.C.. Does that help?

15 MR. SCHULMAN: Thank you.

16 CHAIRMAN BATTLE: Mr. Katchen?

17 ALAN S. KATCHEN

18 Thank you very much, Mr. Chairman,
19 Members of the State Advisory Committee. My name is
20 Alan Katchen and I'm with the Anti Defamation League.
21 As you heard, joining me today is Melvin Schulman,
22 our regional chairman and a Cincinnati business man.
23 We appreciate this opportunity to appear before you

1 today and we commend the United States Civil Rights
2 Commission and this Advisory Committee especially for
3 the leadership role it's taken in addressing the
4 problem of ethnic tension in this region and
5 exploring ways to promote mutual tolerance and
6 respect.

7 Where we sit at the Anti Defamation
8 League, we see I mean in the specific, Mr. Chairman,
9 it's specific in response to your statement of the
10 problem today, we see an increase in the quantity in
11 the numbers of hate crimes and into very specific in
12 language, an instances of severity, in other words,
13 the character, the tone of this problem we see as
14 just increasing, not decreasing.

15 One example of this -- I have only a
16 couple of minutes and we will give this to you if
17 people haven't seen it yet. As you may know, over
18 the last 13, 14 years since 1979, ADL has been
19 collecting statistics in each specific area of anti
20 semetic incidents; that is acts against Jews and
21 Jewish institutions. And this is the 1992 audit
22 called Audit Demand of Anti Semetic Incidents that we
23 release each January, February, for the preceding

1 year. So this came out in the winter of this year
2 for 1992. It's the most recent one we have. And
3 this reflects acts as I said, against individual Jews
4 and Jewish institutions around the country this past
5 year and it's -- certainly I would suggest this is
6 one barometer of what's going on. And, over the last
7 two or three years in Ohio as well as nation wide the
8 numbers have been significantly up. In 1992 there
9 was a slight increase both in the country. There
10 were, I forgot the exact number, but there were 1730
11 incidents in America in 1992 as opposed to 1879 the
12 year before. So, it was a slight decrease of 8
13 percent, and in Ohio we had -- we recorded 60
14 incidents in 1992 as opposed to 64 the year before
15 that's good news. It's a slight decrease in both
16 cases, nationally and in Ohio. But the fact is it
17 would quickly add that those in both cases in the
18 country and in the state are still the second highest
19 number ever recorded. In other words, '91 had the
20 highest number, there was a slight decrease in '92.
21 We don't see this as any cause for celebration,
22 that's still a high number against one group; Jewish
23 people. If there are questions about this later, I'd

1 be glad to comment about the specific incidents and
2 also our thoughts about counteraction program. So,
3 as I say, the numbers are up if you take the last
4 couple of years, a slight decrease last year, but the
5 numbers are very high and they are more severe.

6 I would like to talk for the next
7 couple of minutes really about the issue of severity.
8 These are just some impressions from my desk at
9 Columbus, but where our regional office is. In
10 January, 1993 you may recall two Neo Nazis were
11 arrested in the Dayton area for planning to blow up
12 the African American Museum in Wilberforce on January
13 15th, Martin Luther King's birthday. In May of 1993,
14 I remember this vividly, two men were arrested,
15 members of a so-called group called the white Aryan
16 religion were arrested in the Toledo area for
17 planning to blow up an East Toledo predominantly
18 black housing project. While two were arrested, and
19 law enforcement tells us and I think they will be
20 sharing with you next week state law enforcement
21 officials, when they will be at the Cleveland hearing
22 more specifically, but, we know there were more than
23 two people involved in the planning to blow up a

1 housing project. They were arrested. Nothing
2 happened, thank God. That was in May. And in March
3 another example in the Dayton area an Abunidal
4 terrorist was arrested. Most reports indicated this
5 was in St. Louis there were four or five people of
6 the Abunidal fanatical Palestinian terrorist group
7 that were from St. Louis who were arrested for
8 planning to murder Jews. But one of these people in
9 fact was from Dayton and has been living in Dayton
10 for a number of years.

11 I submit this. I don't ever recall in
12 my years in Ohio ever recall anything like this where
13 terrorists are three examples and for all I know,
14 there are more out there, and just within six months,
15 of people being arrested or playing the tramatic
16 kinds of hate crimes.

17 Given the context, recent arrests of
18 skinheads on the West Coast that you I'm sure read
19 about last week, planning to consipriring to kill
20 individuals, Rodney King, a minister, a rabbi, et
21 cetera. Given the recent bombing plots, people
22 arrested in New York for the World Trade Center
23 bombing and other activities, we take very seriously

1 the potential for violent hate crimes and I
2 absolutely do not believe this is only a problem for
3 Los Angeles or New York, I think it's a nationwide
4 problem and that's why I selected three examples in
5 Ohio over the last six months. You did not have this
6 kind of thing before. This is serious and it
7 certainly is in the area of hate crimes. And the
8 point in this we believe and we -- whatever influence
9 this body might have, we would ask them to urge that
10 law enforcement at all levels, at the federal level,
11 particularly at the state and local level, be given
12 the means to address this problem more seriously.
13 Specifically that there be more personnel allocated
14 to the problem, more money, all the resources
15 necessary and again, specifically for bias crimes
16 units and for anti terrorist units, not only at the
17 federal level, but again at the state and local
18 level. And an observation, and I'm sure Captain will
19 talk about this later, it's certainly in the big
20 cities; in Cleveland, in -- I know in Cincinnati and
21 in Columbus there are bias crimes units, but most of
22 the police departments in our state I believe do not
23 have the personnel and the resources to do something

1 seriously about this increasing problem.

2 Candidly, it's my observation in some
3 of the cities I know men and women who were assigned
4 as officers to deal with that problem oftentimes were
5 pulled off. They might be on a bias crime unit and
6 then something comes up and they have to do
7 surveillance, you know. If a dignitary comes to town
8 or other kind of thing like that and they really are
9 not able to provide the full -- devote their full
10 attention to the issue of hate crimes. I think
11 that's a problem. Frankly, I think it's a potential
12 disaster waiting to happen. I don't mean to
13 overstate that, but it's a significant issue.

14 Let me say just two words. I know that
15 in Cleveland, state law enforcement is going to be
16 talking about the issue of hate groups, but I would
17 like to so far as that relates to hate crimes,
18 organized hate groups, just say a couple more words.
19 We do see an effort by the Klu Klux Klan over the
20 past six months or a year to make inroads in our
21 area. Whereas, in the past it's been pretty quiet
22 here. The Klan is trying to build up and that's a
23 two-fold problem, obviously you don't want to see the

1 numbers on the increase. And, secondly, it's a
2 problem in terms of how the general community will
3 react to the Klan when they come in. Again, from our
4 experience about a year ago in October of '92 in
5 Frankfort, Kentucky, we saw the Klu Klux Klan
6 gathering in Frankfort. They had a rally October of
7 '92 on the capitol steps and there were Klansmen from
8 Ohio, from Indiana, and a few from Kentucky and there
9 were three hundred counter protestors there and that
10 was a situation that almost got out of hand. When
11 the weather got warmer this spring, they repeated it.
12 Apparently they felt it was worth repeating. They
13 came to the shock. You may have heard about that
14 episode. I was there as an observer. That was
15 scary. There were only six Klansmen from Kentucky,
16 from Brier, as a shocking area. They were a
17 negligible force. It sounded preposterous, their
18 rantings and they should have been given no audience.
19 People should have stayed away. But a variety of
20 organizers of various types decided to put on a
21 protest in which there were a thousand counter
22 protestors. There were college students from Kenyon
23 College, from Ohio Univeristy in Athens, Antioch

1 College, I believe other places. There were
2 Marxists, organizers brought in from Columbus, from
3 Cleveland, Pittsburg, et cetera, Dayton. They were
4 anti racists, skinheads, Neo Nazi collection people
5 and I think except for the good work of law
6 enforcement that would have gotten out of hand and
7 people would have been very badly work because it was
8 a riot just about waiting to happen. Palmeroy and
9 Gallop in Ohio a few weeks ago the same kind of
10 incident was repeated. There was a much new other
11 protesters. There were more Klanmen. I mention this
12 as you may know the Klan has received permission to
13 put on a rally in Columbus on the Capitol grounds in
14 October. They're going to be doing the same thing the
15 previous weekend in Indianapolis. In Ohio they were
16 also planning to be in Wetherington, Ohio on the 23rd
17 of October and then come to the capitol and the
18 people coming from -- it's the national. This is not
19 the people I talked about in Shock for the
20 essentially regional Klansmen. They are national
21 Klansmen from Tom Rob, the leader of the Knights of
22 Klu Klux Klan in Arkansas and some of his lieutenants
23 from Texas. These are difficult people. They are

1 organized people. This is, again, potentially a very
2 difficult situation and with the potential for hate
3 crime.

4 Finally, let me say that a recent
5 report -- we'll give you our report by the way, this
6 is a report we published about a week or two ago
7 called "Young Nazi Killers, the Rising Skinheads
8 Danger by Neo Nazi Skinheads". It indicates that
9 there's a rise in Neo Nazis, the skinheads of the
10 country. The number is small and but it's an
11 increase and they have been involved in carrying out
12 some very difficult acts, murderd, et cetera. We
13 observed the shocking in Pomeroy that there were Neo
14 Nazi Skins were participating with the Klan in those
15 rallies and also the leader from the Knights of the
16 KKK in Arkansas, they're going to keep their hands
17 off from the Nazis.

18 In October I will predict there will be
19 Nazis there. Some of these people are difficult
20 folks. We're aware of it and you're go to be hearing
21 more about that and the Advisory Committee will hear
22 in Cleveland when the law enforcement presents it's
23 findings.

1 To sum up, one, we have seen an
2 increase in the last couple of years in anti semetic
3 acts in general. Hate crimes, in general. They tend
4 to be more random across the board. The numbers I
5 mention 60 in Ohio this past year, 64 the year
6 before, and we're also seeing incidents of organized
7 groups carrying out acts or wanting to carry out acts
8 that have potentially lethal -- have lethal
9 potential.

10 CHAIRMAN BATTLE: Questions from committee
11 members for Mr. Katchen? Ms. Lackland?

12 MS. LACKLAND: Mr. Katchen, how do you
13 collect your data?

14 MR. KATCHEN: In terms of the area
15 specifically of hate crimes, the incidents basically
16 it's people contacting us and telling us so it's
17 not -- I appreciate the question. One cannot say
18 it's definitive. It's a barometer. Somebody, for
19 example, an individual who might have an Anti
20 Semitic -- received an Anti Semitic phone call, get a
21 threat in the mail that targets them because they're
22 Jewish or if it was something put on a public place,
23 but it was specifically Anti Semitic, we would

1 include that as well. And we would then be contacted
2 by some citizen, this happened, we want you to know
3 about it. So, in other words, these are not all the
4 Anti Semitic acts, hate crimes that are occurring in
5 the State of Ohio. It's what's been reported to the
6 Anti Defamation League, in Columbus and Cleveland,
7 and we would see that as a barometer.

8 MS. LACKLAND: I was curious because your
9 numbers conflict largely with the report that we just
10 got from the FBI and suggests that a number of the
11 incidents go unreported to the police. In your
12 discussions with people when they call in, do they
13 talk about that or do you encourage them to report
14 it? What do you get from talking to them?

15 MR. KATCHEN: First of all, let me say one
16 thing being that not all of the incidents that we
17 include in our audit might be included by the police
18 as hate crimes, although I think many of them would
19 be. For example, a Jewish family that receives Neo
20 Nazi literature, I don't think would be included as a
21 hate crime by the police, but because it's overt Anti
22 Jewish expression, we include it. However, I would
23 hasten to add that most, I suspect that most of the

1 60 acts that we included in our report in 1992
2 probably would be included by the police. Secondly,
3 we certainly encourage and anybody who might call us
4 to the police immediately. They shouldn't call us
5 first. So that would be another thing. And it may
6 be that not all of the law enforcement departments in
7 various localities and jurisdictions of Ohio are yet
8 fully trained and are carrying out the mandates of
9 the federal act, that's my observation. Mr.
10 Schulman, can you add to that?

11 CHAIRMAN BATTLE: Would you use the
12 microphone, Mr. Schulman?

13 MR. SCHULMAN: The Jewish community is
14 pretty well organized in terms of this kind of thing
15 and a lot of people will call. I would get a call
16 and it would be some relatively minor name calling
17 incident, somebody called somebody a dirty Jew or
18 something like. That would not get reported to the
19 police. It would get reported to us. Incidents of
20 harassment in schools, for instance; specifically
21 here, and I won't name the school, but one child was
22 harassed because he was Jewish. This doesn't get to
23 the police. We tend to let it go to the principals

1 of the school, talk to the principals on trying to
2 keep this from getting a lot of publicity and
3 attention. We handle a lot of things quietly, so
4 therein maybe the answer to your question where some
5 really serious, violent kind of thing would get
6 reported to the police. A lot of hate comes out in
7 other ways and we try and handle it at a much lower
8 level to keep it from getting a lot of publicity
9 which we believe would be counterproductive.

10 CHAIRMAN BATTLE: Mr. Leventhal?

11 MR. LEVENTHAL: Alan, could you please
12 advise the committee, if you will, the age groups of
13 those most likely to commit these hate crimes and
14 perhaps why this group is involved so much in the
15 hate crimes?

16 MR. KATCHEN: Yes, I would, and I would like
17 to come back to the previous question before, but
18 over the -- I mentioned that we've been tracking this
19 for about 13, 14 years and each year there's a little
20 section in the report which you can look at when we
21 give it to you on arrests and overwhelmingly in most
22 years the people arrested and that's one indication
23 of who is doing it are teenagers. They're younger

1 people. I think it's slightly different this year.
2 But, over the years it's mostly people 18 years of
3 age or younger are arrested for these kind of random
4 acts of incidents. And the why is a tough one. The
5 reports over the last couple of years have suggested
6 in general terms a decline in civility as a reason.
7 Now, if society have suggested that in popular
8 culture some of the music that the kids are exposed
9 to, some of the television and radio that they hear
10 which is a lot of it geared to young people in that
11 age level, that becomes a stimulus to act out. One
12 thing comes to mind immediately, an incident that's
13 one example. A couple of years ago Madonna cut a
14 record and it had a phrase about the synagogue of
15 satan in it. It's 1990 or 1991 and it had well-known
16 words that were historically the basis of Anti
17 Semitic rites in the record. Within a week and I
18 believe it was in Ventura, California, those words
19 were scrawled on a high school with a swastika. It's
20 just one example. In other words, it's in the
21 popular culture and frankly also the reports indicate
22 that the decline of civility means a kind of
23 coarsening, people tolerate all things. I notice in

1 my own life, people say things, jokes, slurs,
2 stereotypes. Some people who are impressionable are
3 going to act out on that basis. So, that's a
4 concern.

5 The second thing I would say is the
6 more organized elements, such as the skinhead again
7 overwhelmingly these are young people and that too
8 needs to be addressed. And I think the answer
9 clearly is we think is education. Systematic
10 programs need to be developed by the schools and
11 other groups to help young people understand about
12 prejudice and diversity. The Anti Defamation League
13 has a program called the World of Difference, which I
14 think we have successfully in Columbus, in Cleveland
15 area. Other groups that you're going to hear from
16 have similiar kinds of programs that would be--if I
17 can just say one second to the previous questions,
18 one of the things we believe is that you can have all
19 the laws in the world on the books, but if they're
20 not being used properly, that's a problem. We think
21 there's a little admirable efforts have been made to
22 train law enforcement in being more aware of hate
23 crimes, identifying them and in being able to use the

1 Hate Crime Statistics Act effectively along with a
2 need to go in Ohio. We now have in the state
3 mandated training on cultural sensitivity, but we
4 really have a long way to go.

5 CHAIRMAN BATTLE: That sounds like a perfect
6 segway to our next speaker, Captain Schmalz from the
7 Cincinnati Police Division.

8 MS. RAMOS: Can I ask a question?

9 CHAIRMAN BATTLE: Yes, Ms. Ramos?

10 MS. RAMOS: On the 60 cases reported in Ohio
11 last year you said most of them might be included or
12 how many have went into the legal system, do you
13 know, with violent crimes? I know the FBI broke them
14 down in to assaults, different categories. Can you
15 be more specific?

16 MR. KATCHEN: I'm embarrassed to say I have
17 that information in my office. I did not bring it
18 with me. I'm not going to -- I would say most of
19 them is -- my thing would be most of them. I'll say
20 this routinely we report these to our contacts in the
21 police department. How many will be included?

22 MS. RAMOS: Let me go back. How many were
23 where we might consider violent crimes; some being

1 assaults and some would be physically getting harmed?

2 MR. KATCHEN: I would say a small number of
3 that -- a small number in terms of assaults or
4 perhaps five or six I think is a fair number, and if
5 the committee wants more, I have the data in my
6 office, I can easily get it, but about five or six.

7 CHAIRMAN BATTLE: Thank you. Captain
8 Schmalz?

9 CAPT. RICHARD SCHMALZ

10 Thank you. I would also like to thank
11 the panel for inviting me to be here today. My name
12 is Captain Richard Schmalz. I'm with the Cincinnati
13 Police Division and I also was a little confused why
14 you wanted me here today. But, we at the police
15 department feel that bias crimes must be treated as a
16 serious crime.

17 Unfortunately, you're aware ethnic
18 intimidation was enacted in Ohio in 1987. Since then
19 it has been ruled unconstitutional in the State of
20 Ohio in 1992. We admittedly have not been reporting
21 bias crimes. We have no facilities really to do that
22 at this time. We were doing a good job of it during
23 the period when ethnic intimidation was effective, we

1 could pick out the crimes. But unfortunately in
2 current reporting some crimes that are reported to
3 us, we charge under the proper section that it should
4 be charged under. If it was charged in the
5 aggravated injury, felonious assault, something of
6 that effect. Things come to our attention generally
7 when something major happens as when somebody prints
8 something on the wall of a building. It has major
9 attention and impact in the community. For instance,
10 we had a situation about two years ago and it was
11 down in the Camp Washington area where there was a
12 black family had moved into the community. Some
13 graffiti was written all over their house and through
14 the muster of the community, the police chiefs
15 themselves, council members, people that lived in the
16 community, people went through there and they
17 eradicated the graffiti that was written on the wall.
18 The community does respond. Like I said, our biggest
19 problem is reporting the stuff. We just don't have
20 the specifics. It involves training to our officers
21 and we do sensitivity training, we do cultural
22 training. But unless they report it, we have no way
23 of actually knowing it's a hate crime. As the

1 gentleman here said, so many of our crimes that we're
2 finding are performed by juveniles. Many of the
3 threats are by juveniles. Many of the things that
4 you see written on building and that and even the
5 cross burnings, we've had a few cross burnings, tend
6 to be juveniles. When we finally arrest them, we get
7 them in, we start talking to them. It turns out that
8 it's not even really a hate thing. They see it in
9 record albums, they see it in television and this
10 sort of thing. It becomes a need thing to do. But I
11 think knowing signs that, I mean, the community, more
12 than something like that we see it initially come
13 forward. We see this stuff on the press and it just
14 causes scars to come out again and it causes problems
15 in the community. So, these people I think our youth
16 needs to know how serious this really is, that it's
17 not a game, that it's not a joke. Now, I guess part
18 of it will be education in the school to really help.

19 I can answer any questions you might
20 have. Like I said, we were tracking ethnic
21 intimidation crimes and that has stopped. Just to
22 give you an example, in the city for the period April
23 to June of 1991, we reported 18 ethnic intimidations

1 and looking at this thing, there were four against
2 whites, there was one against an insitution and there
3 were 13 against blacks. So, as you can see it's
4 diverse to a certain extent.

5 CHAIRMAN BATTLE: Questions from committee
6 members? Captain Schmalz, I'll ask one. You
7 mentioned that when the ethnic intimidation law in
8 Ohio was overturned, then the reporting of the
9 incidents in Cincinnati Police Division kind of
10 trailed off at the same time the training of the
11 officers who would be involved in these
12 investigations continued or did it also trail off?

13 MR. SCHMALZ: We're currently doing -- we've
14 just done eight hours of sensitivity training and we
15 are doing eight hours more this year. I'm not really
16 familiar, I haven't been to the second part of the
17 training myself. I don't really know if that's
18 dealing with bias or hate crime.

19 CHAIRMAN BATTLE: Does the division itself
20 do the training or do you use outside consultants?

21 MR. SCHMALZ: We have outside consultants
22 and trainers. We are bringing in our recruit
23 classes. We are doing 72 hours of training in

1 recruit class in race relations, gender relations,
2 hate crimes, et cetera. We use our own personnel,
3 plus we bring people in. We pay a lot of money to
4 bring a lot of people into training.

5 CHAIRMAN BATTLE: If I could follow up on
6 that. Earlier this morning Agent Tolen from the FBI
7 mentioned that they have the coordinating role in the
8 county for putting on a lot of the training that
9 takes place and they use a model, if you will, of a
10 by the numbers, step by step procedure to get at
11 whether or not an incident is a hate crime or not.
12 Is that still in use in some way in the Cincinnati
13 Police Division?

14 MR. SCHMALZ: I'm not sure. I'm not
15 familiar with that. I don't think we do that. In
16 fact, now the Hate Crime Reporting Act is a voluntary
17 act and that's set to expire I think in 1995. It's
18 for five years and I don't know if we're going to be
19 supplied the information. Our problem, like I said,
20 is that we have an incident, you know what we
21 generally do is if it's a major incident we will
22 write CHRC, and CHRC we generally report right to
23 them if we have any kind of an incident that's

1 racially involved at all and we work hand in hand on
2 that.

3 CHAIRMAN BATTLE: Other questions? Yes, Ms.
4 Lackland?

5 MS. LACKLAND: So, you're saying it was a
6 management decision to stop reporting?

7 MR. SCHMALZ: I think it became almost an
8 administrative nightmare is what it became because,
9 you know, there's so many reports that are generated
10 and it's almost impossible to review these reports to
11 make sure that the officer has put on there if it's a
12 hate or a bias crime. Generally, if it's of a larger
13 incident of institution gender, some type of response
14 from the community and some range that you pick up
15 and, but if you and other individuals in the parking
16 lot are involved in an argument, he uses a racial
17 slur against you or something, oftentimes we don't
18 even know that or the police gets there and you
19 decide you want to sign a warrant and the situation
20 is resolved right there. It's not reported, it may
21 be reported as menacing and he threatened you. But
22 the racial hate, the slur part, the hate part of it
23 is dismissed and it later comes into court.

1 CHAIRMAN BATTLE: Other questions? Thank
2 you very much gentlemen for a very enlightening
3 conversation.

4 If we could now have the next set of
5 speakers; Ms. Karla Irvine and Mr. Arzell Nelson take
6 your places at the table?

7 We'll begin with Ms. Karla Irvine.

8 KARLA IRVINE

9 Good morning, my name is Karla Irvine.
10 I'm the Director of Housing Opportunities Made Equal,
11 which is a 31 year old private fair housing agency
12 operating in greater Cincinnati.

13 We routinely take complaints of
14 discrimination on the basis of all the protected
15 classes. In addition to that, we run a mobility
16 program whereby we help people with Section 8
17 certificates and vouchers move into homes in areas
18 where their race is not predominant. So hate crimes
19 directed against families who exercise their fair
20 housing choice are for us the down side of fair
21 housing. So we take them very seriously. We have
22 gotten together a report going from May, 1990 to '93
23 cataloging 73 hate crimes that occurred during that

1 peirod, and I will make this available to you. Hate
2 crimes unfortunately are alive. Three days ago an
3 African-American family in Camp Washington woke up to
4 find their car spray painted with the letters KKK.
5 Since this report has come out, we have gotten at
6 least 12 complaints, many of them from white people
7 who have biracial children or who associate with
8 African-Americans. A woman in Covington, just across
9 the river, was told she had to leave her apartment
10 because she couldn't have black friends visit. Right
11 after the 4th of July a gentleman called with regard
12 to a mobile home park as a visitor. He brought his
13 two biracial nephews. This was just over the boarder
14 in Indiana. The swimming pool, the manager
15 threatened to close it down if the biracial kids
16 didn't stop swimming. It goes on and on. About six
17 months ago an African-American student from the
18 School of Performing Arts got off the bus on State
19 and 8th Street in lower Press Hill. Normally his dad
20 met him. Dad was a little bit late, four white
21 youths beat him up. As he got away and was walking
22 towards his home, his father came out. His father
23 said, run home and went to see what the disturbance

1 was. The father was shot in the leg. There have
2 been no arrests made. Needless to say, the family
3 moved out of the community, which is what I mean by
4 the downside of fair housing. People are not going
5 to stay in the homes they choose if they are harassed
6 or intimidated.

7 I have some recommendations. Swift law
8 enforcement is absolutely essential and I don't think
9 we're having enough law enforcement. I believe full
10 and accurate media coverage is necessary and let me
11 explain why. If there's no media coverage, the
12 victims stays isolated and the person who committed
13 the crime has a victory. If there's media coverage,
14 that gives the good people in the community, the
15 community leaders, mayors, the council people, the
16 opportunity to stand up and say, we will not put up
17 with this. So, it's very important to get media
18 coverage, and I'm not trying to make it a hype
19 situation. It's a matter of not isolating the victim
20 and allowing community leaders to know about it and
21 say we abhor it. Again, community outreach as a
22 result of that, from political leaders is necessary.
23 Awareness on the part of law enforcement of their

1 obligations to enforce federal and state fair housing
2 laws. Law enforcement people often become part of
3 the problem and I say this knowing I'm not going to
4 win friends and I want to have friends in the law
5 enforcement community because we need them. But,
6 oftentimes the attitude of the officer who comes to
7 the scene of one of these crimes is to blame the
8 victim. Why are you living in this neighborhood?
9 When the person is exercising their American right to
10 live where they choose. Peer relationships between
11 local law enforcement and minority communities,
12 that's very important and it's a two way street. And
13 the African-American community which is the major
14 minority in greater Cincinnati has real qualms about
15 law enforcement and they need to get these channels
16 of communication open. When an actor who happens to
17 be African-American is arrested for walking in the
18 neighborhood outside of the Playhouse only because he
19 is black or stopped, not arrested, this presents a
20 problem, and we need to do training and communication
21 here. Community education programs which promote and
22 address cultural diversity in public schools
23 throughout greater Cincinnati. As one of the

1 previous speakers noted, many of these acts are
2 committed by juveniles or young adults. The person
3 who painted no niggers allowed and he couldn't spell
4 the last word, was a 11 year old girl who traveled
5 from the northside to Midera to do the act. Our
6 schools are not doing their job. They're not
7 teaching them how to spell and they're not teaching
8 them to appreciate differences. Now, you may think
9 little of the fact that this was an 11 year old girl,
10 but the African-American family didn't know that and
11 the mother had just come home from the hospital where
12 she had a baby and this greeted her. It's a
13 frightening experience.

14 In Milford, Ohio, after our report in
15 the junior high school, the black students received
16 life threatening notes from white students in the
17 high school. The school system wanted to ignore it.
18 Black ministers in the area did not let them. We now
19 have a cultural diversity program in place in the
20 Milford Schools and that's the kind of thing that
21 needs to happen.

22 We need a regional clearinghouse for
23 the reporting of such crimes and acts of

1 intimidation. The Hate Crimes Statistics Act was
2 mentioned. We know it's voluntary. Obviously those
3 acts are not being reported. Personally I can't
4 understand why. You can certainly recognize an act
5 is racial without having an ethnic intimidation law
6 in place. It just means you're not charging the
7 person, enhancing the crime. But, clearly the black
8 student who was beaten up by the white boys, it was
9 only because of the color of his skin. That was a
10 racial act and it could be reported as such. Anyway,
11 seeing the Hate Crime Statistics Act does not seem to
12 be working on a local level here, we need some way, a
13 clearinghouse to report these crimes. We need a
14 strong ethnic intimidation law. The Ohio Supreme
15 Court is now looking again at our statute in light of
16 the Wisconsin U.S. Supreme Court decision. If it
17 still finds it unconstitutional, we need to go back
18 to the drawing board and get an act that will stand
19 constitutional scrutiny. The act worked. CHRC and
20 HOME urged local law enforcement people to start
21 using it, we did.

22 A cross burning in Norwood, the cross
23 burners were apprehended under that act. One who was

1 not a juvenile served time and the victims sued the
2 parents and got ten thousand dollars in compensation.
3 That wouldn't have happened without that act. I also
4 believe that index crimes should have an enhancement
5 provision; an act of burglary, an act of rape or an
6 act of murder that's committed because of the
7 victim's race or ethnicity should be enhanced, bring
8 more penalty. That has not happened.

9 In summary, and I hope you will read
10 our report. I believe hate crimes are on an
11 increase. I've been at this for 16 years and the
12 last two are the worse I've seen. I'll take any
13 questions you have.

14 CHAIRMAN BATTLE: Committee members? Yes,
15 Ms. Ramos?

16 MS. RAMOS: On the housing issues, the ones
17 you reported, were those in public housing or
18 individual housing, and did you follow up because
19 they are a protected class?

20 MS. IRVINE: Right, we did. The incident
21 that I mentioned in lower Press Hill, the families
22 lived in private housing that was subsidized. It's
23 pretty decent housing. Whe people come to the top of

1 the waiting list, that management company gives
2 people a choice. The black family chose to live in
3 that neighborhood. There's still black families
4 living there. It's a predominantly white
5 neighborhood.

6 MS. RAMOS: I was referred to where you
7 heard they had sign on the pool. It might have been
8 a--

9 MS. IRVINE: That was a mobile home park in
10 Indiana.

11 MS. RAMOS: That was not in Ohio?

12 MS. IRVINE: No, just across the border.

13 MS. RAMOS: In incidents where you have any
14 recourse in the housing area, have these people
15 pursued it?

16 MS. IRVINE: Yes.

17 MS. RAMOS: And has it been --

18 MS. IRVINE: Not always.

19 MS. RAMOS: Has it been proven that it was
20 favorable to them?

21 MS. IRVINE: We have had arrests for cross
22 burnings in Norwood and Cartage, but this is mainly
23 been -- well, the Cartage situation was because the

1 FBI acted and apprehended the people. The Norwood
2 situation was local law enforcement and the suit that
3 was brought by the victims in Norwood, HOME enabled
4 them to bring that suit through giving them legal
5 help.

6 MS. CURTIS-FRAZIER: I was wondering if you
7 think retaliation might be a reason why some families
8 don't press charges?

9 MS. IRVINE: I think families get very
10 afraid and I think when you get a rock thrown through
11 your window, the inclination is to move. The only
12 way I know how to combat that is for swift law
13 enforcement and community support, and we try to
14 engender that kind of community support. There were
15 two white families who live in public housing, this
16 is about six months ago, who on the same night had
17 all the windows bricked. HOME went over the next
18 day. The families were getting marvelous support
19 from the black residents, but it didn't make the act
20 any less frightening and they'd had support before.
21 Both the white and black families had been sharing
22 things like a car to go to a grocery store, that kind
23 of stuff, and I don't believe the people were ever

1 caught who did it, but everybody assumed it was
2 youths, young people. And I believe it probably was.

3 CHAIRMAN BATTLE: Yes, Ms. Lackland?

4 MS. LACKLAND: I just have one question.
5 You mentioned an incident where a father was shot in
6 the leg. I'm certain that law enforcement was called
7 into that situation.

8 MS. IRVINE: Yes. Unfortunately the police
9 would not call it a racial crime. They said it was
10 drug related. It had nothing to do with drugs. The
11 child was a straight A student at Performing Arts,
12 the father was a good working parent, you know. But
13 beyond that, even in this thing we don't have an
14 ethnic intimidation law anyway, it can enhance the
15 penalty. The fact that they have not caught the
16 people who did this, I think, is horrible.

17 CHAIRMAN BATTLE: Mr. Leventhal?

18 MR. LEVENTHAL: There seems to be some
19 difference of opinion between what you're telling us
20 about the way police officers handle these crimes and
21 what the police chief was telling us before you came.
22 He said, of course, and I must say that he said if
23 new officers are getting trained properly, but the

1 ones who have been there before are not getting the
2 training. So, to address this problem where police
3 officers make excuses or don't follow up crimes
4 properly, who may be racists themselves or biased
5 themselves, how can we really ameliorate a situation
6 like this when the only new policemen and women are
7 being trained, but their life's biases in the past
8 with the older ones so that crimes really aren't
9 taken care of properly by our police enforcement
10 officers?

11 MS. IRVINE: I think Arzell can probably
12 address this better than I. But, let me just say, I
13 think if you did some training at the captain level,
14 at the leadership level, you know, it's the captain
15 in the district that calls the shots, provides the
16 leadership that you might have some affect.

17 CHAIRMAN BATTLE: Ms. Irvine, just about how
18 much time would you say your investigatory resources
19 are used in HOME on hate crimes and those types of
20 issues versus house discrimination? Can you give us
21 some feel of what may be quantify how involved you
22 are in this?

23 MS. IRVINE: Well, I used to do it myself,

1 okay, before I hired a full time person to deal with
2 hate crimes, and I was just putting out fires.
3 Jonathan Williams, our community relations
4 specialist, is doing this full time. When I first
5 hired him, I thought maybe he'll have the time to put
6 out a newsletter or to something else. No, it's a
7 full time job.

8 CHAIRMAN BATTLE: And would you say that
9 he's overworked at this point?

10 MS. IRVINE: Yes, I would. And I'm still
11 doing it with him.

12 CHAIRMAN BATTLE: Is it difficult to
13 separate the issues of hate crimes from the normal
14 pattern of just run of the mill, if you will, housing
15 discrimination that you run into or do you find it
16 very definitive?

17 MS. IRVINE: It's very definitive because
18 the ordinary, if you will, discrimination is before a
19 person moves in, there's not a lot to move in because
20 they have been discriminated against. The hate crime
21 occurs after the person moves in and, you know,
22 there's a real correlation, unfortunately, between
23 patterns of integration and hate crimes. When you

1 read this report, you'll see that a lot of the hate
2 crimes are in District 3, the west side of town in
3 the city, and if you look at the difference between
4 the 80 and 90 census, you can see that the population
5 movement there has been integration in this area.

6 CHAIRMAN BATTLE: Okay, you're saying that
7 formerly just about a hundred percent white west
8 side?

9 MS. IRVINE: Right.

10 CHAIRMAN BATTLE: Of Cincinnati, and I make
11 this distinction for committee members who are not
12 from Cincinnati and wouldn't understand that on
13 predominantly white west side with the integration
14 patterns over the past 10 years--

15 MS. IRVINE: Right.

16 CHAIRMAN BATTLE: --Have increased the
17 instances of --

18 MS. IRVINE: Right.

19 CHAIRMAN BATTLE: Okay. Questions by
20 committee members? Ms. Frazier?

21 MS. CURTIS-FRAZIER: I wasn't sure if I
22 missed this in your presentation, but I was wondering
23 does your community relations person provide

1 materials or provide things -- I won't say training,
2 but information that would help victims make charges
3 or get some legal redress? Do you do that?

4 MS. IRVINE: Yes, if that's possible. It
5 isn't always possible. It's not possible if you
6 don't catch the person who commits the crime, right?
7 As I said, when law enforcement has done their job,
8 then HOME is able to bring a civil suit against the
9 people. If you don't catch them, there's not much
10 you can do.

11 MS. CURTIS-FRAZIER: Do you do any community
12 empowerment kinds of things at all?

13 MS. IRVINE: We're doing as much as we can.
14 We've been working with this past year with the
15 Hamilton County Police chiefs and that's been quite
16 successful. Sensitizing them, having meetings with
17 them, and I think it's been useful because I think
18 they're much more aware of their obligations and I
19 think they're doing a better job.

20 CHAIRMAN BATTLE: Mr. Nelson?

21 MR. NELSON: Good morning. I probably just
22 want to briefly talk about what the Commission has
23 been doing.

1 CHAIRMAN BATTLE: Take the time you need.
2 We're a bit ahead of schedule, so you needn't be
3 constrained.

4 MS. IRVINE: I don't want to be rude, but my
5 vacation starts today.

6 CHAIRMAN BATTLE: Thank you very much for
7 letting us interrupt your vacation and have a good
8 vacation.

9 MS. IRVINE: Thank you.

10 ARZELL NELSON

11 I have a report here, I'll pass out to
12 you later. The Cincinnati Human Relations Commission
13 has over the years monitored hate violence in the
14 greater Cincinnati area. Unfortunately, hate violent
15 incidents are reported minimally. To render an exact
16 account of the number of incidents is impossible due
17 to the lack of reported hate violent incidents and an
18 inadequate record and reporting process system.
19 However, our experience has taught us to correlate
20 reported hate violent incidents with the mood of the
21 community. The number of hate demonstration
22 activities towards people of color, people identified
23 as gay or lesbians, immigrants, women and other

1 people who are distinguishable from the mainstream.
2 The number of incidents do not necessarily reflect
3 the level of intensity and much of the hate violence
4 is intensified and increased during periods of
5 economic distress. However, the factor which is most
6 responsible for hate crime is continued racial,
7 ethnic, and cultural isolation. In Cincinnati, you
8 know, we're going to have to create a civic agenda
9 that will address the racial and ethnic bigotry and
10 this will cost money. The reality is is that
11 resources are scarce, public agencies assigned to
12 design programs that will undertake the mission to
13 combat hate violence just don't have the adequate
14 community-based staffing levels to be impact
15 effective. We are simply in the reaction mode. We
16 respond to the results of hate violence, not the
17 cause. In order to deal with the causes monetary
18 resources have to be identified and appropriated to
19 deal with research, program development,
20 implementation, and the promotion and fostering of an
21 appreciation for diversity to combat racism and
22 bigotry.

23 The lack of financial resources has

1 caused isolation among agencies. Private agencies
2 are barely surviving, therefore, they generally come
3 focused on serving their individual constituencies,
4 race, gender, religion and culture. In other words,
5 we do the best we can. We just don't have the
6 resources to really have the kind of impact and also
7 develop preventative programs.

8 Currently we interface programmatically
9 with five organizations relative to hate violence,
10 Housing Opportunities Made Equal, the Cincinnati
11 Police Department, the Federal Bureau of
12 Investigation, the United States Attorney General,
13 and the Ohio Attorney General's Office. Our
14 interrelations with HOME basically center around hate
15 violent incidents which have occurred in a
16 neighborhood and usually require an immediate
17 response. We provide a link to appropriate city
18 agencies to police, the police, clergy, crises
19 intervention and resolution, film monitoring and
20 staff follow up. The FBI has maintained a formal
21 relationship with the Cincinnati Human Relations
22 Commission for several years. We respond to reported
23 and/or anticipated hate violent incidents that are

1 directly referred by FBI and/or when the FBI has
2 referred a neighborhood and/or community to us. The
3 Cincinnati Police Division works very closely with
4 our agency in responding to hate crimes. Currently
5 we are assisting the police division or department in
6 developing an efficient reporting process for hate
7 crime incidents. Additionally, we maintain a solid
8 relationship with most organizations set up to deal
9 with hate violence. Currently we are working with
10 the Cincinnati Police Division to develop a process to
11 report hate crimes.

12 One of the problems, as you know, being
13 a police officer reporting is very cumbersome. There
14 are a lot of times just to arrest someone is a lot of
15 reporting that a police officer has to do. So what
16 we're doing is coming up with an efficient way that
17 an officer can report hate crimes or hate violence
18 somewhere within their regular reporting system and
19 hopefully we'll have this done in several weeks.

20 Prevention and education are key to
21 eradicating hate violence. Resources must be
22 identified. Public schools K thru 12, colleges,
23 universities, neighborhoods, media, and particularly

1 advertising institutions need to establish hate
2 violent reduction programs. CHRC cannot just
3 continue to put out fires. Our capacity must be
4 increased to handle the information we receive in
5 order to ascertain the need for new programs of
6 prevention and adequate response to address the
7 needs. CHRC has assisted with the development of two
8 programs, prevention programs. One is the Greater
9 Cincinnati Inter-Ethnic Council, which is a program
10 or an organization that we assisted in creating
11 approximately a year ago. And this group, we look
12 forward to some significant things coming from this
13 group. This group is comprised of 25 of our ethnic
14 groups here in the City of Cincinnati. We have about
15 150 ethnic organizations which represent about 25
16 ethnic groups in the city. And their primary focus
17 will be to deal with education and also to monitor
18 and receive information regarding hate violence in
19 the greater Cincinnati area.

20 The other program is the Cultural
21 Diversity Program for neighborhoods. This is
22 something relatively new, but we plan to provide
23 cultural diversity training programs for

1 neighborhoods. I've had the opportunity over the
2 past several months to talk with neighborhoods and
3 one of the major problems that most neighborhoods are
4 facing right now is the issue of diversity and their
5 whole understanding of diversity is going to be
6 critical in terms of stabilizing their neighborhood
7 because one of the problems that we have in our
8 report the last time that you were here is what we
9 referred to as the new white flight. So communities
10 in Cincinnati have to really begin to establish some
11 diversity programs.

12 In conclusion, I'd just say that hate
13 crimes are a result of ignorance and continued racial
14 and cultural isolation.

15 CHAIRMAN BATTLE: Questions?

16 Mr. Nelson, you started out by
17 mentioning that it was the correlation with the mood
18 of the community and I'd just like for you to
19 elaborate a little bit on that and possibly include a
20 little bit about your own personal assessment of the
21 mood of the community. Obviously you've done a lot
22 of investigation, talked with a lot of people and
23 many interviews and have come away with some

1 conclusions that might help us understand the depth
2 with which you have not only written this report, but
3 can talk about the subject.

4 MR. NELSON: Well, one, I think that
5 particularly in the greater Cincinnati area, we've
6 had some really rough times as it relates to race
7 relations here in this city. And, I should add that
8 the number of hate crimes really don't tell the story
9 in the City of Cincinnati. We've had several
10 incidents in the City, several activities that were
11 racial in nature that have had a tremendous impact on
12 the health of our city. I think the key piece to
13 point out, and I think Karla Irvine alluded to it,
14 was that our neighborhoods have pretty much for the
15 last 20 or 30 years, have maintained racial and
16 cultural isolation, and only within recent years
17 through the efforts of HOME do we begin to see
18 attempts to integrate certain neighborhoods. And one
19 of the problems is you know, we're not truly
20 integrating them, we're putting poor people with poor
21 people, which to me is a misfortunate situation, and
22 it's occurring in our city. If you really want to
23 get a true diversity, we should look at how to

1 integrate our neighborhood on social, cultural,
2 economic levels. But, I would say right now in the
3 City race relations is rather strained and
4 particularly in those neighborhoods that we -- that
5 are experiencing integration over the last 3 to 5
6 years. That's where we've seen most of the
7 incidents. And, I would also add, any time during
8 economic distress those groups such as Neo Nazis,
9 Skinheads, take advantage of the situation. They go
10 to those neighborhoods that are racially, culturally
11 isolated and they tell them that you know, blacks and
12 the others are posing a threat to you. And that's
13 the kind of activity that we're seeing around the
14 city. Just within the past several weeks, you know,
15 we've had reports of flyers being passed out around
16 recruiting people for the Neo Nazis and skinhead
17 organizations. So, it's not going rather well in the
18 city right now. I think it's probably in line with
19 what's going on across America. It's just a
20 misfortunate situation, but part of it is we just
21 don't have the resources to really create the
22 preventative programming that is necessary, and
23 that's the major problem that we have. I think we've

1 been in the business long enough to really know what
2 we're doing. The issue is, you know, where are the
3 resources and that's the major problem.

4 CHAIRMAN BATTLE: Mr. Leventhal?

5 MR. LEVENTHAL: Mr. Nelson, you mentioned
6 these things are going on around the country and we
7 have found that on the college campuses that racism
8 has increased both ways a lot lately. Could you
9 relate anything that's happening here at the
10 University of Cincinnati to anything? Is it the same
11 or worse or do you have any reports of anything going
12 on?

13 MR. NELSON: Yes. Oh, let me also add
14 Cincinnati is rather unique. Because of our
15 conservative nature, we have a term that I believe
16 I've coined the term, what I refer to as diplomatic
17 racism. So when practicing racism with the level of
18 diplomacy that we practice here in the City of
19 Cincinnati, it becomes quite difficult to measure the
20 level of intensity of racism in the City. But, our
21 college campuses, unfortunately remain racially and
22 culturally isolated because one of my big gripes here
23 in the City is that we don't create enough

1 multicultural events on campus or even in the City of
2 Cincinnati. It's one of the major problems that you
3 have. Diversity is great, but not in isolation. I
4 mean, the ethnicity and appreciation of ethnicity is
5 great, but not in isolation. We should learn to
6 appreciate each other and the only way we're going to
7 do that is to create programs and activities that
8 provide and foster that. But what you get is this
9 appreciation of ethnicity, but it's no diversity
10 involved in it. In other words, we have Oktoberfest,
11 we have Italian Day and you know, you're not really
12 there to participate, you're there to spend money and
13 that's the different kind of attitude. I think
14 you'll see the same kind of attitude reflected at our
15 major colleges and universities here in Cincinnati.
16 You've got this parochial kind of mentality that
17 exists and so children or young adults have very
18 little opportunity to engage in cross cultural
19 activities and that's a major problem in this town.
20 Over the years we've had some serious incidents
21 dealing with race on our campuses. Like I said, in
22 Cincinnati, you make the assumption that they have
23 been resolved because we don't set big fires in the

1 city. But if they're smoldering, so to speak, and
2 the signs are there and to me we're really vulnerable
3 in the city and I think things are volatile and I
4 should say we run a program called Back on the Block
5 which is the unique program in which we took several
6 city departments and created a collaborative effort
7 to deal with youth violence during the summer. And
8 the program we have the opportunity to talk to
9 children seven days a week and the level of violence
10 that exists and what kids are communicating is
11 unbelievable, it's really scary. And I think that
12 has a lot to do with our institutions, even not
13 having the resources or fail to take the
14 responsibility or the accountability to deal with
15 them.

16 CHAIRMAN BATTLE: Other questions from
17 Committee members?

18 MR. NELSON: One other comment. Those, you
19 know, this whole thing about hate violence, one of
20 the things I would think that we need to maybe
21 develop a much broader definition because if you deal
22 with health, the whole way that we look at violence
23 in the health field, that whole definition has been

1 expanded just beyond the physical sense, and my
2 concern is you might not have hate violence
3 occurring, physical violence occurring in the
4 neighborhood, but because that hate exists and that
5 bigotry exists, the impact is just as great,
6 emotionally and psychologically on those residents
7 that live in that neighborhood. I mean, people who
8 have to live in fear as a result of their difference,
9 I think is something that we really need to take a
10 look at and look how those people are really
11 suffering, just out of fear.

12 CHAIRMAN BATTLE: Earlier Captain Schmalz
13 from the Cincinnati Police Division, I think you had
14 just arrived when he was speaking. He mentioned a
15 relationship that the police division has with CHRC.
16 Would you describe how that relationship looks, how
17 it works? What happens? Is it a two way kind of
18 relationship? Just give us some feeling for how the
19 Human Relations Commission relates to the Cincinnati
20 Police Division?

21 MR. NELSON: Well, basically I must say that
22 our relationship has tremendously improved over the
23 last year and I think with the appointment of the new

1 police chief, which is a real advocate for
2 community-oriented policing. So, we've seen a really
3 good growth in our relationship.

4 Now, usually what happens is that we
5 have five districts and those districts, if there's
6 situations where they suspect that there's
7 anticipated hate violence or hate crimes, they will
8 notify our office and at that point we will deal with
9 rumor control, we will track down whatever
10 information we can on that neighborhood. If a
11 situation is involving individuals or families, you
12 know, we make initial contacts. Sometimes most of
13 the time we try to do that just without staff, but if
14 it's potentially a dangerous situation, we'll work in
15 and try to secure police escorts. That has worked
16 out rather well. I think we've got a long way to go.
17 The Chief serves on a law committee with the
18 Commission, so we have a formal relationship there.
19 But I think that in terms of getting this information
20 together to report the hate crimes, until that's
21 done, you know, I'll hold my other opinions for later
22 when you guys come back in town. I can say well, you
23 know, we actually accomplished something, but we've

1 been pretty fortunate. I think the new chief has
2 really participated with the neighborhood and he has
3 a more higher profile in the neighborhood and, you
4 know, so far it's been okay.

5 MS. CURTIS-FRAZIER: Mr. Chairman, can I
6 aska question, please? Could you speak a little bit
7 about this cultural diversity neighborhood training?

8 MR. NELSON: Yes. About, well, it's kind of
9 my own creation. Basically, about ten years ago I
10 was asked to write some articles around neighborhoods
11 and deal with economic and stability, but one of the
12 things that I addressed was cultural diversity and
13 how neighborhoods create that kind of program within
14 that neighborhood. And so what I did, I kept writing
15 and kept putting this program together. One of the
16 things that I do do on the Commission is we do
17 cultural diversity training. So it was just a matter
18 of transferring what we already do and create a model
19 that will accommodate communities. But, we take a
20 much broader look in terms of, you know, how
21 communities can stabilize their business districts,
22 how communities can create social and cultural
23 programs that would influence, you know, cultural

1 diversity within their neighborhood. I should say
2 that we also conduct a module for cultural diversity
3 training for all new police recruits and we did get
4 recognized by the state in about that we have one of
5 the better programs that they have seen and one of
6 the reasons why it's unique is that we address
7 basically the entire community within our module.
8 You know, we deal with the gay, lesbian community.
9 We go all training module on that. We deal with the
10 disabled community and within the disabled community.
11 We deal with special disabilities, even epilepsy.
12 You know, one of the things that we discovered
13 several years ago that people with epilepsy were
14 being arrested and quite often what we had an
15 incident where a man was actually died as a result of
16 an arrest because the police did not know that he
17 suffered from epilepsy and usually pre-epileptic
18 symptoms a person will show violent tendencies. They
19 may not be violent, but their movement will become
20 highly irratic and so quite often decisions were
21 being made that were very harmful. So, we do a whole
22 module in around the diversity of the community.

23 MS. CURTIS-FRAZIER: Do you address racism

1 at all and if you do, how do you deal with it?

2 MR. NELSON: Well, we deal with racism and
3 we deal with it one just through sensitivity;
4 discussing the issue, talking about what the impact
5 of racism is on our community. But, more
6 importantly, what we stress to public servants is
7 that they're there to provide a service without
8 prejudice or bias. And they have to be accountable
9 for that. And we encourage the police chief to carry
10 that out from the training, that kind of motto.

11
12 CHAIRMAN BATTLE: Other questions? Thank
13 you very much, Mr. Nelson.

14 We are still a little bit ahead of
15 schedule and I'm going to exercise the prerogative of
16 the Chair and invite the next twenty minutes, if
17 there are members of the public who would like to use
18 this time if you have come for that reason, you're
19 now free to give testimony to the committee.

20 PUBLIC COMMENT

21 JONATHAN WILLIAMS

22 My name is Jonathan Williams and I'm a
23 community relations specialist for Housing

1 Opportunities Made Equal.

2 CHAIRMAN BATTLE: Welcome.

3 MR. WILLIAMS: Thank you very much. I
4 appreciate the opportunity to take this time to
5 address the issues of hate crime in our area. I
6 appreciate your attention to these issues and having
7 been the person for Housing Opportunities Made Equal
8 who has been kind of where the rubber hits the road,
9 so to speak, I simply come to you to listen to
10 questions that you may have about the activities of
11 our office and to follow up on Karla Irvine's
12 presentation.

13 CHAIRMAN BATTLE: Are there more questions
14 from committee members for Mr. Williams on the
15 testimony from Ms. Irvine earlier? I have one while
16 you're developing them, if you have any, and that's
17 Mr. Williams, can you give us some feel for the state
18 of mind, if you will, of the victims that you are
19 exposed to in the course of your job? Help us get
20 into the minds of people as you begin your
21 investigation and how they come out of the process at
22 the other end, assuming that you're able to bring
23 some relief, some measure of completion to the cycle?

1 MR. WILLIAMS: Really the states of mind
2 vary, depending upon, of course, the nature of the
3 incident, the severity of the incident as well as the
4 strength of individuals. Certainly some people are
5 stronger simply as individuals. Others feel strength
6 in the support again the community, if not their
7 families who are often making themselves available to
8 provide the support that they need. A lot of times
9 there's panic, a sense of panic, a sense of certainly
10 fear, anger, hostility, distrust, the emotions run
11 the entire gamut. Children are affected, elderly
12 people are affected, and even community members who
13 are not a part of the fiasco have concerns that have
14 been brought to our attention.

15 CHAIRMAN BATTLE: Is there general
16 acceptance of our intervention -- not your personal,
17 but the intervention of Housing Opportunities Made
18 Equal into their dilemma?

19 MR. WILLIAMS: Absolutely because previous
20 to my involvement as Ms. Irvine testified, she was
21 the only individual available within our agency to
22 address those issues specifically and directly. To
23 have a full time person there almost, you know,

1 basically on call to be available to them if
2 something else happens to lend this kind of support
3 to bring the police as well as the community and
4 other organizations, beginning with CHRC, to bring
5 their assistance, we basically kind of act as a tag
6 team as much as possible to bring comfort to both the
7 victims and to the community. Victim services has
8 been very helpful so far.

9 CHAIRMAN BATTLE: Mr. Leventhal?

10 MR. LEVENTHAL: One of the problems is the
11 problem of property values where whites say we're not
12 racists, but we don't want blacks moving next door
13 because it will cause a decrease in the value of our
14 home. Do you have any thoughts or statistics or
15 feelings about addressing this problem of property
16 values?

17 MR. WILLIAMS: Well, I think that's in many
18 cases a myth. I think that, well, I can give you an
19 example that I ran into this morning while on the one
20 hand is myth, it depends upon the support that those
21 individuals get. I talked to a gentleman this
22 morning who owns condominiums in different -- in
23 another county and according to his discussion with

1 me, he is an African-American who owns approximately
2 20 out of the 150 or so condominiums. Of those 150
3 condominiums, 130 of them are serviced,
4 maintenance-wise by the condo association. The 20
5 that he is responsible for, he has reported are not
6 serviced or maintained by the condo association. So,
7 consequently, his property is going to look as though
8 it's less kept. So, the point being, certainly if
9 African-Americans or if minorities are not provided
10 the same level of services when they move into a
11 community, from not only the, let's say condo owners,
12 but public officials, then there's going to be a
13 decrease in how they look at their community, how
14 they look at their neighborhood and so forth. So, we
15 have a dicotomy here, you know, we have a situation
16 where there are times when perhaps that's true, but
17 we have to look at the cause as well as the effect.

18 CHAIRMAN BATTLE: Other questions? Thank
19 you very much, Mr. Williams.

20 MR. WILLIAMS: I would like to add one more
21 comment concerning our relationship with the law
22 enforcement community. One of the things that we
23 have been able to do quite successfully as it was

1 mentioned earlier, is to develop a working and we
2 released a link of community between top law
3 enforcement executives in the Cincinnati area. We
4 have developed a radio program called Buzz the Fuzz
5 whihc allows law enforcement officials to meet
6 basically be on the radio and talk live with people
7 throughout the African-American community. It's
8 targeted the African-American community because its
9 on a predominantly African-American station. The
10 success of that has been overwhelming. We have
11 averaged about two hours a month for the last 12
12 months. We look forward to -- unfortunately we will
13 have to reduce that for the next 12 months due to
14 some additional program requests and demands on the
15 station. But, we look forward to seeing something of
16 this nature more widespread, certainly in the State
17 of Ohio and perhaps even throughout the country.
18 This gives people a chance who normally wouldn't take
19 the time to speak out to talk about police issues,
20 the opportunity to do so with anonymity, but also
21 with candor and certainly we've had a wonderful host
22 and Edna Howell, who is the news director for WICF
23 who has been there to kind of buffer some of the

1 comments that are a little off color. But, for the
2 most part, the police chiefs we've ranked from Chief
3 Tolen from the FBI to the prosecutor Hamilton County,
4 Joe Deers and various police chiefs in between and
5 certainly the success of the program is simply to
6 begin to open lines of communication. The solution
7 and end to hate crimes is a long way away, but we
8 think that if people can get the confidence in the
9 police that they can call the police and they won't
10 be told or asked why did you move here in the first
11 place? Or we knew there would be problems when you
12 moved in. We want to sensitize the police to not
13 blame the victims and to understand the plight and
14 the trauma that this experience that people have when
15 people find crosses burned in their yard, letters
16 painted or burned into their lawn. This has been a
17 very successful program and I would like to bring it
18 to your attention.

19 And, one final comment is that
20 understanding that this is a commission that perhaps
21 may have some ability to persuade some legislation in
22 some form, I would hope that we could again get the
23 resources available to the local agencies such as

1 HOME and CHRC and several others who have been here
2 today and will testify here to address this problem
3 adequately.

4 CHAIRMAN BATTLE: I was surprised that there
5 was a position such as yours full time when Ms.
6 Irvine mentioned that earlier. Are there others that
7 you're aware of in agencies or other things who do
8 what you do full time?

9 MR. WILLIAMS: Not to my knowledge.

10 CHAIRMAN BATTLE: So, you're pretty much a
11 solo act?

12 MR. WILLIAMS: Yes. I think the closest
13 this city comes is CHRC. I think it's really
14 unfortunate with the level of publicity. This city
15 is getting the publicity is simply a reality. I
16 think this morning I understand there was a gentleman
17 who was accosted, an African American man who was
18 detained by some security guard because he looked
19 like he was ripping off some camera equipment. He
20 happened to be a producer. These are the kinds of
21 incidents that Cincinnati is becoming more well-known
22 for than probably any other place in the country.
23 It's as though we are becoming a mecca for this kind

1 of activity against African-Americans particularly.
2 And, I hope that this Commission will help us deal
3 with that at all levels and, you know, it begins
4 certainly with residents of the city, but it's also
5 public officials and how they perhaps their ability
6 and need to serve all people.

7 CHAIRMAN BATTLE: Yes, Ms. Frazier?

8 MS. CURTIS-FRAZIER: Mr. Williams, you said
9 you needed resources. Could you be a little bit more
10 specific?

11 MR. WILLIAMS: Well, certainly money isn't a
12 bad idea.

13 MS. CURTIS-FRAZIER: What would the money
14 do?

15 MR. WILLIAMS: Well, I think that one thing
16 it applies that there's priority to dealing with the
17 problem as long as the programs like ours deal with a
18 shoestring budget. We're going to be falling over
19 ourselves because they're going to be more fires to
20 put out than our ability to prevent problems that
21 come. Another very important sector of the
22 population that we can deal with and seemed to have
23 to go in, we've had some success again on the back

1 end of it, but it's within the school system. I
2 think that the schools need to be more aware of their
3 role in control, if not promoting people's attitude
4 and attention to diversity. A lot of the hate crimes
5 happen in schools and how much of that is actually
6 reported to the police. How much of that is actually
7 dealt with in an official capacity. That could make
8 a difference, but we have promoted, we have worked
9 iwth two to three school districts here in the
10 Cincinnati area; St. Bernard, Elmwood-May School
11 District, the Milford School District and the
12 Sycamore School district, and we have promoted for
13 each of those the inclusion of a cultural diversity
14 sub committee, but a standing committee that reports
15 as frequently as to the personnel or finance
16 committee to deal with this issue at the public
17 school level. We think money would help with that.
18 We think money would help, again, in terms of police
19 training. We think money would help in terms of
20 providing community training and certainly agencies
21 such as CHRC, Jewish Community Relations Services and
22 other, various others.

23 CHAIRMAN BATTLE: Ms. Lackland?

1 MS. LACKLAND: I just had one brief
2 question. Ms. Irvine was here, she mentioned
3 cultural diversity program in the public schools.

4 MR. WILLIAMS: Yes.

5 MS. LACKLAND: Do you know if that's a
6 mandatory or voluntary program in terms of
7 participation?

8 MR. WILLIAMS: I'm not certain about the one
9 she spoke about, but I'm aware of the one that's in
10 Milford that the Milford School District, after they
11 had enough people there respond to, as I mentioned
12 earlier, by incorporating a cultural diversity
13 committee on their board, a standing committee. And
14 I guess from the standpoint of if it was force
15 volunteerism, I can't say it was damage control, but
16 certainly in terms of school districts now, fair
17 housing makes better schools. We think when people
18 move into communities, they are going to be a part of
19 the school system, chances are especially if they are
20 not able to afford parochial schools and private
21 schools and so the school district -- this makes it
22 even more important for the school districts that
23 have not been integrated historically to embrace this

1 type of activity.

2 CHAIRMAN BATTLE: Other questions?

3 Thank you very much.

4 MR. WILLIAMS: Thank you for the
5 opportunity.

6 CHAIRMAN BATTLE: We'll go into recess until
7 1:30 when we're due back.

8 (A luncheon recess was taken.)

9 CHAIRMAN BATTLE: Mr. Gooding, Mr. Steed,
10 the floor is yours. Thanks for being with us.

11 MR. STEED: I'll first yield to my junior
12 partner, Mr. Jessie Gooding, being a good senior
13 citizen.

14 JESSE GOODING

15 My name is Jesse Gooding, I'm president
16 of the Dayton NAACP. I've been involved in civil
17 rights for approximately as old as Melanie is old. I
18 would like first to say that the Kerner's report
19 pretty well centralizes where we are today. He said
20 we are living in two societies; one black, one white,
21 and one unequal. He said that years ago, but we are
22 there now. And, there's no question in my mind that
23 we are there. I feel that hate crimes are

1 perpetuated in Ohio throughout the country with two
2 major sources, this being the news media and the
3 local law enforcement. Television industry glorified
4 violence of all kinds. Whenever there's hate crimes,
5 crimes of hate occur, they're right there with the
6 cameras on hand, asking questions wich are really
7 racial in nature, and has the potential to create
8 confrontation of one group against another. They
9 also glamorize white hate groups; KKK, Aryian Nation,
10 the programs which are dedicated to preaching
11 separatism in full battle gear, training and full
12 rested area, this makes blacks communities very
13 uncomfortable. The white group justify this action
14 by pointing out that the riots, black on black crime
15 as justification for their action. In the black
16 community, media is there with cameras in hand
17 seeking out youths who are more than willing to grin
18 into the camera bragging about gang activities. How
19 easy it is to get guns in their neighborhood? Then
20 within minutes kids returning with semi automatic
21 weapons which makes them appear big to their peers
22 and also commit crimes to show that they are brave
23 and have no fear. They're then portrayed as cold,

1 calculated, heartless youths who have no morals.
2 However, in the white community they are seldom, if
3 ever, labeled. And this gives the white community
4 unrelentless fear of blacks and they are stereotyped
5 as violent and heartless. The black youths are
6 berated in front of the camera after arrest,
7 regardless of their age, given the maximum coverage
8 that they have bad attitudes, from broken homes,
9 their previous records dating back almost to infancy.
10 The white youths is always unfortunate from broken
11 home of upper middle class home who just happen to
12 get involved with the wrong crowd. They usually show
13 their backs or feet only and are not identifiable by
14 the black media. The media also labeled every
15 confrontation where blacks are involved as riots.
16 White youths are always shown in a positive manner,
17 regardless of the circumstances. And example at
18 Wilburforce and Central States, their situation is
19 always a riot. At the University of Dayton and we
20 have had situations there where fires are burning,
21 cars are being turned over, it's just a coincident
22 situation. Drugs are in every community; however,
23 the black community's portrayed as the suppliers, the

1 users and the demoralizing of the overall society due
2 to this problem. However, they do not realize that
3 black communities are being preyed on to furnish this
4 poison as a livelihood due to lack of jobs, lack of
5 jobs and decent housing, et cetera. Blacks do not
6 own ships, semis, airplanes, which bring this poison
7 into the community. These people are the world
8 suppliers, appear to be exempt from prosecution due
9 to their status in our community in the State and
10 even at the national position.

11 The USA Today had a pretty good article
12 about a week ago showing that drugs are equally used
13 in the white community as it is in the black
14 community. However, we have some voice in terms of
15 the situation, specifically Dayton, some folks say
16 due to the visibility of the blacks who deal in
17 drugs. However, my philosophy is whether you're
18 visible or not, if you're violating the law having to
19 do with drugs, you should be dealt with and that's
20 not being done in Dayton or in Marion.

21 It's a known fact that the justice is
22 blind in the black community. Black people will be
23 sent to penal institutions for crimes where a white

1 commits worse felonies is released on bond or given a
2 slap on the wrist. The Rodney King situation,
3 however, we have several of the Rodney King similar
4 situations in Dayton. Specifically, the folks from
5 Dayton can relate to the Elle case where a young
6 black man went downtown to pay a ticket, however he
7 was stopped by the police. They beat him in the hall
8 of the justice which is where the court convenes.
9 Several officers jumped on him and almost beat him to
10 a crush, and he is still open, I believe the case,
11 and that's been since '91. Young black men who was
12 supposed to have been involved in drugs was with an
13 aunt. That was a case that got national attention.
14 A situation wherein such cities such as Marion where
15 it's just about a no no for blacks. We had one
16 situation where a black woman and her husband was
17 over there, she was pregnant, purchasing an
18 automobile. They were harassed not only by the
19 police, but they were harassed by the place where
20 they was potentially to buy a car. Later was
21 arrested and charged with disorderly conduct. And
22 this is harassment. We have several cases similar to
23 that that we have been involved in in the NAACP where

1 that a policeman will stop a young black male and
2 will provoke him into reacting and as a result of
3 that he being charged with disorderly conduct or
4 resisting arrest or some similar situation that they
5 can pin on you. Might have been totally innocent
6 until this policeman might have called him a nigger.
7 Believe me they do that daily. Or even talk about
8 his mother or some situation that is provoked him.

9 We had a case where that the neighbor,
10 a white man, hated his neighbor, which was black,
11 found shot in her house one of two or three different
12 cars. There's really no protection for blacks, fully
13 protection. We had a situation in Dayton Mall whereas
14 a security guard beat a black woman and no legal
15 action has been taken, however we have reported it to
16 the prosecutor and the situation is still hanging.
17 Recently we had a bar, a bar that was owned by
18 blacks in a generally black neighborhood where a pass
19 by shooting occurred. The mother, co-owner of the
20 bar, was shot from an automobile. Even the police
21 chief had to agree that racism was the cause of the
22 situation. Today Mr. Francis, the city is offering
23 only just bandages in alleviating that type of

1 situation which I feel as the city needs to do more.
2 We have also had situations dealing with schools,
3 such as truck driver's school to where black students
4 was being cancelled. I understand the school is out
5 due to activities that we have been involved in where
6 the black students were either cancelled or put out
7 after the monies that they received from the state or
8 the federal government, after they received the
9 monies from the state government. After we got
10 highly involved in that situation, and I understand
11 that this school is out of operation. This so-called
12 legal system does not put forth the same effort to
13 protect an indigenous blacks as they do for whites.
14 Until it's a job. Just observe a child involved in
15 each. The blacks will fair just as well representing
16 himself as the benefits derrived from having a legal
17 aid attorney. In the same case, white client, still
18 they are brilliant in their efforts to clear their
19 clients. These are just a few situations which
20 promote hate and hate crimes in our society. We must
21 have total justice, fairness throughout the southside
22 in order to alleviate this type of environment.

23 CHAIRMAN BATTLE: Thank you very much, Mr.

1 Gooding. Questions from the committee?

2 Could we move to Mr. Steed?

3 MS. LACKLAND: Is the City of Dayton have
4 some sort of cultural diversity council or council
5 made up of various groups that are addressing all the
6 issues? Do you have anything organized in that way?

7 MR. GOODING: Mr. Steed is probably in a
8 better position to answer that than I.

9 MR. STEED: Let me answer the question
10 specifically as I can. The city has -- the city and
11 it's corporations, not as an organization, has a
12 range of organizations that address various efforts
13 and various situations that we talked about. I'm
14 also the executive director of the Dayton Human
15 Relations Council and we address some of the
16 positions there also. But, there are some mechanisms
17 of basically traditional as regards to look at some
18 of the people -- some of the issues that we spoke of.
19 And that those issues that are emerging, we're
20 focusing on perhaps violence and they're also is an
21 organization such as Ohio Supervisor Commission
22 located within the city to do that -- consider it
23 employment, but there are a range of what we call

1 organizations and agencies that do that. You may
2 want more specifics.

3 MS. LACKLAND: I was trying -- but we heard
4 this morning from the Cincinnati and they have an
5 organization where they are an organization such as
6 yourself, along with the police department, the Anti
7 Defamation League.

8 MR. STEED: We have some of those entities
9 moving these probably the function strongest around
10 central issues that occur and probably how do you
11 keep that kind of an energy going consistently.

12 MS. LACKLAND: It's situation only?

13 MR. STEED: I think it's a situation. I
14 don't think of any have moved to that police support
15 format and continue that. That's sort of granted in
16 the community, but we do have those structure as
17 well. I have an agency that does that.

18 MR. GOODING: Frankly, they react temporary
19 situations, for example, the Ellie situation.
20 Everybody got up in arms in Ellie, and in the end it
21 didn't help. There were no I use the word
22 paraphernalia yield as a result of that, to be a
23 deterrent to those type situations. There are groups

1 that react, of course. The NAACP also reacts to a
2 lot of situations. As a rule of need at the time and
3 due to the fact that we have volunteer organizations
4 which you are well aware of and we don't have the
5 tools to really have an ongoing situation. However,
6 we do the best we can, based on the materials that we
7 have.

8 MS. RAMOS: Melanine was asking did you have
9 within the relations do they have a program?

10 MR. STEED: She was asking was there an
11 organization within the community that might be cross
12 cultural and have as it's basis a diversity spin on
13 it to deal with those issues?

14 MS. RAMOS: And you said?

15 MR. STEED: We had a range of those
16 organizations in the community to do that and we went
17 on to talk about the strength, viability, the
18 visibility of organizations and we spoke to those
19 generally. They respond that more visibility during
20 crises and, if you will, being institutionalized to
21 do that. So we have garden variety of organizations
22 in collaborations that exist in most major urban
23 centers, and it's the challenge of bringing that full

1 force. Some are volunteer, although they must have
2 funds to do that.

3 MS. RAMOS: But, the agency doesn't?

4 MR. STEED: We have a diversity component of
5 that piece, so we have that as well.

6 MR. GOODING: We don't want to portray
7 Dayton as one of the worse cities in the United
8 States, however, because if you take and look at
9 Cincinnati, or Columbus, or Cleveland, you'll find
10 the same type of situation exists there because I
11 travel all over the state and as a result of that, I
12 see the same situation in Cleveland, Cincinnati,
13 Columbus in any city that I go in because, however
14 rural cities are worse than urban cities. And I
15 guess that's due to the fact that they're small, very
16 small population and the mentality of small areas,
17 rural type areas, if you're black, stay back.

18 CHAIRMAN BATTLE: Mr. Steed?

19 MR. STEED: I kind of don't need to
20 reiterate incidents or situations. I think yes, he's
21 talking about some things they've engaged themselves
22 in the NAACP. So, what's probably important for me
23 and I'm sure that you may have other questions, is

2

1 that I think that one of the first things I have
2 written down kind of speaks to what you asked. It's
3 kind of hard to get a handle on how many incidents
4 and actions are based on actions that relate to
5 crimes of hate and violence if you don't have the
6 capacity for people to know that has occurred and how
7 to report that. And, it seems to me that in the last
8 couple of years we began to think more about that.
9 That's probably why you all are looking into this
10 issue as well. So, it's like discrimination, does
11 discrimination exist if it's not reported? So, for
12 me I'm always uncomfortable in trying to get a handle
13 on all issues where we don't have the capacity to get
14 it ferreted out, where we can get the size of the
15 problems. We get to the reaction of those incidents,
16 we miss all those that happen that even don't get
17 captivated, don't get reported.

18 So, one of the first things that I
19 think that's important is that we really look at how
20 you really develop the kind of situations that you
21 talk about that are in a position to actually provide
22 the kind of data backdrop analysis and then
23 recommendations in a way that is consistent with how

1 the judiciary system works. And that's very
2 important. So I think that one of the first
3 challenges in this whole area, absent those instances
4 that we know that occur, whether they get prosecuted
5 or alleged, is developing the kind of capacity, so we
6 can institutionalize what we're looking at. We know
7 what we're looking at when we're looking at cancer.
8 We know what we're looking at when we're looking at
9 glaucoma, what we're looking at when we are screening
10 for sugar diabetes and all those things, and we have
11 some pretty good systems to talk about what that
12 means. And, one of the last things we put resources
13 in, public, private human and otherwise are the kind
14 of people issues, the kind that people don't like to
15 talk about, but don't feel they can deal with. But, I
16 just want to say sort of an opening strike I think
17 that's important. I think some things are important
18 that recognize that it really exists. I don't know
19 whether you convinced anyone that that's really a
20 problem. It's a problem from time to time in certain
21 situations. Can we really say we have a national
22 policy effort to? I'm just saying we need to focus
23 on that so you may be looking in this region.

1 The other piece is it seems that it's
2 clear that in this economic climate, international
3 climate, people are less tolerant, and while we're
4 looking at the ability to capture those kinds of
5 situations, the tolerance of people is something
6 losing it's grip and the tighter the economy becomes,
7 the looser that grip is. So, I think we really also
8 have to connect those kinds of things that drive the
9 worse in good times. I think humans are -- they
10 behave better than they do in bad times. So, I think
11 we have to understand what the climates are in this
12 country and what they can do.

13 Something else that I think is a real
14 reason, benchmark why we are out to create the
15 structure and institutions to look at this issue.
16 The problem getting greater influx of diverse
17 populations. Right now we've had those integration
18 issues over the years and I think with the
19 international marketplace. So, we're getting people
20 that are of different culture and ethnicity. They
21 are coming in the community in greater numbers or at
22 least visit. I know that you have different pockets,
23 different efforts and different parts of the country,

1 but I would suggest that Dayton, Ohio, is much
2 different than San Francisco and with San Francisco,
3 it's much different than Orlando. Look what portions
4 in Peoria won't always fly in Dayton. So that
5 various -- so we have to really look at that from
6 that perspective because not only driving the
7 national mindset. What's happening locally. I'm
8 also concerned that you really talk to the people
9 that are the recipients of the hate violence.
10 They're the witness that don't really have the voice
11 and organizers, particularly. So, as we speculate
12 those problems, we see on end, we often miss those
13 individuals that really receive that. And, it would
14 be useful in time to come to sort of working with
15 victims of the violent process. And a great many of
16 the people that are sick of this kind of violence and
17 acts don't have a sense of empowerment. So, we have
18 misviewed their story and their ability to help us
19 understand that in a manner that's important. Let me
20 say definitely you probably don't have to go very far
21 to see something on t.v. about fair housing or to see
22 brochures or paraphernalia relating to fair housing
23 or to any number where you feel you have been

1 discriminated against in a housing. There have been
2 some efforts periodically throughout the country
3 that deal with violence, but it's not at the level
4 that if people can really do in fact so that we can
5 get a handle on that. So, I'm just suggesting that
6 there ought to be procedures, you know, we can really
7 deal with the people that are going to be the
8 potential victims or alleged victims to tell them
9 that I think they've got something to tell us which
10 would complete the equation.

11 The other part that I think is kind of
12 interesting is we're going to have to get to the
13 point that it's not glitzy to have some of the, I
14 think, well rounded persons who call wired, cockeyed
15 view of people or of diversity. I'm concerned
16 because I think one of the real areas that we can get
17 a lot of energy and data out of are college campuses.
18 I think college campuses are some of the more hot
19 forums going on in this country with relation to this
20 issue of crime and violence. You see what's
21 happening with the students on this campus is in
22 those other culture and it's interesting to see how
23 young people are responding. And I haven't seen a

1 lot of old kinship. I mean young folks. I don't see
2 -- I've seen a cycle those come in young, but
3 somewhere in that equation there's somebody who is
4 going -- who is allowing the kind of mentality to
5 flourish. So, I think Cal Tex is a real good -- this
6 is a real good test tube. It's a blood word, but at
7 lest in terms of college campuses have a lot to say
8 that these colleges we've had that in community of
9 the right day, different places. And the tragedy is
10 that we don't own up to the fact that there's
11 diversity changes in this country, and so people
12 within whatever jurisdiction, be it college or
13 otherwise, aren't there, they're very parochial about
14 dealing wth those issues. And it always seems to be
15 an abhoration as opposed to a pattern. And I'm not
16 so certain that those are abhorations, they may be
17 patterns, if you will. I'm sure that as we get the
18 60 Minutes report on training campus for the area and
19 nation, I'm sure that kids that are college are
20 placed into, they'll talk about the things that may
21 become better or different for their own reasons and
22 other people. And I'm kind of concerned because it's
23 not in this country. I think there's some issues

1 that you folks have about happening in Germany and
2 minority people and it's because this world we live
3 in, these issues are really coming out front. I
4 think anything is new -- I think the regularity of
5 the occurrence is what ought to be focused upon and
6 that's why with your ability to document and have a
7 better database, the incidents or alleged incidents
8 can be looked into.

9 The other piece it's a complex issue to
10 crack open because many people that's not a good
11 feeling. Discrimination, something that's done to
12 you because someone feels you're different is not a
13 very good feeling, and I think more people are
14 willing to carry the hurt and the scar among the way
15 than they are to take the problem and try to do
16 something about it. And when you take the problem
17 and do somethig about it, about the rape issue, about
18 the time the woman was raped, has to again prove she
19 wasn't raped and that she didn't do something to
20 encourage that. And this sticks in her mind. It's
21 easier not to subject myself to that to bring that
22 forward. So, I'm kind of bureaucrats and I'm kind of
23 interested in the systemic ways. So, we can get a

1 handle on this. I don't have any question at this
2 time that crime exists. I don't have any question
3 that we have to learn to live together as people, and
4 I don't have any question that where there's smoke
5 there's fire. But the kind of tools that we need to
6 fight fires, you need to use water, but there's
7 different ways you need to fight fire. One of the
8 problems that we have now when you put these years
9 ago when you didn't win and the resources in town
10 just don't seem to be there to be focused on what we
11 might be eradicated or diminished at this point. I
12 didn't say that.

13 GERALD STEED

14 My name is GERALD Steed and I'm
15 executive director of Dayton Human Relations Council.
16 We do deal with a variety of issues; discrimination,
17 civil rights issues. We deal with programs for
18 minorities and small disadvantaged female businesses
19 from cultural diversity of affirmative action, fair
20 housing and a whole range of issues which would just
21 seem to make a city enhance it's quality of life and
22 we deal with community conflict and dispute
23 resolution. And, if I had an organization there for

1 some 30 years and Charles Francis from the state, at
2 that time, relations counsel. So, I think that in
3 some areas some cities have tried to put some
4 structure together. But, I think, yes, he, Gooding
5 was right. We're all too reactionary than we do
6 together in some single purpose for continuum that
7 allows us to really get the view and fix them up.
8 And there are not resources for volunteer to even
9 stay alive as well as there may be for public
10 organizations that get funding every year. And I
11 think the civil rights doesn't get the kind of
12 funding and efforts that protection or wider pockets
13 lesser, and that's with reason because certain
14 government, particularly local governments, are there
15 to provide you water, sewer, police and all those
16 kinds of protection. But, if it's not the people you
17 don't have to worry about the fire department, police
18 department too long because he won't have a community
19 that's whole and that's really getting the business,
20 that's fostered by the committee.

21 Let me step back and maybe you all have
22 some questions to ask and I think Jessie talked about
23 the Elle situation.

1 CHAIRMAN BATTLE: Yes, Mr. Leventhal?

2 MR. LEVENTHAL: Mr. Steed, you mentioned the
3 distortion of the news media in not getting a fair
4 statement. I was very upset this morning was it as
5 was you to read USA Today in which there was a
6 headline page 7 or 8 whatever the case, jews are
7 furious about the Dimenchek situation. Now the Jew
8 who was furious was a man named Alan Dershowitz, a
9 famous lawyer. He's furious, okay. He's entitled to
10 his opinion, but that doesn't mean every Jew in the
11 world is furious about the Dimenchek situation. In
12 fact, most Israelis would be happy to have him get
13 out of there and end the problem now. As a result of
14 that, I or many other Jews will call the Anti
15 Defamation League and complain. The Anti Defamation
16 League will rewrite letters or call the editor of USA
17 Today. It's too late to do anything about it. We're
18 not going to sue them, but perhaps it will act as a
19 deterrent in the future. The point that I'm trying
20 to make to you, and not telling you how to run your
21 business, first of all, I'd ask the question too,
22 people call you up with their complaints so that you
23 know what's going on.

1 MR. GOODING: Absolutely.

2 MR. LEVENTHAL: That's very important.

3 Then, of course, you bring up the financial
4 situation, you're hog tied to a certain extent
5 because of financing. True, Jews are in a more
6 higher economic plan than black, generally speaking,
7 however, there are many blacks, big athletes earning
8 \$20, \$30 million in a career, \$5 million in a
9 lifetime, rock stars, et cetera, and have your
10 organizations gone after these people to try to raise
11 money so that you can fight your battles better in a
12 financial way? In other words, what are you doing
13 about finances?

14 MR. STEED: I can't -- I think Jessie
15 Gooding can speak a little better to that. Let me
16 say a couple of things. One, for the City of Dayton
17 it's a certain way, it's unchartered. So, I think it
18 traditionally tries to pay it's fair share within
19 it's community to keep things on a healthy and whole
20 basis. I think traditionally it will go back to the
21 civil rights movement. As I look at it, it probably
22 was carried by the Harry Belafonte's and the Sammy
23 Davis, Jr.s, all those folks, and whatever came after

1 them, with large sums of money. I think the interest
2 is the end doesn't turn on how well financed
3 machinery is, but how well you get people to talk to
4 people. So, the issue is to get people to talk to
5 people. I think we'll never have enough money to pay
6 the cost of human damage to humans, but I think we do
7 have enough people and energy to kick it. So, I
8 think the issue to fund raising, the fund raising
9 issue as one issue for everyone advised;
10 not-for-profit, whatever it may be, it's the human
11 equation that we miss oftentimes.

12 MR. LEVENTHAL: That's going to --

13 MR. STEED: Let me say this. I want Jessie
14 to speak to that. That's something I'm working on
15 with the federal judge in Dayton, which happens to be
16 Jewish. We're trying to get the name brand people
17 out of the way and get real people to the table and
18 create networks and linkages so people, when
19 something comes out of USA Today, I'm jewish, I'm not
20 sure I understand that. So I have some network which
21 I can work through or if a black writer wrote
22 something about hispanic issues and it seems the
23 hispanics say, how can they kick that? So, as you

1 say, Alan Dershowitz has a different opinion. Hey,
2 how do we begin to do that because perception
3 sometimes drives the act. So, I think our stronger
4 focus is not going to be resource, but they're people
5 to people resources.

6 MR. GOODING: Number one, we are good
7 bettors. We try to ask any and everybody; black,
8 white, blue, yellow, for finances to support our
9 organization. As you know, the Jewish community were
10 very involved in helping get the NAACP started from
11 it's inception. However, we are a little bit farther
12 now than we were then in terms -- no, I won't say
13 farther. You can call a media and when the Jewish
14 community can call the media and get a media
15 response, Ralph Bunch, he's dead now, but I'm just
16 using him hypothetically, he could call the media and
17 if there's a racial overtone in it, nothing happens.
18 That's what's going on in our society; whether it's
19 in Dayton or in New York City.

20 For example, I read an article in the
21 Wall Street Journal because it made reference to the
22 Denny situation and the Rodney King situation. We'd
23 almost have a same, not same, but similar situations

1 whereas in Dayton it's happening in -- showed in the
2 media yesterday in reference to the Christmas
3 shootings where that white girl was involved with a
4 bunch of blacks and they went around jews,
5 deliberately shot folks during the Christmas
6 holidays. Immediately they have separated the white
7 girl out now and she have plea bargained so that she
8 won't get the death penalty. She was the oldest in
9 the bunch. The rest of -- some of them was
10 teenagers, am I right Steed?

11 MR. STEED: Yes.

12 MR. GOODING: Some of them were teenagers.
13 There's no plea bargain been offered to the youths,
14 the other youths. But I said that to say this. We
15 almost live in two different worlds; you're jewish
16 and you're also white. You've got an advantage over
17 me being black because you'll get a better response
18 from the overall community. So I said that all to
19 say this. What we really need to do is find each
20 other and stay together and look at the world as it
21 is and try to make a better world.

22 CHAIRMAN BATTLE: Mr. Francis?

23 MR. FRANCIS: I just wanted to make a

1 comment concerning -- with all due respect to my
2 colleague on the Commission, Ray Leventhal, I
3 certainly have to object to the question that was
4 asked as to why doesn't black celebrities give money
5 to the cause of fighting hate crimes? You know, as
6 American citizens we are entitled to certain rights
7 within this country. Now, black celebrities do give
8 funds to other needy causes throughout this country,
9 you know, whether it be social areas or things like
10 in the health areas or whatever. But, what I think
11 when you're talking about criminal activity, as
12 Americans we should not have to fund programs to
13 reduce hate crimes, things of that nature. So, in
14 that respect, I'll have to take exception to that
15 particular question.

16 CHAIRMAN BATTLE: Yes? You have comments on
17 that?

18 MR. STEED: No, I just wanted to say one
19 thing that Jessie said or I didn't know where he was
20 going and he ended up on that. I tell you what is
21 frightening though, and all of us, if you really want
22 to look at something, and I would leave you with
23 that, except for any questions you would ask of me, I

1 think we ought to -- we are getting picked off in
2 this country now and I think all of us ought to look
3 at that because we've sort of lost the ability of
4 working together. We mentioned how the NAACP got
5 started on some strong, healthy basis. They are
6 looking at us as a separate minority and we all know
7 from our own experiences, from the experiences that
8 we have through grade school is Ben as a person,
9 Jessie as a black person. We all know the sad end of
10 the truth of what happens to people that look at us
11 because we're different and we've all been victimized
12 by that. And it was the same sickness in a person's
13 mind to make them do what they did in Germany, as
14 what they did in Selma, whatever they've done to the
15 boys of this country, to hispanic people. And if we
16 begin to look at that in a connective way, I think
17 people pulling away from the situation thinking they
18 can get a better shake on what the law is enforcing
19 because we'd all better look at that boat again
20 because all of them are in the same boat. They're
21 not going to ask when it's sinking, they're not going
22 to ask how many blacks, jewish, we're all going to be
23 sinking. They're picking us off one by one and we

1 aren't going to make it unless we do something about
2 it.

3 CHAIRMAN BATTLE: Any other questions? Mr.
4 Oya?

5 MR. OYA: Mr. Steed, you mentioned the need
6 to have good data collection around this so we can
7 better document and study the issue about hate
8 crimes. First of all, what would your model be?
9 What would your ideas be? State how that information
10 comes in, gets selected, disseminated? Two, do you
11 think that current law involving voluntary reporting
12 on hate crimes is adequate?

13 MR. STEED: Yes, I think there's regression.
14 It's a fallacy, and counting up the beans I think we
15 can utilize some dollars that we have doing that
16 statistical report mechanism for doing that. The
17 only reason, what you're calling it, be it sex
18 discrimination, employment discrimination, you just
19 dock the particular area. The challenge, again, is
20 creating the climate in an intelligence that's able
21 to focus on these things. We call it hate crimes
22 simply because we haven't really put a good picture
23 of what that means. I use this analogy, fair

1 housing. And you can see all kinds of paraphernalia,
2 brochures, whatever. We're talking about fair
3 housing. But we really haven't galvanized this issue
4 on hate crime because the issue on hate crimes is
5 different. A hate crime could be that against a
6 white person. A black person, I assume, could do
7 something very heinous to a white person, you know,
8 he was white. You assume that's a hate crime. But,
9 we haven't really painted the picture of what that
10 is, never identified the animal. So, we won't really
11 condemn him. We know what he is in that regard. If
12 we could really do a good job with crystallizing on
13 that and defining what we mean and that's what I
14 think the people who are the recipients of this
15 behavior will help us come up with the dimensions so
16 we may design it as one thing, but it may mean
17 something else to that person at the scene. So, I
18 think we've got to be more user friendly in this
19 country. Jim is right, given the kind of civil
20 rights or to bring that in, I bet you red salmon, I
21 bet you that, but it will get -- and we know red
22 salmon, how it spawns, how long it will get. So, we
23 haven't focused on if we can't do it, it would take

1 resources, it would take committment. I think people
2 move more and more away from those things that are
3 civil rights than they were in recent years because
4 of looking more to things. Is it enough for me? I
5 don't know I've answered you, but I hope that I have.

6 MR. OYA: What about the law about voluntary
7 reporting by local law enforcement agencies?

8 MR. STEED: You know what, I must be
9 objective here in my discussion to you. But, I doubt
10 that the fox can watch the chickens. In some
11 instances, some of the worse activities are
12 perpetuated upon people who are the foxes and so if
13 it was an equitable deal in the judicial of the law
14 enforcement system and that would be good, I bet you
15 the rabbit can tell you his problems with the fox and
16 it would differ greatly from the fox's problem with
17 the rabbit. And so I don't think we have those
18 traditional means because I don't think inclusion has
19 occurred to the extent we've got to yet recognize
20 this is a problem. I'm not sure we recognize it's a
21 problem, so, I don't know if they're recording on
22 voluntary or otherwise.

23 Let me just say this, in terms of

1 reporting mechanisms. A good friend of mine, an
2 official at the EEOC Commission and this individual
3 fought very hard because they wanted to do away -- do
4 you know how the colleges report on their equal
5 opportunity statistics for students and employees;
6 EEO1 reports and EE4 reports for cities. And all of
7 that kind of stuff they were going to do away with
8 for those reports in mandatory for colleges. Just by
9 virtue of someone being there of a different ethnic
10 mindset, they thought that it should go. I think
11 we're moving away from this data collection on these
12 kinds of issues and if we aren't going to watch it,
13 we're going to lose the very basis for the data
14 collection system. We're going to have nobody, you
15 know, that was going to have, and the mindset was
16 just going to drive over all the system and by their
17 appointment to that commission, they're going to stop
18 that. So, I'm afraid we're losing some of the
19 committment to life to some of the basic things and
20 some of the things to come.

21 MR. GOODING: Could I refer to something?
22 It's very important to recognize that public
23 organizations are governed some by their bosses, even

1 the EEOC, Human Rights Council. You get what the
2 boss wants to hear and I was very active in pushing,
3 being an old man, the statute of organizations like
4 the EEOA back in the early '60s and late '50s.
5 Organizations that are private in nature, you can get
6 a little bit better picture because folks don't get
7 tired of what the bureaucratic type of situation
8 which are caused by the bosses. For example, I'll
9 give you a classic example. At Dayton we document
10 every situation that comes in off the street. We do
11 about 400 situations in this manner, 65 to 70 percent
12 of the situations deal with employment in the
13 workplace somehow; whether it's under employed or
14 lack of employment, denied employment. About 25
15 percent of it deals with the criminal justice system,
16 either police brutality, in the courthouse, some lack
17 of prosecution or something. But, it's in the
18 criminal justice area. It's a pretty good sample
19 upon what Dayton's like because you don't have to go
20 through the bureaucratic situation in bringing your
21 situation to us, and the same with organizations like
22 the Urban League, SCLC or organizations like that.
23 People feel free to come in, tell you what they feel

1 like.

2 Our biggest problem goes back to the
3 lack of support that we get from the private sources
4 to do this, and of course we are governing by a
5 number of volunteers and after awhile volunteers,
6 they're good, but next week they might have to go on
7 vacation or go see their mother.

8 CHAIRMAN BATTLE: Dr. Jiobu?

9 MR. JIOBU: Can I ask you, Mr. Steed, a lot
10 of people do discuss this, if you will, issue of
11 trying to define what a hate crime is. I think most
12 people agree it's kind of difficult to do so, and
13 it's kind of impossible to count unless you have some
14 kind of accepted definite fashion, but, two or three
15 of the people we have heard have gathered a number of
16 88 crimes, 66 crimes. So, setting aside all these
17 problems, did you have any feelings about how many
18 hate crimes committed in the Dayton area this year?

19 MR. STEED: No, I really don't. And that
20 was the reason I sort of predicated my comments on
21 that. I really don't and I'm kind of interested in
22 what you're looking at so we can get a handle on it.
23 I don't know that we're even equipped at the intake

1 level to help a person that if something happens, to
2 ferret through what will occur because you've got to
3 really deal with the gentleman that's walking in the
4 door. But, the issue and entity, we've got a
5 learning curve, to be honest about it, on the front
6 lines to really wrestle with that. You get that one
7 that comes in, someone says, you know, it was a
8 skinhead and then a KKK thing, and they did this and
9 they did that. That's positive, overt, we generally
10 categorize it as like, and generally I don't think
11 that a number, it will be blank. And I generally
12 came to talk about it, and I think therein lies some
13 of the problems.

14 MR. JIOBU: Well, I mean--

15 MR. STEED: Meaning whose definition? When
16 you get that report, this is a hate crime is what I'm
17 saying, some of the problems I think that occurs.

18 MR. JIOBU: It's greater than zero or --

19 MR. STEED: Yes. When you mention reported,
20 when you mentioned reported, it would be -- you
21 mentioned something, Jessie, you mentioned that the
22 number of complaints that you generally get, I would
23 suspect that Grace probably can answer this for the

1 Civil Rights Commission, but I would suspect that 80
2 to 90 percent you get are employment, almost all
3 employment. I'm sure if you look at that across the
4 board, it's employment and that's probably been
5 perfected in terms of process better than the others
6 in that regard. So, I can tell you that irrespective
7 of this safely I can say that 60 percent of
8 everything we can get from a complaint intake would
9 be employment and the other would be in public
10 accommodation policy, et al, if you will, in terms of
11 that. And so we haven't had a large number of -- we
12 get about three thousand contacts because a contact
13 can go from a complaint to a dismiss as to
14 withdrawal. We get about three thousand contacts of
15 fair housing issues. We probably get about eight
16 thousand issues for employment issues. We probably
17 get about 250 contacts for equality. We probably end
18 up with about 60 employment -- 65 employment
19 complaints. Those will actually go in process in
20 somewhere in some office; no public calls, public
21 hearings. We get about 20 Title 8 complaints in
22 housing. So, we ferret out a public appeal complaint
23 that you could observe under your microscope to rest

1 or fall in some other category that's hazy and that
2 may get looked over in the system as opposed to
3 getting track -- of course, the City of Dayton's
4 numbers will be useful to just kind of give you a
5 picture.

6 MS. CURTIS-FRAZIER: Mr. Chairman?

7 CHAIRMAN BATTLE: Ms. Frazier?

8 MS. CURTIS-FRAZIER: I was just wondering
9 are you aware of any statistics that your police
10 department is keeping your sheriff's department?

11 MR. STEED: No, I'm not. They're those
12 forms that people talk about and they get the whole
13 range of questions that they're asked, but again,
14 remember how they really put that in the system and
15 where does it really end up? So, I'm aware that the
16 institutional reporting process, I can probably go
17 pull that report, but I would be sure that it would
18 be very minimal. But, if you will --

19 MS. LACKLAND: They do report what the
20 police department does have some information.

21 MR. STEED: I'm not a police officer and it
22 will be a good idea to get one into the police chief.
23 They have any number of forms in which they report

1 crimes, categorize them, all that kind of thing. So,
2 I want to feel comfortable that that's something that
3 they're reporting. It's not hate crime, but there's
4 something akind to that. But, I'm sure -- I would
5 also believe, particularly in some national basis,
6 some other areas of past law and certain convictions
7 in this country, but I would guess it's very low
8 throughout this country. I know that if housing
9 complaints -- their housing complaints are very low
10 to what's out there. I've got to believe that it's
11 just rash in judgment, that it's got to be really low
12 for hate crimes in essence, and I think we've run the
13 numbers out. I'm confident you're going to bear out
14 that way. You may have an abhorration on the region
15 or city or two. After that I believe that -- you
16 want to say something, Jessie?

17 MR. GOODING: None other than you asked I
18 don't care what your definition, you ask a black
19 person and they can pretty well tell you how they
20 feel and reference to a situation as to whether it is
21 a hate crime or not. And in most situations where
22 they do that employment place, they're symptoms of
23 hate. Media coverage, as I said, we have some

1 situations, even schools, even in the schools, blacks
2 feel they're perpetuated on because of racism.

3 CHAIRMAN BATTLE: Mrs. Ramos?

4 MS. RAMOS: Let me explain. I think what we
5 keep asking about statistics and I've got the same
6 question here in doing this hearing. Earlier we had
7 some Cincinnati people here and so they gave us
8 information. They were, I guess maybe thinking, I'm
9 thinking the same, along the same lines as the Human
10 Relations should hopefully have a handle on it
11 because they fall in that category. But, I believe
12 in housing, if I'm not mistaken that falls under your
13 category?

14 MR. STEED: That's correct.

15 MS. RAMOS: And here in Cincinnati we heard
16 that there was enough full time persons employed to
17 deal -- that was called the Human Relations where
18 some of these problems with housing that can be
19 related somehow to hate crimes. Why would people,
20 and I think that's the question in my mind is that
21 Dayton sounds like hasn't really done anything in
22 this area and I think that's why you keep hearing are
23 you sure you don't have any figures, are you sure you

1 don't have any figures?

2 MR. STEED: I'm not sure I'm hearing that.
3 I don't come to promote what I thought was happening
4 or the things that were happening. Let me say this,
5 and I'm serious about this. There are only a few
6 cities in the entire State of Ohio that have human
7 relations councils, that function. Let's not be
8 deceived, we can count them. I think Toledo has one
9 and Toledo only breaks into real strong racial
10 issues. There have been people transitioned here in
11 Cincinnati that are native to Cincinnati, Ohio.
12 Columbus doesn't have one, Cleveland doesn't have
13 one, Youngstown is trying to put one in place, Akron
14 doesn't have one. So, we don't have the elements
15 going around. So I'll thank you if you'll take the
16 City of Dayton and put under the things to do to
17 bring those in, some of them is, right, some of these
18 issues impact federal law. And so traditional issues
19 on whether it's civil rights and the right for it to
20 go into the federal court, it's not an issue that the
21 local courts are empowered to deal with and the
22 federal government case.

23 Lastly, it's the state issue when the

1 state issue has more policy on the city. So, when
2 you get to -- when you use leverage to deal with
3 unless you're going to use the federal court system
4 to do that, then you're not really going to let that
5 happen. I had mentioned the employment complaints.
6 The burden of proof now is on the employee and not
7 the employer. So, I guess my point is, it isn't the
8 people aren't doing anything. I think Jessie is
9 right, I can go take a survey of black people in
10 Dayton, Ohio and they accept that it's taken, where
11 do I take that. What do I do with that? What do I
12 really do with that? And so the issue isn't to get a
13 number that you feel means hate violence. I'd be
14 interested to know what the conviction rate, what the
15 crimes were, where it evolved, where, in the case of
16 all, if it's got some strength there. I'm going to
17 go set the deal, but I think there's a bigger issue
18 than that. I don't know if anybody has a crime on --
19 handle of crime of hills and valleys, but we're not
20 looking at it and there's not database to state that.
21 I feel comfortable about that. I feel some
22 communities are a little further along than that. I
23 think that hate and violence that was perpetrated on

1 Asians has probably given this issue stronger weight
2 than anything of, you know, this country and models
3 that I'm aware of about those issues in stores and
4 various communities that are openly receiving what we
5 call blatant acts of hate and violence. That's what
6 I'm aware of. If there's some data different than
7 that, I'd be interested because nationally I haven't
8 seen it.

9 We're talking about national meetings
10 and associations and it's just not there, if you
11 will.

12 CHAIRMAN BATTLE: Ms. Ramos?

13 MS. RAMOS: I was just trying to explain to
14 you why I think we were looking at that.

15 MR. STEED: Okay.

16 MS. RAMOS: I think the other thing, too, is
17 that issue in Dayton is also unique and I guess I'd
18 like to comment on this that it has a program, the
19 set aside program, and you talked very distinctly
20 about picking over individual groups and yes, Dayton
21 established a program that excluded all minorities
22 except for the black. Do you feel what kind of
23 atmospheres are developing there in relation to what

1 we're talking about here; the retaliatory situations
2 in hate crimes and all that? I don't know if it was
3 run in that, but those type of programs as far as
4 picking over--

5 MR. STEED: We have to be clear about that.
6 We can't have it both ways. We also recognize that
7 there was process decisions was based on the
8 Constitution of the Supreme Court that was in place
9 when I made that decision, when they determined that
10 you had to establish who was discriminating against
11 how much discrimination they received, how many
12 people, and which ethnicities were available to do
13 the particular program. What regression analysis
14 model tells you that we would assume you could be
15 happy because James Francis and I were passing the
16 only local set aside in the entire State of Ohio in
17 '87 when cities bent over backwards. We did that.
18 We were sued by two kids in Cincinnati and we -- both
19 of those the federal judge, who was very decent
20 federal judge, if I may say that, determined, based
21 upon the Croser (phonetic) decision, against his own
22 gut feeling lies a very confusing law that most
23 cities didn't have because it didn't exist. So, you

1 have to deal with the federal government. The
2 Supreme Court decisions do that. We can't violate
3 the judge's order and do different than what he asked
4 us to do. So, we fought the fight. We got sued. We
5 had the program. We didn't split people off. Based
6 on the Supreme Court decision, we have to do that to
7 past muster. We're not happy about that, but I think
8 everything that we did in the program should be in
9 the program. But I think it violates the federal
10 rules and I've got to live with the Constitution and
11 the laws as everybody else has. And that means that
12 we all have to deal with people to deal with those
13 issues. That's a people issue that goes beyond city
14 lines and city policies.

15 MS. RAMOS: Mr. Gooding, you made a
16 statement that I found very interesting and very eye
17 opening for me on the Christmas shootings. I read
18 that story the other day and it never occurred to me
19 that it was a -- that the black alleged perpetrators
20 that were going to maybe end up with the electric
21 chair and the woman, which was white, was plea
22 bargained. I didn't look at it in a race issue until
23 I heard you say that. What I saw was they pulled the

1 trigger, she didn't, and so it was very eye opening
2 for me. When you comment on that, you talk about the
3 media and everything that I never picked that up.

4 MR. GOODING: If you read it carefully, you
5 could see that every effort was made to get her to
6 say that she didn't pull the trigger, even as racist
7 as that newspaper is, they kind of editorialized that
8 the manner in which the -- you can't blame the
9 defender attorney because that's his job. But how
10 the prosecutor has dealt with it and how eager the
11 judge was to come in off the golf course and agree to
12 it. If you're careful, almost every article in
13 reference to black or white situations, you'll find
14 that racism does exist.

15 One other thing that I would like to
16 say in reference to the question you asked Jerald. I
17 would go out on a limb and kick me, Jerald, if I'm
18 wrong, when you speak of minority in Dayton, you're
19 talking about blacks 99.9 percent.

20 MR. STEED: I was going to say that, I don't
21 know. I didn't give -- preferably I'd give you the
22 May census track of the dynamic dicotomies. But
23 Dayton was the city that was divided by a river east

1 and west and it's 99.9 percent black on the west side
2 of Dayton. Geographically it's one of at least three
3 geographically segregated cities in the country, and
4 east it's about 99.9 percent white. Now, the total
5 composite of the minority population in Dayton is
6 about 99 percent black and one percent other. And so
7 when you get into those dynamics, you're right, what
8 happens, particularly is this contradiction. It picks
9 people off, but that happened to be the demographic
10 and it certainly does not mean that all efforts are
11 not being put and they are being, but I think some
12 people are smarter than us, they understand. So they
13 kind of split systems up, but they have that
14 uniqueness to it.

15 MS. RAMOS: Did you say 99 percent?

16 MR. STEED: It's between 1 and 1.3 percent,
17 1.3 percent as best they can categorize is other in
18 Dayton, Ohio.

19 MS. RAMOS: Is black?

20 MR. STEED: No, the minority population, as
21 defined by the federal government is several
22 categories; black, Asian, whatever. That whole
23 category of Dayton is 99 percent black.

1 MS. RAMOS: I thought it was less than that?

2 MR. STEED: If it is, it's only by a very
3 small percentage. It won't vary by a percentage,
4 even if we said it was 95 percent, 95 percent black.
5 So, we could even quibble a few percentages, but you
6 can see that 96, 97, anything in the 90s tells you
7 it's all black by and large in terms of percentage.
8 There's no way -- and agency in the same community,
9 but it's the last instance, about 98 percent. But
10 it's high 90s.

11 CHAIRMAN BATTLE: Other questions from the
12 committee? Thank you, gentlemen.

13 We're going to take about a five minute
14 stretch break for the committee.

15 Now if there are members of the public
16 who would like to speak, we will have time
17 immediately after our break to begin that. I know
18 we're not scheduled until 3:30, but we do have some
19 extra time because of the unavailability of some of
20 our next panelists.

21 (A brief recess was taken.)

22 CHAIRMAN BATTLE: We'll now move into the
23 period of time that we've set aside for hearing the

1 public this afternoon. So far I have two names of
2 individuals who'd like to give testimony to the
3 committee and I'd like to call for Ms. Diane Wright
4 to begin.

5 PUBLIC COMMENT

6 DIANE WRIGHT

7 Good afternoon.

8 CHAIRMAN BATTLE: Would you mind stating
9 your full name and address and your affiliation?

10 MS. WRIGHT: My name is Diane Wright. My
11 address is 880 West Walt, west end community. I've
12 been invited -- we came down as invited through our
13 agency, the Community Action Agency. But, let me
14 clear up the fact I'm not here to speak in behalf of
15 the Community Action Agency, but as a concerned
16 resident and citizen of Cincinnati's west end
17 community area.

18 I've heard a lot of eloquent speakers
19 this morning, a lot of questions and issues that have
20 brought a lot of concern to my attention and my main
21 concern is that of Karla Irvine. Okay, what, if
22 anything, can we do about the hate crimes that are
23 being carried on throughout the city? Throughout the

1 state? How do we go about reporting them, you know,
2 and getting some actual result from the court system,
3 from the law makers? My question is now why was the
4 intimidation act, why was it dissolved? What was the
5 purpose for that? I guess I'm pronouncing it right.
6 I'm not as astute as some, but the ethnic
7 intimidation law, why was it repealed, I mean,
8 removed, just dissolved?

9 CHAIRMAN BATTLE: It was found
10 unconstitutional by the Supreme Court.

11 MS. WRIGHT: By the Supreme Court?

12 CHAIRMAN BATTLE: But, subsequently the U.S.
13 Supreme Court ruled a similar statute in the State of
14 Wisconsin constitutional which will cause the Ohio
15 court to review it's decision and that process is
16 winding it's way back up to the Supreme Court as we
17 speak.

18 MS. WRIGHT: Okay.

19 CHAIRMAN BATTLE: You will recall that a
20 couple of our earlier speakers had mentioned that
21 there's a hearing date set for September 3rd to begin
22 that process.

23 MS. WRIGHT: Okay.

1 CHAIRMAN BATTLE: In Ohio.

2 MS. WRIGHT: I may have missed tha point.

3 CHAIRMAN BATTLE: That's okay.

4 MS. WRIGHT: Hate violence prevention.

5 There seems to be in the community I live in a lack
6 of participation on the resident's part because they
7 just feel like what's the purpose of going through
8 the ramifications of reporting it and going down
9 through the system and actually knowing I mean they
10 are being penalized. They actually feel like they
11 get penalized for making the report and the police
12 come and ridicule of having to come out for such a
13 trivial, that's a trivial matter. Why would you call
14 just because this person said what they were going to
15 do to you? To me that's critical. I mean, if
16 somebody tells me they're going to kill me because of
17 the way I think or look or live or they're going to
18 harass me or do something to my children. To me I
19 think that's the epitome of harassment that's, you
20 know, I think they should be taken into court and
21 handled as a criminal. I mean, you can't actually
22 pinpoint it like you would hit someone or like you
23 would shoot someone. There are laws that says if you

1 do these kinds of things, what kind of time, it's
2 measurable. I think that's the same if you can evade
3 my freedom and my comfort through my living room by
4 means of words and communication, I think some kind
5 of consequences should be set for that individual who
6 can take and impose on me and make it uncomfortable
7 for me to live where I want to live or to shop where
8 I want to shop. The law enforcement in the west end
9 community, in the west end community area, they take
10 these kind of incidents very lightly, very lightly.
11 And from a resident point of view, I see a lot, you
12 know, mixed messages being sent out to the youth.
13 We're losing the youth because we don't have anything
14 that's more challenging, more conventional, more
15 competitive and more rewarding financially, okay.
16 So, you get these young guys and these young women
17 who stand on the corners. And like the hate crimes
18 are just not from other races, the hate crimes happen
19 within our own sector, within our own race, upon each
20 other as well because of the lack of the
21 communication. I mean, we send out mixed messages
22 saying this is fine. If I don't speak to you about
23 your behavior, you get a message in saying it's fine.

1 It's fine for you to be up there harassing me, to
2 come into the store. It's fine for you to make me
3 live in filth. It's fine for you to make me live in
4 the threat of rape, robbery, burglary, because no one
5 seems to feel like it's important enough to address
6 those issues and attract the youth from the streets.
7 We're losing the battle through our youth because we
8 are not setting up good leadership. We're not
9 setting examples as to what community structure of
10 living is supposed to be. As a kid I had a lot of
11 role models to live by. I had a lot of people who
12 said I could look at and say, hey, white, black,
13 hispanic, jewish, I mean, our community was a
14 multicultural community. And we shared traditions,
15 you know. I'm seeing you can't take a law and put
16 those things back in time. But, you can put more
17 emphasis on police and community relations. And I
18 think it has been lost here, the respect for love,
19 for law enforcement have been lost because the people
20 don't get the kind of response from them that they
21 feel they should get because they're told, well, this
22 is something that you can deal with on your own. I
23 mean, why do you waste our time, taxpayer's money to

1 come down here and address a question or address an
2 issue that's really civic or civil? Well, a lot of
3 people don't understand what's civil and what's
4 criminal, you know. So, my concern is when you go
5 home this evening and you wake back up again, are
6 these questions -- and this issue really going to be
7 pertinent enough? You'll take it and make the impact
8 on whoever you have to report to. Let these people
9 know we are losing the battle, not just through hate,
10 but just through a lack of interest and concern and
11 compassion for the human race period. We just
12 don't -- we've lost that human touch. We have become
13 so mechanical, so high tech until we've removed
14 ourselves from dealing with the human element as the
15 human beings should be dealt with. We just have lost
16 that kind of respect for one another, you know, and
17 it's high competition; if I'm not good enough, if I'm
18 not pretty enough or light enough, you know, I'm lost
19 in the numbers. So, hate just don't start at
20 threatening or hitting me or saying that I can't work
21 here. It's the fact of how you make a person live
22 within his own community. When I see kids running
23 around in filthy and trash because the city don't feel

1 it's important enough to impose a fine on the people
2 who own this property, to me that's hate, to me
3 that's brutality, to me that's abuse, you know, and
4 to limit it to statements or actual physical contact
5 is really to me taking the whole concept of what
6 humanity and trying to dissolve hatred, remove it,
7 what it really is about because it goes beyond just
8 verbal and physical, it's the way you make people
9 live and feel in their own community, you know, and I
10 just think it goes beyond setting up laws for people
11 who stated, but for the government or the city, the
12 city officials, the judges, the police departments,
13 the human relations people, the human resources
14 people, I think we all need to be re-educated as to
15 what it really means to deal with a human being.

16 MR. LEVENTHAL: We thank you for your very
17 moving comments. Are there any questions or comments
18 from members of the committee?

19 I guess the question that you asked is
20 what can society, what can this committee do or what
21 can civilization do to help make this better? Do you
22 have any ideas of what you could recommend that we
23 look at to help?

1 MS. WRIGHT: It's kind of hard to pinpoint,
2 you know. When you say yea, I want to go to Price
3 Hill and I just want to go to Price Hill and give my
4 children a chance to live in a house as opposed to
5 project living and my husband is shot, you know, I
6 can't think of a solution.

7 MR. LEVENTHAL: None of us can think of a
8 solution, but you've given --

9 MS. WRIGHT: Or a suggestion. It's just
10 kind of hard just to put -- because it just don't
11 start there, it's when you deprive people of the kind
12 of life, the quality of living that they deserve and
13 you don't give them anything else to work with. It's
14 when you put them in that situation, for whatever it
15 is that they feel that they deserve. You don't have
16 a job to give me, you know, what do I have? I see
17 you working and I'm not working. So that is my
18 privilege to hate you because you're working. So, in
19 order to resolve that, you create something for the
20 individual who is not working.

21 MR. LEVENTHAL: We understand your point and
22 I think we'll all agree that hate crimes go beyond
23 just crime, they go into other areas.

1 MS. WRIGHT: Economics.

2 MR. LEVENTHAL: Any other questions? Thank
3 you very much. We appreciate your comments.

4 Who will be next?

5 LORETTA LEWIS

6 My name is Loretta Lewis. I would not
7 like to give my address at this point in time. The
8 reason why I'm here is because of a case that's
9 pending with the Ohio Civil Rights Commission for
10 discrimination of my former employer.

11 (WHEREUPON, Committee member Grace Ramos left
12 the meeting room.)

13 MS. LEWIS: I was working at Zero Breeze
14 Roofing Company since November of last year up until
15 July of this year.

16 MR. LEVENTHAL: What company was that?

17 MS. LEWIS: Zero Breeze Roofing Company.

18 I've been going through a lot of harassment. When I
19 first started there, working there, I was making like
20 \$21 an hour and the people who were working with me,
21 my employer and my boss were harassing me, calling me
22 all kinds of names and stuff like that. And it got
23 to the point where they put me to another job making

1 \$8 an hour and my boss, he was harassing me. I mean,
2 really strongly harassing me to the point where I
3 couldn't concentrate and do my work.

4 MR. LEVENTHAL: Could you give us an example
5 of the harassment?

6 MS. LEWIS: If he assign me to a job as far
7 as like gluing the wall, putting six inch on the
8 wall, he would holler at me saying I'm not doing it
9 fast enough or he would grab the paint brush and
10 holler at me and tell me this is how you need to do
11 it. That type of harassment. Also name calling and
12 it got to the point to where they put me on another
13 crew with another supervisor which I got along with
14 him perfectly. Okay, I was laid off in March and
15 when I went back to work in April, they put me back
16 with the same supervisor that was harassing me and it
17 got to the point to where it was a verbal harassment,
18 it was sexual harassment, that started with him
19 fondling, hugging, kissing, threatening and all kinds
20 of stuff. Okay, so I went and filed a complaint with
21 the Civil Rights Commission and they kept telling me
22 to come down there and go ahead and file the
23 complaint, go ahead and press charges against the

1 company. So, as I was working there, I was being
2 denied work on jobs, harassed by former bosses and
3 stuff like that, other employees were harassing me to
4 the point to where I went and got another job because
5 I wasn't getting my 40 hours in a week, okay. so, I
6 was working over at Burger King in Covington,
7 Kentucky where four caucasian men came in and one of
8 them came up to the cash register and told me that if
9 I pursued charges against my former foreman that I
10 was going to be killed. I was going to be looking
11 for a casket instead of another job. So, and this is
12 hard for me because --

13 MR. LEVENTHAL: Does anyone have any more
14 expertise in this field than I do as to--

15 MS. LEWIS: Okay. So, I went on ahead and
16 filed this suit because it got to the point I told my
17 personnel manager about --

18 MR. LEVENTHAL: Who did you file the suit
19 with?

20 MS. LEWIS: With Ohio Civil Rights
21 Commission. Okay, I told my former personnel manager
22 of what happened in Covington, Kentucky. In like two
23 weeks after I told him what happened to me, they

1 tried to send me to a job in Kentucky, Penner
2 Elementary, Route 17, way deep down in the south
3 where a lot of hate crimes consist in that area, and
4 I refused to go to work down there which caused me to
5 lose my job. So, right now the Ohio Civil Rights is
6 trying to retaliate and trying to get my job back and
7 stuff like that. But I'm wondering, am I a victim
8 here because I filed charges, you know, am I right
9 for filing charges because my rights were violated?
10 If I go back to this employer and a ladder falls and
11 I'm on it and I fall and get killed or something,
12 would the company be liable or will they write it off
13 as an accident? And even if I don't get this job
14 back, am I safe to walk out on the streets? Well, if
15 I get shot or killed, will this man be liable for
16 this? Who can I turn to? What should I do? Should
17 I put the law in my own hands?

18 MR. LEVENTHAL: Does anybody have any
19 comments? Ms. Lackland?

20 MS. LACKLAND: I guess I'd like to say a
21 couple of things and I think it's important to report
22 incidents of discrimination, but I also recognize
23 that it's not an easy thing to do because there are

1 people and organizations that will retaliate and I
2 think because that exists, you have to do to protect
3 your own personal well-being, which would include
4 police or any other organization or entity that might
5 be out there that could afford you some protection.
6 But I think that the Civil Rights Commission is the
7 appropriate, at least governmental entity, to hear
8 your situation and I think that's one of the reasons
9 that we're here is to see what the situation is when
10 incidents of hate crime occur or are the laws
11 sufficient. That's the question we're asking and
12 we're hearing information today that says in many
13 cases they're not. So I think we all recognize that
14 now, this is an issue that definitely needs to be
15 dealt with, and the emotionalism of it and the safety
16 issues that are involved in it as well.

17 MS. LEWIS: Okay. Another thing, too, it
18 happened over in Covington, Kentucky where these four
19 white caucasian men threatened my life, but when I
20 went to the police department and filed a complaint,
21 here for my race it says W. I'm not caucasian, I'm
22 not white, why did he put a W down? Okay, and it's
23 the state of mind. I was not thinking at the time.

1 He only have on this report four white, four white
2 male. He didn't ask for a description of these men,
3 ages, hair color, eye color. So, who in the hell
4 they looking for? Even though it's happened over in
5 Covington, Kentucky, is it any kind of way I can file
6 some kind of charges over here in Cincinnati to help
7 protect myself?

8 MS. LACKLAND: Have you spoken with an
9 attorney or even the gentlemen from the Cincinnati
10 Human Relations Council?

11 MS. LEWIS: No, I haven't talked to none of
12 them people.

13 MS. CURTIS-FRAZIER: Arzell Nelson who is
14 the Director of the Cincinnati Human Relations
15 Commission. That's probably somebody you should get
16 in contact with; Arzell Nelson.

17 I'll write it down for you.

18 MS. LEWIS: Please do. And as far as this
19 complaint here, this report that I filed over in
20 Covington, I mean, should I even write them a letter
21 and tell them that I'm a black female and not white
22 and tell them everything that they should have wrote
23 down? Why am I doing the law's job? I'm not an

1 officer.

2 MS. LACKLAND: I would say talk to Arzell
3 and I think you could also go back to the Civil
4 Rights Commission because you want to make sure
5 whatever facts there are are there accurate. So, go
6 to those organizations that are -- I would say that
7 are more experienced in dealing with those kind of
8 cases.

9 MS. LEWIS: And then another thing, too. If
10 I was to get my job back, I mean, if I'm getting
11 harassed, slapped or anything, what can I do? If I
12 get a tape recorder and tape everything, would that
13 work in court? If I go to work and accidentally fall
14 off the roof, you know, what's going to happen? Is
15 they going to just say well it was an accident and
16 that's it. Would the company be charged or liable
17 for it or anything?

18 MS. LACKLAND: The other thing I would
19 suggest in terms of legal defense is possibly if you
20 could afford your own attorney, get one, but if not,
21 you might check with the NAACP, they have a legal
22 defense section that you know that you could talk
23 with as well.

1 MS. LEWIS: Because I don't want to be no
2 statistic, and I'll do everything in my power not to
3 be one. If that means going to jail, that's what it
4 means.

5 JANET HOWARD

6 Hi, my name is Janet Howard.
7 Professionally I'm the Cincinnati-Hamilton Community
8 Community Action Agency and I work as a coordinator
9 of the Community for Action. I go into a community
10 and find the assets in the community and work with
11 those to improve the quality of life of low income
12 people. The reason why I'm before this Commission is
13 not speaking for the Community Action Agency, but as
14 a citizen of the City of Forest Park. In listening
15 to the testimony today, I've heard a lot of talk
16 about diversity and what citizens themselves are
17 doing to try to eliminate or prevent crimes in their
18 areas. Yes, we all want more money and we all would
19 like to have more police, but I want to tell you
20 about a program that we're doing in my home community
21 and I'll call one of our council people, Roger
22 Inkstrand, who is a member of what we call the
23 Quality of Life Task Force. I will let him talk

1 about the Quality of Life Task Force and then I will
2 come back in at the end and tell you what I feel as a
3 citizen about this program. So, I'll let Roger start
4 out telling you a little bit about the program.

5 CHAIRMAN BATTLE: Sure. Mr. Inkstrand?
6 Good afternoon. Good to see you again, Roger.

7 ROGER INKSTRAND

8 Thank you. I'm on the City Council,
9 City of Forest Park, which is the third largest city
10 in Hamilton County. I have to get that plug in, but
11 I'm not here because I'm a councilman, I'm here, as
12 Janet said, I founded this organization and I'm a
13 member and so is Janet. We think this kind of thing
14 is a small step in the prevention of such things as
15 hate crimes. As far as I know, to the best of my
16 knowledge, we have never had a hate crime in Forest
17 Park, and we -- the Quality of Life Task Force can
18 take full credit for that. But, we think this is a
19 kind of thing that could help and I would like to
20 just if you don't mind, I have some copies of -- may
21 I give these out?

22 CHAIRMAN BATTLE: Certainly.

23 MR. INKSTRAND: This is our vision

1 statement, as we call it. We founded this two, three
2 years ago, and the first thing we did, we got
3 together, we got these folks together, roughly 25.
4 Many of us didn't know the others and so we employed
5 a professional facilitator to get us together and
6 form a team. The result, this is only two sentences
7 long, but this is what it took in many Saturday
8 meetings to hammer this thing out so that we all
9 agree. So every word here is a result of blood,
10 sweat and toil or tears. But, I also established a
11 rule at the beginning that I don't want any city
12 council on this task force and surprisingly they
13 agreed. So, I'm the only city council man on there
14 because I founded it, and we needed at least one.
15 But that puts us in a position of being kind of a
16 semi official body in the city. We do not have to go
17 through all the bureaucratic wrangling to get
18 permission to do this, that and the other thing.
19 We're pretty free to do what we want. So, we tackle
20 projects around the city that have some impact, we
21 hope, on just bringing people together, working
22 together. And one of the first things we did, I
23 guess the first major project was to compose a pretty

1 elaborate questionnaire which we distributed to
2 various groups in the city and almost on a one to one
3 basis we had to fill it out and a couple hundred
4 questions, I guess, and we got over 200 responses to
5 see what the folks thought about Forest Park and what
6 was good about it, what was bad about it and so
7 forth. And from there we began to work on projects.
8 I don't want to go into the detail of the projects,
9 but this group of people which is about 25 strong is
10 the greatest group of volunteers I've ever worked
11 with. I guess I've worked with volunteers and been
12 a volunteer most of my adult life and you can tell
13 from what I look like that's been a long time. But,
14 this is a great group and we have established a
15 reputation in our city of being helpful to anybody
16 that needs help. So, volunteers help. So other
17 official bodies of the city will come to us and ask
18 if there's anybody that will help them do such and
19 such, and they invariably end up with some folks to
20 help.

21 So right now we are in the process,
22 just as one example of beginning to work with our
23 school system. This is something we couldn't really

1 do too freely if we were official bodies of the city,
 2 work with our school system and the superintendent to
 3 look into the whole council man business. Some of
 4 our members are not very happy with how counseling
 5 works and we think it could be improved. But, our
 6 approach is never go into the schools and say this is
 7 what you want to do. We will go in there and talk
 8 with the superintendent as we already have, and find
 9 out what their problems are and say, okay, now how
 10 can we help you? You obviously need some help, how
 11 can we help you? That's the kind of approach we
 12 take.

13 I'd like to mention if I have a couple
 14 of minutes, another step that we think is hate crime
 15 or crime prevention kind of thing and surely you
 16 heard this thing, community oriented policing. It's
 17 one of the hidden phrases in this country. We've been
 18 involved in that now for two, three, four years,
 19 largely due to our police chief who I had hoped to
 20 get here today, but he was all tied up. He's a
 21 member of our task force, too. And so we have
 22 been -- the police department has been pursuing this
 23 community oriented policing and what it means, among

1 other things, is that each officer is assigned to
 2 certain sections of the city. That's his section.
 3 That doesn't mean that he doesn't pay attention to
 4 the rest of the city, but it means that he gets to
 5 know the people in that section. He holds usually
 6 monthly meetings for the residents, tells them about
 7 what's going on and what they can do to help prevent
 8 crime and so forth. And we actually now have a
 9 couple of officers out riding bicycles and that's
 10 bicycles, not motor cycles, just so they get to know
 11 the facts. So, community oriented policing, I think,
 12 is another kind of step and how I think the city of
 13 Cincinnati is going to start that. But I would
 14 recommend those two steps as kind of preventative
 15 measures to maybe help prevent this hate crime kind
 16 of thing, and I would go back to any one of the first
 17 points I made, if an organization such as our quality
 18 task force can be run in the largest city, I don't
 19 think one will do it. I think it needs to, in that
 20 setting. Neighborhood task force is probably just
 21 because the whole thing is, but I think that can be
 22 done in a large city such as Forest Park. And as
 23 long as the folks can get together and form a team

1 and agree on something in the mission statement, I
 2 don't think you'll have any trouble really getting
 3 the people to work in consult for the same sort of
 4 thing. Our city, by the way, is a diverse city.
 5 We're almost half and half; black and white,
 6 something like that. So is our school system. So,
 7 we're very proud of our city and we commend this kind
 8 of a program. We recommend this kind of approach to
 9 you all for expansion to any and other places in the
 10 State of Illinois. And, if you look, I have a few of
 11 these little magnetic tags from the police department
 12 that you can take home and stick on your
 13 refrigerator. Thank you.

14 CHAIRMAN BATTLE: Thank you, Mr. Inkstrand.

15 MS. HOWARD: I just want to finish up in
 16 saying just now he says half and half. We're not
 17 talking about half black, half white. Forest Park is
 18 very diverse. Some people think it's like a little
 19 united nations. When we talk about minorities we're
 20 talking about all minorities in the City of Forest
 21 Park. One thing about this program is having the
 22 police chief and his wife a part of this task force
 23 that works on the volunteer basis. The Cincinnati

1 manager attends this meeting and Roger Inkstrand is a
2 liaison from the council. Having the police chief
3 there, if there's a problem that you can talk with
4 him on a one on one basis or in a group in
5 adjacent -- with being able to go to the police
6 department, we're also as members of the task force,
7 at any time are able to ride with a police officer to
8 see what a police officer does, to see what type of
9 activities that are going on in the community. So,
10 being able to ride you see a police car, but maybe
11 you don't know what a police officer does. You might
12 want to ride eight hours, four hours, two hours,
13 whatever with a police officer. So that you know
14 what is being done by your police force.

15 Having the collaboration between
16 government policy and the citizen, I think his own
17 community because that way you're always informed of
18 what's going on. You're a part of the process as
19 this task force. The other thing we have a lot of
20 talk about laws and why this is repealed and why this
21 act is not there. Is the education of the citizens
22 where they get involved in the process, we talked
23 about school, improving the school counseling, are

1 there racial problems in the schools? Those items
2 can be addressed, but were also registering voters,
3 getting voters out to vote, making sure they know
4 what the issues are. So, instead of complaining of
5 what law isn't there, we're starting to go take steps
6 to form provisions as far as getting citizens
7 involved in being a part of the process instead of
8 being a reactive, we're proactive. So, I'm hearing a
9 lot of negative things today. I wanted to share with
10 you a positive program that we have in the city of
11 Forest Park as we're forming a relationship where now
12 your police officers, as citizens, take walks down
13 the streets with the officer to let them know the
14 officers are working. Your citizens care. I may
15 live on B Street and you live on Z Street, but I will
16 come and walk in Z street to see what's gong on
17 within your sector. So, we think the partnership of
18 the community and government working together forms
19 an excellent way to live and that's the way America
20 should be. And I just wanted to share that with you.

21 CHAIRMAN BATTLE: Thank you. Any questions
22 for our panelists? Thank you very much for taking
23 the time to come out and talk to us.

1 We also have to enter into the record
2 this afternoon, even though she couldn't be here
3 personally, a couple of documents from Susan Gellman
4 with the Ohio Public Defender's Commission, a
5 publication that she wrote for the UC Law Review
6 entitled, Sticks and Stones Can Put You In Jail, But
7 Can Words Increase Your Sentence. Constitution and
8 Policy Dilemmas of the Ethnic Intimidation Laws, and
9 also a piece on the case of the State of Ohio versus
10 David Wyann in the 5th Appellate District, Delaware
11 County of Ohio. That will also be entered into the
12 record. And it was in her capacity as the Assistant
13 State Public Defender Susan Gellman enters this.

14 Are there other individuals in the room
15 who would like to address the committee this
16 afternoon? If not, this portion of our meeting
17 stands adjourned.

18 (The meeting adjourned at 4:00 o'clock p.m.)
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C E R T I F I C A T I O N

I, VERNITA HALSELL-POWELL, a Certified Shorthand Reporter and Notary Public within and for the County of Cook, State of Illinois, hereby state that I reported in shorthand the testimony given at the above entitled cause, and state that this is a true and accurate transcription of my shorthand notes so taken as aforesaid.

Notary Public, Cook County, Illinois

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UNITED STATES COMMISSION ON CIVIL RIGHTS
OHIO ADVISORY COMMITTEE

IN THE MATTER OF:
THE FACT FINDING MEETING
OF THE OHIO ADVISORY COMMITTEE
ON HATE CRIME IN OHIO

REPORT OF PROCEEDINGS, taken in the
above-entitled cause, taken before MR. LYNWOOD L.
BATTLE, Chairman of the Ohio Advisory Committee of
the United States Commission on Civil Rights, taken
on the 13th day of August, 1993 at the
Hyatt-Saks Fifth Avenue Center, 151 West Fifth
Street, Cincinnati, Ohio, at the hour of 9:00
o'clock a.m.

APPEARANCES:

COMMITTEE MEMBERS

MR. LYNWOOD L. BATTLE
Chairman

MR. KENNETH D. OYA

MS. FRANCES CURTIS FRAZIER

MS. MELANIE M. LACKLAND

MR. RAYMOND L. LEVENTHAL

MR. JAMES L. FRANCIS

MR. ROBERT M. JIOBU

MS. GRACE RAMOS

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1 (The hearing was reconvened at 9:00 a.m.

2 August 13, 1993.)

3 CHAIRMAN BATTLE: Good morning, this meeting
4 of the Ohio Advisory Committee to the United States
5 Commission on Civil Rights will come to order. For
6 the benefit of those in the audience, I will
7 introduce myself and my colleagues. My name is
8 Lynwood Battle and I'm the Chairperson of the Ohio
9 Advisory Committee, and the members of the Committee
10 who are with me. From my right are Grace Ramos,
11 Robert Jiobu, James Francis, Ray Leventhal, Melanie
12 Lackland, Frances Frazier, and Ken Oya. We're here
13 to conduct a fact-finding meeting for the purpose of
14 gathering information on hate crime in Ohio. The
15 jurisdiction of the Commission includes
16 discrimination or denial of equal protection of the
17 laws because of race, color, religion, age, sex,
18 disability or national origin and the administration
19 of justice. Information which relates to the topic
20 of the forum will be especially helpful to those of
21 us here on the Advisory Committee. The proceedings of
22 this meeting, which are being recorded by Vernita
23 Halsell, a public stenographer will be sent to the

1 Commission for it's advice and consideration.
2 Information provided may also be used by the Advisory
3 Committee to plan future activities.

4 At the outset, I want to remind
5 everyone present of the ground rules. This is a
6 public meeting open to the media and general public.
7 But, we do have a very full schedule of people who
8 will be making presentations within the limited
9 amount of time that we have available. The time
10 allotted for each presentation must be strictly
11 adhered to. This will include a presentation by each
12 participant, followed by questions from the Committee
13 members. To accommodate persons who have not been
14 invited, but who wish to make statements, we have
15 scheduled an open session later today at 11:30.
16 Anyone wishing to make a statement during that period
17 should contact Peter Minarik for scheduling. Written
18 statements may be submitted to committee members or
19 the staff here today or by mail to the U.S.
20 Commission on Civil Rights, 55 West Monroe Suite 410,
21 Chicago, Illinois. The record of this meeting will
22 close on September 13th. We are privileged to have
23 excellent staff in Chicago and I mentioned Peter

1 Minarik who is the Regional Analyst, Constance Davis
2 is the Regional Director and is also here with us.
3 Though some of the statements made today may be
4 controversial, we want to ensure that all invited
5 guests do not defame or degrade any person or
6 organization. In order to ensure that all aspects
7 of the issues are presented, knowledgeable persons
8 with a wide variety of experience and viewpoints have
9 been invited to share information with us. Any
10 person or organization who feels defamed or degraded
11 by statements made in these proceedings should
12 contact our staff during the meeting so that we can
13 provide a chance for public response. Alternately,
14 such persons or organizations can file written
15 statements for inclusion in the proceedings. I urge
16 all persons making presentations to be judicious in
17 their statements. The Advisory Committee appreciates
18 the willingness of all participants to share their
19 views and experiences with the Committee.

20 Good morning, Ms. Lesser, Ms. Rowland.
21 The floor is yours.

22 SHIRLEY LESSER

23 My name is Shirley Lesser, I'm the

1 Executive Director of Stonewall Cincinnati.

2 Stonewall Cincinnati Human Rights Organization is a
3 non profit organization specializing in education and
4 efficacies on behalf of lesbians, gay men and
5 bi-sexuals. This is accomplished through a series of
6 projects and activities, one of which is our anti
7 violence project. We have given you a packet of
8 information. Six people, hopefully soon, to present
9 to you today.

10 Instead of reading my testimony, I'd really
11 just like to talk for a moment about it. I'm hoping
12 that you all can put this packet into the record. As
13 people dealing with hate crimes know, minority
14 groups, lesbian, gays, bi-sexual included in that
15 live in a society where hate against them is
16 pervasive. It's in the music, it's on t.v., in the
17 movies, in the written word, in books, and in our
18 case, codified by government laws oftentimes. This
19 is so pervasive that in a 1987 report to the U.S.
20 Justice Department, in fact, it was commissioned by
21 that department. It was stated that the most
22 frequent victims of hate violence today are blacks,
23 hispanics, southeast Asians, jews and gays and

1 lesbians. Homosexuals are probably the most recent
2 victims. To prove this, there are been studies
3 around the country since about 1984, much of it
4 implemented and assisted by the National Gay and
5 Lesbian Task Force Policy Institute to see just how
6 pervasive violence is in our community. There has
7 also been books published. This is one of them. It's
8 called Hate Crimes. One of the gentlemen who edited
9 this worked on anti violence for the National Gay and
10 Lesbian Task Force. I did some research into that
11 book and found some rather startling statistics.
12 Approximately 80 percent probably more than 80
13 percent of all gay, lesbian and bi-sexual individuals
14 have been vergally harassed because of their sexual
15 orientation. On a personal level, I don't know of
16 any gay, lesbian or bi-sexual person that has not
17 been harassed, myself included. About 40 percent of
18 the gay community has been threatened with physical
19 violence. Of those about 14 percent have actually had
20 physical attacks and assaulted against them. This,
21 of course, is devastating to the gay and lesbian
22 community as a community and as individuals. To
23 further the study and the documentation of the

1 pervasiveness of the hate crimes specific to
2 Cincinnati, Stonewall Cincinnati will be distributing
3 a survey over the next month, and in your packets we
4 do have a copy of that survey. It's a little farther
5 down. It begins with this, and that will give us
6 some documentation and statistics on both violence
7 against gay men, lesbians and bi-sexuals and
8 discrimination against them. Currently there are
9 some programs. We'll be hearing a little later on
10 from another organization that do some documentation.
11 At best it is sketchy.

12 However the reality is, despite the
13 lack of documentation, hate crimes do exist as often
14 and as severe as in other cities where the
15 documentation is perhaps more adequate.

16 CHAIRMAN BATTLE: Ms. Lesser, would you move
17 the microphone over in front of you?

18 MS. LESSER: I've only been here a few
19 months myself and I can remember reading some
20 testimony given before the City Council, July of
21 1992. One case in particular stuck out in my mind
22 and I've included that whole testimony in your
23 packet. But, I'll just very briefly go over some of

1 what particularly stuck out in my mind. It was
2 testimony given by a woman. She was talking about
3 herself and her partner who lived here in Cincinnati.
4 Initially these two women, in their neighborhood, in
5 their own home, were verbally attacked, verbally
6 abused. They were called lesbian dikes, additional
7 statements such as that. Instead of decreasing, the
8 verbal attacks and verbal abuse increased and
9 escalated. These women were spat upon from the roof
10 of their neighbor's home, beer bottles were smashed
11 onto their porch and property destroyed. Eventually,
12 and what's particularly horrifying to cat lovers is
13 that their cat's face, about one third of his face
14 was burned by a cigarette lighter. The woman in her
15 testimony continues to describe her feeling of
16 powerlessness when she tried to call the police. She
17 was terrified. She was afraid of retaliation, afraid
18 that the police would, in fact, not assist her or
19 would tell her it was her own fault. This woman has
20 since moved from Cincinnati.

21 I'd like to also talk to you for a
22 minute about a flyer that was passed around in
23 Oregon. It's not specific to Cincinnati, obviously,

1 but the same sort of things happen here. This flyer
2 was passed around in Oregon and the Justice
3 Department was requested to look into the matter.
4 Some of the statements on the flyer are such: The
5 flyer calls for readers to implement God's method to
6 exterminate homosexuals and slash the throats of the
7 perverted heathen. When requested to investigate the
8 origin of the flyer and to monitor the activities of
9 anti gay groups, the Justice Department, Civil Rights
10 Division, responded that while federal law prohibits
11 violence based on race, it does not prescribe the
12 same violent interference when it's based on sexual
13 orientation. Neither the dissemination of the flyer
14 nor the violence it advocates constitutes a violation
15 of any federal criminal civil rights statutes.

16 In other words, an assault is, of
17 course, illegal, but the intimidation and harassment
18 and threats that normally prelude an assault are not
19 illegal and cannot even warrant investigation as it
20 can be with other minorities.

21 Again, flyers such as the one I
22 described are not at all uncommon. They especially
23 occur in states that are facing anti gay initiatives.

1 Oregon in 1992 and Colorado as well in 1992 faced
2 anti gay initiatives. These initiatives were
3 intended to take away civil rights protections for
4 gay men and lesbian and bi-sexuals. Through the
5 National Gay and Lesbian Task Force, we've been able
6 to look at the instances of hate crimes in Orgeon and
7 Colorado and come up with a model of what we in
8 Cincinnati can expect when, in fact, anti gay
9 initiatives are proposed here. There is an anti gay
10 initiative proposed. It will probably be on the
11 ballot in November. In Oregon the campaign, anti gay
12 initiative campaign resulted in a tremendous amount
13 of violence throughout the campaign. Offices were
14 broken into, buildings were fire bombed. In fact, a
15 gay man and a lesbian were killed in their home in a
16 fire bombing incident. The interesting part about
17 this is on election night -- the initiative in Oregon
18 failed -- the police in Oregon expected to have
19 violence erupt throughout the state. There was not
20 any violence throughout the state. And since that
21 time, violence against gay men, lesbians and
22 bi-sexuals has actually leveled out.

23 Colorado is a whole other matter.

1 There was violence during the campaign, nowhere near
2 as intense as in Oregon. However, the initiative
3 passed in Colorado. There's an agency, one of the
4 agencies in Colorado that collected hate crimes has
5 found that the instances of hate crimes has tripled
6 in the months of November and December of 1992. 40
7 percent of their hate crime instances occurred during
8 November and December, after the initiative passed.
9 This is of particular concern to us in Cincinnati
10 because the wording of the initiative we are facing
11 is nearly identical to that in Colorado and, in fact,
12 the leadership of those anti gay organizations in
13 Colorado have come to Cincinnati and are providing
14 training for the organizations here. If, in fact, we
15 can follow the model and believe that it will hold
16 true for Cincinnati as in Colorado, we can expect a
17 very, very violent fall season as the campaign heats
18 up.

19 I want to thank the Committee again for
20 having us speak and I'll be willing to answer any
21 questions.

22 CHAIRMAN BATTLE: Very well. Questions from
23 Committee members? Mr. Leventhal?

1 MR. LEVENTHAL: You mentioned the laws
2 passed in Colorado. Although I read about them,
3 quite honestly, I forgot what they are. Could you
4 please review what those laws were that were passed
5 and what could be proposed here in Cincinnati?

6 MS. LESSER: Yes. The wording is identical
7 and I don't have it in front of me. I probably
8 should have brought it with me, forgive me, but it
9 basically prohibits gay men, lesbians and bi-sexuals
10 from claiming any protections as a group and as we
11 know, protection from discrimination is a
12 constitutional right. So, it does, in fact, take
13 away the right of gay men, lesbians and bi-sexuals.
14 It prohibits the protection from discrimination.

15 CHAIRMAN BATTLE: Any other questions? Mr.
16 Jioibu?

17 MR. JIOBU: Could you expand upon that? How
18 can a law take away the rights you described and
19 still be constitutional?

20 MS. LESSER: We're not sure that it's
21 constitutional. It's in the courts. There's a
22 question. So, the Colorado law is pending judicial
23 review.

1 MR. JIOBU: Is the Colorado law in effect
2 while the --

3 MS. LESSER: They have an injunction, yes.
4 But the reality is, despite the injunction, the
5 perception of Colorado citizens who are filled with
6 hate oftentimes to begin with or if not hate, then at
7 least ignorance of gay and lesbian people is that
8 society condones treating gay, lesbian and bi-sexual
9 people as second class citizens and, in essence,
10 condones the violence against them, based on the fact
11 that this initiative passed.

12 CHAIRMAN BATTLE: Ms. Lesser, for those of
13 the Committee that are not from Cincinnati, would you
14 mind going into a little bit more detail about the
15 ordinance in Cincinnati and what affect that has had
16 on the gay and lesbian community here?

17 MS. LESSER: Well, like I said, I've been
18 here just a very few short months myself. I have
19 noticed in the office since the talk of the
20 initiative -- right now the organization, which is
21 called Take Back Cincinnati, are circulating
22 petitions to attempt to get this amendment wording on
23 the ballot and we'll find out in the next couple of

1 weeks if, in fact, they've been able to do that and
2 to have it placed on the ballot in November. I know
3 that at least calls coming to the Stonewall
4 Cincinnati office, hate calls have increased. There
5 have been generally the people call and they say God
6 loves you, repent sinners and hang up. I have had a
7 couple of people call and when they found out that --
8 when they perceived that I was a lesbian, I didn't
9 exactly tell them, but when they perceived that, they
10 began speaking quite graphically about what they
11 think that a lesbian would do to other women and what
12 they wanted to do to lesbians. So, as far as that
13 goes, there's been an increase in the number of hate
14 calls to the office. We suspect that when this issue
15 gets on the ballot that there, based on the model in
16 Colorado and Oregon, there will be an increase in
17 violence, physical attacks, perhaps vandalism against
18 offices, things like that. So, the gay community as
19 a whole has beefed up our security measures. If
20 there are offices, people -- we're talking about
21 doing escorting away from the bars, making sure
22 people don't leave, you know, by themselves. All the
23 things that people would do to protect themselves in

1 times of threat and endangerment.

2 CHAIRMAN BATTLE: Since this ordinance was
3 enacted in Cincinnati, has there been any liaison
4 with any of the law enforcement officials in Hamilton
5 County to enforce it?

6 MS. LESSER: You're talking about the Human
7 Rights Ordinance. The Human Rights Ordinance was
8 passed in November of 1992. There has been liaison
9 with the Consumer Services Department which is the
10 Department that actually will implement the Human
11 Rights Ordinance. The Human Rights Ordinance
12 provides protection against discrimination because of
13 individual's sexual orientation as defined as
14 heterosexual, homosexual and bi-sexual is a part of
15 that ordinance. There has been a great deal of
16 liaison work through an ad hoc task force called the
17 Human Rights Ordinance Task Force of which Stonewall
18 Cincinnati is a part.

19 CHAIRMAN BATTLE: Other questions of the
20 committee for Ms. Lesser? Ms. Ramos?

21 MS. RAMOS: Maybe I could clarify something.
22 You asked a question about Colorado. I think the
23 question here under the Ohio Civil Rights Ordinance

1 and also federal laws, you're not a protected class
2 and I'm assuming that's kind of what the thing is to
3 have it included, to include them because -- this
4 is -- in Colorado they say definitively, you're not a
5 protected class is what they do. But, you're not in
6 any, as far as I know, federal and certainly not in
7 Ohio under the protected class; therefore, you would
8 not be able to file suit.

9 MS. LESSER: Exactly. That's exactly it.
10 In fact, some of the recommendations that we as an
11 organization would make would be to prevent and
12 prohibit discrimination based on sexual orientation.
13 To make us a class that would be able to file for
14 protection under the Civil Rights law. We'd also
15 like to see better documenting and tracking of hate
16 crimes throughout the state. But the big issue is
17 preventing discrimination against us. If government
18 says do not discriminate and sends a clear message
19 that discrimination won't be tolerated, then we can
20 begin to do education work without fear of legal
21 retaliation, without fear of losing jobs, children,
22 houses, things like that, to let people know that
23 gay, lesbian and bi-sexual people really aren't all

1 that different, and to get rid of some of the fears
2 and myths.

3 CHAIRMAN BATTLE: Yes, Ms. Lackland?

4 MS. LACKLAND: And Grace probably can answer
5 this. Didn't the Governor issue an Executive Order
6 prohibiting discrimination based upon sexual
7 orientation, and if so, what impact does that have?

8 MS. RAMOS: It doesn't do anything as far as
9 legally and you still can't hear it in the Ohio Civil
10 Rights Commission because you must fall within the
11 protected class category. What he sent was a message
12 to the government workers that they shouldn't do
13 that, but legally it's not binding. Within the
14 Civil Rights initiatives, you would not hear it.

15 MS. LESSER: It again is a state policy
16 within state workers.

17 MS. RAMOS: And the difference is that
18 there's a protected class called sex and but sexual
19 orientation is different because as long -- what the
20 law basically says to give you real layman's
21 interpretation is as long as you do the same thing to
22 everybody. So, if you're affecting gays and lesbians,
23 then basically you treated them both the same. So,

1 what you need is a specific category of sexual
2 preference or sexual orientation in order to be
3 included under the law.

4 CHAIRMAN BATTLE: Other questions, comments
5 from Committee members? Thank you very much, Ms.
6 Lesser. We'll move on to the next presentation. Ms.
7 Rowland?

8 AMY ROWLAND

9 Dr. Phyllis Gorman, who is the
10 Executive Director of Stonewall Union in Columbus was
11 unable to attend today, so myself and Mike Dittmer
12 will be giving the presentations from Stonewall Union
13 in Columbus. Just as an aside, our mission is
14 basically the same as that of Stonewall Cincinnati,
15 but we are not in any way connected. We're not --
16 there's not a national Stonewall Union that unifies
17 all Stonewall unions. They're usually city by city.

18 I will be reporting on statistics that
19 have been gathered in Columbus that actually describe
20 the prevalence of anti gay violence in Columbus,
21 Ohio. Right after -- I apologize to you that we
22 don't have page numbers on our packet that we handed
23 out, but in the packet there's a page at the top, it

1 says data compiled by Stonewall Union, Anti Violence
2 Project, Columbus, Ohio. In examining these
3 statistics, we can definitely see a rise in anti gay
4 violence. In the last three years the number of
5 offenses in 1990 was 78, in 1991 was 83 and then in
6 1992 we had a jump to 128. As of August 9, 1993, we
7 had 49 offenses reported to our office. The highest
8 prevalent, but more prevalent offense was harassment,
9 threats, menancing. The second highest are actual
10 physical assaults of just individuals, that includes
11 sexual assault also. And, also included the form
12 that we use in Columbus to collect the statistics.
13 Most of our reporting is done by telephone by the
14 individual who has themselves been victimized. We
15 have this form letter is developed by the National
16 Gay and Lesbian Task Force and it's been used as an
17 attempt to standardize collection methods across the
18 country so that different cities aren't using
19 different definitions and different collection
20 methods. This form gathers information about the
21 gender of the victim, the race or ethnicity of the
22 victim, the age, where the incident occurred, and how
23 the victim themselves describes the incident. So in

1 our packet we have collected together, not just
2 numbers, not just statistics, but also narratives for
3 people who have been victimized because we feel that
4 that really speaks to the heart of the problem even
5 more than the numbers can.

6 One interesting statistic in light of
7 the testimony that was given yesterday. There was a
8 lot of concern about how much hate crimes are
9 reported to the police officers in the cities. We do
10 have a liaison with the violent crimes unit in
11 Columbus, Ohio and we were able to gather together
12 the number of actual incidents that were reported to
13 the police in a given year. And over the last three
14 years; 1990, only 9 percent of the incidents that
15 were totally collected were actually reported to the
16 police. In 1991 it was 8.4 percent, 1992, 9.3. And
17 I attempted to get the actual number for this year to
18 date how many had been reported, but we were unable
19 to do so. So, as you can see -- and actually it's
20 been found that across the country ten percent of
21 actual hate crimes that are reported to organizations
22 such as Stonewall Union are also reported to the
23 police. There's fear of retaliation, there's fear of

1 being out in the public to police officers that
2 contribute to that fact.

3 I'm happy to answer any questions.

4 CHAIRMAN BATTLE: Any questions from
5 Committee members? Ms. Lackland?

6 MS. LACKLAND: You may have answered this
7 and I missed it, but I was looking at the percentage
8 of crimes documented by the police and it appears
9 that 1993 there are no documented?

10 MS. ROWLAND: I attempted to get that
11 information, but was unable to get in touch with the
12 police officer that would have it for this year. So
13 I apologize for that. I probably should just have
14 deleted it from the line there.

15 MS. LACKLAND: I was going to ask you what
16 you thought the reason for that was. What you're
17 saying is you just didn't have the information
18 available?

19 MS. ROWLAND: Exactly.

20 MR. LEVENTHAL: I would like to ask a
21 question. I know it's impossible to keep statistics
22 on everything and it's impossible to know who the
23 perpetrators are with telephone messages, but in the

1 violent crimes, do you have any idea of what
2 percentage of these hate crimes were committed by
3 extremist groups; that is, Neo Nazis, Skinheads,
4 Caines other, White Aryian Nation, and I'd be
5 interested to know how involved extremists groups are
6 in the perpetration of these crimes?

7 MS. ROWLAND: In gathering the information
8 that I described, we do ask was there an indication
9 that this crime was committed by an organized hate
10 group? Let's see actually on this statistical
11 report, we only have one for 1991 and one for 1992
12 that can actually be identified as having been
13 perpetrated by an organized hate group.

14 MR. LEVENTHAL: So, just the average man or
15 woman on the street who commits these crimes?

16 MS. ROWLAND: As far as we can tell.

17 CHAIRMAN BATTLE: One of the issues that
18 came up yesterday, often was the definition of hate
19 crime and the difficulty with which law enforcement
20 officials have in investigating it. I think that's
21 doubly difficult as I hear your testimony and Ms.
22 Lesser's testimony because for the issue of race, for
23 example, it's a little easier to identify a person

1 and then make that additional leap that there's a
2 possibility that race may have been a motive in the
3 attack. In the documentation of hate crimes because
4 of sexual orientation, what attempts have you made or
5 are you sure that it really was because of sexual
6 orientation or possibly because of some other less
7 easily identified or more easily identified
8 characteristic of the individual.

9 MS. ROWLAND: That's a very good question
10 and one that we've struggled with and I'll answer it
11 to the best of my ability and maybe Shirley would
12 like to add something to that. In fact, it's been
13 interesting in taking these phone calls oftentimes
14 people will call and they'll say these people
15 surrounded me and they were called me faggot and they
16 were beating me up and I didn't look gay. I didn't
17 have on any pins and I wasn't wearing my freedom
18 rings and I had on regular clothes. I don't know why
19 I was picked, you know, and called this and this
20 happened to me. And I think it's often what a person
21 is perceived to be. So, often these crimes are even
22 perpetuated against people who are heterosexual but
23 are perceived to be gay, but they are not really. We

1 do, in documenting these incidents, ask people
2 first -- we are especially careful to document what
3 would indicate that this was a crime against a gay
4 person. For instance, language that was used
5 throughout the incident. One man that called just
6 last week, his apartment had been broken into. Four
7 men came in, two held guns and they repeatedly asked
8 him if he was gay, over and over and over again. And
9 who knows how they knew this, how they found this
10 out, if they were watching him over a period of time
11 he was gay and they ended up slapping him several
12 times across the face and stole his VCR and his
13 stereo. So, it's a problem with which we struggle.
14 We are very careful though in documenting this that
15 we ask people specific questions and document what
16 led us to believe that this is a hate crime against a
17 gay person.

18 CHAIRMAN BATTLE: Yes, Ms. Ramos?

19 MS. RAMOS: In talking about the protected
20 classes, most of the protected class or all of the
21 protected classes except for religion are things that
22 you have no power over changing or choices. If
23 sexual orientation was included as a protected class,

1 that would probably be the only class where either
2 people have chosen that lifestyle -- well, I guess
3 they've chosen that lifestyle and I just like to hear
4 how you -- what is your reasoning for adding -- the
5 violence, there is no acceptance of violence for any
6 reason I believe. Now, if as new studies indicate,
7 there's a gene that you're born with that caused
8 that, then that could even classify you as
9 handicapped category, you know, if you want to say it
10 that way. I'm saying -- because there's nothing you
11 can do about it. But, you can't do anything about
12 sex, you can't do anything about your color, you
13 can't do anything about your national origin, you
14 can't do anything about your color. All of them are
15 things that you are without any control over. So, I
16 mean--

17 MS. LESSER: I think the reality is that
18 gay, lesbian, bi-sexual people have no control over
19 our sexual orientation. In fact, with violence being
20 so prevalent against us, if we could have control
21 over it, I would fathom that the vast majority of the
22 gay, lesbian and bi-sexual people would do so. But,
23 we have no control over our sexual orientation.

1 I think it's important to note that the
2 violence against us, the motivation, it's the
3 perpetrators who perceive someone as being gay,
4 lesbian or bi-sexual, it's their perception.
5 Oftentimes, or many times this perception is
6 inaccurate. I've heard of a case here in Cincinnati
7 where a heterosexual gentleman who was undergoing
8 cancer treatment was leaving a center and was beaten
9 up because the perpetrators perceived him as being
10 gay due to stereotypes that are so pervasive in our
11 society. It's that discrimination based on myths and
12 stereotypes and inaccurate perceptions that's the
13 problem, not someone's sexual orientation. I really
14 don't believe that sexual orientation is a choice and
15 I believe most lesbian, gay and bi-sexual people
16 would agree with me.

17 MS. RAMOS: So you're saying you think it's
18 something inherent -- whether it's a gene or not, it
19 really is not a choice? Most gays might prefer to be
20 heterosexuals?

21 MS. LESSER: I think that lesbian, gay and
22 bi-sexual people would prefer not to be victims of
23 violence.

1 MS. RAMOS: None of us would like to, and
2 that's the point.

3 MS. LESSER: I'm not sure that you know,
4 people -- I mean, if someone is African-American,
5 would they choose not to be African-American? Being
6 gay, lesbian or bi-sexual is so much a part of who we
7 are, to take that part of us away would change us as
8 people. It's inherent in who we are and we have no
9 choice in that matter.

10 CHAIRMAN BATTLE: Other questions from
11 Committee members? Dr. Jiobu?

12 MR. JIOBU: Can we get back to this thing
13 about the characteristics of people committing these
14 crimes? I have a hard time believing that the
15 average person on the street is committing most of
16 these crimes. Most crimes of violence are committed
17 by young males who have lower socioeconomic orgin.
18 And do you have any information about the
19 characteristics of people who commit these crimes
20 against you and why it seems to take on -- what's
21 their motivation? Why do they care?

22 MS. LESSER: I can talk to you about what
23 has gone on nationally and in my work in Virginia.

1 We found that most perpetrators of violence are
2 young, white males, generally in the ages between 16
3 and 25. Lots of theories have been presented as to
4 why this happens. Some sort of bizarre manhood
5 rites. Sometimes when adolescent males are going
6 through, becoming men, trying to figure out who they
7 are, they tend to attack people who they perceive as
8 being different, and gay and lesbian and bi-sexual
9 people oftentimes are perceived as different in this
10 society. The expression of hate crimes often differs
11 sometimes between gay men, predominantly white gay
12 men between ages of like 28 and 40 and lesbians.
13 Oftentimes white gay males are attacked by strangers
14 in the street out in public areas. Lesbians are
15 oftentimes attacked in their home, in their
16 neighborhood, by their neighbors, families, friends.
17 So the expression of hate violence differs depending
18 on the gender of the person being attacked. With
19 lesbians in particular, attacks will often start as
20 anti woman. A gentleman might make some sort of
21 sexist comment to a woman and when she does not
22 respond as they perceive she should, then it then
23 escalates into an anti lesbian attack, calling her

1 dike, lessie, et cetera, et cetera. So,
2 predominantly the reports are made by, all over the
3 country, are made by white gay men and their
4 attackers are young white men.

5 CHAIRMAN BATTLE: One follow up question on
6 one I asked earlier concerning the characteristics of
7 race when laid on the issue of sexual orientation.
8 In your research, in either organization, have you
9 determined that there's any significant increase in
10 the statistics where racial minorities are also are
11 gay or lesbian or bi-sexual? Are there more or less
12 or can it even be identified?

13 MS. LESSER: In research, again, around the
14 country, we have found a great number of flyers,
15 pamphlets and vandalism that is both based on race
16 and sexual orientation and generally anti semitic.
17 It's very, very common for all three of those types
18 of hate to express themselves at the same time. I
19 know I've received packets in Virginia that were
20 quite thick with people talking about some -- I'm
21 trying to remember the wording -- they talked about
22 some quote, unquote faggot marrying a gay bitch. So,
23 oftentimes they express themselves together in the

1 same manner. It tends to be the same people who just
2 hate and they sort of hate across the board anyone
3 they perceive as being different.

4 CHAIRMAN BATTLE: Thank you very much. Any
5 other questions from Committee members for Ms. Lesser
6 or Ms. Rowland? There are others who are with you,
7 so you can orchestrate whatever the pattern is going
8 to be for your remaining time here.

9 TED KAMM

10 Good morning. My name is Ted Kamm. I
11 work with gay and lesbian march activists, the Act
12 Up, the AIDS coalition here in Cincinnati. Basically
13 I've been asked to address kind of my experience. I
14 coordinated their hate crimes working group for a
15 number of years. I'm not doing that right now, but a
16 lot of this is in retrospect. I also work as a
17 psychiatric social worker and I do a lot of case
18 management. I'm out in the streets a lot. I see a
19 lot of what's going on in the streets as far as
20 violence is concerned. And today what I want to
21 address rather briefly is some of the recent trends
22 that I'm seeing in hate crimes in this city.

23 One caveat that I have is that as you

1 mentioned, Mr. Battle, sometimes the lines are very
2 blurred in terms of trying to figure out is this
3 racially motivated, is this gender motivated, is this
4 anti-gay and lesbian, what's going on here? One of
5 the realities though is sexual orientation, like any
6 hate, tends to cross a lot of lines. So it's not
7 always very clearcut, at least from the work that
8 I've done. Some of the trends that I'm seeing right
9 now, particularly in this city and I've been here now
10 since 1984, is that a lot of violence is moving out
11 of the downtown area. A lot of what we used to see
12 was basically people hanging around harassing people
13 outside of lesbian, gay bars, this kind of thing.
14 The violence is moving out into the neighborhood, out
15 into the suburbs. The types of violence that we're
16 seeing can be more violent. We're talking about
17 physical assaults, sexual assaults against both men
18 and women. We're seeing an increase in the number of
19 men, at least at this point I think men have always
20 been victimized by sexual assaults, but they're just
21 now starting to report this. In the past it's been
22 very difficult to get them to admit to this. We're
23 hearing more about sexual assaults and rapes of men

1 who are perceived of being gay and the incidents of
2 rapes of lesbians is still pretty high. We're
3 looking at a lot of violent property damage, fire
4 bombings. Recently the summer, just in the past
5 month there have been several really severe incidents
6 of property damage, one of which included the 4th of
7 July weekend, a coke bottle full of lit fireworks
8 being thrown through the back car window of a gay
9 male couple. I believe it engulfed the whole back of
10 the car. Luckily they dove down in the front seat.
11 They got out. So, what we're also seeing is the
12 incidents of violent crimes is increasing more
13 rapidly than like the report at least the reports
14 we're seeing about housing discrimination, job
15 discrimination. We used to get those standard kinds
16 of things all the time. I got fired, my landlord is
17 harassing me. They want to take the kids, you know,
18 this kind of thing, divorce settlements. So, what
19 we're seeing now is actually more reporting of actual
20 incidents of violence along with, you know, if we're
21 seeing it, if we're seeing an increase in all types
22 of violence, even violence within our own community,
23 we've seen an increase. Domestic violence is being

1 reported more. I'm actually, you know, myself, just
2 to avoid being definitive. It's kind of hard to know
3 whether these things have always been going on and
4 are just now being reported more. That's my
5 suspicion, these things have always existed, people
6 are now just coming forward.

7 Something else that we're seeing in
8 terms of moving out into the neighborhood, the
9 violence is going out into the neighborhoods seems to
10 be happening. As you mentioned, lower socioeconomic
11 neighborhoods, a lot of violence happening there, but
12 it's not necessarily happening in a particular ethnic
13 or racial group. In the area that I work in as a
14 social worker, lower Price Hill area on the west side
15 of town, we see a lot of gangs of kids roaming around
16 the street. There are black gangs, there are white
17 gangs, there are mixed gangs. There is really no
18 way, what you're dealing with and which group you're
19 dealing with is the way they dress. If you don't
20 dress right up there, you'd better not be coming out
21 of your house when school lets out. A lot of my
22 clients get their shopping done in the day time and
23 they don't come out of their house after 3:00

1 o'clock, and that goes whether they're disabled,
2 elderly or just want to stay off the street.

3 In terms of the types of people that
4 we're seeing committing these crimes, there's a
5 definite trend that I've seen here in terms of, you
6 know, younger males, lower socioeconomic groups,
7 both white and blacks, you know, those are the major
8 groups in this city anyway. There used to be a
9 stereotype of rednecks, flashbacks, driving around
10 flagging down the license plates. We don't see that
11 too much. The age range of people committing these
12 crimes is getting lower and lower. I'm not just
13 talking, you heard like 16 to 25, that's very true.
14 That's still a real range for a lot of violence.
15 Junior high school kids though with sticks on the
16 streets, you know, just in groups beating the hell
17 out of people, you know. One of the things that we
18 know in at least in Price Hill is that a lot of these
19 kids, when they're beating people up, most of the
20 beatings have been against men, both straight and gay
21 men, the word faggot, queer, these kinds of things
22 have been used. So whether or not the person has
23 been victimized has actually been a lesbian or gay or

1 bi-sexual gendered person, you know, still these
2 types of things are being thrown and there are some
3 perceptions that being queer is not the good thing,
4 so we've got to beat the hell out of them. And these
5 are pretty young kids.

6 Another thing we're seeing is the
7 incident of alcohol and crack with some of the people
8 that are actually perpetrating these crimes and
9 actually some of the people that are being
10 victimized, too. It's kind of hard to get away when
11 your head is screwed up. Most people they are on the
12 street, they're high, they're drunk or whatever.
13 They're pretty easily victimized. The other thing is
14 a lot of people are getting mugged. Kids are ripping
15 people off and buying a dime piece of crack. So,
16 this is a real problem in the outlying neighborhoods,
17 not as much downtown, except the Wynn (phonetic)
18 area. But, certainly people moving out to Avondale,
19 Crimm, Price Hill, these areas, Western Hills,
20 Porter. And it's even starting to blur a little bit
21 more. It's not just the lower income neighborhoods
22 that traditionally it has been like over the past
23 couple of years when it started moving out of

1 downtown and going up into, but now it's moving into
2 your fairly middle class neighborhoods. We're seeing
3 the drug incidents and things like Western Hills,
4 Dehlia, these areas which are mostly white upper
5 middle class neighborhoods seeing an increase in
6 violence there, increase in violence in the schools,
7 both racial and quite honestly sexual, and that
8 includes anti lesbian, gay violence as well in the
9 schools. We're also seeing actually a certain amount
10 of people coming out of those particular
11 neighborhoods. The incident I mentioned earlier with
12 the fireworks and also the cars, there were two cars
13 that were being driven by the perpetrators and those
14 weren't vans, we're looking at daddy's Mercedes and I
15 forget the other was sort of a fancy Pontiac. Those
16 cars did not come from lower Price Hill. They cannot
17 come from Ryan, more than likely we're looking at,
18 you know some amount of boys that got dad's car for
19 the night. They go out to get some faggots in the
20 lower neighborhoods. We see that a lot. A lot of
21 kids looking for their marijuana and they're out for
22 the night, they got dad's money, they're going out,
23 get their pot and crack and they're harassing people

1 as they're driving through the neighborhood. Some of
 2 the housing projects, even this week I had a lady who
 3 was quite honestly bisexual and she -- the drugs
 4 incident -- she went out driving through Dutch Colony
 5 and she went driving through Dutch Colony very loaded
 6 and shouting all kinds of things and things about she
 7 was a dike and all this stuff, and they smashed her
 8 windshield with her sitting there in the car. Now,
 9 she kind of opened herself up to that with her
 10 behavior, but there are a lot of incidents that
 11 people don't do that just walking down the streets.
 12 Some crimes are committed just by people on the
 13 street at least most of the remarks like queer,
 14 things like that, mumbling under breath. Myself,
 15 there's a restaurant I eat lunch at. I can't go in
 16 there eat lunch without hearing some sort of remark.
 17 That's Price Hill, frankly, which I work.

18 Another thing, to a lesser extent kind
 19 of address some of the groups that might be doing
 20 this. We're not having as much problem with things
 21 like Neo Nazi groups. We had some incidents, but I
 22 can only really recall two over the past two or three
 23 years that we are specifically like Skinheads or

1 whatever. We've had at least our organization hasn't
2 had any reports of Klan related anti gay violence,
3 but we are seeing some things with the so-called
4 gangs on the street. Now, you know, some gangs are
5 good things and some gangs aren't so good and it kind
6 of depends on who is in there. What the purpose of
7 this organization is. But, what we're seeing is a
8 lot of the kids who have very little to do, time on
9 their hands roaming the streets. They're getting in
10 trouble with themselves, between each other's groups
11 and they're beating the hell out of people
12 indiscriminately on the street, and that does include
13 lesbians and gays and I feel to a particular extent,
14 that it's targeting lesbians and gays because it's
15 some of the jargon that they do use. These kids are
16 roaming the streets with weapons. We're seeing more
17 incidents of not just fist fights and physically
18 surrounding somebody and beating them up. We're
19 seeing kids on the streets with sticks and knives,
20 you know. I haven't heard of anybody being shot
21 recently, but I'm waiting for that because the kids
22 are getting guns, you know. And everybody doesn't
23 seem to want to take any responsibility for gun

1 control around here.

2 So, at this point, we are seeing some
3 things changing. I'm not sure that really the
4 instances themselves are changing, I believe these
5 things have always been going on, except for some of
6 what's happening because of the drug infiltration in
7 some of the cultures. You know, particularly moving
8 onto what used to be fairly, you know, people always
9 said fairly peaceful neighborhoods, my neighborhood.
10 This doesn't go on in my neighborhood. And people on
11 the streets, the kids are on the streets, they've got
12 knives, they've got sticks, they're beating people
13 indiscriminately and they're using anti lesbian, gay
14 jargon when they do it. That's sort of what we're
15 seeing now, at least our organization. We do tend to
16 be out on the street a little bit more and hit the
17 street a little bit more from what some groups might.
18 We get reports from different levels, just class
19 levels of people. We target, you know, different
20 communities in terms of asking for reports, you know.
21 We take reports on racially motivated as well as
22 gender related or class related or whatever. The
23 class issue for us is really important because we're

1 seeing that, you know, sometimes statistics aren't
2 always coming in from communities that are really the
3 most affected at this point. You know, we don't just
4 target white middle class gay men, we want to call,
5 you know, some sort of scream on the phone about why
6 they got fired. We're looking at the real violence,
7 what's actually going on on the streets, trying to
8 find out what the trends are, is there some way that
9 we can start working with the community centers out
10 there trying to find, encourage people to report, get
11 the information out through the community groups,
12 find out if there's a way we can kind of across the
13 board, scheme, be inclusive of lesbian, gay issues as
14 well as the other racial ethnic issues, et cetera, of
15 trying to decrease some of the violence that's
16 happening on the streets, some of the drugs and
17 alcohol related violence that's happening on the
18 streets. So, that's my spiel.

19 CHAIRMAN BATTLE: Would you mind spelling
20 your last name?

21 MR. KAMM: Sure, K-a-m-m.

22 CHAIRMAN BATTLE: Any questions from
23 committee members for Mr. Kamm?

1 MR. LEVENTHAL: I can certainly sympathize
2 with your tale of violence, but I'd like to direct my
3 question mostly to the field of employment, having
4 served as a volunteer in the Anti Defamation League
5 for many years, I found that the cases reported to me
6 for firings, job discrimination, about 50 percent of
7 those calls were imagined. People were fired, not
8 because they were jews, but because of other reasons.
9 It's hard to relate one thing to the other, but you
10 mentioned that there was job discrimination, so I'd
11 like to ask, first of all, if a gay or lesbian gets
12 employed, does the employer generally know at the
13 onset of the nature of the employee and could some of
14 the firings then be because the boss finds out that
15 we have a gay or a lesbian person working for us?
16 That's one question. And then again when these
17 people are fired, is there any way to check to
18 protect the employer from false allegations and
19 accusations which can hurt a business when someone
20 says John Optical Company fired someone because they
21 were gay, and there were other reasons the employer
22 too has to be protected in this thing. And the last
23 question I have, when it's a legitimate firing, can

1 something be done to help that person who was fired,
2 perhaps the other ladies I should have asked the
3 question to you, but it's a complicated and
4 generalized question, but I'd like to have this
5 information, if I could?

6 MR. KAMM: Sure. One of the things that we
7 found was real important when doing our work was that
8 oftentimes, let's face facts, you've got all kinds of
9 calls and, you know, in my job I'm very used to
10 character logical disorder and they're out there and
11 they're everywhere. So, I've had a lot and lots and
12 lots of calls based upon employment discrimination
13 that just did not pan out because the person thought
14 that they were being discriminated against because
15 they were lesbian and gay and it just turned out they
16 were not a very good employee. One of the problems
17 with trying to investigate those kinds of things is
18 that employers have cagey supervisors, managers,
19 trying to get information out of these people as to
20 what really happened now because I've got to balance
21 it out with what I'm getting from the person who is
22 complaining, they always want to give a lot of
23 information. So on one end arouse suspicion, on the

1 other end they don't want to say anything that's
2 going to ruin their business. So, you know,
3 basically to address your question, I think; number
4 one, you can't always tell lesbian or gay person by
5 looking at them. I like to think I can, but I don't
6 know. I might be gifted. My employers always know
7 and I go in and they know that I'm politically
8 active. They know I demonstrate. That if I choose,
9 whatever I choose to do as long as it doesn't
10 interfere with my job and so far that's been not one
11 person that's given me any grief. And I'm not sure
12 that won't actually start, you know. So, I don't
13 know that you can really say that somebody would know
14 they had lesbian or gay employess unless that person
15 was out. It's sort of like the same military, they
16 don't want to know about it, ask about it. But then
17 there are some people that are incredibly obvious,
18 you know, but then there are a lot of straight people
19 who might not fit a certain psychological
20 characteristic of what you think a straight man might
21 look like and they're going to make assumptions about
22 that. So, it's kind of a blurred line as to what an
23 employer will actually know. In terms of employers,

1 you know, I think that there are employers out there
2 taht do discriminate. When we tried to get the
3 ordiance through and did get the ordinance through
4 last year, there was quite a fuss from the small
5 business community and they did have some airing in
6 the City Council, had some support there in terms of
7 you're looking at small family owned business for the
8 most part, that didn't want to necessarily want to,
9 in their view, have to hire lesbian or gay people.
10 This was not what the ordinance was addressing. It's
11 not what you have to hire. It wasn't a quota was.
12 You can't fire because simply because somebody is
13 lesbian or gay. That should not be, you know, the
14 reason as to whether somebody could do their job or
15 not. In terms of protecting employers against false
16 allegations, I think in a lot of ways that's really
17 the employer's responsibility. A lot of employers
18 and a lot of corporations are getting smarter and
19 and they're starting to make very broad public
20 statements that they do not discriminate, plain and
21 simple. It's about the smartest thing that they can
22 do because if they have some sort of policy in effect
23 that says they're not going to discriminate. It

1 makes it easier for us if something actually does
2 happen and it makes it easy for the company to define
3 them or the small business. It's to define it that
4 this does occur, and they say no, we don't
5 discriminate and maybe they can even prove that in
6 some way. They might want to think about those kind
7 of things. But I think that you're going to be
8 pretty hard pressed to get a lot of smaller business
9 where we see a lot of the discrimination anyway to
10 now to think that out all the way, they've got their
11 small business concerns and discrimination doesn't
12 always fall in there as a major concern. They're
13 just trying to balance the books. In terms of --

14 MR. LEVENTHAL: But what can be done when a
15 person is fired?

16 MR. KAMM: Right. One of the things that we
17 found was just in taking and trying to resolve
18 complaints that there are a lot of things lacking,
19 you know, and myself as a social worker, I found that
20 there are a lot of gaps there. The person that gets
21 assaulted, and an example, is going to need medical
22 attention. He's going to need psychosocial
23 intervention. They might need follow up in support

1 groups of people who have been battered, all kinds of
2 things. And the same thing is true with people who
3 lose their employment. They get real hopeless and
4 helpless real quick. They don't know always what they
5 can file for in terms of assistance. They don't know
6 what they can file for in terms of, you know, is
7 there going to be something where they can actually
8 draw some unemployment? Are they going to be able to
9 get some ADC help for the kids, this kind of thing.
10 So, we try to refer people to the appropriate
11 agencies for that. Not everybody needs that, and
12 actually referrals for things, employment-related
13 discrimination for like Aid and that kind of stuff.
14 Usually they don't follow through with it, but it's
15 available to them if I feel it's appropriate. I
16 mention it and, of course, there's legal recourse if
17 we feel we've got a really good cause. We always
18 refer to an attorney, but I wouldn't want to get to
19 that. I'm a social worker, not a lawyer. So, it's
20 just a matter of trying to make it fit their needs.

21 MR. LEVENTHAL: Thank you.

22 CHAIRMAN BATTLE: Other questions for Mr.
23 Kamm?

1 MS. RAMOS: You mentioned something about
2 violence within the homosexual community. Can you
3 elaborate just a little bit on that?

4 MR. KAMM: Sure. One of the things we've
5 been working on is particularly domestic violence.
6 We've had a real problem in this situation. You
7 know, this is where I am so, I'll say in particular
8 of, you know, I think it's pretty much across the
9 board police system don't want to get involved in
10 domestic violence. Things like that get real nasty
11 and you get this, the husband and wife turns on the
12 police officer and says, stay out of our business,
13 and they were the ones that called in the first place
14 and the same thing is happening within our community.
15 So in domestic violence, I see something we're
16 looking at because it's a violence issue. We're also
17 looking at our organization, and I think Stonewall
18 has too, looking at incidents of racism within our
19 community, gender discrimination within our
20 community. There have been in the past not so much
21 now, but definitely in the past since I've been in
22 the city, situations where if you were black you need
23 3 i.d.'s to get into a particular bar or if you were

1 a woman, you had to wear a dress, you couldn't go in
2 in blue jeans, you couldn't go in. These kinds of
3 things that I think this is against the gay and
4 lesbians. Businesses got real smart, so we don't see
5 that kind of thing a lot. Once in awhile I do hear
6 where they carded so and so or, you know, one or two
7 i.d.s out of so and so and they didn't even card me
8 kind of thing. And usually the people that are asked
9 for more than one i.d., they're black. In the city
10 that's usually what happens. This is basically where
11 I'm coming from with that.

12 As far as other types of violence that
13 we're seeing in the community, definitely domestic.
14 We do have some people that just do commit acts of
15 violence and sometimes it's against people that are
16 lesbian or gay or sometimes a lot of them have
17 psychological disorders and they're out there on the
18 street causing problems.

19 CHAIRMAN BATTLE: Thank you, Mr. Kamm.
20 Would you spell your last name?

21 MR. DITTMER: D-i-t-t-m-e-r.

22 MICHAEL DITTMER

23 My name is Michael Dittmer and for the

1 last six and a half years I've been the operation
2 manager at Stonewall Union in Columbus, Ohio. I'm
3 here today, one of the things that I did as part of
4 the packet that you had and prepared the four pages
5 of selected incidents of anti gay and lesbian crimes
6 in central Ohio. They're divided down by year.
7 That's sort of a sampling of some of the incidents
8 that have been reported to our organization. We have
9 been actively collecting and collating and sorting
10 out the statistical information related to anti gay
11 and lesbian hate crimes in Columbus for four years
12 with an anti violence project with a paid staff
13 person. Before that it was done sort of haphazardly.
14 We were more concerned with providing assistance for
15 victims than keeping records of how many people we
16 were doing and what specifically had happened to
17 them. So, that's why we've kept fairly good records
18 for the last four years. Before that, the records
19 aren't just there.

20 There were three points that I wanted
21 to address in my presentation to you. Sort of things
22 that you might or might not have noted from reading
23 through the reported incident here. One is, and Amy

1 pointed out in her report, 8, 9, 10 percent of the
2 people who report crimes to our organization go on to
3 actually file a report, an official complaint with
4 the police. There are a couple of reasons for that.
5 As you read through here, you'll see some of these
6 incidents, the police were called and never came.
7 That particularly seems to happen when a person is
8 assaulted at or in the parking lot of one of the gay
9 bars in town. That police are slow to respond, many
10 times they don't respond if the incident happened at
11 a gay bar, but are more likely to respond if
12 something happens at your home, at your place of
13 work. But for some reason, they're just very
14 reticent to show up at a gay bar. When they show up
15 at a gay bar, the complaint that we've had from
16 people being mistreated or verbally abused by the
17 police officers. Seems to happen more often at the
18 bars than if a person has been assaulted or if their
19 home has been vandalized. And I'm not really sure
20 exactly why that is if police somehow don't like
21 going to bars or they don't like people who go to gay
22 bars or what the problem is. But that seems to be a
23 big problem in that there would have been more crime

1 reported to the police if the police had responded.
2 But people in our community also have grown over the
3 years to distrust the police. I grew up in rural
4 Iowa and was always told the police officer is your
5 friend. If you're in trouble, go find a police
6 officer. When you come out as gay or lesbian, you
7 discover that that's just not the case. And I think
8 they'll be talking later on about specific incidents
9 here in Cincinnati dealing with the police
10 department. That's not isolated. It happens in other
11 cities, it happens in Columbus. Not, perhaps to the
12 extent that it has here in town, but people just
13 aren't willing to deal with the police the way that
14 you might expect a middle class white person to feel
15 about the police. And that's a problem we've tried
16 to convince people who have been victims of crime and
17 they reported the crimes to our office that it's
18 important that the police know about this, that they
19 can't catch anybody if they don't know about it.
20 They can't, you know, their statistical information
21 on where crimes are happening, are going to be faulty
22 unless they get that information. Another reason
23 that people don't want to go to the police is

1 because, quite frankly, they don't want to be
2 publicly out as a gay man or a lesbian, and if they're
3 going to report their case to the police and then
4 find out the next day that they're going to be on the
5 front page of the newspaper as being attacked in
6 front of a gay bar or were -- had anti gay graffiti
7 sprayed on the side of their house, they're not going
8 to do it because we by and large don't have
9 protections for employment, for custody of our
10 children, if we have children, because a lot of
11 places we don't have employment and housing
12 protection, could be kicked out of our apartments,
13 we're just not going to report crimes if it's going
14 to make us go public. And until we can settle that,
15 I think a lot of anti gay crimes aren't going to be
16 reported. I always know that the crimes that are
17 reported to our office are probably only about ten
18 percent of what actually goes on. I've talked about
19 friends who have undergone verbal harassment who have
20 had their homes and their cars vandalized, who
21 figured, well, it's just par for the course. People
22 don't like gays, of course they're going to do stuff
23 like this, so why bother reporting it at all. You

1 know, again, that's a mentality that we have to
2 overcome. And, I think another area where we're not
3 getting the crimes reported to us, let alone to the
4 police are in working with gay and lesbian racial and
5 ethnic minority communities. In Columbus we have
6 just a miniscule Asian and Hispanic and Native
7 American population. By and large Columbus is a
8 black and white town. Our organization has been
9 doing outreach into the African-American gay and
10 lesbian community without a great deal of success,
11 though, and we're still trying to prove ourselves to
12 those communities that we're their ally and that we
13 can work with them. But they still distrust us and
14 they're not going to be reporting to us. I'm hoping
15 that they're working with the Urban League and with
16 the NAACP in town. I'm not sure that they are. And
17 I know they're not reporting their crimes to the
18 police any more than the white community is. And
19 that's something that we're going to be working hard
20 to build that trust up between our communities. But
21 it's going to be difficult and it's going to be trust
22 building, that's going to be hard to do. I also
23 wanted to talk about where crimes happen. As people

1 have been pointing out, it's not easy to point out
2 who in a crowd might be a gay or lesbian or bi-sexual
3 because we come in all sorts of colors and shapes and
4 affectations and stuff. Some of us are very
5 masculine, some of us are not, some of us are very
6 feminine; tall, short, old and young.

7 While hate crimes tend to happen just
8 anywhere you happen to be where people can find gay
9 people is easily where they happen. I think that's
10 why a lot of the crimes that are committed happen
11 near the bars. They happen in people's homes or they
12 happen in the workplace. My own experience has been
13 primarily in my home that, you know, I've had
14 neighbors throwing bottles at my house, at my
15 windows, at me. I've had my car vandalized. It's
16 been spray painted, windows broken, stuff like that,
17 and I don't think that that's that uncommon. I'm
18 talking with a lot of people, they won't file an
19 official report, but they'll say, yes, that happened
20 to me too last year. Wherever people can find easily
21 gay people is where the crimes are going to be
22 happening.

23 And the other point I wanted to make

6

1 was about who is committing the crimes. In the
2 reports that I prepared here in 1991, we had, during
3 the month of July, about a dozen very, very violent
4 attacks against gay men. They all happened in Goodall
5 Park which is just north of downtown and in a
6 neighborhood that's known in town as being a gay
7 neighborhood. Most of the attacks occurred after
8 9:00 in the evening. They all occurred against men
9 who were walking through the park alone. And Goodall
10 Park is not necessarily known as a cruising spot or as
11 a place where gay men gather. It's more of a
12 neighborhood family kin of park. Because of the way
13 the park is situated, if you're going from someplace
14 from one side to your home, which is on the other
15 side, rather than walk the whole distance of the
16 park, it's much easier, the sidewalks are there. If
17 you walk through the middle of the park there are a
18 couple of theaters that are at one end of the park.
19 Two gay bars are near that end of the park. There's a
20 couple of churches and shops there at that end of the
21 park. So, people walk through the park to their home
22 after dark, especially if they were single men, were
23 being targetting by a group of about eight to twelve

1 white teenagers armed with baseball bats. The
2 assumption, based on witnessed reports, is that the
3 persons that they selected they decided were
4 homosexuals. Their language indicated that because
5 they were shouting, take that queer, you fucking
6 homosexual, take this, we're going to get all you
7 faggots. Not all of the men that they attacked were
8 gay. They just happened to be men walking by
9 themselves through the park and only gay men
10 apparently do that. One of the attacks was violent
11 enough that the man died of his injuries a couple of
12 months later.

13 Despite the fact that we provided all
14 kinds of information to the police about descriptions
15 of the youths, the fact that everybody in the
16 neighborhood seemed to know who they were, but really
17 couldn't say who they were, no arrests were ever
18 made, and the only way taht the incident ever stopped
19 was when we sort of formed a gay posse to walk the
20 park and make sure that nobody ever had to be walking
21 through that park alone. And, the teen gangs do seem
22 to be the way things happen. Very seldom is the
23 attacker in the parking lot of one of the gay bars a

1 single person acting on his own. It's usually two or
2 three people, sometimes a bigger group. Most of the
3 gangs that have been committing the assaults in
4 Columbus have been gangs of white teenagers. In the
5 last year we're starting to see more smaller gangs of
6 black teenagers who are also committing the assaults
7 and it may be becoming an equal opportunity gay
8 bashing. But the crimes are starting to get more
9 violent in Columbus that, you know, it's not just
10 something you spray painting faggot on the side of
11 somebody's house. It's somebody throwing Molotov
12 cocktail against the side of the house. It's not
13 just somebody getting hit in the face and their
14 wallet taken. It's somebody getting knifed and hit
15 with a bat, kicked in the stomach and then oh, we'll
16 take his wallet, too. And I'm not exactly sure why
17 there should be such hatred exhibited against the gay
18 community. I think some of it might be related to
19 fears about AIDS and people's misconception that all
20 gay men have AIDS or that gay men are deliberately
21 trying to infect everybody with AIDS or what. I
22 think that might be part of it. I think the fact
23 that we're not willing to take second class status

1 anymore than, you know, we're standing up and saying
2 what you're doing is wrong, is making a lot of people
3 scared. But the crimes don't seem to be perpetrated
4 against specific individuals, they seem to be
5 targetted more at somebody because he or she is a
6 member of the gay or lesbian or bi-sexual community.
7 So that by and large it wasn't me specifically that
8 was getting the beer bottle thrown at or it wasn't
9 Joe Smith who happened to be walking through the
10 park, that they were targetting every gay man, every
11 lesbian, every bi-sexual person by hitting them with
12 a bat, by throwing the bomb, by sticking the knife.
13 And that's what we're here to testify about, what's
14 happening in our community.

15 CHAIRMAN BATTLE: Thank you very much, Mr.
16 Dittmer. Are there questions from Committee members?
17 Mr. Oya?

18 MR. OYA: Mr. Dittmer or Ms. Rowling, the
19 incident in the park where you said that people were
20 just targetted because they appeared to be gay, but
21 some of them weren't, were the victims who weren't
22 gay would you classify that in your statistical
23 reporting that this is a crime against --

1 MR. DITTMER: Right. One of the reports
2 that I listed here was a woman with -- a heterosexual
3 woman who happened to have her hair cut short,
4 walking down the street with her husband, were
5 perceived to be a gay male couple. Just her luck she
6 ran into somebody ignorant or who couldn't tell her
7 gender or who didn't care and wanted to make her a
8 crime statistic.

9 CHAIRMAN BATTLE: Ms. Ramos?

10 MS. RAMOS: We hear this term homophobia
11 used because of the violence. Can you just give me
12 your opinion as to whether you think that's because
13 this violence that's coming up, is it just because
14 they don't like them or do you think it's a fear of
15 being approached, picked up, whatever the term they
16 want to use?

17 MR. DITTMER: Yes, I don't think homophobia
18 is the correct term. Homophobia was just a fear of
19 homosexuals or homosexuality, and it's more of a
20 hatred of homosexuals than a fear of them. Some
21 individuals may have been approached sometime in
22 their past by somebody who was gay and were
23 emotionally scarred. By and large, studies that I've

1 seen and I don't have any of them with me, would
2 indicate that's not the case with most of the people
3 who are committing crimes, specifically against gay
4 people. I think a lot of homophobia is alleged
5 behavior and it's encouraged by some church groups,
6 by some political groups, that you know, that people
7 can sometimes quote biblical bases for hating
8 homosexuals. Other people try to pull out social
9 studies and examples and stuff about why we should
10 hate homosexuals. But, when you hate somebody and
11 you don't think of them as, if you will, people, it
12 makes it easier for you to strike them, to fire them
13 from their jobs, you know, to make them victims
14 because you're not really hurting a person, you're
15 just hurting a homo.

16 CHAIRMAN BATTLE: Mr. Dittmer, you mentioned
17 earlier in your testimony that gay bars in particular
18 seemed to have been singled out for special attention
19 for some groups and others. I know recently there's
20 been some legal attention to stalker laws. Is it not
21 possible that some relief from this kind of activity
22 might be available though some of the existing laws
23 like stalker laws that would enable law enforcement

1 officials to perhaps pay a bit more attention to
2 issues and incidents that happen to denter around gay
3 bars?

4 MR. DITTMER: I'm not very familiar with how
5 the stalker laws are written, so I'm really not sure
6 about that. I know that when we start getting
7 reports at our office about this particular parking
8 lot seems to be targetted, they've been a lot of
9 assaults there in the last month, when we go to the
10 police, we do get, for a couple of weeks, more
11 cruisers going by and a little bit more police
12 presence in the area. And then when the assaults
13 stop happening, the police coverage goes away then,
14 too. So, it's something that we have to keep after
15 the police and they don't always like us being after
16 them about things like that. So, I really couldn't
17 say specifically about the stalking. We, our
18 organization tries to take advantage of every law
19 that can work in our favor, so that, you know, if it
20 does look like the stalking laws will do it, we're
21 certainly going to take advantage of it.

22 CHAIRMAN BATTLE: Any other questions? Yes,
23 Ms. Lackland?

1 MS. LACKLAND: You had said earlier that you
2 said that nine or ten percent of the crimes were
3 reported to the police or incidents were reported to
4 the police. Do you have any information on how many
5 in that category are successfully prosecuted or any
6 penalty was placed upon the perpetrators?

7 MR. DITTMER: I don't have actual numbers on
8 that. As I was going through the reports of the last
9 four years in our office preparing the pages that I
10 had turned in to you, I was discovering again and
11 again and again while notations at the end of them
12 with suspects not apprehended. In a couple of cases
13 that I know where suspects were apprehended and
14 brought to trial, I went to a couple of the trials
15 and in those cases the person was found not guilty.
16 Columbus has an ethnic intimidation ordinance that
17 was established that went into effect in January,
18 1989. There have been two gay cases that have been
19 tried under that case in Columbus. The ordinance
20 includes sexual orientation. In one of the cases --
21 in both of those cases one involved a woman who was
22 maced and tear gassed at a gay pride march. The
23 other was a male couple whose house had been

1 repeatedly vandalized, faced verbal harassment,
2 windows broken, car tires slashed and stuff. In both
3 of those cases, the juries in both cases decided that
4 the assailant was innocent. And since 1987, there
5 haven't been any gay related ethnic intimidation
6 cases brought to court because people just don't feel
7 that they're going to be heard.

8 CHAIRMAN BATTLE: Thank you very much,
9 gentleman.

10 BETSY PRESSLER

11 I'm Betsy Pressler. I'm a lesbian
12 living in the City of Cincinnati. I'm the past
13 president of Stonewall Cincinnati and I'm currently a
14 member of the Board of Directors of the National Gay
15 and Lesbian Policy Institute based in Washington,
16 D.C..

17 I'm coming here today not just to tell
18 my story, but to speak for many victims of anti gay
19 and lesbian hate crimes who are afraid that coming
20 forward will place them in further danger. Not that
21 long ago I was trapped in a telephone booth with
22 teens pounding on the outside of the glass and they
23 wanted to know whether or not I was a lesbian. For

1 the first time I did something that I promised myself
2 I would never do, and that is, I lied about my sexual
3 orientation. And since that time I thought a lot
4 about what would have happened had I chosen to tell
5 the truth and the only thing that I think that I can
6 be sure I would be telling you a different story
7 today other than telling you that they left me alone
8 and walked away.

9 I work in a corporation that offers EEO
10 protection on the basis of sexual orientation and I
11 feel that that policy offers me a certain degree of
12 comfort in being open about my sexual orientation.
13 In my workplace, with my co workers and with my
14 friends and although my company has made a public
15 stand against discrimination against all people, I
16 still receive hate mail and other propaganda in my
17 mailbox, and on my desk at work. I receive a lot of
18 magazines that cite a lot of dubious statistics about
19 how disease and alleged social ills are spread by
20 homosexuals. I receive prayers written by my
21 co-workers who urge me to turn away from my life of
22 sin and I received numerous brochures offering to
23 cure me if I would turn my life over to God and I

1 received similar mailings at home and also telephone
2 calls to my home and I supposed this is part of the
3 penalty for telling the truth about who I am at work
4 and with my co workers. Perhaps what is scariest to
5 me are those people who are motivated to hate others
6 all in the name of good. And their anti gay rhetoric
7 dehumanizes me and dehumanizes others and it opens
8 the door for this eventual moral responsibility to
9 act upon their prejudice. There are many anti choice
10 groups, Operation Rescue is just one of them who
11 have made their trademark by engaging in these type
12 of tactics. There are not just content to target the
13 abortion clinic, but they've moved their tactics to
14 the residential block where their pickets disrupt and
15 deface the homes of physicians and pro choice
16 activists and employees of the clinics who provide
17 reproductive counseling services. The slaying of Dr.
18 David Gunn, in my opinion, is for example, is the
19 work of God gone awry. His murderer was even praised
20 for firing the warning shot in America's holy war.
21 And this is exactly how I shudder to realize the
22 residential picket program is moving in to include
23 the homes of gay and lesbian and activists in our

1 community. I believe that there's a certain
2 empowerment that comes to those who commit that
3 crime, especially when the victim is silent and
4 scared to come forward. Often the perpetrator is
5 applauded and further encouraged to strike again as
6 their crime solely escalates from hate mail to phone
7 calls to physical violence, and left alone and left
8 unchecked, it can only grow.

9 I think that we're in historic times
10 for lesbian and gay men in America. Never before
11 have our issues been so prominent and so much on the
12 mind and lips of every American and I think that this
13 is the greatest opportunity that we're going to have
14 for education that we've ever seen. And it's our
15 chance to tell the truth about who we are and to
16 deispell the rumors and stereotypes that can finally
17 be our honest and human selves. But, again, I think
18 that we will all pay a price for that truth as our
19 visibility increases. I think some will -- the acts
20 of hate against us, I think that we have seen an
21 Oregon, Colorado and other states and communities
22 where anti gay members have been on the ballot as the
23 rhetoric of the people promoting those ballots

1 increase so do the acts of violence and hate crimes
 2 against members of the gay and lesbian community.
 3 And I think as we face the possibility of having that
 4 on the ballot in Cincinnati and statewide in Ohio, we
 5 need to be very aware that that statistic will
 6 probably hold true for us here.

7 I just want to address two things that
 8 I heard earlier; one of them regarding homosexuality
 9 being a choice and I believe that it's not a choice.
 10 I believe that a person's behavior is a choice. I
 11 believe that people are born with a certain sexual
 12 orientation and whether or not they act on that is
 13 their choice. Many people who do not come to terms
 14 with their sexual orientation until later in life
 15 often live life as heterosexuals, are married, have
 16 children, and don't discover or disclose to
 17 themselves until much later in their lives that they
 18 are gay and lesbian. And so I think that although
 19 the person is born with a certain sexual orientation,
 20 whether or not they act on that is something that may
 21 be a variable throughout their life. And I know that
 22 there has been a story and stuff from the National
 23 Institute of Health about an alleged gay gene,

1 something that's been identified as possibly
2 contributing to homosexuality and although we welcome
3 research into sexual orientation and the discovery of
4 what possibly could be some of the determining
5 factors, I would totally reject the notion that
6 homosexuality is in many ways to be classified as
7 handicap. I do not believe that there's anything
8 wrong with it and I certainly don't want to be cured
9 in any way. Thank you.

10 CHAIRMAN BATTLE: Ms. Pressler. Comments,
11 questions from the committee members? Yes?

12 MARK DEVER

13 Mark Dever. I'm operations manager for
14 Stonewall Cincinnati. There's certainly advantages to
15 going first and there's certainly advantages to going
16 last. Everybody has managed to touch on some part of
17 my speech in the past hour, so I'm going to be
18 closing up, I guess, a little bit and highlighting a
19 few points for you.

20 I have worked for Stonewall since
21 October of 1991 as the anti violence project
22 coordinator for Stonewall and in the wake of arrests
23 and beating of Steven Obanion by the Cincinnati

1 Police Department and officials of the Hamilton
2 County Justice Center. In the early morning hours of
3 September 4th, 1991, Mr. Obanion was stopped by
4 Cincinnati police officers for jay walking after
5 leaving a downtown gay bar. A simple act of crossing
6 Walnut Street by a gay man soon brought national
7 attention to Cincinnati. Mr. Obanion was topped for
8 a minor violation, traffic violation and in the
9 process of being cited, made a flippant comment to
10 the police. He was then thrown to the pavement and
11 charged with resisting arrest. He was taken to the
12 Hamilton County Justice Center with minor injuries.
13 While in custody Mr. Obanion, who is HIV positive,
14 was taken to the infirmary for examination. After
15 declining treatment, he was physically restrained,
16 held down by the neck. He began choking and
17 vomitted. He was then forcibly restrained and
18 received several blows to the face and head requiring
19 even further medical attention. Because Mr. Obanion
20 has AIDS, a condition he brought to the attention of
21 the Justice Center officials, he was charged with
22 three counts of attempted murder and felonious
23 assault of an officer. The officer came into contact

1 with his bodily fluids. Mr. Obanion was denied
2 access to his prescribed AIDS medication, AZT, for
3 the entire three days of his incarceration, thus
4 jeopardizing his health. Throughout his ordeal he
5 was verbally abused, intimidated and humiliated by
6 Hamilton County Justice Center because of his sexual
7 orientation. Sheriff Simon Leeze who completely
8 exonerated the justice center personnel within 48
9 hours of the incident, basically condones the violent
10 assault on a uniformed, injured person. He used this
11 opportunity to further his dissemination of
12 misinformation about the HIV virus and it's
13 transmission by charging a period with AIDS with
14 attempted murder because he vomitted. Mr. Obanion
15 was ultimately found innocent of the attempted murder
16 charges, but the affect it had upon the gay and
17 lesbian community within Cincinnati is still being
18 felt today. A clear and resounding message was sent
19 out to gay men and lesbians that they could easily
20 become victims of violence by the very people who are
21 charged with protecting us. I wish I could point to
22 this as a solitary and isolated incident. But,
23 unfortunately, time and again the gay and lesbian

1 community has seen it's elected officials, those we
2 as gay and lesbian taxpayers support to represent the
3 entire community, lay the groundwork for violence
4 against us. Perhaps the most outlandish was Hamilton
5 County Coroner Dr. Frank Cleveland's public
6 assertions that every HIV positive person be herded
7 in their hospital as a detention camp. Although many
8 of us find this comical, it sends a message to those
9 who trust and respect Dr. Cleveland. He told them
10 that it's acceptable to hate a segment of our
11 community and as you know, hate can only breed on
12 thing, and that is violence.

13 Living with the threat of violence has
14 become a part of who and what we are as gay men and
15 lesbians. It's as real and tangible to us as the
16 table that you're sitting at. It's always in sight
17 and always a consideration in every tactivity we
18 undertake. Will the neighbors start throwing rocks
19 through my window because they saw me kiss my lover
20 on my way to work this morning? Will I be safe
21 walking downtown because my picture was in the paper
22 and as an openly gay veteran? Will the officer who
23 pulls me over for speeding ultimately put me in the

1 hospital because he hates queers? These are not
2 philosophical questions that we ponder while sipping
3 cocktails at a party. These are things that we live
4 with every single day of our lives.

5 I find it particularly ironic that non
6 gay and non lesbian people feel somehow isolated from
7 these instances of violence. And I believe Shirley
8 mentioned earlier I know a Cincinnati man who was
9 fighting a rare form of cancer and his eyes were
10 black and he was in intensive chemotherapy, and
11 because of his chemotherapy, it made it very hard for
12 him to rest, so he took walks to help him sleep. One
13 night he happened upon a gang of teenagers who upon
14 seeing his condition, diagnosed he had AIDS and
15 therefore must be gay, kicked, hit and punched him
16 into unconsciousness. Bob survived the attack, but
17 he learned firsthand what I have understood for most
18 of my life, being gay can mean being dead. You have
19 within your power to educate the larger public about
20 who and what, where. I would have abandoned the
21 lesbian and gay movement years ago if I didn't
22 honestly and earnestly believe. I believe that when
23 presented with the facts, Americans will side with

1 what's right and what is just. The message has to be
2 heard by our elected officials, our law enforcement
3 personnel, our parents, our friends, and our
4 government, please let them know that we're being
5 killed out here and we need to make it stop. Thank
6 you.

7 CHAIRMAN BATTLE: Thank you, Mr. Dever.
8 Questions? Mr. Oya?

9 MR. OYA: Actually this would be to anyone
10 whose testified. What I would summarize from your
11 testimony is hate crimes against gays and lesbians is
12 a problem. What are your recommendations for dealing
13 with this? I've heard sort of the general education
14 mandate, but what else can be done to address this?

15 MR. DEVER: One of the things is a
16 standardized reporting system. Yes, we're covered
17 under the Hate Crime Act of 1990, but there isn't
18 anything that is requiring people who weren't taking
19 the statistics prior to 1990 to start taking them
20 now. We don't know how pervasive the problem is and
21 we don't have a standard reporting system for making
22 it happen. I think a couple of people, too,
23 particularly in sexual orientation cuts across all

1 other minorities. There are African-American gays
2 and lesbians. There are Asian, Latino gays and
3 lesbians. So, we need a standardized reporting of
4 how pervasive the problem actually is.

5 MR. DETTNER: One thing that I would
6 recommend also would be passage of legislation that
7 would provide the civil rights protection for gay men
8 and lesbians and bi-sexual so that when we do go to
9 report our crime, we don't have to fear loss of our
10 jobs, loss of our homes, loss of our standing in the
11 community because of who we are and the fact that we
12 did go public in reporting these crimes that keeps a
13 lot of people very closeted in terms of being victims
14 of crimes.

15 CHAIRMAN BATTLE: Ms. Frazier?

16 MS. CURTIS-FRAZIER: I was just going to ask
17 one question, Ms. Lesser, you shared the survey on
18 hate crimes survey that you all are doing. Did you
19 tell us what it is you're going to do with this
20 information once you get it?

21 MS. LESSER: We'll be doing a number of
22 things with that information. As a human rights
23 organization, we're looking to provide services to our

1 community, and depending on the results of that
2 survey, it may take the form of support groups, if
3 the problem is violent street crime, then perhaps we
4 can use models of I think Todd used the word posse of
5 perhaps having groups go out patrolling the street.
6 Other cities have done whistle blowing campaigns. So,
7 based on the results of that survey, we'll be
8 providing services to our own community.
9 Additionally, we hope though that survey to try and
10 require Cincinnati Police to take statistics and to
11 work on getting that as part of a requirement again
12 and to show how pervasive the problem is and make
13 recommendations as far as standardized reporting, as
14 Mark alluded to.

15 MS. CURTIS-FRAZIER: Thank you.

16 MR. DEVER: I think along those same lines
17 is the education angle again, educating people that
18 whenever we go to an official government agency or
19 they want to see numbers and we can give them
20 anecdotal information forever, they need to see
21 numbers.

22 CHAIRMAN BATTLE: Okay. Other questions?
23 Thank you again, all of the representatives from both

1 Stonewall Cincinnati and Stonewall Columbus. You've
2 certainly given us much more insight than any of us
3 had individually or collectively, and I'm sure the
4 testimony will be a part of the record certainly, and
5 will enter into our findings and recommendation for
6 these four days of hearing in Cincinnati and two next
7 week in Cleveland. I only hope that the
8 representatives of northern Ohio, the Stonewall
9 organization will be as forthcoming as you have been
10 here in southern Ohio. Thank you very much.

11 Let me suggest that we take a short
12 break for our Committee members and when we return
13 we'll resume hearing our testimony.

14 (A brief recess was taken.)

15 CHAIRMAN BATTLE: Good morning, Mr. Gresham.

16 MR. GRESHAM: Good morning, how are you?

17 CHAIRMAN BATTLE: Welcome again and would
18 you move the microphone over a little closer to you
19 so we'll be able to hear you clearly?

20 SAMUEL GRESHAM, JR.

21 Ladies and gentlemen of the Ohio
22 Advisory Committee to the United States Commission on
23 Civil Rights, my name is Samuel Gresham, Jr. I'm

1 President and Chief Executive Officer of the Columbus
2 Urban League located at 700 Briden Road, Columbus,
3 Ohio. I'm also a 20 year resident of the State of
4 Ohio. I'm so honored to speak before this advisory
5 committee on this day.

6 Racially motivated violence has been a
7 long and indigenous part of the history of this
8 country. There's been a great deal of speculation
9 about the reason for it's increase and racial
10 violence. There are three major factors that I'd like
11 for this group to consider; economic inequality, poor
12 economic conditions and health of this country
13 continued racist attitudes and increase in racial
14 hatred and hate organized groups activity. The three
15 or four aforementioned reasons created a base for
16 some sort of understanding. However, the database
17 that's needed to examine the issue is lacing. At
18 present theres no conference of national statistics
19 compiled on the incidents of racially motivated
20 violence and there's no legislative mandate requiring
21 law enforcement agencies to maintain records on the
22 phenomenon. Not surprising, many such incidents go
23 unreported. Additionally, the lack of a uniform

1 definition of what comprises racially motivated crime
2 leads police to make the subjective determination, a
3 great source of recording error. Moreover, the
4 speculation on the imposition of racially motivated
5 violence concentrates solely on the individual level
6 of prejudice and attitude, often ignoring the broader
7 social economic content. And I believe this is a
8 major error that results in our true lack of
9 understanding of this phenomenon.

10 Available data leads, no doubt, that
11 racially motivated violence is a growing phenomenon
12 here in Ohio. As reported by the Anti Defamation
13 League, over the past three years, incidents of
14 ethnic intimidation have nearly doubled, anti semitic
15 incidents in Ohio have rose by 33 percent in 1991
16 over 1990. Moreover, as i most reports in Ohio,
17 African-Americans continue to be the primary targets.
18 Asian-Americans, Arab-Americans have also become
19 targets. Asian-Americans, Arab-Americans have also
20 become targets because of this perceived relationship
21 to their mother country at given times iun the
22 economic difficulty of America.

23 During the last five years, Ohio

1 experienced the following: on 12-29-92, in north
2 side Ohio, two white youths erected and attempted to
3 burn a cross on a vacant lot, north side Ohio, a
4 suburb of Cincinnati. The teens who were shouting
5 racial epithets, were chased away from the scene by
6 area blacks. In 1-2-93, Murray, Ohio, a man was
7 arrested in Murray, Ohio and accused of aggravated
8 menacing after he allegedly burned a cross in the
9 front yard of a black woman's home. 1-15-93,
10 Wilburforce, Ohio, a plot to blow up the National
11 African American Museum and Cultural Center was
12 thwarted by undercover government agents who learned
13 of the plot several days before it was to be
14 executed. It was scheduled to coincide with the
15 birthday of Dr. Martin Luther King. 1-23-93,
16 Cincinnati, Ohio, a black woman was harassed by
17 having her tires slashed, car window broken, having
18 eggs thrown at her home and having dead animals left
19 in her vehicle. 1-29-93, Oxford, Ohio, a black
20 student at Miami University of Ohio was running for a
21 student position of vice president of minority
22 affairs found one of his campaign flyers outside of
23 his dorm room in a puddle of urine. Earlier he found

1 racial slurs scrawled on his dorm room door. 5-2-93,
2 Dayton, Ohio, a black woman was watching a basketball
3 game Sunday afternoon in a black owned bar in a white
4 neighborhood was shot in the head by one of several
5 bullets that was shot through the window by a passing
6 car. 1-9-88, Columbus, Ohio, four young white men
7 were indicted on a total of 49 counts of ethnic
8 intimidation. These men were accused of menacing
9 black teenagers outside of a movie theater. Two of
10 these facing charges were sons of Columbus police
11 officers. They were accused of hitting a 15 year old
12 black youth with an aluminum baseball bat. The black
13 youth suffered a fractured skull and a loss of sight
14 and hearing. Finally, in 1988, the State of Ohio was
15 found to have suspended more black students from
16 public school than any other state in the union by a
17 national report issued by the Department of
18 Education. You will probably ask yourself why did I
19 include this in this report? This information,
20 coupled with the fact that African-Americans comprise
21 50 percent or more of the prison population, that they
22 are only ten percent of the state population, and the
23 fact that 80 percent or more of the youths

1 institutionalized at the Ohio Department of Youth
2 Services for drug offenses are black is devastating.

3 My point is to attempt to string a
4 portion of the social economic context in which hate
5 crimes exist and evolve in the State of Ohio.
6 Studies on racial attitudes and racial relations have
7 looked at the issue at two levels; the micro level,
8 which is attitude of individuals developed toward
9 thers of different race and ethnicity; and the
10 second, the macro level, going beyond individual
11 levels to identify structural, systematic features of
12 a society that sets the stage for the perpetuation of
13 racists views. This is the area that I feel we lack
14 the proper emphasis or interest because it's
15 difficult to measure. Moreover, the state that allow
16 behavior to deelop is very important and we must
17 continue to work on it.

18 The messages that people receive about
19 a particular group from leadership and in the general
20 public easily manifests itself in the behavior. And
21 this is where we need to emphasize behavior, not
22 attitude. I don't care what people thing, it's how
23 they manifest their attitude, that's what's

1 important. One can carry an attitude, but if the
2 attitude is not allowed to manifest itself in
3 behavior, hate crimes stop or they're mitigated from
4 happening.

5 Given this as the backdrop, these are
6 my following recommendations: One, that leadership
7 in Ohio and America must send a message that hate
8 crimes will not be tolerated. The governor, the
9 state assembly, mayors of cities, city council and
10 business leaders must send a message that we will not
11 tolerate hate crimes in our community. And let me
12 elaborate on that. In American society we are a
13 conforming entity. We follow the leader. If
14 leadership is saying like they are saying, the
15 economy is the major issue, like they are saying in
16 large part that women issues are important, if
17 leadership is talking about it, if leadership is
18 re-enforcing it in all aspects of our business and
19 our conduct in schools and churches, in business
20 centers, then it becomes a part of the norm. If
21 leadership is not talking about it, then people are
22 left to make their own determination. I believe
23 that's extremely important. 2. There must be a

1 national uniform definition of hate crimes. There's
2 no national uniform definition. The State of Ohio
3 has one definition, the State of California has
4 another definition on what it means. So, when I look
5 at a report from the City of Columbus, which I
6 retrieved before I came here, and you know what I saw
7 in that report, that the largest group that were
8 professing hate crimes were African-Americans against
9 white people. Now, my first look at that report said
10 there's a problem with that reporting system, you
11 know, because I know that's not true. I get too many
12 reports coming in my office. But, the police reports
13 said that the group doing the most hate crimes in the
14 City of Columbus are African Americans, and I know
15 there's a problem with that. I know it's a point of
16 interpretation of the police officer on the beat,
17 what type of crime is this? I think we need to do
18 something about that. And we need a comprehensive
19 system for reporting detailed information about each
20 hate crime. We don't get the comprehensive
21 information that we need; was this hate crime
22 manifested by ethnic, racial or was it a personal
23 thing? It had nothing to do with the ethnicity or

1 the color of the individual. We need to get more
2 detailed information on that. 3. That the broader
3 socioeconomic context of hate crimes must be
4 researched in greater detail.

5 I talked earlier about messages. I
6 think messages in the environment in which people
7 operate from the standpoint of legitimacy in one's
8 behavior we overlook. Let's take for an example, I'm
9 from Greenwood, Mississippi and 40 years ago the
10 message that was sent by the county commissioner and
11 the sheriff in LeFlore County, Mississippi is that it
12 was acceptable to kill black folks. 40 years later
13 there's a black sheriff and majority of the county
14 commissioners are African-American and there are a
15 different set of messages that are going out
16 altogether. That's important, that's very important.
17 We continue to overlook that the broader social
18 context in which hate and a hate situation eventually
19 evolves. 4. Law enforcement agencies must be
20 informed and instructed by national, state and local
21 laws to treat hate crimes with as much emphasis as
22 murder and any other crimes. States should be
23 mandated to report these crimes rather than be

1 allowed to do so on a voluntary basis. We have laws,
2 but they are very loosely enforced. They're not a
3 priority to people. You know if I got three murders,
4 one rape, you know what falls at the bottom of the
5 pile in getting any involvement? You know what
6 division you don't want to be in, the violent crimes
7 unit. You don't want to be in that because you want
8 to be on vice, you want to be on bunco, you want to
9 be on something else, SWAT. It's a throw away and we
10 need to change emphasis on that from a legal
11 standpoint.

12 We need to educate the community in
13 open dialogue about the problem. As long as we
14 continue to deny that the problem exists, this
15 problem is not going to go away. Multicultural
16 awareness and educational workshops should be held
17 periodically. Community residents and others should
18 push schools to develop multicultural curriculums. 6.
19 State and local, national governments must develop
20 and implemnt systematic long and short range methods
21 to bring about structural changes that will reduce in
22 equality and social economic conditions. For me,
23 besides the context of the law, that's very

1 important. But, it's much more complicating and
2 probably beyond the jurisdiction of this body, but I
3 think the recommendation needs to be made, it's quite
4 simple, the economic situations which
5 African-Americans find themselves in, America is
6 dictated by and large by racist behavior and
7 discriminatory practices which allows us to end up at
8 the end of the stick with poor housing, with poor
9 education. All this feeds into what I call the
10 broader social context of racism. There are messages
11 that are being sent. Let me give you one of the
12 messages that I think is very detrimental, and people
13 would fight me about that, athletics. I think it's a
14 detrimental message. For the gentlemen and ladies
15 on the Board, on this Commission, how many white
16 cornerbacks are there in the NFL, starting
17 cornerbacks? How many starting white cornerbacks on
18 the NFL? So you don't ramble your brain, there are
19 none. Are there any international white young men
20 who run in the 110 yard dash? No -- who are of some
21 prominence? Now, that's not to say these young men
22 cannot play these positions and not that they can't
23 train themselves to run in the 110 yard dash. Its

1 that we have sent the message and that we have
2 accepted it so much that we made those black
3 positions. Now when you do that, you accept
4 everything else that goes with racism when you do
5 that. And we as African-Americans forget that
6 because we really playing into the trap, we're
7 playing into the trap of stereotypes. There's no
8 starting cornerbacks in the NFL who is other than
9 African-American. Why? Because it's a highly
10 vulnerable position, they don't stay long, and it's a
11 high mortality rate. What does that say? What type
12 of message does that send off to our kids? I think
13 that broader context we really don't understand, we
14 don't make people sensitive about it.

15 I have one other recommendation,
16 actually two other. One, that the office of Civil
17 Rights develop an office on hate crimes and that the
18 Civil Rights Office begin to monitor and file an
19 annual report on hate crimes and do indept analysis
20 at the office of Civil Rights. I don't want the
21 Attorney General's office to do it or HSS. I think
22 it should come from a group of people who are
23 interested in the subject matter and will require the

1 proper resources to get it done. Not saying those
2 other people won't get it done, but I have the belief
3 that the Civil Rights Commission will do that much
4 better. And I think that office needs to be
5 established and on an annual basis it does research
6 to deal with hate crimes covering across all the
7 latitudes.

8 In summary, racism is distastful. By
9 definition, racism means social action or government
10 policy based upon racial, ethnic or religious
11 differences. At a societal level, it is a self
12 fulfilling prophecy that creates a political,
13 economic, social structure which denies equal access
14 and opportunities to out prove members. Results are
15 socially accepted practice where legal or quasi legal
16 forms of segregation or discrimination causes people
17 to react in a negative way or in a positive overtone,
18 depending on their point of view on the subject. In
19 a social gathering people are polite about the
20 subject for we now know and understand it exists. We
21 feel powerless in addressing it, but why? We know
22 how to resolve racism. The question is do we have
23 the will? Floyd Murdaugh in his monumental survey on

1 Race Relations, An American Dilemma predicts a slow
2 improvement in the educational, political and social
3 status of African-Americans. A worsening of economic
4 situation arising, self confidence and assertiveness
5 among African-Americans, and an impending breakdown
6 among whites on formally accepted beliefs and
7 attitudes of white race domination. Murdaugh
8 correctly anticipated increased African-American
9 solidarity and dissention over racial practices among
10 whites and the national movement towards legalitarian
11 reform. However, Murdaugh did not correctly forecast
12 the strong resistance to full equality for
13 African-Americans that will remain after the old
14 system of legalizing segregation had been eliminated.

15 A quarter of a century later, urban
16 uprising of the 60s prompted another major report, a
17 report of the National Advisory Commission on Civil
18 Disorder, the Kerner Report in 1960 also emphasizing
19 the American dilemma of a nation continuing to move
20 towards two societies; one black, one white;
21 separate, but unequal. The Kerner Report emphasized
22 how the legacy of past discrimination in the forms of
23 segregation and poverty had created a black community

1 whose environment was destructive to many of its
2 inhabitants, to a community largely contained by
3 white institutions and condoned by white society.

4 Two decades after the landmark report
5 in the African mags of the upheaval in Los Angeles,
6 we now try to find that desperate, but important
7 changes need to be made. There's a striking
8 resemblance between the descriptions of 1968 and the
9 position of African-Americans today. Black status
10 continues to be derived from the persisting basic
11 condition not yet removed by either private
12 initiatives or national action. And have been taken
13 much less by those repeatedly proposed, but not fully
14 undertaken. Most recently L.A. follows a typical
15 pattern. There's a long overdue sole-searching along
16 with an attempt at political manipulation on a deadly
17 serious issue. On both sides, black and white at
18 each of the incidents, there's a hardening of
19 positions. I would like to describe it as a dance
20 between hope and betrayal. When these incidents
21 occur, there is a sadness and a hope in the
22 African-American community. Hope that leadership
23 will move to solve the problems, and sadness because

1 of the destruction and the death that happens to the
2 African-American community. From the perspective of
3 the African-American in recent history, the dance of
4 hope and betrayal symbolizes the hardening outlook
5 about the potential resolution of the situation.

6 Conversely, in the white community
7 there's generally empathetic reaction, followed by
8 sole-searching, questioning of each other, group
9 discussion in schools, in churches. This is
10 generally followed by a visceral reaction symbolized
11 by the call for law and order. The statement is
12 always made, rioting is not the way to atone or
13 express one's dislike. This issue is bantered back
14 and forth with emotionalism. Then the cycle starts
15 all over again. Then the rioters must be punished
16 because they destroyed property. Second, the Court
17 and the police reaction, and then there's the general
18 community backlash and the denegration of the
19 African-American rioters in the medial. The subject
20 becomes a political issue. The lines are drawn. The
21 white community becomes more hardened. The result is
22 the issue is not addressed in proportion to the
23 seriousness, and in reality, the opportunity is lost.

1 Months after Los Angeles the
2 astonishing disappearance of the event from the
3 public dialogue is a testimony to just how painful
4 and distressing it is to engage in a serious
5 discussion about ending the racial problems of
6 America. Tormented public discussion of race
7 stresses the best of who we are and what we are as a
8 people because if we fail to confront the complexity
9 of the issues in a candid and critical manner. Thank
10 you.

11 I will entertain any questions you may
12 have.

13 CHAIRMAN BATTLE: Thank you, Mr. Gresham.
14 Questions from the Committee?

15 MR. GRESHAM: By the way, I have copies of
16 my presentation for each one of the Commissioners.

17 Thank you. Ms. Frazier?

18 MS. CURTIS-FRAZIER: The Committee is aware
19 that in October the Klu Klux Klan has applied for
20 application to assemble. Can you tell us a little bit
21 more about that and what kind of plans you are aware
22 of that is going on in Columbus to deal with that?

23 MR. GRESHAM: I'm a member of the Human

1 Relations Commission in the City of Columbus and we
2 have appointed a committee chaired by member Reverend
3 Clark, First Church of God. Members include Alan
4 Katchen, myself, Ms. Nichols from the King Center. I
5 can't think of all the other members, but we are
6 planning a counter rally which we are looking for a
7 name for a day of Hope, a day of freedom, and
8 especially freedom which we are going to conduct a
9 counter rally probably at Vince Memorial at the Ohio
10 Center. We are planning to counter their efforts.
11 We are making the special appeal in this case to
12 people around the state and to particularly young
13 people around the state. We remember what happened
14 last time the Klan visited our capitol city and we
15 are trying to fill the void that we know that will
16 happen if someone doesn't take any action. So, we're
17 appealing to young people to come to our event.
18 We're trying to structure our event so it appeals to
19 young people to let them take the energies that they
20 have and use them in a constructive way to deal with
21 the issue of racism and hate groups. That's all I
22 know right now. We're trying to galvanize the white
23 and black community as well as what we call a public

1 statement about positive human relations in the City
2 of Columbus.

3 MS. CURTIS-FRAZIER: Thank you.

4 CHAIRMAN BATTLE: Other questions? Mr. Oya?

5 MR. OYA: You mentioned the need to have
6 uniform definition of hate crimes and also for
7 reporting and for law enforcement officials to be
8 trained on that. We've heard testimony previously
9 from the law enforcement community or two
10 representatives that reporting is honerous as it is
11 just in general, all the forms that they have to fill
12 out and training is a resource issue. What can we do
13 to help them out there because it sounds like if
14 there's legislation, a mandate, you shall do this,
15 it's not going to be met with open arms and smiling
16 faces. What can be done to help the law's
17 enforcement, community understanding the impoprtance
18 of this and incorporate the changes that need to
19 occur to have uniform reporting?

20 MR. GRESHAM: You know, you raise that
21 point. I've had two years of experience with law
22 enforcement community working out at the police
23 academy to develop sensitivity program for police

1 officers, 24 hours. We tried to get them to do that
2 from the Governor's Commission on Socially
3 Disadvantaged Black Males to do that voluntarily. So,
4 I've had going on three years of experience with
5 that, and let me tell you that when we got down to
6 the end, the issue became resources, whether a new
7 officer would have to take 24 hours, and it would be
8 21 hours of inservice for existing officers, and the
9 question of overtime and how they would be paid
10 became a very serious issue. I think it's a red
11 herring. If there are hate crimes as a priority as
12 determined by the chief of police and the safety
13 director in those communities, they already deal
14 with, and if they're not, they will not be dealt
15 with. Those things that are priority from the top
16 will be dealt with. I don't want to hear that if the
17 chief feels that domestic violence against woman is
18 an issue, they will be dealt with. So, when police
19 tell you we don't have enough resources, that's a
20 code word for we don't want to do that. And if you
21 want us to do it, then pay us something extra.

22 Let me point out to you what I pointed
23 out to them. It costs them so much in suits each

1 year for Rodney King type incidents in their
2 communities, it cost them a ton of money because they
3 don't win all of them. If you do these things in the
4 area of sensitivity, first of all, and if you do
5 these things in the area of hate crimes, you reduce
6 the possibilities of that cost to yourself.

7 I also be honest with them, over the
8 long term your cost will appreciably rise in the area
9 of race relations. If you don't begin to form a
10 program to deal with it, it's going to cost you more
11 money. Whether it's the Klu Klux Klans or the Black
12 Panthers, and that's another issue I want to tell
13 this Commission about. I'm telling you
14 African-America is ready for a charismatic, militant
15 leader. A large part of African-America is going to
16 follow him. Now, the only person on the scene right
17 now is Louis Farakhan, but I'm telling you,
18 paramilitary units are being developed all over this
19 country and there will be unified efforts in the
20 future. Now, they're responding to what they
21 consider the onset of circumstances. They are
22 responding to what they consider the lack of
23 government involvement, the lack of the sensitivity

1 on the part of government to their issues. They are
 2 organizing and the one thing I will tell you, they
 3 have read Mein Culp, they know the 7 Principles of
 4 Kumesaba, they know all the history of the Black
 5 Panthers. They know what not to do, which is to
 6 become a public issue of distinction. They
 7 understand the Weathermen, they understand SDS, they
 8 understand Symbalese Liberation Army. They're
 9 learning their history out there and if you thought
 10 that's going away, it hasn't gone away. And the
 11 other factor I want to tell you about it, too, is
 12 technology raises the whole spectrum. The United
 13 Nations Building did not only give ideas to
 14 international terrorist, okay? Don't be naive. It
 15 did not. It gave ideas to domestic terrorists and
 16 people who want to cause havoc within the context of
 17 America. And I wanted to put that on the table
 18 because I get it everyday, and I want to tell you
 19 this point blankly and I want to record this.
 20 They're not going to listen to me because I've -- I
 21 represent an institution that they don't believe
 22 represents them. We work on that, but I'm a part of
 23 the suits generation. They're not going to listen to

0

1 me, they're not going to listen to the NAACP and I
2 hate to say this, they're going to have their own
3 efforts, their own rules, their own ideas and their
4 own beliefs. And I'm going to tell you another
5 thing. The cycle is about to come again. What is
6 it, 30 year cycle? It's about to come again. So,
7 I'm hoping that this Commission, in particular under
8 this administration can begin to save us a lot of
9 problems in the year 2000 and beyond because I think
10 the issue that you're working on is going to be very
11 important. Black folks are not going to turn their
12 cheek in the year 2000. Asians are not going to turn
13 their cheek in the year 2000. Latinos and brown
14 people, they are not going to turn their cheek. And
15 L.A. also pointed out another thing, if you didn't
16 know it, there were selective targeting in L.A.. 53
17 black folks died, but that was different than any
18 riots that we've ever seen before in the history of
19 this country. Now, they don't have a charismatic
20 leader, that was a spontaneous reaction. Give them a
21 charismatic leader and we're going to have a problem.

22 So, bunk on what the police say. They'd
23 better do something about this because if not, it's

1 going to cost them a lot more.

2 CHAIRMAN BATTLE: Other questions? Yes, Ms.
3 Lackland?

4 MS. LACKLAND: Sam, I know the Human
5 Relations Council has just recently established in
6 Columbus, but what role does the police department
7 play on that counsel, if any?

8 MR. GRESHAM: None.

9 MS. LACKLAND: Are they represented?

10 MR. GRESHAM: Safety director is
11 represented, but that in itself cause controversy
12 because we will be reviewing complaints with that
13 department. So, part of the community thought that
14 would be having the fox in with the hens. The mayor
15 appointed him ex-officio at the last part, but
16 there's a great deal of liaison with them, and I
17 suspect in the City of Columbus. For those who don't
18 know, the City of Columbus did not have a
19 comprehensive affirmative action plan in government
20 whatsoever. One of my missions on the Human Rights
21 Commission, Human Relations Commission is to put such
22 in place. So, I think we're going to have a lot of
23 interaction with the Columbus Police Department. And

1 just to add fuel to that issue that you raised, the
2 City of Columbus is now talking about privatizing
3 it's refuse collection. And you know three percent
4 of the employees in refuse collection are who,
5 African-Americans. So, it's really set up a whole
6 series of issues with the City of Columbus. And they
7 do have a \$34 million projected deficit for the year,
8 so the City of Columbus is going to be facing a whole
9 series of problems; police being one of many. The
10 fire department, too. If you don't know, it was
11 reported not recently of a practice of people buying
12 people out. Had you heard of that practice? For the
13 rest of the Commission members, if you were on a list
14 to be promoted and say you were number two and I was
15 number -- say you were number one and I was number
16 two. I could go down to the bank, make a withdrawal
17 and buy you out. That means you withdraw from being
18 number one on the list and then I automatically move
19 up. We didn't even -- the black folks didn't even
20 know such a practice existed, but people were buying
21 people out on the list. I think that's a serious
22 problem. City attorney says that it's legal, but
23 given the seniority that exists and given previous

1 opression, black folks are where on the list? We'd
2 have to spend millions of dollars to buy people out
3 in order to get promotions. So, I think what you're
4 saying the service director of the City of Columbus
5 are going to be facing a lot of issues and the police
6 department is not yet at a point where it should be.

7 MS. LACKLAND: I guess one of the things
8 that concerned me the last couple of days we've heard
9 a lot of testimony about the critical role that the
10 police department on the local and state level should
11 be playing and in dealing with hate crimes and yet
12 you heard such contrary information about the role
13 they're playing and, in fact, I keep thinking about
14 the Lutesville incident where security guards are
15 openly members of the Aryian Brothers and other hate
16 groups and I don't know, it seems to be a thread.

17 MR. GRESHAM: You know something, we have
18 amnesia, historic amnesia. I did a t.v. show proram
19 not too long ago and I said to people, we have
20 historical amnesia is we don't learn and remember the
21 painful things that went before us. We don't,
22 historically, African Americans did not start
23 enjoying the vestiges of freedom in America until

1 1964 and in real cases, it took until 1974 to
2 actualize what the 1964 Civil Rights Bill, public
3 accommodation and all that did. If you do the math
4 on that, from '64 to now, that's less than 30 years.
5 So, what we're asking people to do is make between
6 1619 and 1964 is 385 years, we're asking them to
7 forget 385 years in 30 years, and the attitude,
8 behaviors, information systems. It's not going to
9 happen all of a sudden. We are at a point where in
10 America everything says we should be equal, bunk.
11 It's only been 30 years and in some cases it's only
12 been 20 years. How in the heck can we be equal? How
13 do we get rid of all these institutionalized
14 practices, attitudes and behaviors all of a sudden?
15 Now we're supposed to come up to the starting line
16 and run a race fairly? Bunk. Can't be done, too
17 many landmines in the track, too many behaviors, too
18 many attitudes. Simply cannot be done. Police
19 department, Columbus police department. We didn't
20 start to get on the police department until 1979, am
21 I correct? Not until then. That's less than 15
22 years. So, there's not a lot of history therein which
23 people are involved with. We assume that police

1 officers. They have their own biases, they have their
2 own weaknesses in the police department? My view is
3 that a police officer cannot be on the police
4 department unless he or she holds a bachelor's degree
5 in sociology. That would be my rule. Now, we get a
6 different police department then, wouldn't we?
7 How -- what you do is you see the movies on homicide,
8 that's the last thing that people do on the police
9 department. The primary thing that they do is
10 domestic runs. So, why are you accepting somebody who
11 you spend more time on shooting guns and finger
12 printing and you spend the least amount of time on
13 the thing that they do the most of which is domestic
14 runs, breaking up a family fight, breaking up wife
15 and husband fights. They spend the least amount of
16 time on that. Why? Because it doesn't appeal to
17 those people in high school. The position would not
18 appeal to certain people unless it had all those
19 caveats; the gun, the power, the intrigue. But, if I
20 say you must have a bachelor's degree in sociology,
21 I'd get an entirely different type of person,
22 different type of police force. I think that's one
23 of the problem we are battling today is what is the

1 purpose of police for? The police force is to
2 maintain order, not to kill people. How you maintain
3 order in England is entirely different than in the
4 United States. As you know, in England they don't
5 even have guns. Why can they get away with it for
6 all these years and we can't? Well, we have too many
7 guns. I don't want to get into that debate, but
8 fundamentally, what I'm saying is police departments
9 still have their racist attitude and behavior and we
10 still, if you assume that they aren't, you're crazy.
11 And what we still need to be doing is working on
12 changing them. Remember in Columbus it's only been
13 since 1979 and how did that happen? Because
14 African-Americans sued them and they're still
15 fighting them on that. So, police departments are
16 the last bastion of hope in reality on hate crimes
17 because a lot of their people are sympathetic to the
18 hate crime perpetrators. I don't want to say make it
19 a sweeping generalization about police officers, but
20 I think my anecdotal information and my actual facts
21 can support it. It's not pulled out of the air,
22 okay, because of the personalities on the police
23 department and there are black police officers who

1 are just as racist as white people and they're on the
 2 police department, too, all right? As my friend
 3 Patrick Bucannon said the other night, I watched
 4 Crossfire and as he talked to someone about the
 5 police issue, he said they are the last line and I
 6 also ask the last line for who, okay? And that's how
 7 people see them as the last line between the venom
 8 and the ignorance and the death out there, and my
 9 nice, safe neighborhood. Interesting view.

10 CHAIRMAN BATTLEKE: Other questions? One
 11 question that I have, Mr. Gresham, and it concerns
 12 the role of not only the Columbus Urban League, but a
 13 community based organization in general that whose
 14 focus is on helping the community and people you
 15 mentioned in your recommendation that you saw the
 16 U.S. Commission having a role in perhaps dedicating a
 17 certain group to hate crimes. What do you feel the
 18 role of a community-based organization such as the
 19 Urban League and othes has and could come to in this
 20 same issue?

21 MR. GRESHAM: I think two things I want to
 22 point out. The main line civil rights organization
 23 in America are going through a change. They're going

1 through a transition now. I've been in the Urban
2 League for seven years. There are 113 affiliates,
3 the quarter century club which is the group of men
4 and women who have been in there for 25 years or more
5 is now down to seven people. The organization is
6 changing. Fundamentally what that answer is there's
7 going to be a shake out period in the NAACP as it's
8 going thru with Ben Chavis there now, they're going
9 through the shake out shortly. They'll probably be a
10 transition in the National Urban League and then
11 they'll be a shake out. But what I think will come
12 out of it is much more professional individuals
13 leading volunteer organizations and non profit
14 organizations. I think what you will see is the
15 evolution of accepting responsibility for identifying
16 these types of crimes within the context of our
17 community more readily. I was embarassed to ask my
18 director for the central leadership when I was
19 preparing my letter to call ADL to give me some
20 information and I said, Goddamn it, that's it, I'm
21 not calling ADL any more. We're going to find a way
22 to report, to retrieve this information ourselves.
23 Historically ADL has done a good job, but ADL in

1 itself is going to attract a certain type of people.
2 A lot of black folks aren't going to go to ADL. A
3 lot of black folks aren't going to come from Urban
4 League and NAACP. In reality, we as an agency
5 haven't said we want to hear that. We haven't said
6 come bring us information, we're compiling this data.
7 Most of those organizations, particularly Urban
8 League, has moved away from race relations and has
9 moved more into job training. You're going to see
10 the Urban League move back to race relations more so
11 because I think it's the centerpiece of the year
12 2000. John Jacobs was at the national convention was
13 saying don't get mad, get organized, don't get mad,
14 get organized. And I think you're going to see that
15 as a buzz word. We are organized. We are spending a
16 lot of time organizing. What used to be our forte in
17 our community has become our weakness. We have
18 become what I call Hollywood civil rights leaders.
19 We do everything by fax machine and cellular
20 telephone and we fly in to Little Rock for a
21 demonstration, then we fly down to Jackson,
22 Mississippi for another demonstration. That's not
23 how it's done. You've got to rub elbows with people.

1 You've got to work with people. You've got to get
2 dirty. You've got to get out of that. I think
3 you're going to see a heck of a lot more of that.
4 Hollywood is gone. I think you're going to see a new
5 brand of leader in these institutions. In a short
6 way of answering your question, we have to take more
7 responsibility for the subject ourselves. We have to
8 educate our people to the vestiges of racism. Black
9 kids don't know enough. There are black adults that
10 sometimes don't even know when they're being
11 discriminated against. They really don't. They just
12 accept what people are doing to them. I give you an
13 example. We were with some young people and we were
14 in a restaurant and we said we should get certain
15 types of service, and the person who said, that's
16 young, no, don't ask for that. Why can't you, you're
17 paying for it? And that upset us that this person
18 didn't insist on that. We've got a lot of work to
19 do. We assume things were passed on to our kids and
20 through our institutions, but they haven't. The
21 Urban League and NAACP has a lot of work to do
22 because there's a large part of the community has no
23 relationship to it whatsoever because they don't

1 think they deal with this issue and race is their
2 issue. If you want to get a good conversation
3 started in a beauty shop and barber shop and start
4 talking about race in the black community, everybody
5 wants to talk about it because everybody has a story.
6 So, in essence, we're going to have to change our
7 position or we're not going to continue to enjoy the
8 support from the black community.

9 One more thing, I'll predict the
10 National Urban League will lead demonstrations in the
11 1990s. If you didn't know it, the National Urban
12 League has never organized a demonstration against
13 anything. It has been CORE and it has been the NAACP
14 in the '90s and next year the Urban League will be
15 organizing demonstrations. You will see a different
16 type of organization.

17 CHAIRMAN BATTLE: I do remember from the
18 Urban League conference recently that John Jacobs
19 mentioned that the Urban League would be a major
20 player in the August 29th re-enactment on the March
21 on Washington. So, I guess your prediction is going
22 to come true very quickly. But, you were speaking, I
23 think, of cities across the country where the Urban

1 League will be the player in pulling that type of
2 thing off.

3 Are there other questions for Mr.
4 Gresham? Thank you very much. We appreciate your
5 testimony.

6 (A brief recess was taken.)

7 CHAIRMAN BATTLE: We have moved into the
8 area of public comment. I'd like to invite Mr. Oya,
9 a member of our committee, to address the issue of
10 hate crimes against the Asian Americans in the
11 Cincinnati area.

12 KENNETH D. OYA

13 I have nothing formal prepared to just
14 to say I was in contact with various people within
15 the Cincinnati area asking them specifically about
16 crimes of violence against Asians in this context of
17 hate crimes and I got pretty much a negative response
18 saying that we've been fortunate. There's been no
19 overt actions of violence against the Asian American
20 community. There are comments that yes, name calling,
21 slurs, things like that, but nothing I would classify
22 in the hate crimes area. It could be a combination
23 of things. One, as you're probably aware, the

1 population of Asian Americans in the State of Ohio is
2 small in this community. We've got Hamilton County,
3 one percent or less of population is Asian American;
4 so small numbers themselves. And the other is the
5 Asian community, I believe, is not well-organized in
6 information passing among the different
7 organizations. Chinese American organizations, we've
8 got Japanese American Citizens League which I'm a
9 part of, and various organizations. So, I think one
10 of the things that the Asian Community here needs to
11 look at is more networking on order to gather this
12 type of information reporting. But, again, so far I
13 think we've been lucky in this area.

14 CHAIRMAN BATTLE: Thank you very much. Any
15 questions for Mr. Oya?

16 We are now in that period for hearing
17 the public and we have one member of the public in
18 the room and that's Mr. Obie Mitchell. if he would
19 like to add something or testify, you're certainly
20 welcome to do that. Would you identify yourself and
21 your affiliation?

22 OBIE MITCHELL

23 Obie Mitchell. I'm a news reporter and

1 producer with WIZF radio. But let me state that the
2 comments I'm about to make are strictly for my own
3 observations as reporter and not those of WIZF radio
4 or any other affiliation or organization that I'm
5 associated with. Basically I would like to make
6 these points. When we are talking about hate crimes,
7 we have to talk about from the perspective of who is
8 reporting the hate crimes and who is acting upon the
9 hate crimes. Here in Cincinnati the predominant
10 people who are reporting the hate crimes are going to
11 be the African-American. They're going to be the
12 minority groups, however you classify them. But the
13 people who are going to be acting on the hate crimes
14 and, of course, again, the hate crimes aren't going
15 to be those people. It's going to be predominantly
16 white male oriented people. The police force and I
17 think the fact that we have to have consent decrees
18 to put more minorities in a police force states the
19 fact that who is going to be reporting on those
20 crimes, those same policemen don't come from the same
21 area where the crimes are being perpetrated. You're
22 not going to have a white police officer from the
23 west end, even a white police officer who is from

1 Price Hill, coming from lower Price Hill, coming from
2 upper Price Hill where a hate crime is even committed
3 against a poor white person has an attitude is not
4 the same. Therefore, he's going to only report an
5 issue based on his perspective, and generally to
6 protect his own. I think a classic example of that
7 is the Rodney King case. The police officer is not
8 just the 4 who directly were originally tried, but
9 the entire 12 that were in a circle watching the
10 incident take place. We are not from the south
11 central L.A. area. They were from the area which the
12 jury actually made the first decision on them. They
13 were neighbors. Those policemen from their
14 perspective did what their neighbors probably
15 expected them to do, and that's not the
16 generalization, that's just a reality. People
17 protect their own. Police are going to protect their
18 own. If a person perpetuated a hate crime and he's
19 from the same community, not even the same community,
20 but from the same economic class, the same status,
21 he's going to get preferential treatment. A case in
22 point, when I observed an incident in lower Price
23 Hill, an African American was attempting to commit

1 suicide. The third district police in that area,
 2 treatment of the neighborhood children who were all
 3 white, the police were white, the children were
 4 white, but the kids were from lower Price Hill. In
 5 response to the kids, they didn't just tell the kids
 6 to get away, they were very bitter with the kids, get
 7 out of here little runt. That type of attitude tells
 8 you automatically that even in dealing with just a
 9 simple domestic crime, their attitude to their own
 10 because of a socioeconomic class, that's not the
 11 same. They do treat their own people better.

12 Another example I would like to state
 13 when I was a news reporter with a new record,
 14 University of Cincinnati student newspaper, I had the
 15 chance to go on patrol with a UC Police Officer. and
 16 I observed two separate incidents. I observed two
 17 separate incidents. I observed one incident where
 18 the officer had come across an African American
 19 driving his car who's right front light were out. At
 20 first he stopped the car to tell the kid, okay, your
 21 front light is out. Maybe I can help you with it.
 22 They opened the trunk and he got the light on. But,
 23 he went through that which is mandatory, checked the

1 kid's license because you're stopping him for a
 2 violation. He never gave the kid a ticket for a
 3 violation. Then he checked the kid's license and in
 4 calling in the license the dispatcher called back
 5 that a kid with the same name and the same license
 6 was reported having committed a crime and not showing
 7 up on a warrant. The dispatcher described the kid as
 8 5'8", 185 pounds. The kid with the car without the
 9 light was 6'3", 235 some pounds. Now, that's a big
 10 discrepancy. But the officer went ahead and called
 11 in this other fellow officer, checked the car and
 12 made the arrest and took the kid down to Hamilton
 13 County Justice Center. I asked the officer why did
 14 you do this? He said, well, even though the sizes
 15 are different, when you're describing people, people
 16 don't know exact height and variances. I said, well,
 17 okay, you did everything by the numbers. When we
 18 came back and finished the patrol, he then stopped a
 19 white kid who had been carrying a can of beer. He
 20 told the kid, okay, I'm not going to arrest you, I
 21 just want you to put the beer away. The kid became
 22 belligerent and said you don't know who my father was
 23 and so forth. The kid was belligerent three separate

1 statements and at no time did the officer follow the
2 line. I'm going to arrest you. I'm going to check
3 your license. I'm going to run down the book. He
4 stuck it out with this white kid until the white kid
5 poured the beer out. There's a different perspective.
6 Black kids with the car was driving what we call a
7 hopity. It was an old 1972 Cadillac. Okay, the
8 white kid is walking with the beer, he didn't even
9 check his background or anything, he just said throw
10 away the beer and the kid was belligerent with him
11 three times. Technically that officer by law has to
12 take that kid and say you're challenging my
13 authority, I have to take you down to the Hamilton
14 Justice Center for being obstinate to authority, and
15 that didn't take place. Now, as innocent as this
16 officer may seem, that officer will tell you he's not
17 a racist. He's right, he's not a racist, he's not
18 even prejudice, but his perception of how to handle
19 two different people vary and affect how he handles
20 that because now can you imagine that same officer
21 who is innocent now has to do a report on a hate
22 crime with the same people, and you've just been told
23 by the gay, lesbian group that most perpetrators of

1 gays are middle class people between 16 and 25. Is
 2 he going to be more lenient with a kid between 16 and
 3 25? Is he going to be more harder on a black kid
 4 that beat up Denny because he drove through a black
 5 neighborhood at the wrong time and that's what you're
 6 going to be -- to have to take into account, what are
 7 the people who are going to handle these cases going
 8 to be thinking? Just to leave that on the table.

9 CHAIRMAN BATTLE: Thank you, Mr. Mitchell.
 10 Any questions for Mr. Mitchell?

11 MR. OYA: Unrelated to your testimony, but
 12 we've heard past testimony about how the media can
 13 contribute to hate crimes. The portrayal -- do you
 14 have any statements or comments on that?

15 MR. MITCHELL: Well, actually I agreed with
 16 Arzell Nelson on several issues of when we talk about
 17 media and particularly advertisers. Advertisers
 18 don't care what's racist or what isn't racist. They
 19 care how do they get paid. For example, McDonald's
 20 runs a whole series of commercials on black kids
 21 rapping, you know, and that's not to say that that's
 22 all they do. They have shown one positive commercial
 23 where the black kids come into the system and gets

1 promoted. But, even today I saw a commercial by
2 Burger King where they took clips of Shaft, they took
3 clips of Shaft to promote, you know, the selling of
4 their food products. And there's a pattern here
5 because you have to look back, Shaft was a movie,
6 Superfly was a movie during the black exploitation
7 days. Ask anybody who back them, they'll tell you
8 they feel those movies were probably exploitive
9 movies of that time. If that commercial is shown,
10 what does that commercial say? Now, in 1992 are we
11 going back to that same attitude of how we perceive
12 blacks, the Daddy Mac, the Mac Daddies? You see what
13 I'm saying? I think also in the media we have to
14 look at how the news media uses words to define cases
15 or situations that they're covering. For example,
16 the phenomenon of the term I call black on black
17 crime, okay. It's not a secret, blacks have
18 committed crimes against blacks, but nobody ever says
19 in the media, white on white crime when a Senator
20 embezzles money from a savings and loan corporation
21 across this nation. No one says white on white
22 crime. Let's face it, most people who save this
23 money are white people, and this is a white male.

1 But, we always say black on black crime.

2 The reality is crimes are committed by
3 proximity. Black people live amongst black people.
4 They don't go to Indian Hills to go hit somebody
5 because nobody in Indian Hills is immediately
6 accessible to you. Your wife, who's cussed you out
7 feels the pressure, you take that home and you do it
8 on your wife. It's not because you're black, it's
9 because you're oppressed. Crime's proximity to
10 crime. Crimes are not racial.

11 Another term that we often use is
12 endangered male species. That's been very popular.
13 Black male is endangered and obsolete. Let's look at
14 the reality of that term. If we are endangered, I
15 mean, do you make a law for just black males to help
16 them survive or isn't it true that if black males are
17 endangered, isn't the black community at danger
18 because it takes two to perpetuate a group of people.
19 Okay, but no one ever says endangered white males.
20 The fact of the matter is, if we're endangered and if
21 we're obsolete, what do you do with a people that are
22 obsolete. Do you pay to warehouse them? Do you pay
23 to destroy them, or eliminate them? Those terms

1 become indoctrinated into the overall society. If
2 I'm perceived by the overall society, why should the
3 society, the mainstream society hire a black male?
4 You're endangered, you're extinct, and your obsolete.
5 I don't need you. You see what I'm saying? Those
6 type of terms when pronounced by the media have a
7 mental effect which justifies hate crimes and other
8 forms of institutionalized racism.

9 CHAIRMAN BATTLE: Thank you very much, Mr.
10 Mitchell.

11 MR. MITCHELL: Thank you.

12 CHAIRMAN BATTLE: Would you state your full
13 name and spell your last name for us, please, for the
14 record?

15 MAGED DABDOUB

16 My name is Maged Dabdoub. I'm the
17 president of the Arab American Association in
18 Cincinnati and also today I'm the spokesman for the
19 American Arab Anti Discrimination Committee. I'm
20 also president of the Interactive Councils on Greater
21 Cincinnati. Today I'd like to speak to you about the
22 harrassments of Arab Americans in Cincinnati in
23 general, and the Arab Americans all over the United

1 States. And the fact is the Arab Americans, of
2 course they came from different countries, from 22
3 arab countries. They came to this country, we were
4 not forced to come to this country. It was our
5 choice and we became citizens of this country. And
6 when we became citizens of this country, I thought we
7 going to be treated the same like everybody else.
8 But the more I think about it, the more it becomes
9 clear that we're not treated like citizens who were
10 born here, but like a second or third class citizen.
11 And if you go back to 1990 when the Gulf War started,
12 this is when we start to notice difference, not just
13 from the people, the people that we would deal with.
14 What you said today in the paper is ignorance, but
15 from the law enforcement officers and the statements
16 they made publicly that created troubles for the
17 Arabs in the United States in general statements by
18 the FBI. The police officers state, for example, that
19 they are capable of arresting five thousand Arabs and
20 putting them in prison, giving the impression for the
21 average American that the Arabs are tourists.

22 Another issue you have to look at like
23 the latest issue back in February of this year, the

1 Trade Center in New York. You read in the paper an
2 Arab, a Muslim, but if a Jew committed the same -- I
3 mean, these people that didn't even commit, they are
4 still under investigation. They haven't been
5 prosecuted. They are still investigating. But, they
6 already labeled them as Arab Muslims. We don't read
7 in the paper like David Koresch in Texas, that
8 incident, we didn't see in the paper, a Christian.
9 And if a Jew, the same thing would say a Jew. But
10 when it comes to Arabs and Muslims, we get labeled.
11 Not just by the media, also by the FBI. A couple of
12 years ago the INS, Immigration and Naturalization
13 Service, they showed on t.v., on 60 Minutes they have
14 plans to put eight thousand Arabs in L.A. prison in
15 case of any terrorist activity in this country. Now,
16 I thought the Japanese's experience was a good
17 experience for this country, but I think it was not.

18 You know, for me when I came to this
19 country, I came when I was 21. I've been in the
20 country for the last fifteen years. The day when I
21 came to this country, I was harassed and he was asked
22 to go back home. And I kept telling people I came
23 because I wanted to and nobody's forcing me. And

1 it's a daily struggle for us to me. I got used to
2 it. It doesn't bother me anymore. I don't go around
3 and hide myself. I'm proud of who I am. I'm proud
4 I'm an Arab American. I'm proud I'm a Muslim and I
5 could handle myself. But the problem we're having is
6 with our children who were born in this country, and
7 in my case my wife, she was born in Cincinnati.
8 She's American, but my children, during the Gulf War,
9 my son at school, 5th grade, he was asked to go back
10 home to his country. He came home and he told me,
11 Dad, I was born in this country. I'm an American.
12 Where am I supposed to go? Back in 1991 we did have
13 the 1,000 harassments for the Arabs. The students at
14 the university, the University of Cincinnati, a
15 university, they were harassed, damaging cars for a
16 couple of professors at the University of Cincinnati,
17 and an Iraqi, his apartment was, people came to his
18 apartment and they damaged all his belonging and they
19 took all his money and they even took his passport.
20 Children at school were harassed because of their
21 names. Restaurant owners, they were harassed because
22 of their origin. The Mosque, we have a Mosque here.
23 They burned the trash in the Mosque on the outside.

1 In other cities they had bombings, death threats over
2 the phone. Arab Americans in general back in 1989
3 they were happy when the president proclaimed October
4 25th as Arab American Day with all the achievements
5 we have done to this country. But, then we're
6 talking about the reality here, announcements by the
7 law enforcement. Isn't it really ignorance or is it
8 intentional? It's very hard for me to think of it as
9 ignorance. Back in 1991 when the Gulf War started, I
10 asked the FBI and the law enforcement and the media
11 and the mayor to come to a meeting with our community
12 to meet our community, and they did come and I
13 remember clearly an FBI agent said I would treat nice
14 an Arab. See, I didn't know there's a Mosque in
15 Cincinnati and it's very hard for me to understand
16 and accept it. and the week before that an
17 announcement by the FBI was against the Arabs which
18 promoted phone calls we got, and the title we got
19 from the people. The radio stations, talk shows,
20 WCTY, if you heard about it, if you heard it. I sent
21 letters to the director there, the managers of the
22 station. They were promoting the hatred and racism
23 against Arabs and, of course, people get their

1 information either from the radio, t.v. or the
2 newspaper. Our community, by the way, we have 3,400
3 Arabs in the Cincinnati area and we start questioning
4 whether we are really accepted as mainstream
5 Americans. But, as I said before, the hardest thing
6 on us is our children. They start questioning that.

7 Now, what can we do to govern future
8 incidents. I agree with you, Mr. Chairman, that
9 education, but I think need to go farther than that.
10 Education has to start at the school, the levels. In
11 my case, I'm doing my part. I'm going to every
12 school I can get into for the last three years
13 speaking about diversity and the city where I work.
14 I'm participating in the panel discussions to talk
15 about diversity in different cultures. But, I think
16 we have to start with the children. Our children at
17 the schools from kindergarten to testify then that
18 it's okay to be different. It's okay to be an Arab
19 from a different background. And this is what makes
20 this country great. The education, also we need to
21 educate the public, the media, their ignorance, the
22 law enforcement officials. They're ignorant. I had
23 a meeting with Hamilton County Sheriff's a couple of

1 weeks ago and I couldn't believe what they told me.
2 I met two of the chiefs and they are supposed to be
3 educated. They're not. I think regular meetings
4 with the media and law enforcement should be done.
5 Now, statements by the FBI in today's paper, they
6 said they are taking diversity courses. It sounds
7 grand, but is it really going to make a difference?
8 No. Who is giving these courses, Americans. Who was
9 born in the country they have to meet, Arabs. They
10 have to meet people with different accents. When I
11 talk to these chiefs a couple of weeks ago, they
12 didn't understand me. They thought I'm speaking
13 Arabic. They have to meet us and talk to us. I
14 speak, I thought I speak proper English. The chief
15 from Loveland, the City of Loveland, I asked him the
16 question three times. He didn't understand me. He
17 said, what are you talking about? I don't understand
18 you. Now, how is he going to handle dealing with
19 foreigners? I'm an American citizen. I'm proud of
20 it. Now, when it becomes like that, I start
21 questioning do they really look at me as a citizen
22 with a full benefits? Now, the Trade Center, it's
23 created a lot of problems for us as Arabs in general

1 and the people are not convicted yet, but still you
 2 look in the media, in the paper, t.v., radio, the
 3 Arabs and it has a bad affect on us. And, also the
 4 third one, people need to be reminded of the laws of
 5 this country, that everybody has the same rights,
 6 people are ignorant that it has to be -- they have to
 7 be reminded all the time. We had an incident in
 8 Cincinnati a couple of months ago and Arab -- by
 9 accident he was followed by a couple of people and he
 10 tried to run away in his car and two ladies were
 11 fighting in the street and he hit both of them and
 12 they arrested him and they put him in prison. The
 13 prosecutor, his last statement to court said this
 14 guy, this Arab attacked these women. It was an
 15 accident, and he claimed that he did it because he's
 16 an Arab, he's a Muslim, and this Arab and Muslims do
 17 not like women and they do not respect their wives.
 18 I can't believe the judge would allow such a
 19 statement. That statement is a racist statement in
 20 the court, but the fact it comes down to is ignorance
 21 and nobody is going to stop them. I think I have
 22 enough. I'm willing to answer any questions.

23 CHAIRMAN BATTLE: Thank you, Mr. Dabdoub.

1 Are there any questions from Committee members? Mr.
2 Leventhal?

3 MR. LEVENTHAL: I read in the paper I saw
4 the movie Aladdin and then, of course, there were
5 many negative stereotypes for Arabs and Muslims in
6 the movie, but then later on I read that I think it
7 was the Arab Anti Discrimination Committee, that
8 prevailed upon Hollywood to change some of these
9 negative stereotypes; whether it was in the home
10 movie or not I don't know. But it's at least a step
11 in the right direction when some sort of force can be
12 used to try to minimize or eliminate negative
13 stereotypes. Are you familiar with Aladdin and with
14 what happened in the Arab community?

15 MR. DABDOUB: Yes, the American Arab Anti
16 Discrimination Committee, which is an organization
17 that 20,000 members have been very active to change
18 this, but it's a hard war and it takes -- I mean, you
19 cannot change things within a year or two. I mean,
20 this anti Arab movies and media attacks has been
21 going on since 1914, 1920 when they start making
22 movies and until now. We have more than four hundred
23 movies which puts the Arabs down. Now, nobody, I

1 mean the ADC is trying to stop it and we are trying
2 very hard to write articles in the paper to speak out
3 to people; and hopefully, we can change the
4 mentality. But I, as I said, but we need the help
5 also from the law enforcement from the government to
6 keep reminding people that these Arabs who are here,
7 they have the same rights now. I haven't read
8 anywhere in the paper about the accomplishment of the
9 Arabs in this country. I haven't read anywhere in
10 the paper about the famous Arabs in this country and
11 what they have achieved. I mean, we have
12 congressmen, we have doctors, we have lawyers,
13 engineers all over and politicians. Everybody knows
14 who the Arabs are. But nobody's mentioning that.
15 They don't look at the good side of it. But it's
16 always been a bad side of it that has been published
17 in the paper. And the law enforcement, the
18 government, they cannot do anything. But I
19 understand they cannot monitor everything, but keep
20 reminding people that it is against the law, it would
21 help us and it will help in the future generation. I
22 mean right now my son, he's 11 years old. He's not
23 sure is he American or is he an Arab? Does he really

1 want to stay in this country or does he want to go
2 back home? I mean he was born in the country, but
3 sometimes he starts questioning am I a U.S. citizen?
4 I mean, even when I go to Canada, I have relatives in
5 Canada. When I come back to the United States,
6 immigration officers they question me, prove to us
7 that you're a U.S. citizen. Now, there's nothing in
8 the law. The only thing they gave me when I became a
9 U.S. citizen is a certificate. I cannot copy, I
10 cannot carry around and there's nothing in the law
11 that says a U.S. citizen must have U.S. passport to
12 travel back and forth to Canada. There's nothing and
13 we don't have anything I'd have to carry to say we
14 are a U.S. citizen. What am I supposed to do? Yes,
15 I do have my passport, but it's their job to verify.
16 I could give my social security number. They have
17 computers, they could verify whether I'm U.S. citizen
18 or not. But everytime I go to Canada and come back,
19 I get harassed at the border and they ask me
20 questions, how did you get your citizenship? What
21 difference does it make to him how I got my
22 citizenship? I got my citizenship. What difference
23 does it make? And they start questioning me then.

1 Now, this is why, you know, my wife she's from
2 Cincinnati. They don't ask her these questions. My
3 father in law is from Cincinnati, he doesn't have
4 anything. The only thing he has is driver's license.
5 They don't question him how did you become a U.S.
6 citizen? They judge us based on I have dark
7 mustache, dark hair. You're not an American. I
8 mean, these things should be stopped. When we're
9 talking about education, these law enforcement
10 officers, they need to be educated. They have to get
11 back to these people and talk to them and listen to
12 some of these facts, this might help, it might be
13 good for them to hear this.

14 CHAIRMAN BATTLE: Any other questions?
15 Other questions? Thank you for being here.

16 MR. DABDOUB: Thank you very much, and good
17 luck on your hard job.

18 CHAIRMAN BATTLE: Thank you.

19 In closing, I just like to open it up
20 to any committee members that might have any closing
21 statements to make. Our next step in the process
22 will be, as Peter mentioned, to begin with we'll get
23 a copy of the transcript when the session in

1 Cleveland is completed within about 30 days or so,
 2 and we would want you to take a lot of care to look
 3 at the transcript. Use that as an opportunity to
 4 insert your own impressions of what you heard, your
 5 opinions about where we go from here, conclusions
 6 that might be particularly important to you as you
 7 look at the transcript and get those back to Peter
 8 and Connie as quickly as possible so that we can get
 9 the kind of turnaround on our project that our region
 10 is known for and be able to put a wrap on it by,
 11 well, I think at the end of about five months. So
 12 that the final product can be digested and sent over
 13 to Washington in a timely manner for the
 14 Commissioners to decide if there are any questions.

15 When you get the transcript, certainly
 16 contact Peter or Connie right away. Certainly
 17 contact me and I'm available also just to kind of
 18 bounce some ideas off of perhaps if you have perhaps
 19 a different impression of what was said or what you
 20 thought was intended by some of the testimony. I'd
 21 be happy to have some conversation around you
 22 offering my opinion for what that might be worth.
 23 But, I appreciate your attendance. We've had two good

1 days of hearings, I believe, and after we finish next
2 week at this time in Cleveland, we'll have the
3 makings for a dynamic piece that I think will serve
4 the country well.

5 Thank you.

6 MS. RAMOS: Lynn, I just want to make sure
7 that the record reflects that I left yesterday during
8 the one case that was in hearing.

9 CHAIRMAN BATTLE: Yes, I think Vernita
10 probably can find that back in the record of the
11 transcript that Grace Ramos did leave at the
12 beginning of the testimony from, I believe it was --

13 MS. RAMOS: Loretta West or something.

14 CHAIRMAN BATTLE: Laurie Lewis, in her
15 testimony about an employment related issue that
16 might have ramifications for further investigation
17 with the Ohio Civil Rights Commission.

18 Any other comments? This hearing
19 stands adjourned. Thank you.

20 (The hearing was adjourned at 12:10 p.m..)
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C E R T I F I C A T I O N

I, VERNITA HALSELL-POWELL, a Certified Shorthand Reporter and Notary Public within and for the County of Cook, State of Illinois, hereby certify that I reported in shorthand the testimony given at the above entitled cause, and state that this is a true and accurate transcription of my shorthand notes so taken as aforesaid.

Notary Public, Cook County, Illinois