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BEFORE THE
UNITED STATES COMMISSION
ON
CIVIL RIGHTS

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IN THE MATTER OF: /
OHIO ADVISORY COMMITTEE /
FACTFINDING MEETING ON /
HATE CRIME IN OHIO /
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REPORT OF PROCEEDINGS taken before Mr.
Lynwood Battle, Chairman of the Ohio Advisory
Committee of the U.S. Commission on Civil Rights,
commencing on the 19th day of August, A.D., 1993 at
the Holiday Inn Lakeside City Center, 1111 Lakeside
Avenue, Cleveland, Ohio, at approximately 9:00 a.m.

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PRESENT:

CHAIRMAN

MR. LYNWOOD BATTLE

MEMBERS:

MS. SALLY POWLESS

MS. ROBERTA PRESLEY

MS. BARBARA RODEMEYER

MR. RAY LEVENTHAL

MS. VIRGINIA ORTEGA

MR. BRADFORD WILSON

ALSO PRESENT:

MR. PETER MINARIK

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42	CHAIRMAN BATTLE: Good morning. This	

1 meeting of the Ohio Advisory Committee to the U.S.
2 Commission on Civil Rights will come to order. For
3 the benefit of those in our audience, I'll introduce
4 myself and my colleagues. My name is Lynwood Battle,
5 and I'm the Chairperson of the Advisory Committee.
6 Members of the Committee who are here with me this
7 morning are from my right, Sally Powless, Roberta
8 Presley, Barbara Rodemeyer, Ray Leventhal, Virginia
9 Ortega and Bradford Wilson.

10 In addition, we have our analyst from
11 Chicago, Peter Minarik and the Chicago Regional
12 Office is managed by the Regional Director, Constance
13 Davis. We're here to conduct a factfinding meeting
14 for the purpose of gathering information on hate
15 crime in Ohio. The jurisdiction of the Commission
16 includes discrimination or the denial of equal
17 protection of the laws because of race, color,
18 religion, sex, age, disability or national origin.
19 Information which relates to the topic of the forum
20 will be especially helpful to the Advisory Committee.
21 The proceedings of this meeting, which are being
22 recorded by Vernetta Halsell, a public stenographer,
23 will be sent to the Commission for its advice and

1 consideration. Information provided may also be used
2 by the Advisory Committee to plan future activities.

3 At the outset, I want to remind everyone
4 present of the ground rules. This is a public
5 meeting open to the media and the general public.
6 But, we have a very full schedule of people who will
7 be making presentations within the limited time that
8 we have available. The time allotted for each
9 presentation must be strictly adhered to. This will
10 include a presentation by each participant, followed
11 by questions from committee members.

12 To accommodate those persons who have not
13 been invited, but who wish to make statements, we
14 have scheduled an open session today at 3:30 and
15 tomorrow, August 20th at 11:30. Anyone wishing to
16 make a statement during that period should contact
17 Peter Maherick for scheduling. Written statements
18 may be submitted to committee members or staff here
19 today or by mail to the U.S. Commission on Civil
20 Rights, 55 West Monroe, Suite 410, Chicago, Illinois.
21 The record of this meeting will close on September
22 13th, 1993.

23 Now, some of the statements made here today

1 may be controversial. We want to ensure that all
2 invited guests do not defame or degrade any person or
3 organization. In order to ensure that all aspects of
4 the issues are represented, knowledgeable persons
5 with a wide variety of experience and viewpoints have
6 been invited to share information with us. Any
7 person or organization that feels defamed or degraded
8 by statements made in these proceedings should
9 contact our staff during the meeting so that we can
10 provide a chance for a public response.

11 Alternately, such persons or organizations
12 can file written statements for inclusion in the
13 proceedings. I urge all persons making presentations
14 to be judicious in their statements.

15 The Advisory Committee finally appreciates
16 the willingness of all participants to share their
17 views and experience with the Committee.

18 Welcome, Mr. Thomas, the floor is yours.

19 SAM THOMAS III.

20 And, to the rest of the Committee, it's my
21 pleasure to be here. And, as you know, my name is
22 Sam Thomas III, I'm the Executive Director of the
23 City of Cleveland's Community Relations Board, and

1 I'm here to provide information regarding the status
2 of hate crimes in Cleveland, and to provide an
3 analysis of how and why these incidents occur.

4 I do have a handout for you that relates
5 very much to the demographics and the type of
6 incidents that have occurred and a chronology here
7 listing some of the incidents that have occurred
8 through the years, if I can just --

9 CHAIRMAN BATTLE: We're going to have some
10 competition, it seems, from our left and right. So,
11 I'll ask you to speak as directly into the microphone
12 as you can just so that we aren't distracted by the
13 other competition.

14 MR. THOMAS: Certainly. In 1987, the State
15 of Ohio passed an ethnic intimidation law. And, that
16 law was promulgated by two state senators at the
17 time, Michael R. White, who currently serves as the
18 Mayor of the City of Cleveland, and Senator Lee
19 Fisher. That particular law gave us a handle, if you
20 will, on the training that we have subsequently done
21 with the Cleveland Police Department and also how we,
22 in the City of Cleveland, characterize, if you will,
23 hate crime. Our legal definition comes from the Ohio

1 Revised Code that makes it a crime to commit certain
2 acts or threats against individuals or their property
3 because of the victim's race, religion or ethnicity.
4 This law allows for a clear and concise definition of
5 a hate crime. It's an effective law enforcement
6 tool. It's also symbolic and that a strong message
7 is sent to potential perpetrators and victims that we
8 take very seriously the victimization of someone
9 because of their race, religion or ethnicity. In
10 other words, because of who they are. This message
11 is made strongly when coupled as we do in Cleveland
12 with strong enforcements. We have a special unit of
13 the Cleveland Police Department that exclusively
14 handles these types of crimes, and that's our ROPE
15 unit. And that acronym stands for Repeat Offenders
16 Program Enforcement. It's a group of detectives and
17 they are skilled in following up on hardened
18 criminals. So, we turn them loose on suspects in
19 these type of crimes. The law also allows us to
20 distinguish hate crimes and other criminal activity
21 that may occur between people of different cultural
22 backgrounds. Now, why is that important? I think
23 that before the law was passed, there was no

1 distinguishment between someone writing on the wall
 2 or the outside house of a family that's racially
 3 isolated. No distinction made between Johnny loves
 4 Mary being written on the outside of their house and
 5 nigger move out of the neighborhood. No
 6 distinguishment, they both were called vandalism.
 7 So, this law helped to distinguish and to put more
 8 severity to the Act itself. So, we think it's very
 9 important that that distinction was made.

10 In addition to the legal definition of a
 11 hate crime, there are other definitions. The general
 12 public sometimes will define a racial slur or name
 13 calling as a hate crime. Sometimes a victim of a
 14 crime, such as a robbery, will consider the incidents
 15 to be racially motivated if the perpetrator is of
 16 another race. This is especially true if the
 17 perpetrator usually has the upper hand by usually
 18 being harmed or by being the aggressor, uses racial
 19 slurs by committing such a crime. The victim may
 20 have been obviously selected because of senior
 21 status, wear expensive jewelry. But, if during the
 22 course of the robbery, these slurs are made, the
 23 victim may well feel he or she was singled out

1 because of who they are, race, religion, ethnicity.
2 We have seen a shift in the type of incidents from
3 what we call move-in or unwelcome in neighborhood
4 violence during the mid '80's, to a more random type
5 of violence today. And, just let me say that when I
6 talk about move-in violence, this was a phenomenon
7 that came on the tails of a court ruling that
8 mandated HUD and the local unit of HUD, CMHA here
9 locally to purchase or make acquisitions outside of
10 Central and Huff, the normal areas where they had
11 been acquiring units. It just fostered more
12 segregation. Thus, they forced in the court ruling
13 to make their acquisitions in some of the
14 neighborhoods that we'll look at in a few minutes
15 that have the highest number of incidents through the
16 years. These are areas where African Americans and
17 Hispanics move into areas of the city where they had
18 never lived in before. That's success in terms of
19 fair housing, but the welcome that they sometimes
20 received was the downside of that success. I said
21 the word random because we don't have any evidence
22 that there are organized groups that are set up in
23 our community. Most of what takes place is of a

1 mimicking nature of what the Klan professes or of the
2 Skinheads. So, it's a random type of violence that
3 we have. During the early and mid '80's, Cleveland
4 neighborhoods were more racially segregated than in
5 the 1990's. At that time, most victims were
6 African-Americans families that moved into
7 predominantly or exclusively white neighborhoods.
8 They were often met with verbal threats or vandalism
9 done to their homes. In the '90's, most incidents
10 were still directed towards African-Americans, but
11 often the incidents occurred while the victims were
12 in public places conducting their day-to-day
13 business. Examples are random assaults on victims in
14 vehicles or walking down the street. Sometimes the
15 victim is, in fact, perceived by the perpetrators as
16 one who has invaded their turf. But often, both
17 parties are on neutral turf and in those business
18 sectors. Let me just further say that CMHA has some
19 fair housing opportunities for lower income
20 individuals that puts them in middle class
21 neighborhoods and because of the economic plight that
22 has cut across all racial lines, sometimes when
23 African-Americans or other people of color move into

1 these neighborhoods, into these homes that have been
2 refurbished. And next door, you've got this white
3 worker who has been laid off, they have animosity
4 against this family that has just moved in and might
5 perpetrate some type of hostility overtly to that
6 family because of that. They're getting an advantage
7 that we don't have.

8 Sometimes, external events have stimulated
9 these incidents. During the Gulf crises, Arab
10 Americans became victims. Although prior to and
11 after the crises, there were very few such victims.
12 Another example is during May, 1992, after the LA
13 crises, there was a disproportionate number of white
14 victims who were assaulted. During these assaults,
15 the name of Rodney King was often repeated and
16 mentioned.

17 Let me adhere that we have not had a
18 significant number of individuals claiming to be
19 affiliated with hate groups in Cleveland. Our
20 intelligence has uncovered less than a dozen
21 individuals citywide. Additionally, we have not had
22 any incidents where the perpetrator has been a member
23 or claimed to be a member of a hate group. Now, what

1 that means is that we've had individuals through the
2 media proclaim to be members of these hate groups,
3 individuals that have been found guilty of
4 perpetrating these events. We have found no evidence
5 that they actually have been members of the groups.
6 I want to make that distinction.

7 Another significant shift in recent years
8 relates to the race of the victims. During the
9 1980's, the vast majority of victims were
10 African-Americans. While in the '90's, the majority
11 of victims are still African-Americans, but in the
12 last two years, we've seen a significant increase in
13 white victims. And, I might say vis-a-vis the Rodney
14 King factor having a lot to do with that. Again,
15 these are mostly incidents in public places.

16 Whites are almost never threatened because
17 of where they choose to live. Seldom do white
18 homebuyers choose to move in predominantly
19 African-American neighborhoods. Often, white
20 residents living in predominantly African-American
21 neighborhoods are those who chose to remain in their
22 homes as the area becomes re-segregated from white to
23 African-Americans. And, what we've found initially

1 is that it's during the initial period that an
2 African-American or a person of color moving into a
3 community, that they're victimized. After several
4 months or a year or so, they're no longer victimized.
5 We think that they've gotten to be a known factor in
6 the community. I think it adds a lot of credance to
7 something that we've heard over and over and over
8 again. That in order to get beyond, you know, this
9 phenomenon, education is going to have to be
10 administered. So, I think the neighbors have gotten
11 to know this family and have become somewhat
12 protective of the family once they get to know them.
13 Often, these residents are seniors. There appears to
14 be a certain amount, to put it back in context,
15 talking about the whites who have remained in the
16 neighborhoods and who have not been victimized, so
17 they're seniors. There appears to be a certain
18 amount of defference and respect for the long time
19 residents. We have not had incidents involving black
20 residents intimidating these long time white
21 residents and suggestions that they should move.
22 Conversely, when black residents have moved into
23 white neighborhoods, they're often met with suspicion

1 and fear, irrational myths and stereotypes regarding
2 property values and crime may cause white residents
3 to make the new arrivals feel uncomfortable. In
4 extreme cases, this has resulted in incidents.

5 Rather than analyze the details of specific
6 hate crimes, I believe it would serve us better to
7 discuss the conditions inherent in cross cultural
8 intolerance. And, before I go into that, let me find
9 out, you didn't say how much time I have, Mr. Chair,
10 so how are we doing on time?

11 CHAIRMAN BATTLE: About 9:30, we'd like to
12 move to our next speaker. But, we have a little bit
13 of flexibility. We'd like to understand everything
14 you have to offer us this morning. So, we won't be a
15 slave to the clock.

16 MR. THOMAS: Okay. What is this hate crime
17 and where did it come from? And, most importantly,
18 what can we do about it? Is it really hate or is it
19 fear? Could it have something to do with living in a
20 highly competitive society where some may feel it's
21 necessary to reduce the worth of others in order to
22 inflate our own accomplishments? Most people who
23 have observed children of diverse backgrounds at play

1 with each other will agree that we're born with a
2 natural curiosity and acceptance. It becomes clear
3 that external, environmental forces influence
4 children's attitudes and intolerance as we watch
5 children become older and less tolerant of other
6 cultures. Often this is manifested in verbal
7 interaction whereby slurs are used that have been
8 obviously observed from others, sometimes parents.
9 Children observe adults treating others or talking
10 about other cultures in negative ways. A very
11 typical example is when you are seated around the
12 dinner table, you know, the kids, the uncles, the
13 parents, and they make the parents make note of the
14 fact that this family moved in across the street who
15 looks different than everyone around that table, and
16 they say well now, the property values are going to
17 go down. Or, another scenario would be that this
18 same family's leadership parent will go over and
19 invite that family to come over and have dinner if
20 they look like the family sitting around the table or
21 take them out to have ice cream, but they don't do
22 the same for the family that looks different. A very
23 subtle way of passing on a very powerful message to

1 the kids. And, in our city, a majority of the
2 perpetrators of these crimes are youthful teenage
3 offenders. Children observe adults treating others
4 or talking about other cultures in negative ways. It
5 may even be done unconsciously by adults. Because
6 this intolerance permeates our society, we all must
7 realize how destructive and costly it is to our
8 society. We must make strong commitments to identify
9 and confront it on both the individual and
10 institutional levels. A silence that hopes the
11 problem will go away or just taken of itself will not
12 work for us. It's not enough that people of various
13 races, religions or cultures work side by side. More
14 often than not, co-workers leave their place of
15 employment only to return to their segregated
16 lifestyles. And, I'm reminded of an anecdote that
17 one of my staff members tells all the time about
18 these two guys worked together for 28 years. Upon
19 retirement, they acknowledged the fact that they have
20 been very good friends, but they don't know the names
21 of each other's kids or have visited one another's
22 homes. So, really, they haven't gotten to know one
23 another. And, in the words of Rev. Dr. Martin Luther

1 King, he taught us that men hate each other because
2 they fear each other. And, they fear each other
3 because they don't know one another. And, they don't
4 know one another because they don't communicate.
5 They don't communicate because they are separated
6 from one another.

7 While it's the role of the Community
8 Relations Board in the City of Cleveland to develop
9 dialogue groups that are multi-cultural to bring
10 these people together, to get to know one another and
11 break down that hate-fear that leads to the
12 incidents. And, I think that as you look at the
13 bottom of the handout I gave, the number of incidents
14 by year, you will see that when we first started in
15 1984 keeping statistics, we recorded 24 incidents and
16 we didn't have at that particular time a yardstick,
17 if you will, or a definition because remember the
18 ethnic intimidation law wasn't passed until 1987.
19 And, as you can see, we've increased and then we've
20 started to decrease. And, this year, if we continue
21 at our current rate of incidents, we're going to be
22 down 75% from where we were in 1987. Why? I think
23 it's because of the vigorous law enforcement and as

1 well as the proactive measures we've taken through
2 the dialogue groups.

3 We had one incident or one situation where
4 in one of our neighborhoods that is noted for these
5 kind of incidents, some African-American youth
6 approached Curley Range, who is the Chair of the
7 dialogue group in this community and said, you know,
8 over in this playground where we African-Americans
9 have been beaten up and the like for years and years,
10 well they've painted that in Italian colors. And, we
11 take great offense to that. You know, we think
12 that's an affront to our community. And, they went
13 to Curley to help to have the dialogue group become
14 involved in resolving that as opposed to getting
15 their own paint or their own sticks and going to the
16 playground and perpetrating violence there. We
17 talked about it. We've learned that the Italian
18 American community painted those colors because they
19 think that they wanted to take pride in the
20 facilities and to upgrade them. And, the
21 African-American community had an opportunity to hear
22 that the Italian American community had an
23 opportunity to hear how upraised the African

1 community was that it was painted in the Italian.
2 Well, anyway, the dialogue, and that's what these
3 groups are, dialogue groups caused for an amicable
4 solution to that problem that could have blown up to
5 who knows what heights.

6 I do not believe upward economic mobility is
7 the complete answer. It will address the despair and
8 disenchantment afflicting the upper class who have no
9 hope, under class, I'm sorry, under class who have no
10 hope and do not receive the prospects of ever being
11 part of the American mainstream. It may allow the
12 victims of prejudice and bigotry to suffer the
13 indignities more easily, but it will not restore the
14 dignity of all people. All people have an
15 inalienable right to this. This is obvious when we
16 observe the economic analysis of why a black family
17 on public assistance is harassed out of a middle
18 class neighborhood. After this incident happened, it
19 was conveniently suggested that the victim posed a
20 threat to the middle class neighborhood. It was
21 interesting to observe a similar scenario where
22 another family on public assistance was allowed to
23 live in peace. That family was white. There are

1 also countless instances where African-American
2 doctors and lawyers purchase homes in affluent white
3 suburbs and are greeted with cross burnings and
4 vandalism.

5 Equal opportunities in employment and
6 education are absolutely necessary. But, until we
7 decide to take meaningful, affirmative steps toward
8 cross cultural understanding and appreciation, we
9 will not address the fear and mistrust which can lead
10 to intolerance and hate. Individuals and
11 institutions must take these affirmative acts. This
12 includes parents, teachers, corporations, media,
13 elected officials and others. We must learn to do
14 something that we have not done very well. We must
15 learn to communicate openly about our attitudes and
16 feelings. We must learn that true mutual respect
17 will translate to progress and upward mobility for
18 all. We must talk to our children when they are
19 confronted by culturally demeaning or insensitive
20 images or actions. We must openly confront these
21 situations in public. We must be publicly intolerant
22 of prejudice and bigotry. We must demand this of our
23 educational institutions. They must teach our

1 children well. Children must be given the ability to
2 resist and change negative attitudes of adults,
3 including parents. Children learn so-called new
4 math. Somehow, they're able to go home to parents
5 who do not understand this concept, and parents and
6 children learn the new math together. We must demand
7 the institutions of higher learning legitimize the
8 field of human relations and cross cultural
9 understanding as a meaningful and necessary field of
10 endeavor. We must challenge the media to take
11 affirmative acts towards addressing this problem.
12 Because of the existing stereotypes, the media must
13 ask if certain images re-enforce these stereotypes.
14 As an example, the media must re-consider the effect
15 of nightly newscasts that display African-American
16 males in handcuffs. It must consider that most
17 parents will not tell their children that most black
18 males do not end up being arrested. The
19 entertainment industry must consider the existing
20 stereotypes and take affirmative acts towards
21 rectifying the situation when considering the content
22 and casting. Obviously, government has a
23 responsibility to address this problem. The elected

1 officials were continued to sponsor legislation that
2 ultimately conveys to our society what is deemed
3 acceptable behavior. A strong commitment to
4 enforcement, both philosophical and financial is also
5 necessary. Here in Cleveland, Mayor Michael R. White
6 has adopted as one of his 5 campaign platforms the
7 improvement of race relations. He has not abandoned
8 these 5 platforms now that he's the Mayor. He
9 continues to publicly address this issue. It has
10 resulted in residents of diverse cultures and
11 communities coming together and offering him
12 enthusiastic support. He has instituted cultural
13 dialogue groups as I spoke of. The Mayor and the
14 residents have taken an affirmative act because they
15 know the situation will not be addressed naturally if
16 we just let things happen. Local governments must
17 have the courage to admit that there is a problem.
18 Here in Cleveland we have taken significant steps to
19 identify the scope of the problem of hate crimes.

20 And, what I'd like to do now, feeling that
21 time is wearing on, is just refer you to the handout.
22 And, in the handout on the first page, we just
23 basically give an overview of the incidents that

1 occurred in 1992. There were 48 incidents. If you
2 compare that 48 to 1991, you see that there was an
3 increase when all along we had had a decrease. Well,
4 again, going back to the Rodney King factor, in the
5 month of May last year, we had 10 incidents, 10
6 incidents compared to, I think, 1 or 2 the previous
7 year. So, that Rodney King factor accounted for why
8 we had the increase last year. So far this year, we
9 don't have the Rodney King factor, thus we are
10 looking at about a 75% decrease in the number of
11 racial incidents by year's ends.

12 If you look on the Page 18, actually, this
13 came out of our end of the year report. I thought
14 this was the relevant part for you, you can look at
15 the ethnic background of the victims and you can see
16 how we've gone to an almost exclusive or
17 predominantly African-American victimization back to
18 1988 where 82% were, of all victims were
19 African-Americans. And, as you go across, you'll see
20 that that number has been reduced to 56% with whites
21 and Hispanic Americans becoming more numerous. And,
22 for those of you that might know the City of
23 Cleveland geographically, Addendum B is a

1 demographics of where the crime of hate violence has
2 taken place in our community. And, where you see the
3 most numerous acts, those are the communities where
4 we've set up the dialogue groups. It makes sense,
5 since we have limited resources, we can't put one up
6 in each community and be effective. In Addendum C on
7 Page 20 lists political wards so that we can work
8 with the council persons in order to bring a solution
9 to the problem. And, we have them broken down by
10 police district and broken down by the month in the
11 four years that are captioned there. The type of
12 incidents, Addendum F on Page 23, you can see there.
13 And then, we get into the actual scenarios, beginning
14 on Page 24. Here is a good example of what I
15 mentioned. I see in this scenario here, one in which
16 I became very much involved in. It was reported that
17 the African-American males that attacked this white
18 male in the May 2nd, the day after or 2 days after
19 the Rodney King or the jury -- after the verdict, I
20 think it was in the Rodney King case was announced,
21 the first verdict, these African-American males
22 enraged by that, attacked this white male. And, you
23 can look down and see, you know, the type of crime

1 that we have in this area.

2 Why don't I let you look through those, if
3 you wish, and then I'm ready to take any questions
4 that you have or comments.

5 CHAIRMAN BATTLE: Thank you, Mr. Thomas.

6 Let me first ask if you could briefly describe the
7 relationship of the Community Relations Board to the
8 City of Cleveland and specifically your relationship
9 to the Police Division in Cleveland. Do you engage
10 in investigations yourself, exactly what is your
11 intervention in these issues of hate crimes?

12 MR. THOMAS: We have a very sophisticated
13 protocol that was put in place back in 1986 when
14 those residents started moving into those racially
15 isolated units. We have asked CMHA to make Community
16 Relations aware of those units, and when people were
17 scheduled to move into them. We, in turn,
18 communicated to the Cleveland Police Department the
19 address of racially isolated families so that when a
20 family moved in and a call came from that house, they
21 were to receive an automatic quick response. So, at
22 any time when an incident occurs, last night was a
23 good example, about 9:00 o'clock my phone rang. It

1 was from the radio dispatch, and the dispatcher told
2 me that there had been a racial incident that
3 occurred. I determined the nature of it and whether
4 or not it was prudent for me to go on the scene to
5 help to decision make at that point. I, in turn,
6 before I left the office this morning, I dictated a
7 memo to put the Mayor on alert as to what happened,
8 the safety director, the police chief and the council
9 person. So, the police, they notify me any time of
10 the day or night of any time these incidents occur so
11 I can let the Mayor know immediately if its of that
12 magnitude. In terms of investigations, we do not get
13 involved until after the ROPE unit goes out and deals
14 with all the witnesses, the victims, et cetera are
15 fresh. And after that, then, we do our thing. We
16 think that we provide a unique service. We want to
17 do everything in Community Relations we can to help
18 put the life of the victim back in order, whether it
19 means helping to find them a new place to live, food,
20 money, whatever it is that helps, psychic care,
21 referring to the attorney general's office for their
22 witness victim services because sometimes these
23 incidents damage psychologically the victims

1 immensely, as you know. Well, we want to provide
2 whatever service we can to put the life of the victim
3 back together. Then, after we've been given the
4 green light to contact the victim to go into the
5 neighborhood, our role is to interview neighbors and
6 perhaps we can come up with some intelligence that we
7 feed to the Cleveland Police to facilitate the
8 investigation. If you'll notice in some of the
9 literature I passed out to you, that in the first 3
10 years of this decade, there have been over 100
11 arrests made in just the 3 years. That compares to
12 more arrests than were made during the entire 1980's
13 because of the joint working relationship between CRB
14 and the Cleveland Police. I think it's a very
15 cooperative one where the chief has been cited in
16 meetings to say Sam Thomas receives phone calls
17 before I do from the Cleveland Police. I think we're
18 very much distinguished from, say, a city like L.A.
19 where the police and the community were very much
20 estranged from one another.

21 CHAIRMAN BATTLE: Questions, committee
22 members, question?

23 MS. POWLESS: I have one, just briefly

1 reading over this first page, you have I see that
2 100% of the perpetrators in 1992 were males. Is that
3 pretty standard?

4 MR. THOMAS: That's correct. We've had
5 females that have been perpetrators, but usually
6 they're along with males and may not be the leading
7 parties. But, yes, there are some female
8 perpetrators.

9 MS. POWLESS: One other question. I don't
10 see anything in here about hate crimes against gays
11 and lesbians. Is there another group that focuses on
12 those particular groups?

13 MR. THOMAS: Yes. The Mary Ann Finnegan
14 Project in the gay and lesbian community collects
15 those statistics. And, I have tried to work with
16 them for them to share those statistics with us so
17 that, you know, I think you all know, and probably
18 the reason you're doing this is you want to determine
19 the extent of what's going on so that we can
20 legislate and enforce to the appropriate level.
21 Well, I haven't received the type of response that I
22 think is desirable from their reporting in order to
23 report to local government.

1 CHAIRMAN BATTLE: Mr. Leventhal?

2 MR. LEVENTHAL: Mr. Thomas, you mention in
3 your remarks that part of the problem lies with the
4 media, the newspapers, radio, TV. Has your
5 organization had any contact with them? And, if so,
6 have they cooperated with you?

7 MR. THOMAS: Good question. Yes, we have,
8 by virtue of different venues that we might be in.
9 For one, we're very much involved with the Greater
10 Cleveland Roundtable. And, the roundtable has four
11 committees, one is entitled the media committee. And
12 that committee has been in the business of providing
13 sensitivity training for upper levels in the media
14 and in corporate America all together.

15 Secondly, involved with the dialogue groups
16 that are out in the community, grassroots. They have
17 held forums where they've invited the media
18 successfully to come and to hear from these
19 grassroots individuals the dilitarianous impact of some
20 of the reporting. Again, to sensitize the media.

21 CHAIRMAN BATTLE: Mr. Wilson?

22 MR. WILSON: Yes, thank you, Mr. Chairman.
23 I have a couple of questions. Mr. Thomas, to

1 clarify, I guess the reliability of the statistics,
2 because statistics are what most people look at
3 immediately to form some general judgment of how bad
4 a problem is. And, you've done an impressive job
5 here of collecting statistics for the Committee, and
6 I would imagine that they'll play an important role
7 in the Committee's report. And, so, I would like to
8 get at a couple of questions regarding the
9 reliability of the statistics.

10 MR. THOMAS: Surely.

11 MR. WILSON: One is this, your report
12 presents the incidents of hate crimes in Cleveland as
13 facts they have occurred. Yet, not all of them,
14 perhaps not even a majority of them made it into the
15 legal system. It's your office's judgment, based on
16 what was reported to the police, that there was, that
17 these were hate crimes. Yet, as I say, the
18 committing of them never got to the level of full
19 hearings in the court system where alleged victims
20 and alleged perpetrators would have had an
21 opportunity to make their case. How confident are
22 you, then, that these reports of hate crimes are
23 accurate?

1 MR. THOMAS: First of all, let me respond
2 that I'm very disappointed that our statistics show
3 that we've decreased at the rate that we have because
4 I think that if more people were aware of this crime
5 and that they have been victimized or that there's a
6 phone number, that they can call to report it, or they
7 felt free in reporting it, that the numbers would
8 continue to increase, despite the fact that the media
9 now is helping to send a message that this will not
10 be condoned. Law enforcement is sending that message
11 at the same time that it's not condoned. I think
12 that for every one incident that's reported, there
13 are probably another 10 that are not reported, for
14 any number of reasons. I think that the Asian
15 American community is one that's victimized in
16 silence. I think that the gay and lesbian community
17 is another that's victimized, to a large degree, in
18 silence and chooses to report to the Mary Ann
19 Finnegan project as opposed to Sam Thomas. Why? I
20 think that for every case there's probably a
21 different reason why it's not reported.

22 Now, to deal directly with your question,
23 how reliable do I think these numbers are,

1 considering they haven't had the scrutiny of a
2 courtroom setting. We exercise great pain before we
3 label an incident as racially motivated, if you will.
4 But, let me say we're very liberal at first in having
5 it raised up to be scrutinized. In other words, when
6 the police officers are out on the street and they
7 get a report of this crime, we say that if it looks
8 like a duck, waddles like a duck, quacks like a duck,
9 then consider it to be a duck. Now, under further
10 scrutiny through the ROPE unit, we sit on a monthly
11 basis and we look at all of those cases that have
12 been liberally labeled as racially motivated
13 incidents. And, we look at element by element of the
14 Hate Crimes Act and we ferret out, at least in
15 theory, whether or not it meets all the elements of
16 that crime. And then, if it does, then that's where
17 the charge comes from. So, based on that, I feel
18 pretty confident that it has all the elements to be
19 called a hate crime, notwithstanding the fact that it
20 hasn't gone to court and stood up under further
21 scrutiny. But, I think something that's even more
22 important than whether or not it stands up under
23 scrutiny and that is the message that a Hate Crimes

1 Act sends out to the community. And particularly the
2 penalty enhancement aspect of the Ethnic Intimidation
3 Law. It says that this crime is more serious and
4 should be treated more seriously than other types of
5 crime per se.

6 MR. WILSON: My understanding is that law
7 currently is not operative because the State Supreme
8 Court had declared it unconstitutional. And, I think
9 that's being reviewed again. But, right now, it's
10 not law?

11 MR. THOMAS: Well, you know that that, our
12 law, what you say--

13 MR. WILSON: The ethnic intimidation?

14 MR. THOMAS: The Wisconsin statute, which
15 is a penalty enhancement statute similar to ours, has
16 been upheld so --

17 MR. WILSON: Right, I understand that.

18 MR. THOMAS: It's just a matter of time, I
19 feel.

20 CHAIRMAN BATTLE: We have time for one more
21 question from the Committee before we'll need to move
22 to our next speaker. Dr. Wilson?

23 MR. WILSON: If no one else has a question.

1 CHAIRMAN BATTLE: Ms. Rodemeyer does.

2 MS. RODEMEYER: I was wondering with this
3 lack of enforcement, is it possible that people
4 believe if they report or prosecute, sign a
5 complaint, that they won't be protected against
6 retaliation? And, it's not mediation or
7 understanding or anything else, they just want to
8 quiet it.

9 MR. THOMAS: Yes, well, I'm sure that
10 that's a factor in the reduced number of incidents
11 that are reported to us because they still have to
12 live in that community. But, we try to be as
13 reassuring as possible to victims. I don't know of
14 any cases in our city where there have been
15 reprisals, per se.

16 CHAIRMAN BATTLE: With Mr. Erste's
17 indulgence, we would want the record to be complete
18 here, so I'll recognize Dr. Wilson for a final
19 question.

20 MR. WILSON: I'll pass.

21 CHAIRMAN BATTLE: Thank you very much, Mr.
22 Thomas, I appreciate your appearing before us and the
23 information you left with us.

1 MR. THOMAS: My pleasure. Thank you very
2 much. Much success in your endeavors.

3 CHAIRMAN BATTLE: Mr. Erste, please correct
4 me if I'm mispronouncing your name. Good morning.

5 LOU ERSTE

6 MR. ERSTE: Good morning and thank you.

7 CHAIRMAN BATTLE: Good morning.

8 MR. ERSTE: Let the record show that I'm not
9 the Director, but the Assistant Director of the
10 Citizens League and the Citizens League Research
11 Institute. I wouldn't mind a promotion, but neither
12 am I seeking it.

13 What I've given you is an extract from a
14 preliminary report which is marked confidential, not
15 for release. Mainly because given the press of our
16 business at the League and the way that this report
17 evolved, it served our purposes in this forum. In
18 other words, we didn't have another three weeks to
19 bring it to completion. So, the graphs are in a
20 certain order, but not necessarily labeled that way.
21 And, what you have is an excerpt, anyway.

22 The executive summary I would draw your
23 attention to, which is what I thought I would go

1 through and tell you what this is. This is our
2 annual poll. Two years ago, I spoke to you about our
3 1991 poll results. These are our 1992 poll results
4 which are a year later. As you know, this is 1993.
5 We're about to go into the field with our survey and
6 we'll ask some of these questions again. But, we
7 have not yet done that. And so, at your request, I
8 was going to give you the 1992 results which do
9 include the period after the police incident in which
10 Rodney King was attacked. And so, there's some
11 information about that. What this poll does is tells
12 you what Clevelanders are thinking about race
13 relations. We ask questions that deal with their
14 perceptions about the state of race and ethnic
15 relations. We try to objectively measure what's
16 actually occurring in terms of race relations as
17 opposed to what's going on inside people's mind. So,
18 we ask them about their experiences and this
19 information tracks to some extent with Mr. Thomas'
20 information. Our poll is county wide, and so we've
21 got about two-thirds of our sample from the suburbs.
22 We also ask the public questions about how to improve
23 race and ethnic relations. We had a special session

1 on the media and race relations this time and then a
2 series of questions on integration in neighborhoods.
3 We also asked about and aided the school system in
4 its development of Vision 21 which, in part, is a
5 strategic plan. In part, it unfolded the school
6 desegregation case here in Cleveland and that poll
7 information is not included here, but I'd be happy to
8 provide it. The poll is based on telephone
9 interviews with approximately 786 people in this
10 particular poll. We oversampled in Cleveland this
11 year, particularly within the public schools. But,
12 all the numbers that you're seeing would be
13 representative of whatever group I'm looking at. So,
14 we play the waiting game. To give you a picture that
15 looks like it would be if you cut it a certain way.
16 So, if I show you a county wide result, then it's the
17 proportionate number of whites, Blacks, Hispanics and
18 others. The proportionate amount of city and
19 suburbs, if I show you Cleveland, it would be
20 Cleveland; Black, white, and so on. So, we
21 oversampled in some areas. The graphs that are
22 included are just those that go with the questions.
23 I thought you might be interested in, since it's a 40

1 page preliminary report.

2 Now, we'll get to the meat of this. Under
3 the first section there, the public perceptions.
4 What I'll do is just go briefly through this
5 executive summary, then skip through and talk about a
6 few photographs, then open it up for your questions.

7 Public perception over the past few years,
8 Clevelanders have remained mixed. Some think race
9 relations are good, some think they're not. Some
10 think they've improved, some think they haven't.
11 And, on the whole, that goes along with another
12 finding. 60%, approximately 50% to 60% don't have
13 any recollection of a good thing that happened in
14 race relations or a bad thing that happened in race
15 relations. So, what that means to us is about half
16 the people in the county aren't paying attention to
17 race relations in any way that's salient in their
18 lives. Consequently, when you ask them if things
19 have gotten better or worse or generally good or bad,
20 they don't know. They pick the middle answer. So,
21 there is a certain amount of apathy about race
22 relations in this town. That's not uncommon.

23 When we ask about the good things, our

1 Mayor, Mike White comes to the top of the list. He
2 did that two years in a row. He ran on a ticket that
3 said we're going to concern ourselves with, among
4 other things, race relations, improving race
5 relations. We're not going to have racially divisive
6 politics in this town anymore. The public saw it.
7 They voted him in. They bought it and he's followed
8 through on it, and they have credited him for that.
9 And so, as an individual, he's seen as somebody who
10 is a good thing happening in race relations. We
11 asked for a thing, we got a person. Two years in a
12 row, he's at the top of the list. We think that's
13 important. He was also given credit for preventing
14 the riots or for having a role in preventing riots in
15 Cleveland after the LA riots. When we said open end,
16 why weren't there any riots? Activity by Mayor White
17 and other community leaders was mentioned most
18 frequently. When we asked about the actual state of
19 race relations, we got similarly mixed results.
20 There was a lot of people saying that they had a
21 positive encounter of some sort with people of
22 another race, but a lot of people also said they
23 experienced some sort of discrimination in the

1 previous year. And, in general, people think they
2 don't have a lot of prejudice. That's kind of
3 consistent with previous year results and results
4 around the country. People don't know that they're
5 discriminating or that they're prejudiced or that
6 they don't want to admit it in terms of improving
7 race and ethnic relations, education again at the top
8 of the list, you know, that Sam Thomas mentioned that
9 the public knows that, that's what they think is
10 going to help improve things. More jobs also,
11 especially after the L.A. riots was seen as something
12 that would help. Government policies generally not
13 given a lot of importance. Again, not given a lot of
14 importance by the public. Equal job opportunities
15 was the thing that the public felt the government
16 would do, that they most agreed the government could
17 do. Not very many people thought that the government
18 should be involved in anything else that's mentioned.
19 Social engineering, which is the phrase that when we
20 probed, they said they don't want the government
21 making people think a certain way.

22 Briefly, in our media-race relations
23 section, the public believes the media has to do

1 more. They have a responsibility to do something,
2 not to make things worse. To make things better,
3 they have to do more here in greater Cleveland. They
4 do something, the public says, but it's not enough.

5 And then, under integrating neighborhoods,
6 people see that it's the correct thing to do. They
7 continue to tell us in vast majority that's what they
8 want. They want to live in integrated neighborhoods,
9 but nothing, nobody is doing anything about it. As
10 you know, Cleveland is one of the most segregated
11 cities in the United States. So, there is again this
12 gap between what people say, what they say. They
13 believe what they say, they do and what they actually
14 will do. All I can tell you about is what they said,
15 a little bit about why they might have said it.

16 If you don't mind, I would like to walk you
17 through a couple of these graphs, just to make a few
18 of these points a little bit more clearly. Then,
19 I'll open for questions.

20 On the third page and in the lower right
21 hand page, corner of each page is a handwritten
22 number. On the third page, this shows you how
23 Clevelanders are split. Less than half in Graph A

1 there say that relations between that race and ethnic
2 relations are generally good or generally bad 44, 45.
3 So, Graph B shows you that about the same number
4 thinks things stayed the same and equal numbers think
5 things have gotten better or gotten worse, no real
6 change over the year there. So, that's that
7 unknowingness that I was mentioning. People largely
8 don't know. If they think it's gotten better or
9 worse, it's for a reason. They think it's good or
10 bad, it's perhaps because of, there were no
11 significant differences among Blacks, Whites,
12 Hispanics or Cleveland suburban residents on most of
13 these. The only difference we could find was that
14 those who think things are generally good also think
15 things have gotten better. Those who think things
16 are generally bad also think things have gotten
17 worse. So, one doesn't need a poll to tell you that
18 you might get that result.

19 Graph J on Page 4 shows you the open ended
20 answer to the question what do you think was the best
21 thing that happened in race and ethnic relations in
22 greater Cleveland in the past year. The consistent
23 question we've asked over time. This shows Mike

1 White, open end, mentioned by 16%. He was mentioned
2 by 25% the year before. But, he's still at the top
3 of the list. He was a new Mayor the year before.
4 The suburban residents are more likely to mention
5 Mike White than Cleveland residents, and Mike is seen
6 as the Mayor for the region. I think, clearly, is a
7 leader in race relations in this region.

8 In the old days, some black leaders who were
9 seen as divisive were mentioned as the worse thing
10 happening in race relations, again more by suburban
11 than Cleveland residents. So, the suburban residents
12 really look to the leadership in Cleveland,
13 especially the Black leadership, as indicative of
14 what's happening in race relations. And, you can see
15 at the bottom there, 58% on Graph J had no answer to
16 the question, what's the best thing. So, that might
17 be depressing until you look at the worse things
18 graph, which is Graph A on Page 6. You can see 49%
19 have no answer to the question what's the worse thing
20 that happened in race relations. It's not that they
21 didn't think there were good things happening, they
22 felt there were bad things, they're thinking neither
23 good nor bad here. You see, racial hatred, racial

1 violence, racial incidents most frequently mentioned
2 as the worse thing happening by 12%. Again, this is
3 open ended. They had to think of this themselves.
4 The impact of the riots, impact on Cleveland of the
5 riots occurring in L.A. and other cities were
6 mentioned as the worse thing. So, there was no
7 outbreak of violence in Cleveland. But, when asked
8 what was the worse thing that happened, the people
9 said the effect of the violence. So, they wanted to
10 translate what they saw on the news as a bad thing
11 happening here, which is kind of interesting. I
12 think it's indicative of the fact that people are
13 waiting, they know there is a race relation thing,
14 there's tension, they know that. The other things on
15 the list were similar to previous years. The next
16 page, Graph L shows you the open ended answers to the
17 question about why were there no riots in Cleveland
18 and riots elsewhere? In this case, we had for the
19 interviewers a list of what we call pre-coded
20 answers. So, these answers are a little bit more
21 informational than the ones in the previous graph.
22 What we did was talk to community leaders and people
23 in the community to find out what they thought the

1 reasons were, and then gave those possible answers
2 for the interviewers to use. And then, Mike White
3 came out on the top. So, whatever the public said,
4 that was recorded, then it was put into these groups,
5 and we didn't see a lot of difference then between
6 the public and the community leaders, though. When
7 we asked why or looked for, in Graph L 1 there,
8 you'll see very few people said Cleveland Police are
9 closer to the community as a reason. But, 2% of
10 Blacks did, as opposed to 0% of whites. And then, no
11 police brutality against Cleveland, 4% of Blacks.
12 Those aren't big numbers, but those are differences.
13 The chances for a violent protest, Page 8, that was a
14 follow-up to the riots question that was just, you
15 know, are the chances greater now or lesser or the
16 same for violent protest by Blacks. This was to
17 track to a national question. Most people thought it
18 was the same. These graphs are kind of tricky
19 because you're comparing this year and last year and
20 5 years. But, fewer Blacks thought that there's a
21 greater chance. Well, you look at Graph M 24% of
22 Blacks thought there was a greater chance now than 10
23 years ago, compared to non-blacks, 33%. But, the

1 same in Graph 1, the same percent thought it was the
2 same as a year ago. So, what that might suggest is
3 that during the year previous to the survey, not much
4 changed, but things were certainly worse than they
5 were 10 years ago. So, there is some sense out there
6 of the tension.

7 Graph D on the next page and D 3, this shows
8 us about people's encounters. We said did you have
9 encounters and were they positive. And if they were
10 positive or if they were negative, do you think it
11 was because of race. This Graph D suggests that most
12 people had at least one positive encounter with
13 someone of the another race. 88%. And then, of
14 those, we asked do you think it was positive, why was
15 it positive? Race was one of the answers. 17%
16 thought it was positive because of race. So, a lot
17 of people have positive encounters because of race.
18 A few of those people thought it was positive because
19 of race. However, the next piece there, 19% said
20 they had at least one encounter that was generally
21 negative. And, most of those people 11%, say it was
22 because of race. So, in negative encounters, people
23 are blaming race in negative encounters. Race isn't

1 seen, as Graph E on Page 11 shows you, that those
2 encounters that were more typically seen as negative
3 were those encounters with authority figures. Police
4 at the very first, the top of Graph E, the 19% had a
5 negative encounter they thought because of race.

6 The next page, Graph F, this is the one
7 where people report that they had a discriminatory
8 act or perceived one against them in the previous
9 year. 52% said that they felt they were
10 discriminated against in some fashion. We have
11 changed the list this year from the previous poll
12 results you had seen two years ago. If you recall,
13 it was about 33% two years ago. We don't think there
14 was an increase, we think we just counseled better
15 this time. So, I'm not saying there is more, I'm
16 just -- but, the order is approximately the same.
17 It's verbal abuse that people recall feeling, those
18 are at the top of that list.

19 Hispanics in Graph F 1, Hispanics seem to
20 think they were experiencing more discrimination than
21 everybody else in all categories except someone
22 refusing to serve them. But, clearly, non-whites,
23 bottom part of Graph F 1, non-whites are more likely

1 to say they experienced these than are whites. Among
2 whites, Irish, Poles and Italians were more likely to
3 report some sort of discrimination in the majority of
4 those groups. I'll leave it there for questions.

5 CHAIRMAN BATTLE: Thank you. Questions from
6 the Committee? Dr. Wilson?

7 MR. WILSON: Fine, thank you, Mr. Chairman.
8 Mr. Erste, a couple of questions regarding the data.
9 On Page 8, the graphs indicate a comparison between
10 expectations of violent protest today versus a year
11 ago and versus 5 years ago and 10 years ago. Did you
12 also find out what percentage -- what the expectation
13 is objectively, I mean, how many, what percentage of
14 people -- that's not -- let me think about how to
15 word this to get it right.

16 MR. ERSTE: The answer is no.

17 MR. WILSON: I think you know what I'm
18 getting at. Do people have a high or low expectation
19 of the chances for violent protest? In other words,
20 you can compare the 5 years ago, but it could have
21 been 5% 5 years ago and 10% this year.

22 MR. ERSTE: We didn't follow-up and ask
23 that. However, if you look at Graph M there, my

1 guess would you be it would be safe to say 20% who
2 think it's greater now than a year ago think that
3 there's some chance, better than zero those that
4 think it's the same, whatever the percentage,
5 whatever the possibility, whatever the probability
6 is. One would guess that some of those think that
7 it's the same, think it's a probability greater than
8 zero. My guess is those who think it's greater have
9 significantly higher than zero probability. But,
10 there's nothing in our data to suggest what that
11 probability might be.

12 MR. WILSON: It's important to know which
13 way expectations are going. But, it's also important
14 to know what the level of their concern is.

15 MR. ERSTE: In fact, each year that we do
16 this, we adjust it. And, that would be a wonderful
17 question to add. Thank you. You might see some
18 things that you asked from two years ago reflected in
19 the questions we asked. We expanded this
20 dramatically this past year.

21 MR. WILSON: The only other thing I would
22 comment on is in Graph F, the question, do you think
23 you've been discriminated against during the past

1 year on the basis of race, religion or ethnic
2 background. When you look through the list of things
3 that constitute discrimination, obviously they move
4 from everything from, you know, physical violence to
5 telling an ethnic joke. And, it seems to me that
6 for, that it's at least questionable whether
7 tasteless jokes are personal acts of personal
8 discrimination. Quite the way the question was
9 phrased, it indicates that you've made a judgment
10 that they are. And, I just think that those things
11 have to be at least distinctions, have to be made and
12 the severity of bigoted behavior, if you would?

13 MR. ERSTE: My guess is that people were
14 sensitive to the difference between hearing a joke
15 and then feeling discriminated against because of
16 that joke. In the question wording, we tried to get
17 at that. I'm sensitive to what you're saying,
18 though. That's a very good point.

19 CHAIRMAN BATTLE: Other questions? Yes, Ms.
20 Ortega?

21 MS. ORTEGA: I'm curious also on Page 12,
22 Graph F you say that Latinos, Hispanics as you put
23 it, were the only group to show an increase. Do you

1 have any sense of why or --

2 MR. ERSTE: Actually, Graph F-1 shows that
3 that little bar there, the white bar is longer than
4 all the others except for the one near the bottom
5 by -- so, we didn't measure the change from the
6 previous years. So, it's not necessarily an
7 increase, it's just in comparison to the other groups
8 they were experiencing more. We don't have any
9 answers from the poll to suggest why that might be.
10 I'm, in fact, drawing a blank now. I'm not even
11 coming up with a guess as to why that might be.

12 Let me comment in the poll in general,
13 Hispanics looked more like whites than the non white
14 groups in general. In this part and in other polls,
15 and this is consistent with poll results around the
16 country. Hispanics, especially in Texas, I just
17 reviewed some results, Hispanics more often have
18 opinions that were similar to whites, even in terms
19 of things that have to do with race relations. But,
20 when it comes to experiencing it, they're clearly
21 more likely to -- so, maybe it's a sensitivity issue,
22 I'm not sure.

23 CHAIRMAN BATTLE: Mr. Leventhal?

1 MR. LEVENTHAL: One of the problems that
2 keeps coming up with your report and other reports
3 deal with property values causing the discrimination
4 and the bigotry. Many people do not mind living,
5 let's say, in a mixed neighborhood, but they felt it
6 in the pocketbook. Which, as you know, in America is
7 a very important factor. Is your committee or other
8 committees that you may have dealt with done any
9 research into property values that could help this
10 situation by advising people that look, don't worry
11 about it, your property values are not going down or
12 maybe they are going down, but as of now, it may be
13 just a myth. Do you have anything to report on that?

14 MR. ERSTE: My sense is the dialogue and
15 plan and Professor Dennis Cleating at Cleveland State
16 have done research in this area. We track property
17 values, but we've never crossed property values with
18 change in the makeup of a neighborhood. We do have a
19 question about opinion that deals with this that I
20 could relay to you. In fact, we refined it based on
21 our conversations a few years ago. We will read a
22 statement for agreement or disagreement. I want to
23 live in a neighborhood with people who are the same

1 economic class as I am. It doesn't matter if they
2 are members of a different race. 81% agreed with
3 that statement, and that was consistent across the
4 different groups; White, Black, Hispanics. More in
5 the suburbs said that. So, there is the suggestion
6 anyway that that matters. Again, under the
7 incentives question that we ask, assurances that
8 property values would remain the same was near the
9 top of the list, typical. Personal safety was
10 higher, but for whites, it was property values. So,
11 all I'm doing is confirming that Clevelanders agree
12 with you that there is this perception and/or myth,
13 but I don't have the evidence so that that--

14 MR. LEVENTHAL: Maybe we'll hear from other
15 organizations more about that.

16 CHAIRMAN BATTLE: Other questions from the
17 committee? Yes, Ms. Ortega?

18 MS. ORTEGA: No, I didn't have questions.

19 CHAIRMAN BATTLE: Thank you very much, Mr.
20 Erste. Thank you again for such good research. This
21 has all the makings of, as the years go by, a real
22 good longitudinal study in the year 2020 as we're
23 still looking at this. I'm sure we'll be looking

1 back to your reports.

2 MR. ERSTE: Thank you very much. I hope
3 we'll have solved some problems by then.

4 CHAIRMAN BATTLE: Thank you. Let me suggest
5 that we take about a 5 minute stretch break for the
6 Committee. And then, when we assemble again, it will
7 be Mr. Calabrese.

8 (WHEREUPON, a brief recess was taken.)

9 MR. LEVENTHAL: Our Chairman is on the
10 phone, so I'll take over for awhile. Cliff, would
11 you like to move up to join him?

12 I'd like to introduce Mr. Leonard M.
13 Calabrese, the Executive Director of the Commission
14 on Catholic Community Action Diocese of Cleveland,
15 and a good friend of mine, Cliff Savren, Director of
16 the Anti-Defamation League in the Ohio and
17 Pennsylvania Region. Whoever chooses to be first.
18 Why, it's up to you, Leonard. Would you like to
19 start?

20 LEONARD M. CALABRESE

21 Okay. Good morning. It's good to have
22 this opportunity to share with you on such important
23 matters, and we're glad to come to Cleveland. The

1 Commission on Catholic Community Action is the social
2 justice of the Catholic Diocese of Cleveland for the
3 Cuyahoga County, the Diocese stretches over eight
4 counties and numbers around 820,000 people in
5 northeast Ohio. The Commission is in its 24th year
6 and over the life of its existence, the Commission on
7 Catholic Community Action has also had a special
8 concern for racial justice. In 1988, we received a
9 grant from the Cleveland Foundation to develop a
10 multi-cultural diversity training program to help
11 parish and neighborhood folks respond better and more
12 proactively to the increasing number of racial
13 incidents that were done on the upswing across the
14 City of Cleveland. Since then, our Mosaic Program
15 has been active on the west side, east side and south
16 side of town, and you may have heard in previous
17 testimony those are important distinctions in
18 Cleveland and point to some of the ongoing problems
19 we have.

20 We've also been involved in a number of
21 suburbs, especially integrated suburbs, such as
22 Garfield Heights, and in issues such as fair housing,
23 bank reinvestment in communities, loan, insurance and

1 credit criteria, small business development,
2 education issues and environmental racism.

3 Besides our training program, we also have a
4 program that we developed in 1990 for junior high
5 students in both parochial and public schools that
6 uses the arts to foster helping multi-cultural
7 diversity as well as non-violent conflict resolution.

8 Looking back over the past 5 years, we at
9 the Commission on Catholic Community Action see a
10 very mixed picture across our city and county with
11 good news and bad news. With some progress and with
12 many problems and challenges still confronting us
13 all.

14 So, I think we've made progress when it comes
15 to what's this explicit topic of your being here, the
16 frequency of hate crimes and overt violent racial
17 incidents across our area.

18 The City of Cleveland's Community Relations
19 Board that you heard from earlier has not only done a
20 fine job of keeping statistical track of that
21 pattern, but I believe is one of the reasons for
22 progress on that front. We've worked very closely
23 with Sam Thomas, with the staff and the Board of the

1 Community Relations Department on a number of
2 sensitive and serious matters, and we continue to do
3 that. So, we believe they're an invaluable resource
4 for our city and our area. I think they're an
5 example of the good news in our community.

6 There are also several very fine, committed
7 organizational efforts aimed at reducing racial
8 incidents and fostering more racial harmony. Besides
9 CRB, I would cite in particular A World Of Difference
10 of ADL, Hitch Remove of NCCJ as well as our own multi
11 cultural diversity program and our Guardian King Day
12 Program. We also have educational resources,
13 Cuyahoga Community College in Cleveland State, and
14 we've had very specific time limited efforts that
15 I've tried to bring together different parts of the
16 community to improve race relations. One example
17 would be the effort between the NAACP and Jewish
18 Community Federation that took educators from the
19 area, including people from the Diocese to Senegal
20 and Israel. Many school systems, including ours,
21 have programs in place to try and improve sensitivity
22 and understanding. So, we're fortunate to have some
23 fine and effective programs. Some structures and

1 individuals, and I think perhaps we saw the benefit
2 of that, that kind of what I would call social
3 infrastructure in the aftermath here of the L.A.
4 riots last year when all of us, including the Mayor
5 and some civic leaders, as was mentioned earlier,
6 responded at the grassroots level to heighten
7 tensions of the possibility of violence. Even though
8 it's a very tense time, we didn't have any major
9 blowup in Cleveland.

10 At the same time, I think we have to admit
11 that the underlying systemic causes of hate crimes
12 and racial incidents still exist. Social patterns
13 that isolate and separate us are still deeply
14 embedded across northeast Ohio. Institutional racism
15 is still part of the fabric of life in our area. By
16 all indicators, we still remain one of the 5 most
17 segregated areas in the United States. Patterns are
18 perhaps less easy to recognize, perhaps less clear
19 than direct acts of violence or harassment. Yet,
20 such patterns are, if anything, even more insidious
21 and injurious to social harmony and human dignity.
22 With Bishop Anthony M. Pila, the Bishop of Cleveland
23 said in it's 1989 Easter message, it's still all too

1 true of Cleveland, patterns of racism continue to
2 incite tensions and tear the social fabric of our
3 communities. We see such pattern in segregated
4 housing that continue to plague our country, our
5 county, and our area. We have suburbs that are still
6 well over 99% white. One of our training meetings as
7 we showed up in one of our affluent western suburbs,
8 a teacher greeted us, me, personally, I was part of
9 that session, with the question, I don't know why
10 you're here? We don't have that problem here. And,
11 I think that points to some underlying assumptions or
12 underlying attitudes that are part of, I think, some
13 of the deeper issues.

14 One, denial, which I think is very strong.
15 Two, blaming the victim, you know, that what she was
16 referring to in an all white suburb, well, that
17 somehow diversity meant people of color and they were
18 the problem. And then, three, I think looking at the
19 issue in terms of a problem framework instead of
20 looking at diversity as a strike, we would say it in
21 our tradition is a gift from God and also identifying
22 in her case, from comments going on, identify
23 diversity as Black and white when, in fact, we have

1 an extremely diverse area. We also see such patterns
2 and such patterns by the way of institutional racism
3 have been described by not only Bishop Pila, but by
4 the Bishops of the United States. In fact, they've
5 been described as racism as a sin, that was in 1979
6 under a document on racism, and they identified
7 institutional racism as the major part of that sin,
8 even though going on to talk about and decry hate
9 crimes, racial incidents and personal bigotry, that
10 it's a sin that's social in nature. I think too
11 often we may lose sight of that. We see such
12 patterns of notoriety of areas, I'll just mention
13 them quickly before concluding. We've got a much
14 higher unemployment rate in Cleveland and across
15 Cuyahoga County among African Americans and Latinos.
16 We see such patterns in the loss of jobs that has
17 been a major issue in our community that particularly
18 affects people of color disproportionately. Those
19 who have been last hired, first fired. We see
20 patterns of disparity in education, especially in
21 dropout rates and test scores. We see such patterns
22 in crime rates that victimize non whites far more
23 often. And, in a criminal justice systems which

1 sometime continues to convict people of color in
2 disproportion of whites. We see such patterns in
3 poverty rates and gaps in family income. According
4 to the U.S. Census Bureau looking at per capita
5 income just over 5 years ago, African Americans came
6 out at about \$7500 compared to \$13,000 for whites.
7 In Cuyahoga County alone, over 43% of Black
8 households live below the poverty line. We have
9 neighborhoods in the City of Cleveland not far from
10 here where the poverty rate exceeds 80% and infant
11 mortality is worse than we would find in Honduras,
12 which is one of the poorest countries in the western
13 hemisphere. Children and young people of color are
14 far more likely to be victims of violence. And, we
15 have a rising problem with violence affecting young
16 people, especially in the city. We're not at the
17 level of a Los Angeles yet, but I think we're at a
18 real crossroad. We're either going to move in that
19 direction, or we're going to deal with this problem.
20 We have made progress, but we still have a long way
21 to go where we can claim to have communities which is
22 a healthy, multi-cultural community exists and
23 flourishes on a day-to-day basis. Too many of our

1 fellow citizens sometime have their life chances
2 adversely affected because of racism. Too many have
3 their opportunities cut-off or limited because of
4 prejudice and discrimination. Too much racial
5 isolation and class segregation exists. Nearly 15
6 years ago, Bishops of the United States said in their
7 Pastoral On Racism, brothers and sisters to yourself,
8 that despite the apparent advances and even
9 significant changes in the last two decades, the
10 reality of racism remains. Too often what's happened
11 has been only a covering over, not a fundamental
12 change. I believe those words are even more true
13 today than when they were written, as are the lines
14 which follow, which I think are very precious.
15 Racism and economic oppression are distinct, but
16 interrelated forces to dehumanize our society.
17 Movement towards authentic justice demands a
18 simultaneous effect on both evils. That spirit
19 converges with Dr. King's and recognizing that we
20 are, when we're in solidarity with the struggle of
21 others from liberating themselves and their
22 community, we are becoming more liberated ourselves.

23 More than 25 years ago, as you know, the

1 Kerner Commission concluded that the United States
2 was becoming two societies, one Black, one white,
3 separate and unequal. I believe in 1993, a similar
4 report could conclude that we're becoming several
5 societies, and that it's true in our area, still
6 separate but even more unequal.

7 Finally, I believe it's no exaggeration to
8 say that the whole question of multi-cultural
9 diversity in our relations with each other holds the
10 key to our future as a community and as a country.
11 Together, we'll struggle to create a more just
12 society with more harmonious race relations, or
13 divided we will, perish economically, socially and
14 spiritually, tightly clutching our antagonisms,
15 prejudices and fears. Valuing multi-cultural
16 diversity, therefore, means becoming who we are meant
17 to be as individuals, as a community, and as a
18 society. That's our challenge and our hope.

19 Thank you.

20 CHAIRMAN BATTLE: Thank you, Mr. Calabrese,
21 Mr. Savren?

22 CLIFF SAVREN,

23 I appreciate the opportunity to be here

1 today. As Regional Director of the Anti-Defamation
2 League, I cover northeast Ohio and also some areas
3 out of Ohio that I think are out of the pervue of
4 today's hearing. But, I wanted to give you our
5 perspective on hate crime trends that we see and
6 problems that we see festering. The Anti-Defamation
7 League was founded 80 years ago initially by a small
8 group who wanted to deal with anti-semitism, which
9 was rampant not only in housing and employment
10 discrimination, but even in the new movie industry
11 and the media, and really in every facet of American
12 life. But, it was recognized early on that
13 anti-semitism can't be dealt with in isolation, and
14 really must be dealt with in a broader picture of
15 examining prejudice of all kinds.

16 The ADL became expert and made an
17 organizational priority of prejudice of all kinds and
18 also of tracking extremist activity around the
19 country, extremist groups and figures in the hate
20 movement that merited law enforcement attention, and
21 that merited the attention of all of us. And, I
22 would like to deal with some of this. And, what I
23 see in this area, but, I would caution up front that

1 we don't attribute most hate crime to organized white
2 supremacist groups. They may feed an atmosphere that
3 may lead individuals to commit hate crime. They may
4 indirectly encourage individuals to commit hate
5 crime. But, for the most part, hate crime seems to
6 be, and this is just our anecdotal impression, seems
7 to be the work of individuals who live in a racist
8 society rather than individuals who are influenced
9 and under the thumb of white supremacist
10 organizations.

11 One of our major concerns over the years has
12 been that we try to deal with the problem of hate
13 crime, yet we really don't know the full extent of
14 it. And, in 1990, we have lobbied Congress for the
15 passage of the Federal Hate Crime Statistics Act
16 which, in the coming years, will I think give all of
17 us a better picture of the full extent of hate crime.
18 What we were finding was that law enforcement
19 officials were, in reporting statistics on a racist
20 attack; for example, would simply feature that
21 incident as an assault without any indication of the
22 motive. Some people may ask well, what's the
23 difference? Why should we be more concerned about an

1 assault if it's racially motivated rather than for
2 monetary gain or personal animosity? And, I think
3 that there is a major distinction and something worth
4 bearing in mind, and that is that hate crime in one
5 way or another not only is an attack on the
6 individual victim, but also on the entire community
7 that that victim represents. So that if a Black man
8 is walking down the street and is attacked for his
9 race, it's really not the individual that's the
10 victim, the individual happens to have been at the
11 wrong place at the wrong time, but is certainly a
12 representative of the whole community that the
13 assailant is seeking to attack. So, that it really
14 does have a wider impact. And, in addition, I think
15 goes to the basic fabric of a democratic society and
16 good community relations that hate crime really is a
17 major threat to our democratic way of life.

18 So, we see it as a major problem and a
19 problem worth individual attention, not only by
20 organizations such as ours and the others on the
21 agenda, but also by law enforcement. The Federal
22 Hate Crime Statistics Act has begun to generate
23 statistics, but they're really still very partial.

1 Only 32 states have reported in the first wave of
2 statistics. And so, although we consider them a
3 welcome addition to knowledge on this whole issue, we
4 recognize that they're partial and also don't provide
5 comparative statistics since we only have one year's
6 parity to study.

7 I want to focus on northeast Ohio and in
8 Ohio in general and give you some sense of hate crime
9 and hate groups in this area. I think most notable
10 were 3 incidents that my colleague Alan Katchen, who
11 works out of the Columbus office, also shared with
12 this Commission. The first was a Neo Nazi plot to
13 blow up the National African American Museum in
14 Wilberforce. Which, ironically and chillingly, was
15 scheduled for the Martin Luther King Day. And,
16 fortunately, was caught before it went into
17 execution. The second was a very disturbing plot by
18 a group calling itself the White Arian Religion.
19 And, to my knowledge, they don't represent a broad
20 national group, but certainly are a threat locally in
21 the Toledo area. And, on July 4th in Toledo, they
22 were planning on blowing up a predominantly African
23 American housing estate in the area. And, the third

1 incident that I would mention that was the work of an
2 organized group was a March attempt that was also
3 foiled before the fact involving Abu Medad terrorist,
4 a single terrorist in Ohio who was arrested in the
5 Dayton area who had been planning to attack Jewish
6 and Israeli targets. This was part of a wider
7 network that was foiled in Missouri and Ohio and, I
8 believe, also elsewhere. These are the most
9 important incidents of organized groups involving
10 criminal activity. That's not in any way to minimize
11 the presence of the Klan in Ohio, although relatively
12 small is attaining a, I think, much more public
13 presence around the state and is planning a rally in
14 October on the state house grounds in Columbus. And
15 so, certainly, even though we don't have any specific
16 information that we can point to in recent times of
17 Klan criminal activity and Klan involvement in hate
18 crime. Certainly, the Klan's history is replete with
19 violations of the law, with encouragement to violence
20 and with a racism that we certainly can live without
21 here in Ohio.

22 As it relates to the Cleveland area, the
23 City of Cleveland in particular, I really would defer

1 to my colleague, Sam Thomas, who really as head of
2 the Community Relations Board, has done a yeoman's
3 job in tracking hate crime in the City and providing
4 statistical information on hate crime in the city.

5 On a state wide basis, we don't have access
6 or I don't have information on complete statistics
7 regarding hate crime. But, as an organization for
8 the last 14 years, we've tracked anti-semitic hate
9 crime around the country and do keep separate
10 statistics in Ohio. And, what we see is perhaps not
11 a rise in hate crime in this state of an anti-semitic
12 nature, but certainly still a disturbing series of
13 incidents. Our 1992 audit, which is our most recent,
14 since we deal on a calendar year basis, revealed 60
15 anti-semitic incidents, 22 vandalism incidents, and
16 38 harassment incidents. This compares to 64 the
17 year before, a decline of 4. But, the interesting
18 and disturbing trend is that while most, while more
19 of the incidents involved vandalism in the past, we
20 see a rise in harassment incidents. So that we're
21 getting more in your face types of anti-semitic
22 incidents. Some of them face-to-face. The more
23 frequently they're either by phone or by mail or the

1 like.

2 I should also caution that not all of these
3 statistics represent hate crimes. The one additional
4 feature that we see as an anti-semitic incident
5 that's not criminal activity is anti-semitic
6 leafleting, which we think really does constitute an
7 incident from a standpoint of the insecurity of the
8 public. When you have white supremacists groups
9 spreading anti-semitic literature in a community, we
10 deem that a hate crime, but we caution that but for
11 criminal, statistical purposes, it's not a crime and
12 is, in fact, protected by the Constitution.

13 I want to conclude with just some touching
14 on which groups, which organized hate groups seem to
15 be most active in northeast Ohio. And, when I say
16 active, virtually all of this activity constitutes
17 either the operation of a racist hotline which
18 generally constitutes, has a recorded message that
19 changes on a weekly basis and which just spews
20 invectives against African Americans, Jews, and other
21 minorities, or leafleting, which has become an
22 increasing problem over the last 5 years. When I
23 first assumed this job 5 years ago, white

1 supremacists and anti-semitic leafleting was
2 essentially unknown. Now, it's a very regular
3 occurrence. I would say, certainly, on a monthly
4 basis, we get people calling us sharing with us
5 leaflets of anti-semitic and racist nature that have
6 been circulating in the Cleveland area. The four
7 most notable groups in that regards are Arian
8 National, which is based in Haddenwick, Idaho and
9 which is among the most extreme white supremacist
10 groups in the country. Having in the past, as I
11 understand it, still holding the ideology that the
12 Pacific northwest should be carved out as a white
13 homeland. They have become very active in leafleting
14 and also maintain a hotline in the Cleveland area.

15 The next group is the National Alliance,
16 which also has a hot line and has been active in
17 leafleting. Most of their literature is either of a
18 racist or anti-semitic nature. They even have been
19 disseminating tracks about supposed Jewish control of
20 the media. And they're based in West Virginia.
21 Their leader is a guy by the name of William Pierce,
22 who really found this as an off shoot of the George
23 Wallace Campaign, but has major contacts in the white

1 supremacist group and is perhaps the most skilled
2 propaganda leader, skilled propagandist among the
3 white supremacists and they have become a local
4 force.

5 The Klan, I've already mentioned. A couple
6 of years ago, we did a status report on Klan activity
7 around the states and we measured Klan activity in
8 Ohio at the time as under a hundred actual Klan
9 members. Most of the Klan presence that we've seen
10 has been in the southern part of the state, in the
11 Hamilton area and in Valparairie, along the Ohio
12 River. But, Klan leafleting and other Klan
13 propaganda, activities are a feature of northeast
14 Ohio.

15 The last that I would like to mention, as
16 far as an organized group is the Arian Racial
17 Loyalist group, which is perhaps the most curious, if
18 I can call it that. This is the brainchild of a
19 local guy by the name of Jack Bryant, who if his
20 ideology were not so disturbing, would be seen as a
21 comical figure. He's almost a character of a white
22 supremacist. He dresses in pseudo Nazi garb when he
23 makes public appearances. He's groomed to look like

1 Hitler, to the greatest extent possible. And, he's
2 dubbed himself the self-styled dictator of the Arian
3 Racial Loyalists. He has his base on the west side
4 of Cleveland, and has not only been seeking local
5 media attention, but has actually gotten some
6 national television attention. And, if his ideology
7 were not so comical, I think that he would be
8 dismissed as a kook. But, he obviously is spreading
9 invectives or at least intends to. Our information
10 indicates that his following is virtually, is
11 absolutely miniscule. But, he remains the only home
12 grown white supremacist that we're aware of in this
13 area.

14 The other thing that I'd like to mention,
15 and with this, I would conclude, it's the Skinhead
16 activity around the country has been a concern for
17 our organization. And, although much more loosely
18 organized, Skinheads in the past have been associated
19 with all kinds of violence against minorities,
20 various kinds. And, we never really had seen a
21 problem with Skinheads in this area until 1991 when
22 two known Skinheads, Skinheads known to law
23 enforcement, both from out of town, surfaced on a

1 non-racial incident in the metro parks on the west
2 side of Cuyahoga County were implicated in the
3 assault of an elderly couple. Now, there were no
4 racial overtones to that specific incident. And to
5 my knowledge, at least one of the two has since left
6 the area. But, in my contacts with law enforcement
7 officials, it seems apparent that there remains at
8 least an embryonic presence of Skinheads on the west
9 side of Cuyahoga County.

10 Finally, I would mention in terms of what
11 can and should be done. We are hopeful that the Ohio
12 Ethics and Intimidation Statute, which was an ADL
13 initiative and which has been under Constitutional
14 challenge, will, in fact, be reinstated. We see it
15 as a major tool for law enforcement. It had been
16 found unconstitutional by the Ohio Supreme Court. A
17 virtually identical statute had been upheld by the
18 U.S. Supreme Court and the U.S. Supreme Court has
19 since remanded the case to the Ohio Supreme Court for
20 briefing in September. So, our hope is that that
21 will again be a tool for law enforcement officials in
22 the future. Lynn mentioned our efforts with the
23 World of Difference Program, which is a cross based

1 prejudice reduction program. I think that our
2 program and the program at the Catholic Diocese that
3 the National Conference of Christians and Jews all
4 play a major role in our hope that the kinds of
5 activities that I talked about in the last few
6 minutes are a thing of the past in the coming years.
7 But, I appreciate the opportunity to be heard and I
8 commend you for your work.

9 CHAIRMAN BATTLE: Thank you very much, Mr.
10 Savren, Mr. Calabrese. Questions, committee, of the
11 two? Yes? Ms. Ortega?

12 MS. ORTEGA: I have a question of Mr.
13 Savren. You mentioned the White Arian Religion plot
14 to bomb the Wiler Homes development. Have you done
15 or seen any more activity in Toledo?

16 MR. SAVREN: Since I cover northeast Ohio, I
17 really can't speak knowledgeably about that.
18 Obviously, in general terms, I'm aware of the
19 incidents, but our Columbus office covers Toledo, and
20 I simply don't know.

21 MS. ORTEGA: We had another leafletting
22 there two weeks ago. There was a march, a
23 demonstration and there was a lot of Nazi, you know,

1 Neo-Nazi literature that had been dropped in this
2 area, in that area. So, I was curious if you had --

3 MR. SAVREN: The name White Arian Religion
4 is kind of reminiscent of White Arian Resistance,
5 which is a major California based white supremacist
6 group. But, I'm not aware of any connection between
7 them, and I really can't give you details on what
8 happened in Toledo.

9 CHAIRMAN BATTLE: Other questions? Yes, Dr.
10 Wilson?

11 MR. WILSON: This is for Mr. Savren. You
12 mentioned that your organization understands there to
13 have been 60 anti-semitic incidents in 1992. Could
14 you just, for the record, tell us what your
15 methodology is in determining the fact that these
16 incidents did occur?

17 MR. SAVREN: Sure. First of all, we always
18 investigate an incident before we consider it
19 statistically to be an anti-semitic incident.
20 Generally, these incidents fall within the harassment
21 or vandalism category. Unfortunately, in prior
22 years, we've also featured murder among the
23 incidents, but not in Ohio. The information either

1 comes from complaints that we receive from individual
2 victims, information that we get from law enforcement
3 officials, or information that at least initially
4 comes from press reports on a problem. But, they are
5 always investigated before they're considered an
6 anti-semitic incident. Again, I would caution,
7 though, that the one aspect of our statistics that is
8 not coterminous with the hate crime is that we do
9 consider leafleting to be anti-semitic. We don't
10 have to be an anti-semitic incident if it's of
11 anti-semitic content. An individual leaflet, if 300
12 leaflets are distributed in an area that we consider
13 that one incident, not 300 incidents, obviously. The
14 other area where I think we exercised special concern
15 or care is the whole issue of cemetery vandalism.
16 And, although I didn't mention it in my initial
17 remarks, there was a major anti-semitic incident
18 involving a cemetery in Cleveland where 200, almost
19 200 headstones in the Jewish community were
20 vandalized in January. On that basis alone, we would
21 not characterize that as an anti-semitic incident.
22 And, in addition, I should point out that there was a
23 adjoining, a city cemetery, a non-sectarian cemetery,

1 which was also vandalized, which would, on first
2 blush would confirm the fact that this was an
3 anti-semitic incident. Until the discovery of a
4 swastika spray painted on one of the gravestones. At
5 that point, we called it an anti-semitic incident.
6 The post script would be that last week in juvenile
7 courts in Cleveland, the three youths who were
8 arrested in this one actually admitted the charge.
9 The others were tried last Thursday and Friday and
10 were found guilty, but there was no evidence during
11 the trial that they were responsible for the swastika
12 or that think had any anti-semitic intent in
13 committing this vandalism. So, we don't label that
14 conviction to be the conviction of an anti-semitic
15 hate crime. And, we still consider the hate crime
16 aspects of that case to be an open question.

17 MR. WILSON: Of the 60 cases from 1992, how
18 many of those 60 were acts that, however
19 reprehensible, were Constitutionally protected, like
20 leafleting or verbal assault or what have you?

21 MR. SAVREN: Unfortunately, I don't have
22 that, I don't have them available. For the record,
23 if you're interested, I do have a copy of our

1 national audit of anti-semitic incidents, which
2 includes the Ohio statistics and also analysis of
3 national trends.

4 CHAIRMAN BATTLE: Other questions? Thank
5 you very much, gentlemen.

6 Our next set of speakers this morning,
7 Sandra Schwartz, Eleanore Dees and Martha Goble can
8 now take their places at the table.

9 Good morning. Ms. Schwartz, would you like
10 to begin?

11 SANDRA SCHWARTZ,

12 I'll be happy to. I'm pleased to be asked
13 to be here. I've never done this before, so bear
14 with me and hope that this is of interest.

15 CHAIRMAN BATTLE: Could you move the mike
16 closer to you, we have a lot of competition from next
17 door.

18 MS. SCHWARTZ: As you have in front of you,
19 I'm from the National Conference of Christians and
20 Jews. I'm the Regional Director of what's called the
21 Northern Ohio Region, and I will refer to that for
22 all of our time sake as NCCJ from now on.

23 I'm part of a national organization, there

1 are 60 NCCJ offices around the country from Los
2 Angeles to New York and of varying sizes, in terms of
3 budget and staff, and we're sort of a moderate in
4 Cleveland. But, we operate fairly independently,
5 which, I think, is the reason the organization works
6 well, because our agenda becomes a reflection of what
7 the local community needs are.

8 I was interested in some of the historical
9 background that others gave on their agencies, so I
10 thought I would just throw in the fact that
11 nationally, we're more than 60 years old and in
12 Cleveland, we're more than 50 years old, and was
13 started, it's very confusing to many people when they
14 hear the name because they think of us as a religious
15 organization, which we are not. But, it was started
16 more than 60 years ago, as I said, as a reaction to
17 the anti-Catholicism that developed when Al Smith ran
18 for the Presidency. And, the name emerged because it
19 was started by a priest, a minister and a rabbi. And
20 they use to go around the country -- this was before
21 mass media was as mass as it is -- and they use to
22 speak on college campuses and they became known as
23 the Tolerance Trio. The agenda of NCCJ got widely

1 broadened during the civil rights movement, and now
2 we deal with issues of discrimination at all levels
3 that include race, religion, ethnicity, gender and
4 even sexual preferences, in some NCCJ's.

5 What I'm going to talk to you about is more
6 anecdotal than statistical. We really are not in
7 the practice at this point of gathering a lot of
8 statistical data. I found Cliff's remarks very
9 interesting. Recently, at a NCCJ meeting, our
10 national president pointed out a couple of facts that
11 I thought were fairly dramatic and interesting to me.
12 She said in Great Britain, there are more Seeks than
13 Methodists. And, the United States, there are more
14 Muslims than Episcopalians. So, I thought that
15 dramatically said to me that the world is changing
16 and the United States is changing rapidly. And, the
17 question is, are we doing enough to accommodate those
18 changes?

19 Last year, Klan Watch, which is a subsidiary
20 of the Southern Poverty Law Center, identified 346
21 white supremacists groups in the whole country. And,
22 they said that was a 27% increase over the number in
23 1990. But, as I quote from Morris Dees, who is the

1 founder of Klan Watch and from his relatively new
2 book called Hate on Trial, which was the Klan Watch
3 trial against Tom Metzger, he says, but even more
4 alarming than the growth of these groups on society's
5 fringe is the rising tension in mainstream America.
6 Almost daily, we read of vicious hate crimes and
7 other activities that violate moral law, if not
8 criminal law. I have high regard for Morris Dees
9 because the NCCJ Director in Texas says we have to
10 learn to walk like we talk. And he is, I think, a
11 wonderful example of someone who does walk like they
12 talk. And, I think all of us can take a lesson from
13 that.

14 What I'm going to say next is really a
15 reflection of my personal and professional
16 impressions. As I said, they have no basis in
17 scientific analysis or statistical interpretations,
18 but rather my experience as a NCCJ Director for about
19 3 years. I feel that there has been an increase in
20 overt acts of discrimination. When I first took this
21 job, I, in responding to this kind of question, would
22 say well, I think the discrimination is still there,
23 but people are more measured and controlled in the

1 way they play out their feelings of prejudice.
2 Unfortunately, I feel that that trend has reversed.
3 I think that while most of the acts are occurring by
4 these groups that are on the fringe of the social
5 activity in our society, I think that that fringe is
6 growing both in numbers and in their interest in
7 making overt statements and behavioral statements
8 about their feelings of prejudice. Through NCCJ and
9 the program that was mentioned by Cliff and Lynn,
10 Cottage Removed, which operates in almost 50 high
11 schools in northern Ohio, I've had the chance to work
12 with literally hundreds of young people. And my
13 impression is that most of these young people, in
14 fact the vast majority, are not in that sort of
15 lunatic fringe. They are young people who are
16 extremely concerned about what is going on in their
17 community, both their school community, their
18 community in which they live and the world in which
19 they are going to be in a very short time. And, they
20 really do want to make a difference and are extremely
21 articulate and creative in identifying ways in which
22 to do that. What I think we missed in, perhaps I see
23 as the reason for this increase in overt

1 discriminatory behavior is the lack of an articulate
2 national leadership that validates, supports and
3 assists in the efforts of the young people. But
4 rather, I view, as I said, it's my personal
5 impression, that too often we have not seen
6 leadership that has been willing to sort of stick
7 their necks out and make statements that certain
8 kinds of behaviors are just not acceptable, and
9 certain kinds of language are just not acceptable.
10 And, while Dr. Wilson mentioned earlier about whether
11 an ethnic joke is really a hate crime, and I think I
12 wouldn't, I would agree with you, I wouldn't go so
13 far as to identify it as a crime, I feel it's really
14 an act of great insensitivity and probably a symptom
15 of other kinds of behaviors that are occurring at
16 other times. And, in fact, one of the very simple
17 little things that we try to do, and this is a lot
18 harder than it may sound at first blush, is to get
19 people ways to deal with those kinds of behaviors
20 when they occur. It's hard, it's hard for me, and I
21 do this every day of my life, and it still remains
22 hard. So, when we try to train people who are not
23 doing this as a profession, we can see where the

1 difficulty arises.

2 Those that are in or just out of high school
3 have spent most of their impressionable years in an
4 environment that has frequently seemed indifferent to
5 prejudice and discrimination. And, when we look back
6 at what the environment has been for the past 10 to
7 15 years, then perhaps we can better understand why
8 we see an increase in hate crime among our youth, and
9 some of them getting into this fringe, subversive
10 anti-social behaviors.

11 I feel that the challenge for us today is to
12 reinstate the environment that clearly defines what
13 behavior is both appropriate and acceptable and in
14 interacting with those who are different from us.

15 Hate crimes has become a bit of a national
16 priority for NCCJ. There are a number of NCCJ
17 offices around the country that are dealing with this
18 a lot more actively than Cleveland. And, in looking,
19 trying to get some information that I thought was
20 more factual than I've been able to come up with, I
21 did call a few of my colleagues around the country
22 and was particularly intrigued by a program that I
23 have learned about in New Jersey. And I, while I'm

1 certainly not an expert on this program, I pulled
2 together, they were nice enough to send me some
3 information, I pulled together some information that
4 I'm going to leave with you. I'm really intrigued by
5 what they have been able to do because the Governor,
6 Governor Flourey of New Jersey has made this a
7 priority for the state. And, I think that refers
8 back to what I said about leadership, and this has to
9 be a mandate from the top. And, we have to have
10 leaders that say this is important enough for us to
11 take action on and put some money behind. So, they
12 have an office of bias crime and community relations
13 as part of the Attorney General's office. And, the
14 program that I'm going to give you this outline for a
15 program that based on education and criminal
16 sanctions for hate crimes. In New Jersey, and this
17 is a pilot program that has just started in June,
18 juveniles who commit bias crimes will be required to
19 undergo 5 weeks of sensitivity training, and they're
20 expected to involve 30 offenders in the first pilot
21 year of the program. I don't know what that training
22 looks like. I can guarantee you, I intend to find
23 out what it looks like because I'm really intrigued

1 with re-educating because I think that's what we have
2 to do. The Director of this Office of Bias is, his
3 name is Steve Goldenberg, reported that in visits to
4 numerous schools, that 100% of the students to whom
5 he spoke said that they had heard their parents tell
6 racist jokes, and 85% of teachers admitted knowing
7 staff members who made racist remarks. That's a
8 pretty poor report from two groups who become the
9 major teachers and role models for kids, teachers and
10 parents. So, I think we have a lot of blame to
11 assume on our generation for creating this young
12 generation that we have today.

13 Now, the program that they've instituted in
14 New Jersey is Human Relations Commissions that are
15 county wide. And, 80% of the counties in New Jersey
16 now have one of these Human Relations Commissions in
17 place. And, they're very comprehensive in their
18 membership as you will see when you look at this.
19 They include law enforcement people from agencies
20 like myself, educators, community leaders. And, as I
21 said, this is not complete information, but I think
22 it's worth looking at and thinking about.

23 I believe very strongly that we need a

1 comprehensive, proactive community effort in what is
2 needed for long term reduction of hate crimes and
3 other racist behaviors. And, indeed, that's really
4 first and foremost on the agenda of NCCJ.

5 And, I just want to close with a quote, for
6 any of you who are sort of addicted to Sunday Morning
7 with Charles Kuralt as I am whenever I can watch it.
8 Dr. Johnetta Cole, who is President of Spellman
9 College, was on a few weeks ago, and I got the
10 re-print. It was harder to get than I thought. But,
11 what she said is sort of, I think, what I would like
12 to think that NCCJ stands for. And, this is a quote
13 from Dr. Cole as she was speaking to a group of
14 people: "We are for difference, for allowing
15 difference, and respecting difference until
16 difference doesn't make any more difference."

17 CHAIRMAN BATTLE: Thank you, Ms. Schwartz.
18 Ms. Goble?

19 MARTHA GOBLE,

20 I have a very brief prepared statement to
21 read for you. But, to give you a short background of
22 my agency, we are the Heights Community Congress, a
23 20 plus year Fair Housing and positive race relations

1 organization that's locally based in Cleveland
2 Heights, Ohio. We did meet with Peter several weeks
3 ago, had a fairly comprehensive discussion among our
4 staff about these issues. I didn't know that we
5 really had any great incidents to report. But, since
6 I was asked to participate in this, I'm reading what
7 would be our feeling about this for your hearing this
8 morning.

9 Heights Community Congress is an
10 established, not-for-profit organization with a
11 vibrant history spanning more than 20 years. It's
12 based in Cleveland Heights an Eastern inner ring
13 suburb of Cleveland, Ohio. The primary focus and
14 mission of the organization is to serve as a monitor
15 and an advocate for open diverse communities,
16 committed to the principal that all members or
17 perspective members of Cleveland Heights, University
18 Heights will experience social justice and equality.

19 Heights Community Congress serves Cleveland
20 Heights and neighboring suburbs, as well as the
21 greater Cleveland area with multi-cultural
22 programming to provide opportunities to educate
23 community residents about the importance of reducing

1 racial, ethnic, and religious prejudice.

2 During my three-year tenure as Director of
3 of Heights Community Congress, Cleveland Heights, to
4 the best of my knowledge, has had no reported hate
5 crimes. Although Cleveland Heights is a diverse
6 community, racially, economically and ethnically,
7 cooperative living among residents is prevailing.
8 This can be attributed, in part, to a city
9 administration that's supportive and demonstrative of
10 equitable treatment and individual value and respect
11 for its citizens. Integration has been recognized
12 and heralded in this community jointly by the city
13 administration, civic and educational institutions.

14 As an individual, I'm aware that the
15 neighboring suburb of Lindhurst has not been without
16 notable incidents of intolerance. Again, those that
17 are different. Unfortunately, this community has not
18 been afforded the support and leadership from it's
19 city government to embrace the diversity that exists
20 along its borders to the west.

21 And, that really ends my prepared statement.
22 Heights Community Congress, with it's fair housing
23 emphasis, does a great deal of monitoring of the real

1 estate industry to ensure that there's equal
2 opportunity for all perspective home seekers and to
3 ensure that the fair housing laws are upheld. We are
4 presently in a case at litigation against housing
5 discrimination that occurred in the Community of
6 Lindhurst, and that's why I draw that contrast. And,
7 again, strongly reaffirm that leadership of city
8 governments is very important to the tone that's set
9 in the community.

10 CHAIRMAN BATTLE: Thank you, Ms. Goble
11 questions, committee? Yes, Mr. Levantahl?

12 MR. LEVANTHAL: I'd like to address a couple
13 of questions to Ms. Schwartz. First of all, the
14 members of the National Conference of Christians and
15 Jews, what do they comprise mainly, upper, middle,
16 lower class businessmen, teachers, what type of
17 people belong to your organization generally?

18 MS. SCHWARTZ: Well, at least for northern
19 Ohio NCCJ, membership is sort of a, not a word that
20 applies because we don't have, people don't pay a fee,
21 to become a member. We have, I perhaps over
22 optimistically consider the whole community our
23 constituency. And, when we have a program, it's

1 really open to everybody. But, having said that, our
2 financial support comes primarily from the corporate
3 community. Our constituency, in terms of program
4 participation, comes from really all levels of the
5 community. And, I can most notably talk about the
6 high school program that's been referring to where we
7 have about 50 high schools that represent both urban
8 and suburban schools from all around the community.

9 MR. LEVANTHAL: Saying that money comes
10 from the corporate community, the point that I'm
11 reaching for is this, although we've talked about
12 education in the schools, helping to ameliorate the
13 situation with prejudice, it seems to me that perhaps
14 corporate leaders could be instructed in their own
15 organizations to instigate a program which might
16 help. For example, we have found that there's much
17 discrimination not only in hate crimes, but in job
18 discrimination. People don't get promoted because of
19 race, color or creed and generally, that starts with
20 the top. If the chief executive is known to be
21 biased or tell ethnic jokes or performs in that
22 manner, it sifts down to the bottom. So, the
23 question really I ask, can anything be done where the

1 corporation leadership, to help them set proper
2 examples?

3 MS. SCHWARTZ: I couldn't agree with you
4 more in your statement about the corporate leadership
5 setting a tone and example. And, yes, I think many
6 companies are in the process of going through
7 diversity training within their organization. And,
8 in fact, NCCJ is involved in some of that training,
9 as are others that have been in this room, and is, I
10 think to be sure that that training reaches all
11 levels of the organization.

12 CHAIRMAN BATTLE: Other questions? Yes, Ms.
13 Powless?

14 MS. POWLESS: I have a question for Ms.
15 Schwartz. You had stated that some NCCJ's deal with
16 prejudice and discrimination with gays and lesbians.
17 Is that the case in Cleveland?

18 MS. SCHWARTZ: We don't directly deal with
19 the issue, but it does, we certainly don't back off
20 from the issue when it's raised. Much of our agenda
21 is established, much of our programming is to create
22 a safe atmosphere for people to talk about whatever
23 their issues are. And, when that issue comes up,

1 it's an issue that we deal with. We don't
2 proactively program for that in Cleveland because
3 there are other community groups that were dealing
4 with that solely, that's their major focus. While we
5 have invited some of those groups leaders of those
6 groups to come in and be a part of a broader
7 discussion that we've had.

8 CHAIRMAN BATTLE: Other questions? Thank
9 you very much for your time and your testimony this
10 morning.

11 Eleanore Dees has told us that she'll be
12 here between 11:15 and 11:30, and we'll hear her
13 testimony when she arrives. In the meantime, is
14 there members of the public who would like to enter
15 into the record their comments this morning?

16 MS. HELPHREY: I just set up time to do
17 this tomorrow.

18 CHAIRMAN BATTLE: Very good. We'll hear
19 from you, then, tomorrow.

20 MS. HELPHREY: I wasn't sure when this
21 meeting was.

22 CHAIRMAN BATTLE: Would you mind identifying
23 yourself?

1 MS. Helphrey: I'm Juanita Helphrey. I'm
2 with the National Headquarters of the HERO Project.
3 And, I also had a recent justice program for Homeland
4 Ministry.

5 CHAIRMAN BATTLE: Thank you.

6 MS. HELPHREY: I'm also a member of the
7 League of Native American Community, which is not
8 represented on this agenda.

9 CLIFF SAVREN,

10 MR. SAVREN: Time really didn't permit in
11 my initial remarks, but one thing that -- I felt that
12 I wanted to drive home with this extra time was the
13 sense of the trauma of the victim of hate crime.
14 And, in walking over here, I was thinking the best
15 way to really describe that is to give you an
16 individual case study. But, time really didn't
17 permit it, apparently does now, so thanks.

18 One, just one example and the one that I
19 think educated me to the importance of the problem of
20 hate crime was a woman in the Canton, Ohio area who
21 called me near hysterics. She and her husband, this
22 was a couple of years ago, were celebrating their
23 anniversary and gone to Cleveland out to dinner and

1 came back to Canton to their house. And, to their
2 horror, found a swastika painted on the hood of the
3 car. She was very concerned about it, especially
4 when she learned that another Jewish family that
5 lived down the street also had a swastika put on
6 their car. Interestingly, the other family really
7 didn't seem terribly concerned about it, but this
8 woman was absolutely traumatized by it because of the
9 damage. But, more importantly, because she was
10 targeted by somebody unknown to her who knew that she
11 was Jewish and she was really very concerned, not
12 only about that, but also about the prospect that
13 worse could be done to her. Well, we worked with law
14 enforcement officials on it. There were some that a
15 kid in the neighborhood was involved. But, it was
16 obviously somebody that knew her. But, the parents
17 of this suspected individual were uncooperative as
18 the kid himself, and it remained an unsolved hate
19 crime. But, I would have hoped that would have been
20 the end of the story until a couple of months later,
21 a Sunday morning, I got a hysterical call from this
22 woman saying that the windshield had been shot out of
23 this same car, which had just been re-painted and

1 repaired. And, in her mind, she had to assume that
2 it was the same assailant involved in both instances,
3 even though if you look at the windshield incident on
4 the surface and in isolation, it's not a hate crime
5 in the least. It's simply a random act of vandalism.
6 I think that that really brought home to me more than
7 anything else had the trauma, the continuing trauma
8 that victims of hate crime carry with them. And, in
9 addition, this woman even required psychological
10 counselling and ultimately the solution to her trauma
11 was that they left the neighborhood. So, at least
12 partially because of this incident, some unknown
13 assailants was responsible for driving this Jewish
14 family out of the neighborhood in the suburbs of
15 Canton. In a decision, I would again refer to the
16 cemetery vandalism incident, which really shocked the
17 entire community, not just the Jewish community.
18 Mayor White came out and did a news conference to
19 express his horror, but it also drove home to me the
20 fact that hate crime does not just strike an
21 individual victim, it strikes the entire community.
22 And, the phones in our office were just ringing off
23 the hook from people who were concerned, some of them

1 who wanted to ask whether there was anything that
2 they could do to help, even in contributions of
3 money. There were people who, from the community in
4 which the cemetery is located, who simply wanted to
5 express their regret that this happened. And,
6 although it's not exactly clear to me how the police
7 investigation led to the three juveniles who were
8 ultimately charged, it seems that it was neighborhood
9 tips that led to these three juveniles ironically
10 because the three were, from what I've heard,
11 bragging about what they had done in the
12 neighborhood. But, what I would want to leave you
13 with is just my really firm belief that hate crime is
14 a major problem, and it's a problem not only for the
15 continuing trauma that it imposes to the victim, but
16 also for the whole community.

17 And, for that reason alone, I especially
18 welcome this Commission's attention to the issue.

19 CHAIRMAN BATTLE: Thank you, Mr. Savren.

20 Are there questions for, additional questions for Mr.
21 Savren? If not, the Committee will be in recess
22 until Eleanore Dees arrives.

23 (WHEREUPON, a short recess was taken.)

1 CHAIRMAN BATTLE: Ms. Dees, the floor is
2 yours.

3 ELEANORE DEES,

4 Thank you. I have some copies to give to
5 members of the panel, if I could deliver, Mr.
6 Chairman, and other members of the Commission. I
7 want to thank you for this opportunity to talk with
8 you today about hate crime in Ohio. My name is
9 Eleanore Ramsey-Dees, and I'm President of the
10 Cuyahoga Plan of Ohio, Inc. And, as its Chief
11 Executive Officer and Chief Operating Officer, my job
12 is to implement the mission of the Cuyahoga Plan.
13 The Cuyahoga Plan was incorporated in 1974 and it's
14 committed to the elimination of unlawful
15 discrimination in the rental and sale of housing, and
16 the promotion of sustained racial integration in the
17 housing market, both in Cuyahoga County and beyond.
18 Its mission is to promote and support culturally
19 diverse, stable community business, replacing
20 discrimination and segregation with an open housing
21 market.

22 The task before me is to list those
23 incidents of hate occurring in Ohio over the years

1 and as they relate to open housing. I won't tell the
2 panel that hate crimes against one another is bad for
3 our society and that the phenomenon is pernicious,
4 you all know that. What I will do is cite three
5 incidents. Two of the incidents occurred in the same
6 county and that's Geoga County, and one was reported
7 to local newspaper. The second was an incident that
8 I experienced and I shared it with a very close
9 friend. And, the third is from the files of the
10 Cuyahoga Plan.

11 The first story, and as you will notice in
12 the materials that I handed you, it's a story of John
13 MacGyver, who is an African American who had a dream
14 of owning a farm. And, he had worked on a farm for 2
15 years in Geoga County, so he moved to the farm,
16 renting the farm. Shortly after he moved in, there
17 were some racial slurs written on the shed. And,
18 this shed contained his tractor and some pesticides.
19 And so, once the racial slur was there, not too long
20 after that, the shed was burned down. So, what
21 happened to Mr. MacGyver was that he, on this farm,
22 he had an orchard and he was unable to put the
23 insecticide on the orchard, so he lost the apples

1 From those 50 trees. And, this caused him to a lot
2 of financial hardship. So, it affected him
3 personally, it affected his self esteem, it affected
4 his marriage. So facing bankruptcy, he and his
5 family left. It was called Russell Township in Geoga
6 County. But, they left Russell Township and they
7 moved into Warren. And so, that's where we leave him
8 at that story.

9 The second incident that I wanted to report
10 to the Commission happened to a very dear friend of
11 mine. We had worked together some years ago and we
12 were both 2 young women, well I had a family, she had
13 a husband and that was her family. But, they had,
14 her husband had a dream of owning and raising Arabian
15 horses. So, they moved, they bought a farm in Geoga
16 County. They not only wanted to raise the Arabian
17 horses, but they had two German Shepards that they'd
18 raised from puppies that were marvelous animals.

19 And, he would take one of the German Shepards back
20 and forth with him because he worked full time at the
21 Chrysler plant. So, coming very late at night, he
22 thought he would feel safer with the dog in the car
23 with him. So, the dog was his company while he would

1 go out to the farm. His wife worked with me at
2 University Hospitals of Cleveland. So, we talked
3 daily about what they were going to do with the farm.
4 And, I would go out and visit them, my husband and I
5 would go out and visit them. And, we watched them
6 reconstruct an old farm house, it had just one room
7 and they made it into several. They added on several
8 rooms. And, I saw them begin to build the stables
9 for the horses. Now, they started out with, I think,
10 one-quarter Arabian and, as you mate them up, I
11 understand that you get to your full blooded Arabian.
12 However, they were going to do this but he had all
13 together 3 Arabian horses in that stable. As time
14 went on, and they tried to arrange for financing to
15 complete the purchase, because they were getting it
16 under a land contract, they couldn't find the kind --
17 they couldn't find the financing. But, that wasn't
18 so bad. One night after he had worked a full day at
19 Chrysler, he went to the farm and found that his
20 horse was dead, one of the horses was dead. When he
21 reported to the authorities, they came out and
22 determined the horse had been poisoned, and that was
23 his first startling experience. He got to the place

1 where he would leave the dog there because he thought
2 at least the dog would frighten people away. He went
3 to the farm one day and found the dog was dead, had
4 been poisoned as well. About this, at this time, you
5 could understand that he was beside himself. In
6 fact, both of them are because while they didn't have
7 children, that animal, both of those dogs represented
8 children to them. So, they were very fond of that
9 animal. The loss of the dog and the loss of the
10 horse began to wear on this couple. And, after a
11 year, they decided that they should divorce. She
12 went to California and he disheartened, sold the
13 house here in Cleveland, they lived in Cleveland
14 Heights, and he moved to North Carolina to take care
15 of his father. His father had a farm there in North
16 Carolina. So, as years went by, I would say about 5,
17 he went to the hospital and because he was ill,
18 complained of stomach pains, and he was diagnosed as
19 having carcinoma of the stomach. This is a young
20 man, under 40 years of age. I should say, as an
21 aside, we always called them the Wonderkings because
22 they were so young and they seemed to know exactly
23 what they wanted in life. But, he called her and

1 asked her if he could spend the last year of his life
2 with her, and she said yes. So, he died in
3 California. So, that's one incident of hate that I
4 know of, and I know what it can do to people, and
5 just how traumatic it can be.

6 The third incident comes to mind as a result
7 of my searching our files after talking with Mr.
8 Minarik, I looked at our files and came across a
9 story of a woman who called our office and later came
10 in because she was so upset, she was a real estate
11 broker and she had a client that she had taken to a
12 house to show a house. The client happened to be
13 African American, and the house that they were going
14 to look at was a duplex, side by side, and it was
15 owned by two brothers. One of the brothers had moved
16 out of the city, so he wanted to sell his half. The
17 other brother remained in Cleveland. The real estate
18 agent had called ahead, made arrangements for the
19 house to be shown. She had talked with the other
20 brother, and everything seemed fine. She got out of
21 the car with her client and when the brother saw who
22 she was bringing to his house, he reacted so
23 violently he jumped--as they were coming up to the

1 porch, he jumped past her door, in front of the other
2 door and he actually stood there. I asked her, show
3 us what he did. He stood there with his arms
4 stretched out. This house is not for sale. This
5 house is not for sale. Both of them just stood
6 there, they couldn't believe that this man, in 1992
7 at that time, was behaving this way. So, the real
8 estate agent talked with her client, said well, we'll
9 come back another time. We'll call the man and we'll
10 get him and, the one who owns it, and either have him
11 talk to his brother, or come in to Cleveland to show
12 you this house because you must see it. You have a
13 right to see this house. The client, at that time,
14 said, I don't want to have anything to do with it. I
15 can't stand this. I don't want to have anything to
16 do with this man, this house, this neighborhood. So,
17 the salesperson lost a sale. Her client lost the
18 opportunity to see a home that she probably wanted
19 and could afford. So, what happened there; of course
20 we, having come to the Cuyahoga Plan, we did test it.
21 We found that the brother was in no condition after
22 this, the brother who remained in Cleveland, was in
23 no condition to show that house. So, the owner had

1 to come from outside the city to show the house he
2 wanted to sell. But, despite that, the agent went
3 forward with the Complaint because she had been
4 damaged by this incident.

5 So, those are the three incidents that I
6 wanted to relate to you. You have, accompanying your
7 materials, a list that was compiled over a period of
8 time. But, it's a list showing the locations where
9 the incidents took place, the date that they occurred
10 and the brief description and whether or not the
11 victim was Black or white or whether it was because
12 of religious purposes, whether the person was Jewish
13 or not. So, we have it broken down as the victim
14 being either Black, white, or if it's an interracial
15 couple, Black and white. If it was on the basis, if
16 the discrimination was on the basis of religion, a
17 person happened to be Jewish, and that's the only
18 faith that we have that's chronicled here.

19 I want to point out that it's been our
20 experience that most of the agencies don't keep a
21 file on such events. They come to us, but they're
22 called something else. When these acts come to us,
23 we look to see if housing is involved. So, it comes

1 under another category. Sometimes these incidents
2 happen to persons and they won't report them; they're
3 just so disgusted, as did our client and the broker,
4 real estate broker example.

5 I go on to say that racial incidents are not
6 always reported to the authorities by most of the
7 victims. Now, the Cuyahoga Plan, which is a fair
8 housing agency, receives and investigates complaints
9 of discrimination centered around housing. From
10 October of 1992 through July of this year, the agency
11 received over 1200 inquiries from persons who felt
12 that they had encountered acts of discrimination,
13 whether those acts were based on any of the protected
14 classes; as you know, that's race, sex, religion,
15 national origin, status or disability. Recently,
16 Housing Secretary Henry G. Cisneros stated in an
17 interview with the New York Times that racism is a
18 malignancy, and that it's the great achilles heel of
19 our nation's future. I'll repeat that he said racism
20 is a malignancy and the great achilles heel of our
21 nation's future. And, you think about it.

22 Although significant changes have occurred
23 in the area of discrimination over the past 20 to 25

1 years, today it has become more covert, more subtle,
2 more widespread. Acts of hate of one group against
3 another, whether through physical encounters or the
4 systematic denial of home loans or insurance coverage
5 only serve as a harbinger of our local and national
6 tragedy.

7 Finally, I would remind the Commission that
8 what is needed now as never before is for the right
9 leadership on the issues of racism and demonstrated
10 acts of hatred in this country. It is of great
11 importance that we here today do not lose faith,
12 however, in the goodness of mankind and the right of
13 every person to life, liberty and the pursuit of
14 happiness in this very diverse society of ours.

15 Thank you very much. I'll entertain any
16 questions, if you have them.

17 CHAIRMAN BATTLE: Thank you Ms. Dees. Any
18 questions from the Committee?

19 MS. ORTEGA: I just had one. I just notice
20 that you mentioned two incidents with Hispanics. Is
21 that it? Is that all that you have in your --

22 MS. DEES: That's all that were collected,
23 yes.

1 MS. ORTEGA: Do you have any, is it just
2 because that's what was reported to you? Do you have
3 any sense as to why you might have only gotten two?

4 MS. DEES: I think there was a time ago
5 there, I think those were not in the '90's, if I
6 remember them correctly, and I think what's
7 happening, the acts of hatred against Hispanics is
8 not, is more than what meets the eye. As you know,
9 the Hispanic culture is very diverse. There are
10 differences between those who are from the Caribbean,
11 those who are from Puerto Rico and those from Europe.
12 Sometimes those, the different Hispanic groups will
13 have a very close association with African Americans.
14 Therefore, what they'll encounter is different, the
15 hate they could encounter. Sometimes there's fights
16 between African Americans and Hispanics, and that may
17 be one of the incidents there.

18 We had an incident earlier this year where a
19 Hispanic woman wanted to move into an African
20 American community. And, on its face, it appeared
21 that she was being discriminated against. But, when
22 we got into the fact, we saw that it wasn't
23 necessarily a hate crime, it was something else. So,

1 I guess in answer to your question, Mrs. Ortega,
2 it's, I think that we're going to have more incidents
3 of hatred against Hispanics because we'll be more
4 sensitized ourselves. We'll be looking for it. And
5 I think, as a result of this, we're going to be
6 keeping better records of the incidents and we'll be
7 probably doing some clipping, too, and keep a
8 clipping file. That's how I could answer that.

9 CHAIRMAN BATTLE: Other questions?

10 MS. PRESLEY: I notice that as you said,
11 your findings are all in the '80's. Do you have any
12 more recent ones?

13 MS. DEES: We have, we don't have a list
14 like this. We have just a file composed of news
15 articles and they do relate, to the Mabel Gant, that
16 was a very big item here. We still have ongoing
17 conflict in the North Columnwood Area of Cleveland.
18 In fact, when I did just a quick sketch of where most
19 of these incidents occurred during the '80's,
20 overwhelmingly 121 of them occurred in the North
21 Columnwood or the East Columnwood area. And, that's
22 unfortunate because that was an area that prior to,
23 I'd say, the '60's was an area that was very diverse.

1 It was composed of African American families, German
2 American families. My father grew up in the area.
3 He and his family, migrated from Georgia there in 19,
4 I would say 17, and children played in and out of
5 each other's homes. They ate at each other's tables.
6 So, during the '60's, however, when many of the old
7 families moved from the Columnwood area, the new
8 families came in with different backgrounds, the
9 conflict began. So, in answer to your question,
10 whether or not we have more current ones, I don't
11 have a compollation of them, and that's why we're
12 going to begin to take--when they come to us and the
13 person says that I've been discriminated against, and
14 someone did something to me, we'll not wait and say
15 well, was it housing? We'll immediately, if there
16 was an altercation, if there's some form of hatred,
17 we'll keep a separate file on that as well.

18 CHAIRMAN BATTLE: Ms. Dees, once you get
19 this information, could you walk us through the next
20 steps? Do you have a liason with the Justice
21 Department to assist those that complain to you to
22 file suit or just what happens after the issue is
23 laid in your lap?

1 MS. DEES: Well, what we have done under,
2 while I've been Director, and that was since June 1st
3 of 1992, what we've done is we've talked with the
4 person to find out of whether or not it was housing
5 related. And then, we would test it and if we found
6 probable cause for discrimination in housing, we
7 would counsel the Complainant, asking them, telling
8 them what happened. We found probable cause, and
9 what did they want to do? Did they want to go the
10 administrative route, or did they want to go directly
11 into federal court. And, many of them wanted to go
12 the administrative route. And so, then, we would
13 file a complete Item 3 with Housing and Urban
14 Development Department. Sometimes if it was a
15 personal civil rights matter, they would go to the
16 Human Rights Commission, file a complaint there.

17 CHAIRMAN BATTLE: How about issues you might
18 suspect are hate crimes, perhaps a cross burning on a
19 lawn? Is there a connection that you would make with
20 the Cleveland Police Department in that regard?

21 MS. DEES: Immediately, yes.

22 CHAIRMAN BATTLE: Do you have a relationship
23 with them, an ongoing relationship that assists them

1 in identifying --

2 MS. DEES: We have had that relationship
3 traditionally. The Cuyahoga Plan has conducted
4 sensitivity studies with the local, the various
5 police departments. So, we do have a relationship
6 there. But, after the police are contacted, they'll
7 either deal with it or investigate it. And, if it's
8 also housing related, we'll investigate it. But, a
9 cross burning would definitely have to be
10 investigated by the police, by the local police.

11 CHAIRMAN BATTLE: Thank you very much,
12 appreciate your time.

13 MS. DEES: Good luck to all of you. We
14 don't want to have another Bosnia.

15 CHAIRMAN BATTLE: We are at lunch break now.

16 (WHEREUPON, a luncheon recess was
17 taken.)

18 AFTER RECESS

19 CHAIRMAN BATTLE: Good afternoon, Mr. Almay.
20 Thank you very much for being with us. The floor is
21 yours?

22
23 TED ALMAY,

1 Thank you, Mr. Chairman and members of
2 the State Advisory Committee, my name is Ted Almay.
3 I work for Ohio Attorney General Lee Fisher at the
4 Ohio Bureau of Criminal Investigation as the Division
5 Chief for the Special Investigations Unit. I
6 appreciate the opportunity to appear before you and
7 to provide the following information.

8 Primarily, one must speak on today are white
9 supremacist groups. They're currently very, very
10 active within Ohio. I'd like to start by handing out
11 these are flyers that we have obtained in Ohio all
12 within the last 6 to 7 months. And, these are yours.

13 I'd like to open with a discussion of the Ku
14 Klux Klan and their activities here in Ohio. For
15 those of you who don't know very much about the Klan,
16 they are an international organization. They are
17 broken down into various segments and they have
18 tremendous infighting and leadership problems among
19 themselves. For that reason, active in Ohio are four
20 separate groups of KKK members. They all wear the
21 same robes, have the same basic philosophy, operate
22 under different leadership and are split, dependent
23 upon their methods, of how to obtain their goals. If

1 you listen to any of their rhetoric, it's all pretty
2 much the same. They hate nobody, they love the white
3 race and they believe in racial separatism, racial
4 purity. That's the basis of their platform as they
5 go and speak.

6 Within Ohio, we have The Knights of the KKK,
7 we have the Imperial Knights of the KKK. They are
8 headquartered here in Cleveland. They are, by far,
9 the largest group in Ohio with approximately 275
10 Klansmen and women. They are operated out of
11 Arkansas and are very active in recruiting. They
12 have two rallies scheduled in Ohio, one on the state
13 house steps October 23rd in Columbus, and another
14 rally that afternoon in Wilmington, Ohio, right
15 outside of Central State and Wilberforce University
16 in southwestern Ohio. The United States Knights or
17 the U.S. Knights of the KKK is in Hamilton, right
18 outside of Cincinnati, have approximately 80 members
19 there. And, the Dixie Knights of the KKK are located
20 in Belfrey, a small rural town in southeastern Ohio,
21 Washington County, kind of midway on the Ohio River
22 between Marietta and Galapallice. And, those are the
23 Knights of the KKK in Ohio.

1 Skinhead organizations are quite a group of
2 people. The one thing you can say about the
3 Skinheads is they absolutely agree on nothing.
4 They'll fight among themselves, they are very
5 disorganized, although can be very violent. In Ohio,
6 we have the White American Skinheads, which are known
7 by the acronym, of WASH. We have the Northern Hammer
8 Skinheads, which are based out of Detroit, but are
9 also very active here in Ohio. The National White
10 Resistance, the ARL, or Anti-Racist League. And,
11 probably the most active group of Skinheads is a
12 group called SHARP, and you'll see them wearing black
13 leather jackets like a motorcycle type jacket with
14 SHARP on the back. That stands for Skinheads Against
15 Racial Prejudice. They'll show up at Klan rallies
16 and fight with the Klan. They are anti-Klan,
17 anti-Nazi, pro Skinhead, which means they want to
18 overthrow the government as we have today and let the
19 youth of America run the country, is their basic
20 premise. And, they try to stay away from racial
21 arguments and stick primarily with political type
22 arguments.

23 The Neo Nazi groups here in Ohio, by far,

1 are the most active and the most violent group in the
2 country is the SS Action group headquartered out of
3 Dearborn, Michigan. We have a very active chapter
4 here in Ohio and in the video, I'll show you at the
5 end you'll see some footage of them. They have a
6 very violent history. They're very active in
7 painting swastikas and the German SS logos, which
8 you'll see in some of the flyers are theirs. They
9 are very active with the white combat groups, Give Us
10 Victory, Give Us Death type of slogans.

11 Other groups that are very active in Ohio,
12 the White Arian Religion or WAR is their acronym.
13 They were headquartered in Toledo and earlier this
14 year, we were successful in a joint operation with
15 the Federal Bureau of Alcohol Tobacco and Firearms in
16 arresting several of them. They had planned to blow
17 up a predominantly black housing project in Toledo on
18 the 4th of July weekend. We raided them in early
19 June, got several bombs, a cache of weapons, made
20 several arrests, recovered some drugs.
21 Unfortunately, during the entry into their clubhouse,
22 a WAR member opened fire on a police with a
23 semi-automatic Tech 9 sub machine gun. Luckily

1 nobody was hurt, and he was apprehended without him
2 being hurt, either. They're very, very violent.
3 Believe in blowing up buildings, projects, cars, to
4 demonstrate they're not afraid of authority.

5 The White Arian Resistance, which is
6 separate from the White Arian Religion, is
7 headquartered in Nebraska. Right now, they're also
8 very active here in Ohio in recruiting members. Of
9 course, the Arian Nation, and tonight at 8:00 o'clock
10 over in Lorraine, the Arian Nation is having a public
11 rally for whites only. It will be out on Root Road
12 tonight. They are a very militant organization.
13 And, of course the Arian Brotherhood, which is their
14 other unit of the Arian Nation, which is
15 headquartered in the penitentiary system here in
16 Ohio. They got a lot of publicity in the Lucasville
17 riots. The Arian Nation, the Black Muslim type
18 factions.

19 Those are primarily the groups here in Ohio
20 that are very active and can lead easily to violence
21 throughout our streets.

22 I want to give you some recent numbers in
23 the last 7 most the following hate crimes were

1 identified within the State of Ohio, primarily
2 through our news clipping service. In Ohio, we don't
3 have an accurate method of tracking hate crimes and
4 I'll talk about that in a little bit. But, within
5 the last 7 months we've had 2 murders, one bombing, 2
6 arsons, 14 incidents of assault, 14 documented cases
7 of vandalism and 15 crosses burned in people's yards
8 within the state. I think it's very important, from
9 our standpoint, that we recognize that the KKK,
10 Skinheads, the Neo-Nazis and the White Arian Nations
11 are trying to unite within Ohio and within the
12 country. They've also aligned themselves with such
13 programs as the DARE Program, raising money to fund
14 drug abuse in our schools. They'll make
15 contributions openly. They've also had a lot of
16 contact with anti-abortion groups, which follows
17 their anti-abortion platform. One thing that's very
18 important within Ohio and within the nation is they
19 lack the same, as some of the militant Black groups,
20 they do not have a very charismatic type leadership
21 to unite them together, and thus they stay somewhat
22 factioned. If that ever occurs and they do have
23 somebody that takes charge of that group, the white

1 supremacists groups in general, we're going to have a
2 serious problem, not only here, but throughout the
3 country. When you talk about Ohio, I think it's also
4 important to remember that these groups are very,
5 very mobile. We will see at rallies, people from
6 Arkansas, Texas, New Jersey, Alabama, Michigan.
7 They'll come and go very freely. There's a rally
8 somewhere in the country every weekend, and Klansmen
9 from Ohio, skinheads from Ohio will travel very
10 freely and attend those rallies and marches.

11 One of the basic premises of all the white
12 supremacy groups that we have attended rallies or
13 obtained information on is they all believe strongly
14 in stockpiling weapons and ammunition. And the
15 reason is from this inevitable race war that will
16 occur, they want to be prepared to fight it and to
17 win. Some of the recent KKK rallies will be comments,
18 like they don't care if a Skinhead is next to them
19 firing a weapon and a Nazi is on the other side
20 throwing a hand grenade, as long as in the end
21 they're altogether in victory. In some in the
22 flyers, you'll see the victory or death, the Arian
23 Nation's logo is that it's better to die on your feet

1 than live on your knees. And, this is what is being
2 said in Ohio. Again, you'll hear some of that on the
3 video.

4 From the law enforcement standpoint, and I'm
5 in Cincinnati, I know you were privy to some of this,
6 most hate crimes are not necessarily reported as hate
7 crimes. And, a lot of that has to do with the first
8 officer on the scene. If you have an assault, if
9 you're the investigating officer and you don't ask
10 the questions, were there racial slurs made at the
11 time, what prompted this, it's a simple assault.
12 It's a case of vandalism, a bottle being thrown
13 through the window, a brick through the car, what
14 made that happen? What caused that to happen? A lot
15 of times, they just go unreported as a simple
16 assault, as a vandalism and on down the road. The 14
17 vandalisms that I spoke of earlier were all swastikas
18 painted on buildings, on vehicles, burnings of SS
19 symbols in people's yards, some very well documented.
20 Criminal investigations are very difficult and very
21 piecemeal. One reason, with all due respect to the
22 Commission, is we are prohibited from obtaining
23 intelligence data on political and religious groups.

1 The KKK will tell you that they're a political
2 faction only or a religious faction only. The White
3 Arian Nation is purely a political platform. And, it
4 severely hinders our ability to gather and maintain
5 accurate intelligence as to what these groups are
6 doing. It's very difficult, from a social point, to
7 distinguish when a political group becomes a
8 political activist group and then goes over and
9 becomes some type of a hate or supremacist group.
10 That line is certainly not set in stone by any
11 imagination. And we, as law enforcement, have done
12 it to ourselves, unfortunately, over the years. What
13 that results in, is law enforcement becoming reactive
14 as opposed to being proactive. In other words, why
15 don't you investigate the homicide as opposed to
16 having investigation and being able to stop it,
17 fortunately, as we did in Toledo before it actually
18 happened.

19 The KKK rallies, the Arian Nation rallies
20 the Skinhead rallies drain our assets tremendously.
21 The KKK rallies that are coming up, we will have
22 between 150 and 200 uniformed officers on Saturday
23 from 14 to 18 counties in full gear to protect the

1 citizens of those communities. And, what will result
2 out of that will be probably several misdemeanor
3 arrests for disorderly conduct, failure to disperse.
4 It's very time consuming, very cost draining
5 mechanism on local communities. We, as law
6 enforcement, get battered with, you hear this in the
7 tape also, we protect the white supremacists group
8 and the white supremacist groups will tell you that
9 we protect minorities, that we don't pay enough
10 attention to them. The favorite saying is cops and
11 the Klan go hand in hand. And, you'll hear that
12 chant in the tape because in every city KKK rally,
13 you'll see a row of Klansmen and in front of them
14 will be a hundred uniformed officers there to protect
15 property and citizens in that community, as well as
16 their First Amendment rights. So, we're dubbed both
17 ways.

18 Hate groups are growing in size. They're
19 actively, very actively recruiting. As you can see
20 from the posters in front of you, the number of
21 rallies. It's becoming, Ohio itself is becoming the
22 leading state in membership numbers across America.
23 Enforcement tactics are very poor. And, when you

1 interview victims of these crimes, it's amazing that
2 in Ohio in 1993, you have people that 'literally' live
3 in terror to go outside their neighborhoods, go
4 outside their houses because we permit these groups
5 to be active.

6 I'd like to show a video, and I want to
7 apologize, first off, for this video. It's mostly
8 surveillance type footage shot by cameras and men,
9 our officers in action. And, it kind of gets off to
10 a rough start. It's a little jittery, it's not a
11 quality production, by any stretch of the
12 imagination.

13 CHAIRMAN BATTLE: That will just make it
14 more realistic, though, won't it?

15 MR. ALMAY: It's very realistic,
16 unfortunately. And, I'll just kind of talk over it.

17 We're going to open up with the Oxford rally
18 in 1990, which became very violent. Two Talawanda
19 High School students wore Klan robes to school and,
20 KKK robes, and they were suspended. And, this is a
21 rally that followed.

22 MR. WILSON: Do you know how many Klan
23 members who are like this?

1 MR. ALMAY: Robed up, there were 17 in
2 robes, about another--

3 MR. WILSON: 17?

4 MR. ALMAY: Yes.

5 This is the Stockton Ohio, April 3rd of this
6 year, which was already 1400 protesters, four robed
7 Klansmen showed up. We had about another 15 in
8 civillian clothes in the crowd?

9 This is the last rally that was held in
10 Galaplice, and Palmeroy County in June of 1993. The
11 man there in the suit getting his robe out in the
12 brown suit right there, the older gentleman is Virgil
13 Driven, he's the lead of the Christian Knight faction
14 of the Klan from North Carolina. He was indicted in
15 1979 of opening fire at a KKK rally, resulting in the
16 death of 5 protesters. You'll see the Klan will
17 carry those shields, you see one there, that to
18 protect them from things that are thrown from the
19 crowd. This is in front of County Court steps in
20 Galaplice, Ohio. We had about 30 klansmen and
21 you'll see the crowd, it was not much of a protest
22 crowd that showed up. We arrested one man out of the
23 crowd for carrying a 38 revolver in his pants.

1 MR. WILSON: Some of these klansmen people
2 are from outside the state?

3 MR. ALMAY: The majority of them. Local
4 Klansmen don't like to appear locally. We have in
5 Ohio, although it hasn't been used in some years,
6 there's a, those are Nazis or from the SS Action
7 group out of Cincinnati.

8 CHAIRMAN BATTLE: Out of Cincinnati?

9 MR. ALMAY: Yes. Norwood, to be exact.
10 We have a law in Ohio, like I say, it has
11 not been used since the early '50's, that prohibits
12 the wearing of masks.

13 This is not in Mississippi in 1964,
14 unfortunately, but this is Ohio also in June of 1993.

15 There are approximately 75 Klan members at
16 this rally and another 15 from the Klan Youth Corp,
17 which is a group of children between the ages of 7 to
18 14.

19 MS. ORTEGA: Where was this again?

20 MR. ALMAY: This was in southern Ohio.
21 This is within the last 60 days. Now, the man you're
22 about to hear speak is Gayle Rauche from Lodine. He
23 just got off of federal probation for weapons

1 smuggling violations. He will not be in a robe.
2 He's prohibited from wearing klans robes as part of
3 his federal probation, which you'll hear him speak to
4 in a second. That's him in the background now.

5 That is Ohio today.

6 CHAIRMAN BATTLE: Thank you. That's
7 wonderful.

8 MS. RODEMEYER: Very recent?

9 MR. ALMAY: Yes, unfortunately, very
10 recent. First time that I had ever been at one of
11 those ceremonies. They'll have those on private
12 property. They can wear their masks, they will have
13 armed guards at the entrance way of the property.
14 They'll search you for weapons. It's very
15 frightening.

16 MS. POWLESS: So, you're not allowed to go
17 on private property?

18 MS. ALMAY: No, ma'am.

19 CHAIRMAN BATTLE: Other questions, committee
20 members?

21 MR. ALMAY: Yes, sir?

22 CHAIRMAN BATTLE: Mr. Leventhal?

23 MR. LEVENTHAL: I have several questions to

1 ask. Not defending extremists in any way, but just
2 asking, could an extremists be fired from their job,
3 when it's found out that they were a member of the
4 Skinheads or the KKK? Are they entitled to equal
5 rights protection?

6 MR. ALMAY: Yes, sir, they are. The
7 gentleman that's the head of the Dixie Heights in
8 Belfrey, Ohio, works for the City of Belfrey.
9 Several members are city employees, county employees.

10 MR. LEVENTHAL: So, if they're fired, then,
11 they have a legitimate claim?

12 MR. ALMAY: They have equal protection.

13 MR. LEVENTHAL: Next question is, what is
14 the crime of, let's say, a swastika dabbing? Can a
15 person go to jail if they paint a swastika on a
16 Jewish institution or could a Klansman go to jail for
17 burning a cross, let's say, on a house next to a
18 Black family?

19 MR. ALMAY: Yes, sir.

20 MR. LEVENTHAL: What's the crime?

21 MR. ALMAY: Each one is a separate crime.
22 Sometimes, unfortunately, they're misdemeanor of the
23 third degree, misdemeanor of the second degree, being

1 vandalism, cross burnings, we can talk about arsons
2 or if it gets too close to the house, something is
3 actually burned like a car, there are various crimes
4 there. As you're probably aware of the hate crime
5 law in Ohio, is back before the Supreme Court. It
6 was ruled unconstitutional. However with, I believe
7 it was Minnesota's law or Wisconsin.

8 MS. RODEMEYER: Wisconsin?

9 MR. ALMAY: Our law is back for review and
10 that will increase the level of penalty to one
11 degree. Surprisingly, we were talking about the mask
12 law in Ohio, a 1953 law that's a felony of the third
13 degree, which carries 5 to 10 years in the state
14 penitentiary.

15 MS. POWLESS: What's the law?

16 MR. ALMAY: The law says that two or more
17 people, while wearing white robes, masks, or hoods
18 cannot conspire to commit a misdemeanor. And, it's
19 in the section on lynchings and talks about mobs.
20 It's a very, the law has not been used to any of our
21 knowledge in sometime, but the penalty section is
22 extremely severe.

23 MS. POWLESS: Why hasn't it been used? Is

1 it because they're not wearing the masks and hoods or
2 is it because we're not enforcing it?

3 MR. ALMAY: To try to enforce that law, we
4 have laws about inciting to riot and balancing that
5 out against free speech is a very, very tough issue
6 to make. There were no crimes committed in that
7 video.

8 MS. PRESLEY: I think what is amazing me is
9 the numbers, the numbers aren't that large that I'm
10 seeing, but yet they are able to get a number of
11 people who are anti to rally. So, I think that's the
12 impact they're making, is just to incite people
13 because they're not, when you look at the Klan, the
14 number of Klansmen that you said were at the
15 different rallies, I mean, that's not a large number
16 of individuals.

17 MR. ALMAY: Not at all. And, if you talk
18 to klansmen or know much about how they operate the
19 rallies are, they call membership drives. They
20 realize what's going to happen to them when they get
21 up on those courthouse steps, but the next day
22 they'll be flooded with calls of sympathizers, people
23 wanting membership. That's how they draw their

1 stance there is look, we are very peaceful. Again,
2 we hate nobody. We just love our race. They'll go
3 there, say their message and then end up looking like
4 very professional. They'll come in business suits
5 while all these thousands of hate mongers throw rocks
6 and bottles and batteries at them, trying to harm
7 them. They don't want to harm anybody. In those
8 pictures, they're very polite, very professional in
9 their appearance.

10 CHAIRMAN BATTLE: Ms. Rodemeyer, did you
11 have a question?

12 MS. PRESLEY: They're getting free
13 publicity?

14 MR. ALMAY: It will be nationwide news
15 there, no doubt about it.

16 CHAIRMAN BATTLE: Mr. Almay, if you could
17 perhaps venture a few suggestions that you might have
18 as an individual, a citizen, what would you think
19 that the Commission would want to do with this
20 information? What should we be doing with what
21 you've given us?

22 MR. ALMAY: This is a very difficult area,
23 both from a law enforcement standpoint and from my

1 personal knowledge. I can tell you, in the 12 years
2 I've been in law enforcement, I have never, in my
3 life, been as scared, physically scared as I have
4 been at that cross burning. They preach violence,
5 they preach hatred, and they're very serious about
6 their message. And, it chills you to the bone to be
7 standing in a field at 12:00 Midnight and watch that
8 happen and realize the seriousness of those people
9 and their intensity, their hatred.

10 From a law enforcement standpoint, trying to
11 initiate investigation, gather intelligence, try to
12 stay one step ahead of these operations is not
13 permitted. We're not allowed to maintain files of,
14 membership files of who is who in the organizations
15 because they're political and religious groups. In
16 Toledo, we're very fortunate we had an anonymously
17 letter come to us talking about these people were
18 going to blow up a building. We were able to gather
19 evidence from beyond that, from various sources that
20 it showed that they were, in fact, building bombs in
21 that residence, and they had a map of the housing
22 projects, and we were able to stop that. But, that's
23 certainly the exception. As you notice by the.

1 numbers, you know, one cross burned on an interracial
2 couple's yard in Ohio in 1993 is insane. And, it's
3 just crazy to sit with people and listen to them live
4 in terror. So, the answer to your question is I
5 don't know, but we'd like to have the ability to
6 maintain intelligence to gather these documents and
7 be proactive in investigations as opposed to
8 reactive, after it's over.

9 CHAIRMAN BATTLE: So, you would want the
10 tools to allow you to do your job?

11 MR. ALMAY: Yes, sir.

12 CHAIRMAN BATTLE: And, right now, you feel
13 that you don't have those tools, First Amendment
14 rights notwithstanding?

15 MR. ALMAY: Yes, sir. If we spend an hour
16 a month on white supremacists groups, that's a lot of
17 time for us.

18 CHAIRMAN BATTLE: The counter to that
19 question might be groups that would retaliate against
20 the white supremacists groups and the amount of time
21 that you spend as an organization against those,
22 those that are based on religion or other races or
23 other philosophies, could you give us some feel for

1 what amount of time you spend on those, if any? Do
2 they exist, any organized resistance that requires
3 the intervention of law enforcement officials like
4 yours?

5 MR. ALMAY: We are aware, but it's strictly
6 from anonymous sources or third, fourth party
7 information of several very militaristic cult groups
8 in Ohio. We have some chapters of Branch Davidians
9 in Ohio. We have a compound in eastern Ohio that's
10 heavily fortified. It's a cult group out of New
11 Jersey and out of Akron. We are aware of those
12 groups and we monitor them.

13 The allegations of welfare fraud, they'll
14 get welfare and then turn it over to the church and
15 live on the compound, and that's how the church funds
16 itself. You know, we're aware of some of those
17 activities of welfare fraud and those things. We
18 track weapons and weapons violations, but there are a
19 number of groups, both Black, white, Arab, some
20 Hispanic groups, especially in the Toledo area that
21 have the capabilities of being very militaristic in
22 their actions. And, we're aware of them, but again,
23 that knowledge is certainly piecemeal at best.

1 CHAIRMAN BATTLE: Questions of the
2 committee?

3 MS. ORTEGA: Yes.

4 CHAIRMAN BATTLE: Yes, Ms. Ortega?

5 MS. ORTEGA: I didn't get a chance to go
6 through this, but do you have any of the recent
7 flyers that were distributed in Toledo subsequent to
8 that bombing, the plot that was aborted?

9 MR. ALMAY: No, ma'am.

10 MS. ORTEGA: Because I think it's been two
11 weeks that a neighborhood was leafletted, and I was
12 curious if you were able to do any more follow-up
13 with respect to that incident?

14 MR. ALMAY: Not yet, but I'm sure we'll be
15 obtaining them, we've been monitoring a guy who was
16 involved in the shooting of the black child.

17 MS. ORTEGA: That neighborhood where the
18 officer lived was leafletted by white supremacists?

19 MR. ALMAY: That attracts the white
20 supremacist groups, particularly the Klan in their
21 activities. The first march, I said two high school
22 students wore Klan robes for Halloween, the school
23 suspended them. As a result of that, ended up with

1 the Klan marching on the school. And, they do that
2 around the country

3 MS. ORTEGA: You're still monitoring the
4 situation in Toledo?

5 MR. ALMAY: . Loosely.

6 MS. RODEMEYER: Does everybody report
7 leafleting to you?

8 MR. ALMAY: No, ma'am, not by a long
9 stretch. We have one of the things that BCI does is
10 undercover narcotics investigations. So, we have
11 undercover officers around Ohio and a lot of these
12 came off of phone poles here in Cleveland, in other
13 neighborhoods. The Stockton rally drew a tremendous
14 amount of posters in Cleveland.

15 MS. RODEMEYER: They used mass lands and the
16 Mayor tried to say they couldn't.

17 MR. ALMAY: That's right. Most
18 communities, when you go to there and show this
19 community the side it of Wilmington in Clinton
20 County, what's going to happen to that community on
21 October 23rd in a small community is going to be
22 incredible to look at county commissioners and
23 Sheriff's and police chiefs and try to explain to

1 them what's about to happen to them is a very
2 difficult job.

3 CHAIRMAN BATTLE: Other questions from the
4 Committee? One final question, then, Mr. Almay.
5 We've heard testimony from a variety of people in the
6 law enforcement arena that would say that the level
7 of experience or training of law enforcement officers
8 in general is a little lacking in how to recognize,
9 much less report, and have the line of questioning
10 that would allow that conclusion to come out. Will
11 you comment a little bit about what you've seen from
12 your experience and what you think might help to
13 improve the training, the overall training of law
14 enforcement officers to recognize what's happening?

15 MR. ALMAY: The attorney general police,
16 police officer's training council in London recently
17 mandated cultural diversity training, 16 hour blocks
18 for all police officers in Ohio. You must get that
19 to maintain your status as a certified officer.

20 MS. RODEMEYER: You mean upgrade?

21 MR. ALMAY: Yes, sir. But, basic trainees
22 also have to take it so everybody will have it. And,
23 culture diversity training is an importantly step in

1 that. And, one of the things that we're strongly
2 looking at is the hate crimes reporting. We offer
3 courses at the academy now on hate crimes and hate
4 crime reporting and the groups, but that emphasis
5 needs to be increased so he can monitor these
6 activities a little closely.

7 CHAIRMAN BATTLE: Crimes that were committed
8 against the gay and lesbian community, can you
9 comment a little bit about perhaps the volume and
10 where you're going with that?

11 MR. ALMAY: Those crimes, you will see
12 predominantly in the major urban areas because the
13 gay lesbian community, for example, in rural
14 southeastern Ohio is not as cohesive, and not as
15 visible as it is, say, in Cincinnati or Columbus or
16 here in Cleveland. And, those tend to be a lot more
17 random acts of violence. The typical, what we would
18 call gay bashing where you see a gay or lesbian
19 couple down the street, it's like a target of
20 opportunity type crime. Somebody will throw
21 something or harass them. The white supremacists
22 groups preach strongly, obviously, against gay and
23 lesbian lifestyles. And, those crimes tend to not be

1 as organized as, say, a cross burning. Although
2 crosses have been burned on both gay and lesbian
3 property within the last year here in Ohio.

4 CHAIRMAN BATTLE: Other questions? Thank
5 you very much, Mr. Almay, very enlightening
6 presentation.

7 MR. ALMAY: I'm going to leave the tape, so
8 it's yours to do what you want.

9 CHAIRMAN BATTLE: Thank you. We'll make it
10 a part of the record.

11 Mr. Robinson?

12 MR. WILLIAM: I'm actually Joseph Williams
13 from the Urban League. Mr. Robinson was not able to
14 come.

15 CHAIRMAN BATTLE: Could you spell your full
16 name, sir, for the reporter, sir?

17 JOSEPH WILLIAMS,

18 Joseph Williams, J-o-s-e-p-h, middle
19 initial T as in Tyronne, last name is
20 W-i-l-l-i-a-m-s.

21 CHAIRMAN BATTLE: And, you're the Deputy
22 Director?

23 MR. WILLIAMS: I'm Vice President.

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CHAIRMAN BATTLE: Thank you.

MR. WILLIAMS: The hate crimes are not an area at the Urban League where we feel like we have any special area of expertise. When we were invited, we received our invitation last week, we were a little surprised, although we understand we are an organization that's very much concerned about a host of issues that concern African Americans, other minority issues. So, we're thankful for the opportunity to testify. And, we'd just like to make a brief statement.

First of all, we commend the Commission on Civil Rights for holding these hearings on hate crimes in Ohio. Clearly, as many people have stated throughout the day, hate crimes continue to affect African Americans and other minority individuals in Cleveland, in greater Cleveland and the City of Ohio. And we, finally, simply appreciate the opportunity to, you know, come before the Commission.

That's the end of our statement.

CHAIRMAN BATTLE: Thank you. Are there questions for Mr. Williams?

Let me ask one, generally, about the, about

1 hate crimes and how it might involve the Urban League
2 in its mission. The Urban League has a long history,
3 and I know that in housing, in housing
4 discrimination. We've heard testimony, both in
5 Cincinnati and here in Cleveland, so far, about the
6 issues of individuals being deprived of where they
7 want to live because of their race or their religion
8 and suffering, being victimized with cross burnings
9 and other kinds of things. I think you were here as
10 Mr. Almay was talking about that. Does the Urban
11 League, in it's Charter or plans, have any way of
12 beginning to address that in the community? Have you
13 been approached for any help by individuals or
14 groups?

15 MR. WILLIAMS: Well, we have, and thankful
16 for the question. We have a housing staff person
17 who, most of her time is spent working with
18 individuals with problems around affordability or
19 being kicked out of their homes and so forth. But,
20 we do get calls from time to time from individuals
21 who do feel that they have been discriminated against
22 with respect to their housing. And, we usually pass
23 it on to HUD or other, you know, federal agencies

1 that have jurisdiction over those issue. I might
2 add, in my current residence, my wife and I had
3 problems with the people who live across the street
4 from us, who made it clear to our real estate agent
5 that she, you know, did not think it was appropriate
6 that we should live in our house. And, fortunately,
7 we did, you know, report it to HUD and, who did not
8 find that there was a problem. But, I live in the
9 City of Cleveland Heights, which is contiguous to
10 Cleveland, and our Housing Advisory Committee did
11 find that there was probable cause, and it's being
12 pursued with the local real estate licensing
13 organization in the greater Cleveland area. So, I
14 can unfortunately say from personal experience that
15 the issue of housing discrimination does continue to
16 be an issue, even in a very progressive community
17 that we live in.

18 CHAIRMAN BATTLE: Are there questions for
19 Mr. Williams? Thank you very much, sir. Appreciate
20 you being here with us.

21 CHAIRMAN BATTLE: We have, on our schedule,
22 Pauline Tarver from the NAACP. And, we've had a
23 cancellation from Rev. Matthews. So, until Ms.

1 Tarver shows, we are free.

2 (WHEREUPON, a short recess was taken.)

3 MR. MANERICK: Peter this is an ADL tape on
4 the training of police officers in recognizing hate
5 crimes dropped off by Mr. Savren this morning.

6 (WHEREUPON, a videotape was played.)

7 CHAIRMAN BATTLE: Hello. Good afternoon.
8 If you could give us your first name and last name
9 and spell them, for the reporter, please, and your
10 address?

11 MR. RUYNA: My name is Juan, J-u-a-n,
12 R-u-y-n-a. My address is 4201 Howlett Avenue,
13 Cleveland, 44113.

14 JUAN RUYNA

15 I'm a representative with the National
16 Coalition against Racism in Sports and the Media.
17 And also on the Advisory Board with Bob. Our
18 Committee and former Chairperson of Lake Erie Native
19 American Council.

20 Over the last two years or so, we have been
21 trying to negotiate with the Cleveland Indians
22 Baseball Team to remove Chief Wahoo and the name
23 Indians from their team because we see that it

1 promotes racism, it promotes racist stereotyping. It
2 promotes an image to the greater population that is
3 none Indian to make us look like something that we're
4 not. And, frankly, we think that we're tired of
5 people coming up calling us Chief, going with war
6 whoops and all kind of silly stuff like that. And,
7 we think that while we know that it is because of the
8 images that people use of our people to exploit us,
9 really, because I guess they find these logos to be
10 very marketable. Not only are they exploiting us,
11 but they are also creating a false reality for the
12 outside communities. So, we are demanding to put a
13 stop to this. This is not a local issue, we're not,
14 there's nothing personal against the Cleveland
15 Indians baseball organization or Richard Jacobs
16 himself, but this is a national effort that's going
17 on. And, at this date, there are many colleges and
18 high schools that have already taken the initiative
19 to change their names and to replace them with
20 something else more appropriate. Not too long ago,
21 the attorney general of Wisconsin ruled that high
22 schools and college teams could not use these logos
23 because it promoted discrimination and, therefore,

1 they're not allowed to be used in Wisconsin anymore.
 2 Minnesota has taken a similar stance. The big 10
 3 college teams will not play any other baseball team
 4 that has -- college team that has logos of these
 5 types. So, this is the stance that we're taking.
 6 And, we have approached the Cleveland Indians and we
 7 have negotiated with them, but at this date, they
 8 have refused to acknowledge or to change. But, we're
 9 continuing our efforts, we're not going to stop.
 10 Again, because this is not a local issue, it's a
 11 national issue.

12 CHAIRMAN BATTLE: Questions for Mr. Ruyna?

13 MR. WILSON: Could I just ask one question?

14 CHAIRMAN BATTLE: Yes, Dr. Wilson?

15 MR. WILSON: Do you find that the Native
 16 American community is unanimous in its objections to
 17 baseball and baseball teams calling itself the
 18 Indians or is this a part of the Native American
 19 community that find that offensive?

20 MR. RUYNA: Well, I don't think any group
 21 of people is ever unanimous. There's always going to
 22 be some people, for whatever reasons, that will see
 23 another aspect of it. Or, there's varying reasons

1 for that. But, here, or in this area, certainly a
 2 large amount of the community itself has taken, has
 3 said that they want that removed. When they go to
 4 the schools, I think the biggest problem with this is
 5 not only with the baseball teams, the films and
 6 everything, is that, you know, it's hard to explain,
 7 but I'm a Sun Dancer, and I don't know if anybody
 8 understands what that is, but it's a solosit ritual
 9 that takes place in which you sacrifice yourself for
 10 the people. You go four days and four nights without
 11 food or water. And, some people think it's very
 12 strenuous and it is. But when it's over, there's a
 13 feeling inside you that really makes you feel good,
 14 you know. And, if somebody was to lay down a million
 15 dollars or a billion dollars, you couldn't buy that
 16 feeling, you know, because you really feel good. At
 17 the same time, when you see films and when you see
 18 somebody like Chief Wahoo, there's a feeling inside
 19 that doesn't make you feel very good, you know. And,
 20 if somebody says well, I'll pay you in order to do
 21 away with that feeling, there is no amount of money
 22 that can do away with that.

23 So, one of the problems that we've had,

1 especially with our children, is one of low self
2 esteem. And, that low self esteem comes from viewing
3 countless of films where you're always the loser,
4 you're always the bad guy. You have somebody like
5 Chief Wahoo throughout the history where he comes out
6 dancing or does different things. And, it's
7 outrageous, I mean. It doesn't even equate anywhere
8 near to what we really are as a people. And, it's
9 not even used for the benefit of our people. It's
10 used for the benefit of somebody else. And, people
11 are just exploiting us. So, I think the biggest
12 problem is, is, the biggest gain that we're going to
13 have in removing this, is that it will give the
14 children a sense of their own self respect and
15 dignity where people will be able to look at them in
16 another way rather than through the stereotype.

17 MR. WILSON: Thank you, well said.

18 CHAIRMAN BATTLE: Ms. Ortega?

19 MS. ORTEGA: Mr. Ruyna, what kind of support
20 do you get from the Latino community or the African
21 American community, I don't know, maybe you haven't
22 even asked for support or what kind of --

23 MR. RUYNA: Well, we have approached

1 different African communities, there are different
2 groups that are supporting us. At this point, I've
3 heard that Ben Chavis at the national level is going
4 to come out against the stereotyping against Chief
5 Wahoo and the Cleveland Indians. It hasn't been
6 technically put forth yet, but there's a resolution
7 that's going to be coming out in the future. At the
8 local level, the NAACP, we have met with different
9 representatives and we will be meeting with them next
10 week, too, to bring this issue. With the Hispanic
11 culture, we had a meeting at San Lorenzo Club that
12 they have on Clark Avenue not too long ago, we
13 brought out the issue and there's also a culture club
14 at the YMCA, and we brought the issue forth to them.
15 And, they said that they'll bring it to their board
16 members and they'll bring our resolution, however
17 they decide with it. So, we've been working with
18 different parts of the community in this. We also
19 have the support of the Interchurch Council, the
20 Catholic Diocese, I think the Catholic Diocese were
21 supposed to bring out a resolution this weekend. So,
22 you know, we've been working with the different parts
23 of the community.

1 CHAIRMAN BATTLE: Yes, Mr. Leventhal?

2 MR. LEVENTHAL: If I could say a few things.
3 Being from Cleveland, most of these people on the
4 Commission are not from Cleveland, but Chief Wahoo to
5 home he's been alluding is a logo that the Indians
6 use of a Native American with a big hook nose, to
7 begin with, and grinning teeth, sort of a
8 supercilious smile, which doesn't look good. I'm
9 sure if they had a regular native American or
10 something, I don't think there would be the
11 objection. The Atlanta Braves, as you know, during
12 the last World Series, the crowd gets all excited
13 with that chop, that war chop like go kill them, go
14 kill them, that chop. And, 40,000 people
15 simultaneously are chopping their hands like that.
16 I'm sure this gentleman or other Native Americans
17 would not mind if they portrayed Native Americans the
18 way they were or are today or in the past. But, with
19 these negative stereotypes that he's talking about,
20 that creates a bad image for not only what happened
21 in the past, but for this man, his family, and his
22 children, and other Native Americans today. So, I
23 certainly can see your point.

1 On the other hand, though, and, I'm not
2 arguing for the Cleveland Indians, let's say, the
3 Washington Redskins, the Kansas City Chiefs have
4 built up a nickname for their teams. And, it would
5 be hard to dissuade them from using that same name.
6 In other words, if it works for the Indians, it would
7 have to work all the way throughout the country with
8 the Washington Redskins, Kansas City Chiefs. Are
9 there any other supporting teams that use?

10 MR. RUYNA: Atlanta Braves.

11 MR. LEVENTHAL: So, you'd have to conquer
12 them all, and it's a mighty task. I personally wish
13 you luck, but it's a tough thing?

14 MR. RUYNA: Well, it's a tough thing and
15 it's a mighty task, but again, it's a matter of, I
16 think, the way you stated it as being a tough task.
17 It also makes it obvious how that discrimination is
18 directly pointed at us and nobody else, you know,
19 because if these people, if they, one of the things
20 they tell us constantly is they're honoring us, that
21 we should be thankful that they're giving us an
22 honor. Well, we say that we give that honor back to
23 them, and maybe since there's a larger Jewish

1 community here than Native American community. Maybe
2 it should be the Cleveland Jews, you know. And, in
3 that regards, no other group will stand for this kind
4 of nonsense. And, we're the only ones that, where
5 people allowed this to happen. And, we say that
6 nonsense has to stop.

7 CHAIRMAN BATTLE: Other questions for Mr.
8 Ruyna?

9 CHAIRMAN BATTLE: Thank you very much, sir?

10 MR. RUYNA: Thank you for your time.

11 CHAIRMAN BATTLE: Thank you for adding to
12 our record.

13 Mr. Wiley?

14 KEN WILEY

15 Good afternoon. Before I go into my--I
16 might address something that Mr. Ruyna was addressing
17 also, for just a second. As a representative of the
18 Hispanic community here in Cleveland--I need to
19 introduce myself and spell things and all that first.

20 CHAIRMAN BATTLE: We have you, for the
21 record, but that would be good.

22 MR. WILEY: My name is Kenneth Wiley,
23 W-i-l-e-y, I'm the Executive Director of the Hispanic

1 community forum here in Cleveland Ohio. I hope you
2 can hear me, I'm losing it. It started with my mind
3 and it's working its way down.

4 CHAIRMAN BATTLE: Use the microphone to help
5 you, don't strain.

6 MR. WILEY: Part of what I'm going to
7 discuss pertaining to the Hispanic community, and the
8 issue we're addressing today, I wanted to address a
9 moment and join with Mr. Ruyna in expressing concern
10 and dismay that the Cleveland Indians and other teams
11 continue to use, especially derogatory negative
12 stereotypical caricatures of Native Americans.

13 There was a meeting here, I think it was a little
14 over a year ago in this, maybe even in this room at
15 which I spoke United Church of Christ and some others
16 sponsored a meeting in which a number of us spoke for
17 a bit about this. And, it's interesting because
18 we're going to be revisiting this issue in our Board
19 in the September and October meetings. And, I hope
20 come up with a statement and a letter supporting the
21 Native American community and their efforts to have
22 the Cleveland Baseball Club remove Chief Wahco as its
23 symbol and logo. I remember when I spoke, that I

1 made reference to Aunt Jemima, the Frito Bandito and
2 how negatively those characatures portrayed other
3 racial cultural ethnic groups in this country. And,
4 there have been others with the Hispanic community as
5 well. I have to look at this for a second, but Arrid
6 deodorant once had a character named Bandito and
7 their line on that product was, "If it works for him,
8 it will work for you." Liggit Myers, I don't know the
9 product, had a character called Paco who never
10 "finishes anything".

11 As the Hispanic community and the African
12 American community worked so diligently to have those
13 negative stereotypic charactures and representations
14 of their people removed from those product from the
15 airwayes, and I think it's only fitting and proper
16 that we join the American Indian, Native American
17 population and supporting their efforts to have such
18 negative charactures and representations of them
19 before the public. I just wanted to say that before
20 Juan had to leave. And, we'll be doing some work on
21 it, I hope.

22 Now, if I may, we appreciate this
23 opportunity to come before you today to speak with

1 you a bit. We believe that Hispanics in Ohio, as
2 well as across the United States, are both an
3 invisible and forgotten minority. Too often not
4 included in the discussions and debates on policies
5 and implementation of programs and enforcement of
6 laws, but also a population that does not report
7 discrimination or hate crimes to the extent other
8 populations may. That discrimination and hate crimes
9 are directed at Hispanics is not in question. They
10 most certainly are and have been. The national
11 counsel of LA RASA, and I'm going to go over some
12 figures and facts, you know, in Ohio. We may well be
13 probably the most diverse Hispanic state, certainly
14 among the midwest, if not among all the states.
15 There is no single Hispanic nationality or sub group
16 that's a majority of the Hispanic population in the
17 state. It's, I believe, it's the 9th or 10th largest
18 state in terms of Puerto Rican population. But, the
19 Puerto Rican population in the state is not as great
20 as the Mexican American population in the state.
21 And, if you look at other states in the midwest, not
22 to mention southwest, west coast and the east coast,
23 where there are predominance of Mexican Americans or

1 Cuban Americans or Puerto Ricans, Ohio is very
2 broadly Hispanic. So, much of what I'm going to say
3 is going to refer to Hispanics generally, not so much
4 to Puerto Ricans or to Mexican Americans. But, there
5 will be some specific reference to those two groups.
6 The National Council of LA RASA, which is a national
7 Hispanic advocacy policy research body, reports that
8 some scholars estimate that more Mexican Americans
9 were lynched in the United States between 1850 and
10 1930 than Blacks in the south during the same period.
11 During the 1930's and 1950's, many Mexican Americans
12 who were U.S. citizens and legal residents were
13 "repatriated" to Mexico without due process.

14 Puerto Ricans are born U.S. Citizens. Yet,
15 because of surname and language, they are presumed to
16 be "illegal aliens" until they can prove their
17 citizenship. A member of my own board is a Puerto
18 Rican, raised in greater Cleveland, educated in local
19 schools, and was asked a proof of citizenship when he
20 went to vote, although he was already a registered
21 voter and already on the voter rolls.

22 A couple here in Cleveland recently traveled
23 to Puerto Rico and was told before they left by the

1 airlines to take their passports with them so they
2 would be sure to be readmitted to the United States.
3 She was born and raised in Cleveland. He was raised
4 in Pittsburg, Pennsylvania. Puerto Rican migrant
5 workers and Mexican migrant workers who have settled
6 and lived in a county around Geneva, Ohio, it may be
7 Astrabula County, east of Cuyahoga County, found
8 their children isolated from others in school and
9 placed in rooms where they were given coloring books
10 and crayons because the school district did not know
11 what to do with them, and made no effort to contact
12 state or other districts to find out how best to
13 deliver education to those children with limited or
14 no English speaking skills.

15 In another case, a member of our own local
16 Hispanic Community was assisting those families in
17 their cause, was followed after leaving a meeting in
18 that community by the police and pulled over and
19 taken into police headquarters because, from their
20 car a few hundred feet behind his car, they thought
21 he looked like someone they were seeking.

22 In a 1990 study, the National Opinion
23 Research Center reported that when asked to state

1 their opinions and perceptions about 6 major U.S.
2 culture groups, using such characteristics as wealth,
3 work ethic, dependency, violence, intelligence and
4 patriotism, people rated Hispanics last or next to
5 last in those 6 categories. Every Hispanic sub group
6 has heard terms such as lazy, ignorant, greasers,
7 sneaky, undependable and other characterizations used
8 by others to describe them. Such stereotyping,
9 leading to prejudice based on those stereotypes, are
10 the factors leading to discrimination and patterns of
11 exclusion, and in probably more cases than we know,
12 violence directed toward Hispanics.

13 Again, that this occurs is not in question.
14 However, Hispanics do not, as a rule, seek redress.
15 They do not file complaints when they encounter
16 employment discrimination, education discrimination,
17 housing discrimination or some crimes against them.

18 One reason is that Hispanics do not believe
19 they are equitably treated by agencies charged with
20 enforcement of civil rights and hate crime laws.
21 There's some evidence to support this belief. In an
22 EEOC study called the 1983 Hispanic Charge, an EEOC
23 task force found unanimously that the EEOC was not

1 serving Hispanics equitably. This started the
 2 increase of the percent of Hispanics in the U.S.
 3 labor force and the decrease in the percent of
 4 Hispanic cases in their caseload.

5 Further, the task force found that the EEOC
 6 was nine times more likely to recover back pay for
 7 Black parties filing charges than for Hispanic
 8 parties. The EEOC also closed administratively more
 9 Hispanic cases without remedy than any other group.
 10 In those cases where Hispanic charges went to
 11 litigation, Hispanic cases received significantly
 12 less pursuit than with any other group. And, I
 13 recall the numbers in 1988 for AIDS discrimination, I
 14 think the average was something like \$32,000. For
 15 Hispanics, it was something over \$6,000 per suit. In
 16 1989 it kind of leveled out for every other group
 17 except the Hispanics, anywhere from \$18,000 to
 18 \$15,000. Hispanics, \$4500, roughly, per lawsuit
 19 settled.

20 In the hearings of the EEO task force in
 21 1983, the task force found a "profound mistrust
 22 within the Hispanic community." The National Council
 23 of ORASA, in follow-up studies from 1983 to 1990

1 determined that the EEOC's record after 1983 did not
2 improve. In fact, as the percentage of Hispanics
3 increased in the labor force in the United States,
4 still the percentage of cases in the EEOC caseload
5 declined.

6 In an Urban Institute study in 1990, it was
7 reported that, and they used a hiring audit for
8 Blacks and Hispanics, Hispanics faced higher levels
9 of discrimination at the hiring stage than did
10 Blacks. Such discrimination against anyone is
11 intolerable, but we cite this study here to
12 underscore the plight of Hispanics. We believe the
13 mistrust and extent of the Hispanic community extends
14 beyond EEOC to all governmental institutions and
15 agencies generally. The feelings of
16 disenfranchisement go beyond the rote to the feeling
17 that the government does not represent the Hispanic
18 community's interests. Hence, the tendency to not
19 report or to pursue discrimination or hate
20 complaints. We doubt you will find many reported
21 cases within the City of Cleveland or the State of
22 Ohio, either through the City's Community Relations
23 Board or Police Department or State Civil Rights

1 Commission or law enforcement agencies or even the
2 Commission on Spanish Speaking Affairs. We are,
3 ourselves about to undertake a study in the Hispanic
4 community, an issue and needs survey in which we will
5 be asking Hispanics if they have received
6 discrimination or hate crime. And if so, what course
7 of action they pursued. Right now, our hypothesis is
8 that they'll report that they have had such negative
9 experiences, but that they took no action. We
10 believe that Hispanics are very much left out of the
11 system, and that the system does not respond to them.
12 And, that there is a need for a significant increase
13 in the type and level of community education as to
14 what the rights are, what you can do to redress
15 grievances, pursue complaints. And basically, it's
16 language some of its culture in relationship to
17 institutions. But, by and large, it's going to be
18 incumbent upon us and upon those agencies charged
19 with enforcement and informing people of what their
20 rights and what their courses of redress might be to
21 reach out.

22 The community, at this point, does not think
23 there is anything there for them.

1 Thank you.

2 CHAIRMAN BATTLE: Thank you, Mr. Wiley.

3 Questions from the committee? Ms. Ortega?

4 MS. ORTEGA: Mr. Wiley, do you have any, can
5 you gauge or do you have any idea how the NAFTA, The
6 North American Free Trade Agreement, is affecting
7 Latino communities or Latinos in their Cleveland
8 community or --

9 MR. WILEY: The Community has no real clear
10 opinion on that. It would tend to depend on whether
11 they're working, perhaps. Generally, I think people
12 think it's a good idea and it, and they would be in
13 favor of it. They think, at least the people I've
14 spoken to in the community, believe that the
15 Caribbean, the Mexico and hopefully central America
16 should be part of an economic community, if you will,
17 not quite with capital E and capital C like in
18 Europe, but much more free trade, free exchange of
19 goods services than we have had. They feel very much
20 that their countries have not benefited by their
21 proximity to the economic power and wealth of this
22 country, and that they have been just excluded and
23 overlooked as the views tended to look toward Europe

1 and Asian markets and not so much to the south. I
2 think there will be significant support for it.

3 CHAIRMAN BATTLE: Other questions? Just a
4 short time ago, there was a new law put on the books
5 giving the INS some authority that they didn't have
6 before. And, it involved the use of I-9's for
7 identification purposes. It's been reported in a lot
8 of different areas that the use of this I-9 as an
9 additional level of identification that's been
10 required for proof of citizenship has had a
11 disproportionate affect on Hispanics, particularly in
12 employment. Do you have any comments about that? Do
13 you have any feelings particularly about that?

14 MR. WILEY: The sense I'm getting from the
15 community is very much that they've come into a
16 society in which they may well be asked to show their
17 papers, kind of reminiscent of some of the movies you
18 might see on tv with regard to World War II or pre
19 World War II. Where are your papers? Where are your
20 documents to let you pass from one place to another?
21 I don't think they see it stopping at the work place.
22 The one example was at the voting booth. Another
23 example is it goes, take your papers so you can go to

1 Puerto Rico and get back into the states, though you
 2 never left the states to get back in. It's -- even
 3 though some of the, from the Simpson Mazole and the
 4 other legislation, the burden was supposed to be on
 5 the employer. Actually, the burden comes back to the
 6 employee. The employee must proof citizenship. No
 7 one has to go out and prove that they're not a
 8 citizen. The employee has to prove citizenship. If
 9 he can't prove that, he's out and it's not a matter
 10 of the employer or someone else seeking documentation
 11 to prove that they're not a citizen. And, I think
 12 that's especially adversely affects them, leaves a
 13 terrible impression on the Puerto Ricans who were
 14 citizens or Mexican Americans who were citizens or
 15 otherwise legally documented here.

16 We also don't like words, "illegal aliens".
 17 We tend to think we're the only ones in the world
 18 that use that. Undocumented or residents is probably
 19 preferable.

20 CHAIRMAN BATTLE: The record for these
 21 proceedings will be closed on the 13th of September.
 22 You have mentioned that you planned to do a survey on
 23 issues and needs soon. Is there any possibility that

1 the results of that survey will be done by that time?

2 MR. WILEY: Not likely. We're going to
3 probably not be able to start it much before the 1st
4 of September, and we're targetting about 400
5 Hispanics, Hispanic households on a random sample.
6 And, it's going to take us awhile to do that.

7 CHAIRMAN BATTLE: Even though the record
8 will be closed, I think that it will be useful to
9 The Committee as we continue to grapple with some
10 solutions to this issue, and even the definition. As
11 you mentioned, there's just been a dearth of
12 information available to us so far on Hispanic
13 participation in identification of hate crimes,
14 whether it's because Hispanics don't report it or
15 feel intimidated or whatever. So, I think that
16 hearing you say that there is to be this survey in
17 the Hispanic community will give us more information,
18 than we think we're going to be able to develop when
19 we get back?

20 MR. WILEY: I'll be very happy to forward
21 it to you.

22 CHAIRMAN BATTLE: Good. Other questions for
23 Mr. Wiley? Thank you very much, sir.

1 MR. WILEY: Thank you very much, appreciate
2 your time.

3 CHAIRMAN BATTLE: Mr. Velasquez, and he's
4 not going to be here?

5 Okay. We'll wait for Mr. Velasquez, then
6 we'll go into our public session. There may be those
7 who haven't attended, who found themselves maybe
8 waiting until 3:30, since that's the announced time
9 for the public session, so we'll certainly give the
10 public a chance to get here.

11 (WHEREUPON, a brief recess was taken.)

12 CHAIRMAN BATTLE: We are in open session.
13 And, seeing no members of the public in the audience,
14 we will adjourn. If there's no objection from the
15 Committee, we stand adjourned until tomorrow morning
16 at 9:00 o'clock.

17 (WHEREUPON, the meeting was adjourned
18 at 3:30 p.m.)

CERTIFICATION

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I, VERNETTA HALSELL, A Certified Shorthand Reporter doing business in the State of Illinois, certify that I reported in shorthand the testimony taken in the above-entitled matter, and that this is a true and accurate transcription of my shorthand notes so taken as aforesaid.

Vernetta Hallsell

NOTARY PUBLIC, COOK COUNTY, IL

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BEFORE THE
UNITED STATES COMMISSION
ON
CIVIL RIGHTS

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IN THE MATTER OF: /
FACTFINDING MEETING BEFORE /
THE U.S. COMMISSION ON CIVIL /
RIGHTS ON HATE CRIME ACTIVITY /
IN OHIO /
----- /

REPORT OF PROCEEDINGS taken in the
above-entitled matter before Mr. Lynwood Battle,
Chairman of the Ohio Advisory Committee, commencing
on the 19th day of August, A.D., 1993 at the Holiday
Inn Lakeside City Center, 1111 Lakeside Avenue,
Cleveland, Ohio, commencing at 9:30 a.m.

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PRESENT:

CHAIRMAN: MR. LYNWOOD BATTLE

MEMBERS: MS. SALLY POWLESS
MS. ROBERTA PRESLEY
MS. BARBARA RODEMEYER
MR. RAY LEVENTHAL
MS. VIRGINIA ORTEGA
MR. BRADFORD WILSON

ALSO PRESENT: MR. PETER MINARIK

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1 CHAIRMAN BATTLE: The meeting of the Ohio
2 Advisory Committee to the U.S. Commission on Civil
3 Rights shall come to order. And, for the benefit of
4 those in the audience, I'll introduce myself and my
5 colleagues. My name is Lynwood Battle, and I'm the
6 Chairperson of the Advisory Committee. The other
7 members of the committee who are with me this morning
8 are from my right, Sally Powless, Roberta Presley,
9 Barbara Rodemeyer, Ray Leventhal will be joining us
10 momentarily, Virginia Ortega and Bradford Wilson.

11 We're here to conduct a factfinding meeting
12 for the purpose of gathering information on hate
13 crime in Ohio. The jurisdiction of the Commission
14 includes discrimination or denial of equal protection
15 of the laws because of race, color, religion, sex,
16 age, disability or national origin. Information
17 which relates to the topic of the forum will be
18 especially helpful to the advisory committee.

19 The proceedings of this meeting are being
20 recorded by Vernetta Halsell, a public stenographer,
21 and will be sent to the Commission for its advice and
22 consideration. Information provided may also be used
23 by the advisory committee to plan future activities.

1 At the outset, I want to remind everyone
2 present of the groundrules. This is a public meeting
3 open to the media and the general public. But, we do
4 have a full schedule of people who will be making
5 presentations within the limited time we have
6 available. The time allotted for each presentation
7 accordingly must be strictly adhered to. This will
8 include a presentation by each participant, followed
9 by questions from committee members. To accommodate
10 persons who have not been invited, but wish to make
11 statements we have scheduled an open session today at
12 1:30. Anyone wishing to make a statement during that
13 period should contact Peter Minarik for scheduling.
14 Written statements may be submitted to committee
15 members or staff here today or by mail to the U.S.
16 Commission on Civil Rights, 55 West Monroe, Suite
17 410, Chicago, Illinois. The record of this meeting
18 will close on September 13th, 1993.

19 Though some of the statements made today may
20 be controversial, we want to ensure that all invited
21 guests do not defame or degrade any person or
22 organization. In order to ensure that all aspects of
23 the issue are presented, knowledgeable persons with a

1 wide variety of experience and viewpoints have been
2 invited to share information with us. Any person or
3 any organization that feels defamed or degraded by
4 statements made in these proceedings should contact
5 our staff during the meeting so that we can provide a
6 chance for public response. Alternately, such
7 persons or organizations can file written statements
8 for inclusion in the proceedings. I urge all persons
9 making presentations to be judicious in their
10 statements.

11 The Advisory Committee appreciates the
12 willingness of all participants to share their views
13 and experience with the Committee.

14 Mr. Boyte?

15 ED' BOYTE

16 Good morning, my name is Ed Boyte,
17 Coordinator of Cleveland's Mary Ann Finnegan Project,
18 the anti-violence victims assistance program of the
19 lesbian and gay community service center. I'm
20 pleased to be here and want to thank Peter Minarik
21 for inviting me. Joining me is the Executive
22 Director of the Center, Judy Reinbrook, a Mary Ann
23 Finnegan Project volunteer, Paul Striker, and our

1 liason to the County's Witness Victim Program,
2 Patrick Nicolita.

3 The project was formed in 1990. It was
4 named after a woman who, along with her lover, was
5 abducted at gunpoint outside of a downtown lesbian
6 bar by a man who entered their vehicle at a stop
7 light. The perpetrator forced the women to a
8 secluded area where he beat, raped and shot both of
9 them. Mary Ann Finegan died. Her partner survived
10 with lasting physical, as well as emotional,
11 ailments.

12 The project is currently run by three part
13 time volunteers. We receive significant assistance
14 from Cuyahoga County's Witness Victim Program. We
15 take reports over the phone in the daytime and return
16 phone calls from people who make reports to the
17 center's hotline, which operates in the evening.
18 Referrals are made to appropriate agencies. We also
19 accompany victims for medical or legal appointments.
20 We conduct police trainings to new recruits and rank
21 and file officers of area law enforcement agencies.
22 At the end of the year, we tally the total number of
23 offenses and incidences of harassment and violence

1 against lesbians, gays and bisexuals. The reports
2 are sent to the National Gay and Lesbian Task Force,
3 which summarizes acts of hate from around the
4 country. When I read the following statistics, it's
5 important to keep in mind that they include only
6 those incidences reported to us that are motivated by
7 hate against gays, lesbians or those perceived to be
8 gays or lesbian. For example, a robbery reported to
9 us that occurred outside a gay bar was not included
10 because no anti-gay motive was shown; i.e.,
11 homophobic language, senseless violence, et cetera.
12 The reports for 1992 are low, partly due to a
13 shortness in our staff. Given that, I was very
14 surprised when we tallied the totals from the first 6
15 months of this year and compared them with the totals
16 of all of 1992. An incident refers to an activity
17 that takes place over a continuous period of time.
18 One incident could have several offenses. For
19 example, if I'm walking to my car, I'm shouted
20 "faggot" at, and then pushed against the car. Then,
21 my car's windows are smashed, there's one incident
22 and one victim, but three offenses; sexual harassment
23 assault, and vandalism.

1 The total number of harassments reported to
2 us in 1992 is 27. The first 6 months of 1993, we had
3 14 examples -- 14 reported incidences of harassment.
4 The number of threats against persons in 1992 was 3.
5 The first 6 months of 1993 was 9. In all of 1992,
6 there were 8 physical assaults or objects thrown. In
7 the first 6 months of 1993, there were 11. 12
8 incidences of vandalism in all of 1992, 10 for the
9 first 6 months of this year. 2 robberies in 1993, 3
10 for the first 6 months of this year. Total number of
11 victims in 1992 were 24, the first 6 months of this
12 year, 25. The total number of offenses in 1992 were
13 43. For the first 6 months of this year, 48. 27
14 incidences occurred in 1992, 28 in 1993, in the first
15 6 months of 1993.

16 To put some faces to these statistics, I
17 want to read a few of the stories that were reported
18 to us. February 9th, after his profile appeared in
19 the Plain Dealer, an openly gay pastor received
20 threatening calls on his church's and home answering
21 machine. "Burn in hell. We're not going to let this
22 stand. We will run you out of town. You will burn
23 and die in hell."

1 At 9:30 a.m. on February 2nd, the victim was
 2 walking down Mayfield by a cemetery near Little
 3 Italy, a 6 foot man unknown to the victim approached
 4 from the opposite direction and pushed the victim
 5 against the cemetery gates, screaming epithets at him
 6 such as "faggot", "home" and "AIDS boy", and
 7 threatening, I should slit your throat. I should,
 8 expletive, kill you right now, but I don't want your
 9 blood, et cetera. Victim struggled and tried to get
 10 away. Assailant kept pushing against the gate and
 11 screaming. Victim finally got away, just walked as
 12 if it never had happened, ignoring the assailant, who
 13 was threatening to come after him. Victim didn't
 14 report to police for fear of unsympathetic response.
 15 He checked himself into the Cleveland clinic for a
 16 week, and is now seeking out-patient psychological
 17 help. He's experiencing flashbacks and anxiety
 18 attacks, due to post traumatic stress disorder.

19 June 11th of this year, a married Astrobula
 20 woman has received threatening letters and verbal
 21 harassment for over a year after a lesbian friend
 22 began visiting her and her family. Her 8 year old
 23 son was beat up walking home from school because

1 neighbors know of the mother's lesbian friend. Paint
 2 was poured on their sidewalk and tires on their car
 3 were flattened. The eldest son has become withdrawn
 4 and secluded because of the neighbor's harassment.
 5 Police were responsive when called about the son
 6 being beaten up, but were indifferent to calls
 7 regarding harassment, fear, and vandalism. The
 8 victim experiences anxiety and fear, sleeplessness,
 9 inhibited job performance and eating disorders
 10 because of this year long series of attacks,
 11 harassment and vandalism.

12 March 17th, the Ku Klux Klan called an east
 13 side church requesting 50 tickets to a gay conference
 14 the church was hosting for the purpose of gay
 15 bashing.

16 March 25th, man walking to a store at
 17 approximately 10:00 p.m. was brutally assaulted by
 18 three perpetrators who jumped out of a passing car.
 19 The victim received three broken ribs and a bruised
 20 eye. He was hit in the face with nunchucks, knocked
 21 to the ground, and kicked repeatedly.

22 May 9th, victim, boyfriend and mother were
 23 eating. While at McDonalds, victim, accompanied by

1 his partner and mother, experienced slanderous
2 statements and comments which were derogatory,
3 concerning his sexual orientation. The victim
4 proceeded to enter the men's restroom, at which time
5 he was assaulted from behind and had food spit on
6 him. The victim was then assaulted by the
7 perpetrator wearing a set of spiked rings. The
8 spiked rings punctured the cranium, barely missing
9 the brain. The perpetrators continued verbal
10 harassment while the victim was left bleeding.
11 Medical treatment was required. The victim continues
12 to experience fear and terror and refuses to enter a
13 restaurant for dinner.

14 May 24th, the Gay Lesbian Community Service
15 Center received an anonymous message on the answering
16 machine. The message consisted of comments such as
17 what are you guys doing, sucking each other? I hope
18 you get AIDS, you stupid bleep, bleep faggot.

19 A letter addressed to the Center was
20 received on May 24th, 1993. It contained derogatory
21 comments such as oddball faggot, lesbo queers. It
22 was written in response to an article in the Plain
23 Dealer.

1 I have submitted four exhibits which you
 2 have two copies of. I'd like to go over those. The
 3 first one is a photo that appeared in the newspaper
 4 of a billboard that was posted on the south side of
 5 Cleveland. This writing is on the left-hand side of
 6 the billboard. It says, I thought radio reached a
 7 new low when WHK hired nauseating Moral Paulis. Now,
 8 they found the bottom of the barrel with the gay 90's
 9 show, a euphemism for sashaying sons. The show is
 10 hosted by the old buckaroo who asked the question,
 11 does your condom lose its flavor on the bedpost
 12 overnight? So, if you want to know everything about
 13 deadly gay sex, but were afraid to ask, then tune
 14 into WHK Friday nights for a few laughs or maybe
 15 you'll want to pray for their souls. On the right
 16 hand side is a painted picture with an effeminate
 17 looking man looking in the mirror saying, what's
 18 cooking, Jeff? The man stirring a pot says well, old
 19 buckaroo, today's special, homo stew. Welcome
 20 Jeffrey Dalmer to the Gay '90's.

21 Exhibit Number 2 is the letter we received
 22 on the 17th of May. It's in response to an article
 23 that appeared in the Plain Dealer. The article is

1 accompanying the letter we received. The article
 2 contained quotes by youths that are a member of
 3 prison. Prison is the lesbian and gay support group
 4 at the center. It contains comments by those youths.
 5 The letter read Dear Whatever or Whoever: Your
 6 enclosed statements in our paper today only serve to
 7 prove that people like you are as oddball as hell.
 8 When all of you begin to realize and accept the fact
 9 that what you are and what you do is wrong and
 10 immoral, abnormal, immoral indecent, unclean and on
 11 and on and on. For you, Jenny, stating that being a
 12 lesbo makes you proud serves to make me want to puke.
 13 There's very little empowerment and certainly no
 14 dignity in being a faggot. Your parents have got to
 15 be the most disappointed people alive. And, if not,
 16 then they're as dumb as you are. For you, Jordan,
 17 the only rights you have are the same rights we
 18 already have. However, I'll be damn if you and other
 19 queens deserve special handling like all of you keep
 20 demanding. Finally, Zoe, what and who you belong to
 21 is an abomination in the sight of God. And, whether
 22 or not you think so, some day all of you will roast
 23 in hell for your sins. It was signed and had a P.O.

1 Box Number to it.

2 Exhibit 3 is from the Balton Wallace College
3 Newspaper. And, it explained an incident that
4 happened there when residence directors were
5 expressing supports for lesbians and gay students.
6 And, they had the signs on their door saying allied,
7 beneath a pink triangle. And, it explains the kind
8 of vandalism they received on their doors for posting
9 those, and how the school dealt with that.

10 The last exhibit is a letter we received.
11 It says personal from New Nazi World Order,
12 Propaganda Minister, Section Number 1. To: head
13 Faggot Gay Center of Cleveland. r.e. Gods of Jihad,
14 in parenthesis, (Holy War On The Queers). It has the
15 person's full name and address attached. Subject,
16 special notice to all Neo Nazi groups concerning CIA
17 Directive 378, Gay kinko. Killing off the gay men.
18 The Gods holy war on queers. Behold thy people in the
19 midst of the are women, the gates of thy land shall
20 be set wide open unto thine enemies. The fire shall
21 devour thy bars. Translated, our country will be
22 cursed if we don't come down on the sodomies. From
23 Propaganda Ministry of President Bush's New Neo Nazi

1 World Order Sa Kiel. Can be copied. God Bless
2 American's holy war on the queers and may the Lord of
3 might and hosts raise up godly men among your ranks
4 to carry out his will. His Holiness, Pope John Paul,
5 do your country a favor today partner, shoot up a gay
6 today. It's signed and various photocopies of things
7 that he sent to us. These four exhibits were chosen
8 to be entered because they are physical examples of
9 the type of violence, hatred, and harassment
10 committed against gays and lesbians in the Cleveland
11 area. The dramatic rise in reports of hate crime may
12 be due to two factors; one, an increase of visibility
13 of gay issues, especially lifting the ban on gays in
14 the military. And, despite this higher lesbian-gay
15 visibility, including April's march on Washington,
16 the lack of legal protection for lesbians and gays.
17 The absence of legal protection and recognition spans
18 from gay hate crimes of not being recognized to local
19 ordinances that ban anti-discrimination in areas of
20 housing, child custody, job security and same sex
21 marriages. The right to housing is a civil rights
22 issue. The custody of one's child is a human rights
23 and a civil rights issue. As it stands now, gays and

1 lesbians aren't even given adequate protection from
 2 being beaten up. All four exhibits given to you have
 3 something else in common. They are examples of
 4 hateful, often physically threatening backlashes
 5 against efforts within the community to secure
 6 rights, express ourselves in the media or show
 7 tolerance on college campuses.

8 We are a diverse and struggling community.
 9 Lesbians and gays of color face discrimination and
 10 violence for 2 or 3 different reasons; race, gender
 11 and sexuality. Gay bashings are on the rise in
 12 Cleveland. Gay bashings are brutal and dehumanizing.
 13 Why aren't gay bashings considered hate crime?

14 Thank you.

15 CHAIRMAN BATTLE: Thank you. You can
 16 continue. We'll ask our questions as a group at the
 17 end of your presentation.

18 PATRICK NICOLITA

19 CHAIRMAN BATTLE: My name is Patrick
 20 Nicolita and I'm the liason from the Cuyahoga County
 21 Witness Victim Program to the Lesbian-Gay Community
 22 Center; primarily, to the Mary Ann Finnegan Project.
 23 My role as liason has many different facets.

1 Primarily, in assisting individuals from the Center
 2 who have been referred to the Center through the
 3 criminal justice process. I also provide individual
 4 therapy for the victims of crime. Primarily today, I
 5 would like to speak to the effects that individuals
 6 experience as victims of gay bashing.

7 Within the work that I do for the
 8 Lesbian-Gay Community Center, a number of individuals
 9 who have been victims of gay bashing become my
 10 clients. Unfortunately, there have only been two out
 11 of the number of reports that have been given to the
 12 Commission that have proceeded through the criminal
 13 justice system. There are a number of different
 14 reasons for this. One being that the individuals
 15 themselves, the victims, are terrified of facing the
 16 criminal justice system, when a possibility of one
 17 being discriminated against or their sexual
 18 orientation being held against them within a court of
 19 law. Another reason being that the individuals
 20 become very terrified to even make a police report.
 21 Unfortunately, at times, individuals who are victims
 22 of gay bashing do not receive any support in making a
 23 report of a crime to the local police authority.

1 As we continue to see arise in the number of
 2 reported gay bashings from 1992 to the comparison of
 3 the 6 month statistics of 1993, we see that they are
 4 above a rise of 50%. This becomes alarming when we
 5 see that there's only one case out of all of those
 6 cases that has received attention by the police and
 7 detectives, and has actually been brought to the
 8 floor of the criminal justice system. This plays
 9 into the way in which the victims themselves begin to
 10 view their own relationship to the greater social
 11 community, as well as how they are able to deal with
 12 the victimization that they have experienced.

13 Individuals who experience gay bashing are
 14 individuals who face a multitude of issues
 15 confronting them in therapy. Not only do they have
 16 to deal with the issues of fear, the issues of being
 17 able to go out into the community once again, issues
 18 of security, but also issues of their own
 19 significance, issues of how they relate to the
 20 greater community, and issues of acceptance.

21 The history of the United States very much
 22 bears out that the gay minority, gay, lesbian and
 23 bisexual individuals have not experienced minimally

1 toleration, let alone acceptance. Along history
2 within western civilization leads us to see that gay
3 and lesbian and bisexual individuals have oftentimes
4 been termed sick, immoral, sinful and worthy of only
5 death. Within the United States experience, it has
6 been one in which the gay lesbian and bisexual
7 individual has been very much closeted. Within the
8 text by Atkinson and Hackett published in 1989
9 entitled *Counselling the Non Ethnic Minority in*
10 *America*, there's a very stellar article that states,
11 and it's entitled, *I'd Rather Be Dead Than Gay*. This
12 very much typifies the responses that I receive from
13 the majority of gay, lesbian and bisexual individuals
14 that I receive for therapy due to being a victim of
15 gay bashing. Oftentimes, the individual would much
16 rather be dead than to have to face the trauma of
17 victimization, have to face the reality of
18 confronting society day after day after day and
19 continuing to receive no support. It becomes a very
20 interesting commentary on our society when an
21 individual would rather be dead than to acknowledge a
22 part of who they are.

23 Within the therapeutic context that I work

1 with, with the victims of gay bashing, it becomes
2 extremely difficult to be able to impart to them any
3 sense of trust, security and minimally acceptances.
4 The individual is not conflicted by their own
5 acceptance of their gay, lesbian or bisexual
6 orientation, but instead is conflicted by the
7 response of society itself. What have they done,
8 wrong. In actuality, nothing. It unfortunately
9 becomes the responsibility of the victim of gay
10 bashing to begin to look at his or her sexual
11 orientation and to begin to question. And,
12 unfortunately, that question at times becomes it
13 would be much easier to remain in the closet. It
14 would become much easier to deny one's own sexual
15 orientation. It would be much easier than to
16 confront the norms that society has set up.

17 The individuals that I deal with as victims
18 of gay bashing, in working through therapeutic issues
19 are able to come to some resolution and also some
20 acceptance of what took place. Not that they accept
21 the fact that violence is all right, but instead
22 accept the fact that, unfortunately, society does not
23 understand, and society continues to stand in

1 judgment. Unfortunately, the individuals themselves
 2 need to continue to go out day after day into that
 3 greater society. It becomes very difficult for me,
 4 then, as a therapist, to work with the individuals in
 5 getting them to any sense of security and trust.
 6 It's impossible for me to be able to tell the
 7 individual that they are safe and that their fears
 8 are not founded. Unfortunately, I need to reenforce
 9 with them that, yes, what took place is not only
 10 wrong, but also that unfortunately I'm unable to give
 11 them a trust and unable to give to them a fact that a
 12 bashing will not occur again. The individuals then
 13 are made -- the individuals, it becomes necessary for
 14 them to incorporate into part of their day-to-day
 15 activity the facts that at any time they may be a
 16 victim. At any time, due to their orientation, an
 17 individual may feel that he or she has the right to
 18 lash out in violence, either verbally or physically
 19 to this individual on the basis of their orientation,
 20 being different from the "majority". The statistics
 21 that have been reported become very alarming. Gay
 22 bashing unfortunately is very much on a rise. As a
 23 larger gay community continues to emerge from it's

1 social closet and continues to make its voice heard.
2 Society continues to act in a way of violence that
3 states these individuals should remain within the
4 closet. As the gay community continues to become
5 more vocal and more visible. Unfortunately, we
6 continue to see a higher rate of violence.
7 Statistically, we know that out of 100 crimes that
8 are committed, possibly 50% are reported. Out of
9 those 50%, 10 typically result in an arrest. Out of
10 those 10, possibly 3 are brought to trial. And, out
11 of those 3, 1 individual is convicted. That breaks
12 down to, statistically, to 1 out of 100 perpetrators
13 of crime becomes an individual who is sentenced by
14 the criminal justice system. When we look at the
15 incidences of gay bashing and violence against gay,
16 lesbian and bisexual individuals, the statistics
17 become even more alarming. There's not 100
18 individuals who will report. Unfortunately, the
19 statistics of reporting crimes are even lower.
20 Typically the individuals, it is typically,
21 individuals who will report are only individuals who
22 have been brutally victimized by other individuals.
23 That raises the statistics to almost 200 incidences

1 of gay bashing. And, out of those 200, unfortunately
2 within the greater Cleveland area and Cuyahoga
3 County, we have yet to have one individual who has
4 been brought before the criminal justice system.

5 As we continue to look at the rise in gay
6 bashing, as we continue to look at the verbal and
7 physical harassment that is perpetrated against
8 individuals because of their sexual orientation, it
9 becomes more difficult for those individuals and
10 individuals of the gay, lesbian and bisexual
11 community to have a feeling of security within the
12 community in which they live. Individuals make the
13 argumentation that gay, lesbian and bisexual
14 individuals are looking for "special treatment".
15 Gay, lesbian and bisexual individuals are not looking
16 for special treatment, they're simply looking for
17 equal treatment. Unfortunately, society does not yet
18 tolerate and, unfortunately, tolerance does not
19 equate acceptance. The gay, lesbian and bisexual
20 individual is not seeking that all individuals accept
21 and embrace a lifestyle that may be contrary to their
22 own. But, instead seek a sense of equality under the
23 law, seek a sense of security within the society

1 within which they reside and seek to be recognized as
2 human beings, possessing the same rights of life,
3 liberty and pursuit of happiness that are enjoyed by
4 all citizens of the United States.

5 Unfortunately, the work that I do for
6 witness victim and liasoning to the lesbian, gay
7 community center continues to rise... And,
8 unfortunately, victims continue to be referred to me.
9 And, even more unfortunate, it becomes very
10 difficult, if not impossible, for me, as a therapist,
11 to impart to them that, yes, it is better to live and
12 to be gay than to be dead and gay.

13 Thank you for your time.

14 CHAIRMAN BATTLE: Thank you. Are the others
15 going to testify also?

16 MR. BOYTE: No.

17 CHAIRMAN BATTLE: Are there questions from
18 the Committee this morning? Yes, Ms. Powless?

19 MS. POWLESS: I have a question. Do you
20 share your statistics with the Community Relations
21 Board, Mr. Thomas?

22 MR. BOYTE: Yes. Those are shared with the
23 Community Relations, as well as with the County as

1 well. They are also submitted to the National Gay
 2 Lesbian Task Force. And, the statistics from witness
 3 victim are also tallied and sent to the Ohio, the
 4 National Organization of Victim Assistance in
 5 Washington.

6 MS. POWLESS: Do you feel that, or actually
 7 what kind of working relationship do you have with
 8 the Police Department? You have said that you feel
 9 that you get no support or the victims get no
 10 support. Do you also feel that your project gets
 11 maybe less support than other groups, or I'd like to
 12 hear you speak about what, you know, the relationship
 13 there between the city.

14 MR. BOYTE: There were, there are two cases
 15 that come to mind where we had victims that were
 16 willing to prosecute. And, the one where a man was
 17 beaten up after leaving with someone from a bar had a
 18 good description of this person. It's what the
 19 victim was told by the Cleveland Police is that after
 20 he made the report, is that a detective would not
 21 pick up the investigation until we had the
 22 perpetrator. So, no investigative -- this person, I
 23 should, I guess, give a little bit of what happened

1 to this person. When he was at his apartment with
 2 the perpetrator, he was hit from the back of the head
 3 with a screwdriver and a hammer. I saw the victim
 4 the next day. He had a welt, I guess you call a welt
 5 on the side of his head that was the size of a ping
 6 pong ball. He has a good physical description of the
 7 perpetrator. It's our understanding from the Police
 8 Department that be it, them being overworked or
 9 perhaps the prejudice against the gay-lesbian
 10 community, there would be no follow-up from a
 11 detective until we came up with the perpetrator.

12 MS. POWLESS: When you say we, what do you
 13 mean?

14 MR. BOYTE: Well, investigated, I went to
 15 the bar and interviewed the bartender, interviewed
 16 patrons that had seen the perpetrator before, and we
 17 have some rough ideas. We put, we published
 18 incidence, anonymous incidence reports in the Gay
 19 People's Chronicle, which comes out every two weeks.
 20 And, in that, we had a description of this person and
 21 received a couple of leads on that. We are very
 22 short staffed. Three part time volunteers is what
 23 our staffing is. So, part of the, we start to make

1 choices between doing education work, such as this,
2 and really following up with victims doing police
3 trainings and then doing investigative work. So,
4 there's a limit in terms of how much we can do. But,
5 my experience so far with the Police Department has
6 not been positive.

7 MS. POWLESS: Do you feel if you turn
8 something over to the Community Relations Board, that
9 they would follow-up on it?

10 MR. NICOLITA: The problem with turning
11 something over to the Community Relations Board is
12 that none of the information remains confidential.
13 That becomes very difficult at times for a number of
14 victims. They may or may not be openly gay to the
15 greater community. That creates a problem, then, in
16 terms of their own confidentiality. The
17 relationships to the police departments depends at
18 times upon the case itself. Fully aware of the fact
19 that the police departments are very much under
20 staffed, but there's, unfortunately, a rise in crime.
21 As of this year, there's mandatory training,
22 sensitivity training in a number of different areas.
23 And, one of those areas includes gay, lesbian and

1 bisexual orientation. The police departments are
 2 very open to that. I think that a lot of what the
 3 gay, lesbian and bisexual community experiences
 4 becomes an issue of individual officers. I don't
 5 think it's fair to be able to lump the entire issue
 6 into a particular police department, but more the
 7 individual response of the officers responding to the
 8 crime.

9 CHAIRMAN BATELE: Other questions from the
 10 Committee? Dr. Wilson?

11 MR. WILSON: Mr. Boyte, I've been struck by
 12 your statement towards the end of your remarks that
 13 was really more of a plea, why can't people
 14 understand that gay bashing ought to be a crime.
 15 And, I wasn't sure how to take that. Are you
 16 implying that it's not a crime at the moment and that
 17 it ought to be made so in statute or what -- because
 18 the kind of incidents that you laid out, many of them
 19 fall under, you know, the ordinary criminal code as
 20 acts of violence or intimidation or menacing. So,
 21 what more would you like to see done to meet your
 22 concerns?

23 MR. BOYTE: It's not recognized as a hate

1 crime.

2 MR. WILSON: You want it speed receive
3 specifically recognized as a hate crime?

4 CHAIRMAN BATTLE: You would like to
5 follow-up on that?

6 MR. WILSON: Yes. I mean, of course, Ohio
7 is, has had an ethnic intimidation act, but I
8 believe, did it also include sexual orientation?

9 MR. LEVENTHAL: Yes, it did.

10 MR. WILSON: Then, the Ohio Supreme Court
11 declared it unconstitutional, but that's being
12 revised, and you may very well have such a law on the
13 books again soon. The only thing I would ask you
14 with respect to that is where your organization comes
15 down on the free speech questions, First Amendment
16 questions. Some of the incidents, a minority of
17 them, but a few of the incidents that you have
18 reported there as acts of harassment in one sense of
19 the word, they are harassment. But, it probably
20 constituted protected free speech as well. If I
21 could just get your reaction to that problem.

22 MR. BOYTE: Sure. We value free speech very
23 highly. The incident of the billboard, for instance,

1 that is not included in the statistics that I read.
2 We find it offensive, but understand that that's a
3 protected speech. Clearly, the letter from the Ku
4 Klux Klan would not be a protected speech, that's a
5 hate and death letter. Not being a lawyer, I don't
6 believe that the anonymous letter would probably be
7 protected speech. My personal experience with the
8 issue of the First Amendment, I was in correspondence
9 with Mr. Syzak, the person that put up the billboard
10 owns the company that produces the signs, and it
11 received quite a bit of local press. It was in 3
12 newspapers, the picture of it was. The letter I
13 received back from him justifying the billboard was
14 that it's, it's protected speech. It's been my
15 experience that hateful expressions are simply
16 justified by being protected by the First Amendment.
17 Otherwise, the reason that he put it there is because
18 it's protected, is basically the response he gets
19 back. When I talk about the impact that has on
20 people that don't know anyone that's gay or lesbian,
21 that may have homophobic tendencies but never acted
22 them out can lead with the kind of bashings that
23 we've experienced. And, you know, I don't feel that

1 the sign should be taken down for legal reasons.
2 But, our experience, at least with this person, was
3 that his defense of it was simply that it's protected
4 speech. That wasn't my argument with him. It was
5 why would you do this? This leads to these kind of
6 behaviors. Certainly, we have a problem with the
7 radio show. There's different ways of doing it than
8 equating gays with Jeffrey Dalmer. So, that
9 incident, anyways, was not in the statistics because
10 I don't believe it to be.

11 MR. WILSON: Thank you.

12 CHAIRMAN BATTLE: Mr. Leventhal?

13 MR. LEVENTHAL: Along those same lines, Mr.
14 Boyte, you read a letter or a quotation from one of
15 your documents there saying, "do the world a favor,
16 go out and kill a gay", and it was signed, I believe.
17 Now, I'm not a Constitutional lawyer, but I do know
18 that name calling is protected, but inciting to riot
19 is not protected. And, I think it behooves an
20 organization like yours to report something like this
21 to the police department because, at least in my
22 opinion, and it could be checked out, it's inciting
23 to riot. Now, they may not do anything about it, but

1 at least they can let the perpetrator of that act
2 know that if he continues on that basis, it's a
3 crime. So, I would suggest that you look into that.

4 MR. BOYTE: Mr. Leventhal, we called the
5 postal inspector the day we received the letter. We
6 were referred to the FBI. The FBI told me that they
7 would come and pick up the letter, which they never
8 did. A week to 10 days later, I called back the FBI
9 to see if they were picking this up. I'm only in the
10 office as a volunteer 1 to 2 days a week. They told
11 us to mail a copy of the letter to them, which we
12 did, we've heard nothing back yet from the FBI.

13 MR. LEVENTHAL: You have done what you could
14 do. Thank you.

15 CHAIRMAN BATTLE: Other questions for Mr.
16 Boyte or Mr. Nicolita? I have a couple. I'd like
17 you're view of the legislation in those jurisdictions
18 that have been able to enact legislation based on
19 sexual orientation, human rights ordinances, et
20 cetera across the country. I don't know whether
21 there's one in Cleveland or not, but in those
22 jurisdictions where, you know, they've been enacted,
23 how would you characterize their effectiveness. Are

1 they marginally effective, are they just paper drills
2 or do they according, by your knowledge, have any
3 real teeth? Can they be enforced or are they being
4 enforced?

5 MR. NICOLITA: If I may address the question?

6 Yes, they are effective, to the degree of their
7 effectiveness. I believe it's too early to be able
8 to tell that. When we look at such legislation, it
9 has almost a ripple effect in terms of the effect
10 that it may have on the greater community. It allows
11 for the gay, lesbian and bisexual community to
12 understand that they have been recognized, and that
13 there's some protection for them. That, then, begins
14 to translate to the greater community that there is
15 some protection for these individuals.

16 Unfortunately, what we are looking at is a long
17 history of gay, lesbian and bisexual orientation and
18 behaviors as being seen as abnormal, outside of the
19 ordinary and, therefore, unacceptable. The
20 legislation itself begins to address that issue.
21 And, in addressing that issue, then, gives to the
22 gay, lesbian, bisexual community a sense of security
23 and begins to, then also educate and impact on the

1 greater community. Hopefully, then, dropping the
2 statistics of bashing and violence and harassment
3 that takes place.

4 CHAIRMAN BATTLE: Thank you. One additional
5 question, the organization Stonewall, has a history
6 of following, tracking, monitoring the same issues.
7 Is there a lot of cooperation and coordination
8 between Stonewall, Cleveland, and the Mary Ann
9 Finnegan Project?

10 MR. NICOLETA: All of the organizations
11 work in harmony with one another. Mary Ann Finnegan,
12 Stonewall, Act Up, I believe another one is even
13 Queer Nation, so that what we are able to do as one
14 large body is to begin to address the issues that
15 face the community as a whole.

16 CHAIRMAN BATTLE: Thank you. Are there any
17 other questions? Ms. Ortega?

18 MS. ORTEGA: You mentioned that you do
19 sensitivity training with the police department. Is
20 that an integral part of their training or is that
21 something that's just done as per needed basis or how
22 is that?

23 MR. NICOLETA: By recent legislation, I

1 believe it was in 1993, it has now become mandatory
2 that all cadets receive sensitivity training,
3 sensitivity training in terms of ethnic and non
4 ethnic minorities. So, it has now become a mandatory
5 part of the training.

6 MR. BOYTE: If I could add to that, along
7 with the, I guess the state mandate for that
8 training, there was no budget to provide for the
9 training. So, anything that we do is pure volunteer,
10 and that would include any kind of resources, videos
11 that we need to order, any kinds of materials that we
12 would present, as well as the time going into it.
13 We've asked for \$50 honorariums, but that has not
14 been honored. If I can speak to a question you asked
15 two questions ago, the only cities or municipalities
16 that I'm real familiar with in terms of legislation
17 that has been passed was what went on during the
18 campaign in November in Oregon and Colorado. And,
19 the during the campaigns in both states, there was
20 something like a 100% increase in the amounts of
21 reported violence. When the initiative, anti-gay
22 initiative passed in Colorado, the incidents rose
23 even more. When the initiative failed in Oregon, the

1 violence decreased dramatically. So, it's my
 2 opinion, based on these type of things, that what,
 3 that who society says is protected and who society
 4 says has civil rights does have a direct impact on
 5 violence against those people.

6 CHAIRMAN BATTLE: Other questions from the
 7 Committee?

8 Thank you very much, gentlemen.

9 MS. RAINBROOK: I'm not the regular
 10 speaker, but I would really like to respond to Mr.
 11 Wilson's comment about the First Amendment right to
 12 free speech.

13 CHAIRMAN BATTLE: Please, could you state
 14 your name, spell your name, for the recorder, so that
 15 you're a part of the record?

16 MS. RAINBROOK: My name is Judith Rainbrook,
 17 R-a-i-n-b-r-o-o-k, and I'm the Executive Director of
 18 the Lesbian Gay Community Service Center, a position
 19 I've held for about three weeks.

20 I feel that there is a real distinction
 21 between First Amendment rights to free speech and
 22 verbal harassment. And, I would give an example that
 23 certainly that the white supremacist groups in this

1 community and in other communities, I give an example
 2 is the hoorah they had in Chicago a couple of years
 3 ago when there were people doing major protests in
 4 the street saying that the Holocaust never happened
 5 and the Jews shouldn't, you know, shouldn't have the
 6 same rights as everybody else. And, they were doing
 7 really hateful things, but it was their free speech
 8 right to do that. And, they had the right to do
 9 that. But I don't believe that anybody would support
 10 their right to stand up in a restaurant and confront
 11 someone and say hey, you dirty kike, what are you and
 12 your Jewish princess wife doing in here? We don't
 13 like Jews here. That's not a First Amendment right
 14 to free speech, that's a verbal assault and that's
 15 what gays and lesbians continue to be confronted by
 16 on a day-to-day basis, with the sense that there is
 17 nowhere that they can go that's safe to protect
 18 themselves. They can't call the police because they
 19 expect to receive the same. I mean, the cops, we
 20 have lots of incidents of people being generally
 21 just, when they're harassed on the street being
 22 called faggots by the cops. And, it's that sense,
 23 you know, it's not like we're talking about issues

1 here, we're talking about people feeling unsafe in
2 their homes, feeling unsafe walking down the street,
3 feeling unsafe having dinner with their family merely
4 because they're gays and lesbians, and that really is
5 not a free speech issue.

6 CHAIRMAN BATTLE: Thank you. Any additional
7 closing comments? Thank you very much for giving us
8 the information this morning.

9 Thank you.

10 CHAIRMAN BATTLE: Mr. Jackson and Rev. Rose?
11 Good morning.

12 RONALD R. JACKSON

13 Good morning, my name is Ron Jackson, and
14 I'm the Executive Director of the Board of Community
15 Relations for the City of Toledo. I've held that
16 position since January 4th of 1993. Prior to that, I
17 spent 25 years as a Toledo police officer, retiring
18 as Deputy Chief of Police in October, 1992. I'm glad
19 to be with you this morning. And, to my left is Rev.
20 Rose, who I will allow to introduce himself.

21 REV. ROSE: I'm Rev. Floyd Rose. I don't
22 head a civil rights organization. I'm not a civil
23 rights leader. I'm not a community leader. No

1 community has ever elected me to lead it anywhere. I
2 speak only for myself and for those people whose
3 views I share on any given subject at any given time.

4 RONALD JACKSON

5 The report that you have in front of you is
6 a compollation of reports that the Board of Community
7 Relations has recorded since 1988, and this deals
8 with, are racial and ethnic intimidation reports
9 which were received by the Cleveland Police
10 Commission. As you can see, we break those down into
11 different categories by type, type of incident,
12 property related, target group, geographical areas
13 are reported incidents, then break down by month of
14 the incidents that are reported to the police
15 division. And, this report is pretty well, pretty
16 self explanatory, talks about the numbers that have
17 been reported and the types of offenses from
18 harassment, criminal damages, assault, menacing,
19 arson, vandalism, robbery, cross burning, rape. The
20 groups are broken down by race; Black, White,
21 Hispanic, other. And then, geographical areas
22 represents the City of Toledo, northeast, southwest
23 where the events are taking place and break down by

1 month.

2 I thought that this information may be
3 relevant to your committee with regard to the City of
4 Toledo as far as reported incidents are concerned.
5 The last page is a report that covers January through
6 through July of 1993 and shows the total number so
7 far received as being 20, 20 reported RRE's. I would
8 also like to state that, and I'm sure that you're
9 familiar that the RRE or intimidation law has been
10 suspended pending modification, I assume, by the
11 State Supreme Court. It was found to be
12 unconstitutional and is now in limbo. For all
13 intents and purposes, it's not being enforced. So,
14 just to bring that to your attention this morning.

15 CHAIRMAN BATTLE: Thank you.

16 Rev. Rose?

17 REV: FLOYD ROSE.

18 I don't have a comment on the report, I
19 think that speaks for itself. I suppose I would like
20 to speak to the City of Toledo's response to several
21 incidents. Perhaps you read the most recent problem
22 involving an off-duty white police officer who shot a
23 6-year-old black child. Let me share with you the

1 official response to that shooting. It was
2 absolutely nothing. And, in fact, shortly after he
3 was, or the night the kid was shot -- let me back up.
4 This young boy 6 years old was with a friend who was
5 also 6 years old, and they walked through the
6 off-duty policeman's yard, and they started throwing
7 rocks in an empty swimming pool where there was a lot
8 of other debris that had been there perhaps, as many
9 as five years. The police officer came back, came
10 out, found them and with a gun in his hand, grabbed
11 them. One boy was able to just get away and while
12 the story becomes a blur at this point, the kids
13 story to me was that he then let him go and dropped
14 him, and then shot him in the leg. The police
15 officer says it was an accident, he didn't even know
16 the boy was shot, and that's why he didn't bother to
17 call for help or assist him in any way. The boy
18 crawled out of the backyard and under a fence and out
19 into a field where he was about 5 or 6 minutes when
20 the father of the other boy came and took care of
21 him. He was -- when his father called 911 and the
22 Toledo Police came, they confronted this officer and
23 he was temporarily detained. But then, the county

1 prosecutor ordered that he be released without bond
2 and without charges. The next day, this was on a
3 Saturday night. The next day I made a statement to
4 the press, along with his mother, with regard to this
5 incident and how we thought it would have been
6 handled if, in fact, that had been a white boy and a
7 black police officer. The next two days later, I
8 believe it was Mr. Ron Anderson -- Ron Jackson called
9 me and informed me of a meeting that was being held
10 in the Mayor's conference room. And, here's where I
11 want to begin the sort of official response to
12 incidents like this.

13 In attendance was myself, a representative
14 of the FBI, the Chief of Toledo Police,
15 representative of the prosecutor's office, the Mayor
16 of Toledo, the President of NAACP and several others
17 whom the press have designated as "community leaders
18 or civil rights leaders", even though none of us have
19 been elected to lead any community anywhere. And,
20 the only person who heads a civil rights organization
21 in Toledo, to my knowledge, is Alan McConnell, who is
22 President of the NAACP. For almost two hours, we
23 talked about the incident and the police and the

1 prosecutor's response to it. Most of the questions
2 were raised by myself. As we neared the end of the
3 discussion, someone said, and I don't remember who
4 now, what we need to do now is have a news conference
5 and announce that were all together on this issue and
6 we all understand and accept as valid the police and
7 the prosecutor's reaction to this. And we believe
8 that, in fact, they would have done the same thing if
9 the officer had been black and the child had been
10 white. I said to the group, I will not participate
11 in that because I don't believe that. And, I will
12 not be a part of this farce, and so I left. And, I
13 also said to them, I will not say anything about this
14 because I don't want to cast any doubt on you and on
15 your sincerity, but I will not, I cannot accept that
16 in good conscious. I received a call later from "The
17 Blade", who informed me that they had been informed
18 by somebody in the group of what my feelings were.
19 And so, I then made them public.

20 Now, we conducted a march, walked from the
21 scene of the incident four miles to the Oregon Police
22 Station. Along the way, there were signs that were
23 as anti-Floyd Rose as they were anti the marchers.

1 When we arrived, there were hecklers that were
2 reminiscent of the 1960's, all the vicious, racial
3 slurs and something I hadn't heard before, but we
4 were dignified. The march, it was one of the most
5 dignified that I've ever participated in, and the
6 most disciplined, especially under the circumstances.
7 There were young people, of course, in the group,
8 there were about 150 of us. What concerns me is not
9 what the hecklers did. The press, particularly the
10 "Toledo Blade" and Channel 11 gave more credence, in
11 effect, to the protesters than they did to the march.
12 It was their faces and their signs that were on the
13 front page of "The Blade", and the whole thing was a,
14 was denouncing Floyd Rose in particular, and the
15 march in general. They never mentioned that a
16 principal speaker was Rev. Robert Kup, who heads a 7,
17 8 or 900 member church, former President of NAACP,
18 they never mentioned his name. They talked about the
19 hecklers and their reaction to me, but they never
20 mentioned the whites that were in the march. They
21 never mentioned the school administrators, the school
22 teachers, the law students, the impression was left
23 with the readers that these were "Rose protesters",

1 and they were a bunch of mindless people who were
2 being led by a senseless leader. By doing that, they
3 created an image of me that was unworthy of
4 everything that I stand for. And, at the same time,
5 they began to pick out Blacks that they have given
6 title as community leader, who would disagree with
7 Floyd Rose and made that a big issue. And, in fact,
8 there was one brother with a sign confronting me
9 while the hecklers were behind us shouting all kind
10 of filth. He had a sign condemning me. The news fok
11 picked up that, that was real important to them
12 because he was a black man when, in fact, if we had
13 left him out there, we probably wouldn't have found
14 him later. And, he had sense enough to leave when we
15 left. And, he had also sense enough or didn't have
16 the courage enough to stand with the whites who were
17 heckling as though he was expressing some of their
18 sentiments. Now, 3 or 4 days later, we received
19 another call. There was a community meeting to
20 somehow quiet down the racial tensions. You have to
21 understand what happened in Toledo. There were no
22 blacks and whites fighting as a result of this
23 incident, absolutely none. I walked into that area

1 three times, talked to people all over the area, not
2 one time, not one time did I see any hint of any kind
3 of racial tension. But, every time the press, every
4 time the news would come on, they'd talk about racial
5 tensions in east Toledo. There was absolutely none.
6 This was a creation of the press. Now, was there any
7 injustice there? Certainly. Was there unfair
8 treatment? Certainly, but racial tensions, no. And
9 then, they pretended that the real reason for the
10 racial tensions was this preacher named Floyd Rose,
11 and that they call a civil rights activist. And, I'm
12 not sure what that means. I have never called myself
13 anything but a preacher. And, my associate told me,
14 reminded me to tell you that I'm the Pastor of the
15 Family Church Without Walls. After that, and I'll be
16 finished, the Police Chief of Oregon sat in my
17 office, in my office and assured me that the
18 administrative hearing would be expedited. He had
19 already been charged with and indicted on felonious
20 assault with a gun spec, which meant that at the very
21 least, he could get 3 years for the gun spec and 8 to
22 15 on the felonious assault charge. In the meantime,
23 his house is torched. His house is torched. Then,

1 they, the press pretended that it was the march that
2 the Rev Floyd Rose lead that caused the kind of
3 hatred and bitterness that gave birth to the torching
4 of the house. First of all, we don't know who
5 torched his house. I do know that either with or
6 without his knowledge, but certainly in his best
7 interest that house was torched because he's the only
8 one that benefited by it. It created an atmosphere
9 of sympathy that transformed him from a villain into
10 a victim. And, the police chief then said, because
11 of the fire, we don't know when we will have the
12 administrative hearing. It was indefinitely
13 postponed. We started writing letters. We came back
14 a week later, they decided to go ahead and have the
15 administrative hearing. Then, after the Firearms
16 Review Board determined that the shooting was without
17 justification, they decided or the police chief
18 decided that he didn't know when he would make his
19 decision about whether to terminate the officer.
20 It's that kind of thing that creates, in our minds,
21 the difference in what black folks seem to fight for
22 in Toledo and what white folk seem to fight for. Our
23 agendas are different. Theirs seem to be domination

1 and control. Ours seem to be justice and equality.
2 And, until we have the same agenda, the unity rallies
3 like we had yesterday will mean nothing. And, by the
4 way, that unity rally, and I'm not sure what it
5 meant, I'm not sure what the intent was, but nobody
6 showed up. Most of the people that showed up were
7 white folks because it was a real safe event. The
8 politicians were there, the NAACP was there, but
9 nobody was invited to speak who would have challenged
10 anything that was going on. So, that's my concern
11 more than anything else. It's not the racial
12 tensions. I don't know what that means. I just hear
13 it from the press. I read about it in "The Blade",
14 but I know that there are great injustices there, and
15 that blacks are not treated in the same way as white.

16 Forgive the long statements, but I wanted to
17 get that in.

18 CHAIRMAN BATTLE: That's all right. We've
19 allocated an hour for this segment. That includes,
20 of course, questions from the Committee.

21 Are there things that you'd like to add
22 before we open it up to questions from the Committee?

23 MR. JACKSON: I'm sure I can probably go

1 back and try and respond, but I don't think that
2 would be useful. The officer shooting and the arson
3 of his house, in the opinion of the administration,
4 did give rise to some tensions, and there were some
5 plans to alleviate those tensions by conducting
6 meetings, which we did have a meeting at the Ravine
7 Park Shelter House between residents from the Van
8 Buren Street area and residents from the Ravine Park
9 project. At that particular meeting, there was a lot
10 of venting frustration and anger, et cetera, and
11 there were a lot of attacks at Rev. Rose and also at
12 the news media by at least the Van Buren Street
13 group. And, the other thing I thought that was
14 important at that meeting was that there were a lot
15 of people who just came forth and gave their
16 opinions, okay. What we did, from the Board of
17 Community Relations, our Board of Community Relations
18 is responsible for maintaining harmonious
19 relationships between races and ethnic groups. I
20 need to explain that. That's our function. In the
21 City of Toledo, we hired a psychologist to accompany
22 us to that rally to get a feel for what's going on,
23 and we relied on her expertise with regard to, first

1 of all, having the event and then secondly, when to
2 terminate it based on her express opinion. And, it
3 was simply to bring people together, allow them to
4 vent their frustrations and then later we developed
5 smaller groups from both communities who are meeting
6 on a regular basis. So, that's kind of where the
7 Board of Community Relations is involved in this
8 whole thing. And, that's really, you know, my
9 statement. I'm sure you'll have some questions.
10 But, just to give you an idea of the hat that I wear
11 with regard to the City of Toledo.

12 CHAIRMAN BATTLE: Questions, Committee
13 members?

14 MS. POWLESS: I've got one.

15 CHAIRMAN BATTLE: Yes, Ms. Powless?

16 MS. POWLESS: We did hear from the
17 Cleveland Board of Community Relations person
18 yesterday and he talked about reporting and lack of
19 reporting. Do you have any sense of whether people
20 that are experiencing hate crimes, whether or not
21 they are reporting in Toledo?

22 MR. JOHNSON: Well, I would have to rely on
23 my police background. If you excuse me, that somehow

1 seems to overlap. I guess that's just the way it
2 goes, but that's true. What I found, and I headed
3 this particular unit, that was one of my
4 responsibilities. I was in charge of all the
5 investigations, detective bureau in Toledo. What I
6 found was that once this law was suspended, and even
7 before, but specifically once this law was suspended,
8 that the number of reported incidents began to tail
9 off. And, if you'll look at your records, you go
10 back to 1988, you'll see that there's a large number,
11 and then they kind of fell off, and they came back
12 and you'll see a fluctuation in those numbers. But,
13 to specifically answer your question, I think that
14 there's an under reporting of such incidents. And,
15 there are many reasons for it. And, I'm sure that
16 Rev. Rose probably has some ideas with regard to this
17 as well. I think that it's a matter of tolerance of
18 the community. And, also, I think that there's a
19 reluctance because there's perhaps not as much
20 confidence in the system, and that's one of the
21 reasons, or a couple of reasons why it's
22 underreported. But, I do think its underreporting.

23 REV. ROSE: One of the things I thought was

1 interesting was that the Arian Nation, I believe,
2 circulated some fliers in the Oregon area, the
3 telephone number on it that it was for whites only.
4 If you call this number, they'll tell you where this
5 rally was going to be, et cetera. And, someone
6 called me and gave me the number. And, I called and;
7 of course, they were talking about Blacks and niggers
8 and just and the whole thing about this rally that
9 was coming up. What I thought was interesting, when
10 the reporter from the Associated Press got ahold of
11 somebody somewhere in Oregon, I believe somewhere out
12 west, he asked them why do you think that the people
13 in the Toledo area would be susceptible to this kind
14 of rally? What is it about Toledo or Oregon that
15 makes you think that you can recruit people there?
16 That's what I found interesting. When you look at
17 what happened, a kid gets shot, the police chief does
18 not call the mother and say I'm sorry, a deputy did,
19 but not the police chief, the Mayor never said
20 anything, nobody from city council said anything, but
21 once the officers and nobody, no official in Toledo,
22 not a single one, not the Mayor, not anybody who is
23 presently on council, not anybody running for council

1 except one man, Larry Clark, Larry Whiting, Clark,
2 even bothered to call and say I'm sorry. But, when
3 the white man's house was torched, they were running
4 over each other's feet to get to the camera to talk
5 about how terrible this is. I don't understand that.
6 And then, the Police Patrolman's Association of
7 Oregon set up police fund, defense fund for the
8 officer. I have no problem with that except if it
9 was an accident, there should be some concern about
10 his incompetence. If it was deliberate, they
11 certainly ought to want to distance themselves from
12 him. So, that's the kind of thing we've got going
13 on, and that's why the Arian Nation felt, in my
14 judgment, that it was fertile ground for recruiting.

15 MR. JACKSON: There was another incident,
16 too, that involved a group that called themselves the
17 Arian Religion that was uncovered by the ATF in
18 Toledo. The plot --

19 CHAIRMAN BATTLE: Could you translate ATF?

20 MR. JACKSON: Yes, Alcohol, Tobacco,
21 Firearms, Justice Department, discovered a plot to
22 allegedly bomb the Wiler Homes, which is a
23 predominantly Black project area, again on the east

1 side, not too far from Ravine Park, probably 2 miles
2 from Ravine Park. Again, Metropolitan Housing
3 Authority project. That preceded the events that
4 Rev. Rose is talking about this morning. And so we,
5 and we feel that the Arian Nation, based on those
6 incidents, probably has a feeling that there's
7 fertile ground in the Toledo area to do recruiting,
8 and that was one of the reasons for the rally. The
9 rally that we had on yesterday was the exact date
10 that the Arian Nation indicated that they were going
11 to have their rally. That's why we had our counter
12 rally, if you will, that was the reason for the
13 rally. And, I won't go into details as to who was
14 invited to speak, but we wanted to keep it non
15 political as possible. So, basically, no one who is
16 running for office was allowed to speak at that
17 rally. That was the reason for it.

18 CHAIRMAN BATTLE: Are there questions from
19 the committee?

20 MR. WILSON: Question of fact, Mr. Jackson.
21 How many people did the, is it ATF associate with
22 this Arian Religion group?

23 MR. JACKSON: Just two, to my knowledge.

1 And, there were possibly 3 or 4 others who had
2 knowledge of it. From what my understanding and from
3 my police background, I would, assume that these two
4 had told three others, and one or two of those had
5 turned the information over to the ATF.

6 MR. WILSON: These are Toledo area
7 residents?

8 MR. JACKSON: Yes.

9 CHAIRMAN BATTLE: Ms. Rodemeyer?

10 MS. RODEMEYER: Am I to understand that you
11 consider the shooting of the child a hate crime?

12 MR. ROSE: No.

13 MR. JACKSON: Are you asking me?

14 MS. RODEMEYER: Yes, yes.

15 MR. JACKSON: No, no, I do not.

16 MS. RODEMEYER: Do you consider it racially
17 motivated in any way, or is this the kind of man who
18 would shoot children?

19 MR. JACKSON: You know, those types of
20 crimes, and where I differ with Rev. Rose is this,
21 with regard to his example, but let me say this to
22 you, I think you know we cannot get into a person's
23 mind unless they admit that that was a motive. Then,

1 we won't know. And, you only can presume, based on
2 information that you have, evidence that you have.
3 We know that the child was shot. We know that the
4 officer had no reason to have a gun in his hand. He
5 was wrong. But, what his motive was, unless you can
6 get into his mind or he admits, we cannot say it was
7 racially motivated. The example that Rev. Rose gives
8 with regard to how he was treated, let me just say
9 that I do differ with him in that, I'm familiar with
10 what the prosecutor's process is, and when you're
11 dealing with a police officer who is charged with any
12 criminal offense, any criminal offense, the
13 prosecutor's office is very, very careful with regard
14 to how they treat that case because police officers
15 are very difficult to convict, okay. Difference
16 between a police officer and a citizen is I, as
17 police officer, can carry a gun 24 hours a day. If
18 there is a noise outside of my house, I can arm
19 myself and go outside. You cannot, as a citizen,
20 okay. That's the difference. There is a difference
21 between a civilian and police officer, okay. The
22 other thing is with regard to the prosecutor we, as
23 police officers, as investigators, rely on them to

1. determine where our facts lie, whether or not we have
2 a case. If we had charged that officer with a charge
3 that night and we had circumstances to indicate some
4 charge and later found that this was a more serious
5 charge or if the child had, in fact, succumbed or
6 died, then we are stuck with the original charge.
7 And, that's something that has to be taken into
8 consideration.

9 Secondly, my second exception to Rev. Rose's
10 statement is this, I have been a police officer 25
11 years and I've not seen a black officer shoot a white
12 child. That example has never come up. So, how can
13 you say that he was being treated differently? You
14 can't. You can only surmise that, perhaps, he would.
15 And, I understand his concern with the system, but
16 the facts are, I'm not familiar with any similar
17 circumstances.

18 REV. ROSE: May I respond to you? That's
19 correct, and I never said that, and Floyd Rose never
20 said not one time that that shooting was racially
21 motivated. That's the problem. The press always
22 says if I make a statement about anything and never
23 mention race, if Blacks and whites are involved,

1 Blacks and whites are involved in it, they say that
2 Floyd Rose made it a racial incident. I don't know
3 why he shot the kid, I know he shot him. Now, if
4 you're asking me to believe in my heart that if that
5 officer had been Black and that kid had been white,
6 that the white community would not have risen up and
7 said, you got to do something about this, that's
8 nonsense. If they had, they should have. If they
9 wouldn't have, they should have. That ought not be
10 tolerated, period.

11 Second point I want to make with regard to
12 them holding him. There was a guy in our march who
13 accidentally shot himself, and they took him to the
14 hospital and straight on to jail for discharging a
15 firearm. Another man in a wheelchair was in my
16 office the other day, a brother in a wheelchair shot
17 out his window, just through a window, and he spent a
18 year in jail in a wheelchair. Now, it's my
19 understanding, and maybe I'm wrong, I'm not a lawyer,
20 but I do know that Blacks have been hauled into jail,
21 they have been charged with something now and later
22 other charges have been leveled against them. I
23 don't think anybody is going to deny this. I'm

1 saying that at least for the sake of the community,
2 they could have held him, as I understand, legally,
3 and if I'm wrong somebody correct me today, 48
4 perhaps 72 hours without violating his rights while
5 they determined the magnitude of the charges. But,
6 for you to make me believe that if that officer had
7 been Black, if, I'm saying, and the kid had been
8 white, they would have simply detained him and told
9 him to go on home and to get back with him. Well,
10 that's not the America I know and that's certainly
11 not the Toledo that I've had experience with.

12 CHAIRMAN BATTLE: Other questions? Yes, Ms.
13 Ortega?

14 MS. ORTEGA: Mr. Jackson, then, did I hear,
15 am I hearing correctly when I heard you say you think
16 that hate crimes or racist crimes are under reported?

17 MR. JACKSON: Yes.

18 MS. ORTEGA: So that we really don't have a
19 sense in terms of whether there's an increase in them
20 or whether they're decreasing simply because we don't
21 have good or accurate statistics?

22 MR. JACKSON: That's my assumption. And,
23 not only hate crimes, but all other crimes. And, if

1 that, in fact, and that has been proven, then we have
2 no reason to believe that these types of crimes are
3 not under reported as well. Again, the other thing I
4 mentioned was the tolerance level of communities, and
5 I think that that's something that has to be taken
6 into consideration there. And, by that, I mean that
7 a lot of times incidents may take place that may be
8 racial. They are resolved in one other manner,
9 either through fisticuffs or through rebuttals or
10 whatever. And, it's just completely forgotten and
11 not reported. So, also, again, the tolerance level
12 of that particular community, the historical
13 perspective of those communities and things like
14 that, all those things must be taken into
15 consideration when you talk about reporting of racial
16 incidents.

17 REV. ROSE: May I, I don't know, I heard an
18 interesting comment about a lady earlier with respect
19 to the gay lesbian situation, about verbal abuse,
20 verbal assault. When we're in a restaurant, you have
21 no right to blah, blah, blah. If you speak in terms
22 of telephone calls, following this incident and just
23 about every incident I'm involved in in Toledo, my

1 phone rings off the hook. All kind of vicious stuff,
2 what they are going to do to me and all that stuff.
3 With the exception of 4 or 5 calls, I just let it go.
4 But, 4 or 5 of the calls that I received over the
5 last two weeks, last three weeks I, they were placed
6 on my answering service, and I took them away tucked
7 them away just in case something happened. Those
8 were the only ones I thought would have been serious.
9 The police stationed the first, the night the house
10 was burned, they got some information that somebody
11 was going to burn my house in retaliation. And, the
12 officers came out and they were sitting around my
13 house. I was out of town, and I pulled up and saw
14 them. I wanted to know what was going on, and they
15 told me. And, I asked them if they would leave.
16 They said they couldn't do that because they had
17 orders to do that. My feeling about that kind of
18 stuff is most people ain't doing nothing but talking,
19 okay. I'm not going to dignify that by saying oh,
20 Lord, I'm scared, where is the police? I'm not going
21 to do that, and I'm not going to let anybody take
22 away my freedom. And, I'm not certainly going to be
23 a prisoner in my own house because of some sick

1 people in the street. I'll rather go on, whatever
2 they're going to do, let them do it. But, I'd rather
3 be a free man as long as I'm in this body. But, if
4 you're talking about that kind of thing, that goes on
5 all the time. I just don't choose to report that,
6 and say because all it does is gives somebody some
7 idea that might take it seriously.

8 CHAIRMAN BATTLE: Yes, Ms. Powless?

9 MS. POWLESS: I had one other question
10 about the reporting. You said that this was racial
11 religious and ethnic. Is there any reporting of hate
12 crimes against gays and lesbians, is that included in
13 here or is it kept separately or is it kept?

14 MR. JACKSON: Well, the statistics, no, do
15 not reflect, they reflect racial, religious or ethnic
16 reports. So, there is no reporting of gay and
17 lesbian type of offenses. It was not covered under
18 this particular ordinance.

19 MS. RODEMEYER: But people fit in that
20 group, I mean, more or less?

21 MR. JACKSON: Sure.

22 MS. RODEMEYER: If you're assaulted?

23 MR. JACKSON: But again, it would be

1 reported as an assault because as the people who
2 preceded us indicated, they were not a part of the
3 protected group. These are the people, these are the
4 categories that were covered by that law, and those
5 are the ones that we recorded. Now, a person who is
6 a gay or lesbian group, who is assaulted, their
7 report would simply indicate assault. The body of
8 the report may have different information or
9 information that would lead us to believe it was
10 because of the fact that they were lesbian or gay,
11 whatever. But, in fact, it was not placed in the
12 categories of the RRE.

13 MS. PRESLEY: I have a question of Mr.
14 Jackson. The previous people indicated that the
15 police departments have training due to legislation,
16 there's supposed to be training in each, for the
17 cadets, those coming in, about minorities and so
18 forth. Is that active in Toledo? And, out of this
19 situation, has there been any speculation on how to
20 improve relationships? I've heard a lot of things
21 about how bad the relationships are right now, the
22 black-white relationship. Has there been anything
23 out of all of your meetings and so forth to state how

1 you're going to improve the relationships?

2 MR. JACKSON: Well, the answer to your first
3 question, yes. Mandatory training throughout the
4 State of Ohio, that's on OPOTH, which is the Ohio
5 Police Officers Training House. And, that's
6 something that's offered mandatory for all newly
7 arriving cadets in utilizing the training academy. On
8 board people receive human diversity training, and
9 that is something that was mandated as well. It does
10 occur in Toledo, and it covers a broad spectrum. We
11 talk about differences in ethics, racial, and sexual
12 preferences, and all that is all covered and everyone
13 from the chief of police down was required to attend
14 that training. And, there are plans to continue to
15 have that type of training. It's been my experience
16 over 25 years as police officers that training is
17 very important. But, along with training, discipline
18 is even more important. We cannot change the
19 attitude of the officers who come on board. But, you
20 can certainly change their actions. And, you do that
21 through discipline and that is through discovery and
22 that is through investigation. And, then, through
23 proper and severe penalty, for their actions. And,

1 that's the only way to control behavior. You cannot
2 change the attitude of people who are on the police
3 department or drive buses or whatever. But, you can
4 change their actions. Training is again important,
5 and it should be continuous, it must be continuous,
6 and it must be mandatory. And, that is taking place.
7 Again, though, it goes back to discipline, okay, and
8 discovered or uncovering officers who are taking
9 advantage of and using the shield to perpetuate their
10 own feelings of discrimination, whatever have you.
11 I'm sorry, was that, did I answer both--the ongoing,
12 what the Board of Community Relations is doing and
13 will continue to do is to try and develop and do some
14 coalition building, which is something we discovered
15 that's going on in Chicago. That is, to go into
16 different areas and bring people who are of different
17 ethnic, racial groups together on a continuous basis
18 and have them work together, sit down and discuss
19 their differences and similarities, work toward
20 common goals. And, that's our plan for Toledo, is to
21 develop coalition building and especially since we're
22 moving into a new political world now, as of January
23 1st where we will have a strong Mayor and we will

1 have district representation as well as at large
2 representation, we feel that this is a good time for
3 community based organizations to begin to develop so
4 that they, in turn, can go to their representatives
5 and have, and put pressure on these individuals to
6 truly represent them in government.

7 REV. ROSE: One of the problems that I find
8 is we have the Board of Community Relations and for
9 the most part, the Board of Community Relations deals
10 with race relations and in cooperation and all that,
11 but we don't have anything in place which really
12 speaks to justice. And, at some point, at some
13 point, we're going to have to have some advocate,
14 some official advocate for justice at every level in
15 Toledo. And, until that happens, you're always going
16 to be over here trying to put out a fire and always
17 be over here trying to say everything is going to be
18 all right, let's forget this one. I'm not prepared
19 to forget this one, that was said yesterday. Let's
20 forget the incident in east Toledo. I'm not going to
21 forget it. The mother is not going to forget it.
22 The kid that was shot can never forget it. So,
23 instead of saying let's forget it, let's make sure

1 that it's handled properly and then move on to
2 something else. And, when that happens, you won't
3 have to be worried about racial tensions after an
4 incident like this because then everybody will be
5 upset about it. Why would just Black folks be upset
6 about a kid getting shot? Why? because he's Black?
7 There's something wrong with that if just black folks
8 are upset. Everybody should have been upset. And,
9 those who, the whites who said they were upset,
10 obviously they said it to themselves, they never said
11 it publicly.

12 CHAIRMAN BATTLE: Yes, Ms. Ortega?

13 MS. ORTEGA: Rev. Rose, could you share
14 with the Committee your sense, in your opinion, as a
15 result of your experience the past 20 years or more
16 in Toledo, what, if you have seen an increase in race
17 or hate crimes. And, I'm thinking also you have just
18 recently worked out an agreement with Denny's as a
19 result of some racial incident in that institution or
20 that restaurant. Could you share with us your sense
21 of that increase?

22 REV. ROSE: Well, I guess my, I'm having a
23 personal problem with the term hate crimes, you know.

1 I think Ron made a valid point when he said that we
2 don't know what was in his mind. So, it's difficult
3 to make comparisons, with oranges and apples except
4 you know that they're fruit and maybe there's a
5 reason why this never happens to a white child, you
6 know what I'm saying? So, there's really no direct
7 comparison. So, I'm not sure about the incident that
8 happened in Denny's was, that disturbed us was not so
9 much what happened between the white girl and the
10 black girl who was verbally assaulted and called all
11 kind of names, our problem was with the lack of
12 response by the management except just laughing about
13 it, it was just nothing. And, most of us felt and
14 feel that if that had, the guilty person had been
15 black and this was said in the presence of all of
16 these whites in there, she would have been
17 immediately, if not terminated, she would have been
18 sent home. So, that, the reason we respond the way
19 we do all the time in Toledo, there's such an obvious
20 difference in the way people are treated across
21 racial lines.

22 Hate crimes, I don't have a handle on that,
23 and I don't want to just make up something. I don't

1 have a handle on that, but I can talk about the
2 injustices plenty, from now until in the morning.

3 CHAIRMAN BATTLE: Other questions? Thank
4 you very much, gentlemen.

5 REV. ROSE: May I make one closing
6 statement, if I'm permitted to do so?

7 CHAIRMAN BATTLE: Certainly.

8 REV. ROSE: And, I hope that what I say to
9 you is accepted in the way that it's given. As I
10 indicated in my introductory remarks, I'm not a
11 politician. I'm not driven by what is politically
12 expedient, I'm not an economist, so I don't think
13 about what is economically feasible. I'm not a
14 sociologist, so I don't know about what is socially
15 acceptable. I'm not a civil rights leader, and have
16 never in my life claimed to be so. I'm not a
17 community leader. No community has ever elected me
18 to lead it anywhere. I'm a preacher. I'm not a
19 religious entertainer, but a preacher. I'm driven by
20 what I consider to be morally right and not what is
21 either legally right or politically expedient.

22 Having said that, this country has not yet
23 taken seriously the conclusion of the Commission on

1 Civil Disorders. It never has, and perhaps it never
2 will, that the root cause of all of our problems in
3 this country dealing with race is racism. And,
4 that's a term that's used all the time that it's
5 literally, it's little understood. Racism simply
6 means to me that those persons who have racially
7 defined themselves as white have claimed for
8 themselves the right to dominate and exploit those
9 people in the world whom they have racially defined
10 as colored, black, brown, red and yellow. And,
11 thereby, they have claimed for themselves the right
12 to control and/or own the world's resources. What is
13 theirs is theirs and they keep it. What is yours is
14 theirs, and they take it by any means necessary.
15 Their agenda, and I'm not speaking of individual
16 whites because many of them are just as committed to
17 social, political, economic, and judicial justice as
18 the rest of us. But, as a nation, this nation is
19 racist to the core. And, I guess until we come to
20 grips with that, that issue in any real sense, and
21 unless and until we are committed to ridding this
22 country of the cause, you're going to always have the
23 symptoms. Racism is a disease. The symptoms may be

1 racial prejudice or hate crimes. But, the cause is
2 this feeling of superiority, however false, by whites
3 toward everybody else in the world. I had to say
4 that to you. The feeling of despair and hopelessness
5 that so many of our young people feel, that feeling
6 is rooted in the whole concept of white supremacy. A
7 little black girl in south Africa probably expressed
8 it best when Nelson Mandela was released from prison
9 and a reporter from Ted Koppel's Nightline, asked her
10 which would she rather be, white or black, a white
11 person or a black person. And, her response was, I
12 would rather be a white person. And, when the
13 reporter asked her, 9 years old, why she would rather
14 be a white person than a black person, she just stood
15 there for a moment, looked down, and then looked back
16 up into his eyes and said, because white people can
17 do anything that they want to do. It's that feeling
18 of hopelessness on the part of minorities in general
19 and blacks, in particular, in this country that lie
20 at the heart of the frustration the anger that's
21 often expressed in acts that are so abnormal but, at
22 some point, America has to understand that you cannot
23 put a man in a cage and treat him like an animal and

1 then act surprised when he acts like that.

2 Thank you.

3 CHAIRMAN BATTLE: Thank you.

4 We'd like to take a few minutes break
5 for the Committee before we proceed with our final
6 speaker for the morning, Mr. Kassouf.

7 (WHEREUPON, a short recess was taken.)

8 AFTER RECESS

9 CHAIRMAN BATTLE: Welcome. You have the
10 floor.

11 JEFFERY KASSOUF

12 MR. KASSOUF: Thank you. I'm unlike many of
13 your spokespeople today. I'm not a professional.
14 This is my first time doing this. Please bear with
15 me. I have not studied these matters in any way.
16 I'm a small businessman, but I will give you my
17 perspective as being a long time activist in the
18 American Arab community. I thank you for giving me
19 the opportunity to speak today. There's a number of
20 points that I'd like to cover. I believe I'd like to
21 begin with yesterday, it was kind of interesting, I
22 heard a quote by someone, I don't really follow too
23 much from a political standpoint, and that was G

1 Gordon Liddy, but I thought it was very interesting
2 the context in which he used the quote is very much
3 different to the context in which I would use the
4 quote today. And, I think that I'll probably cause
5 him much distress if he heard the context that I
6 would be using it today. But, he spoke of fear. He
7 spoke of a well known quote by a well known writer,
8 respected writer, Emerson, and basically it addressed
9 fear and it said that the only way to overcome fear
10 is by going after it head on. And once you do, you
11 will find that fear itself will disappear and
12 dissolve. And, I found that very topical for my
13 conversation today. Because I, myself, am a victim
14 of fear. Last night I didn't get any sleep at all.
15 As of 8:00 o'clock this morning, I was still
16 contemplating not testifying today. And, I can
17 attribute that only to fear. I have relatives in the
18 middle east, and I fear retaliation against them for
19 political reasons for my testimony to you today.

20 There's a number of things on our
21 community's mind today. I want to start with talking
22 about what I find is a disturbing pattern of
23 activity. We talk about the stores and the merchants

1 in our business community in Cleveland, Ohio and
2 throughout the United States, you will find that Arab
3 Americans are mainly small business people. They
4 have purchased their businesses, they are working 12
5 to 15 hours a day and, for the most part, are, share
6 the same values that most other immigrant communities
7 share, values of family, hard work and of possibly
8 realizing the American dream. Unfortunately, as
9 years have progressed within the last 20 years, a
10 pattern of activity has opened up and this pattern of
11 activity is in two phases. It harms my community.
12 There's hate perpetrated against my community in an
13 overt sense, and that's detailed in a great many
14 studies and reports which I will get into later on
15 today.

16 The overt sense of course is traditional
17 hate crimes as the Justice Department defines it, and
18 as others. We talk about spray painting graffiti on
19 people's houses and physical threats to individuals
20 and so forth. That's one aspect of what I want to
21 cover today. But, another aspect of what I'd like to
22 cover today is a portion of hate and a crime just as
23 sinister and possibly more pervasive and that is a

1 covert crime that is being committed against my
2 community. I plan on showing you particular cases.
3 Columbus, if I can start out with that, in 1987 in
4 Columbus, Ohio. Columbus, like Cleveland, enjoys a
5 great many recent immigrants who have opened up
6 grocery stores in the inner city, as well as other
7 small merchant marts. In 1987, there was a sting of
8 our grocers, nothing new. We're hearing about that
9 today. The only thing is it differs from today's
10 sting. These are reprints from articles, 1987, "The
11 Columbus Dispatch". The headline says "State Tax
12 Official ties Palestinians to Exported Cash". What
13 this was was, there was an investigative operation
14 going on called the Arab Task Force. About 6 to 7
15 families within the Columbus area, American citizens,
16 who owned businesses in Columbus, were being
17 investigated over a period of time, unbeknownst to
18 them. And, this article was written when 147 federal
19 agents came down upon them in a very rapid, and in my
20 community's view, a very violent sweep to arrest
21 them, to seize their belongings. And, the basis of
22 this arrest was tied to accusations that they were
23 laundering food stamp money. And, this illegal cash

1 was then being used to purchase armaments to send
2 over specifically to the PLO and to other terrorist
3 organizations in the middle east. It's not a story
4 that we haven't heard before. The Irish have told me
5 the same story, others have told me similar ones.
6 There's a story that differs, though, in that such a
7 large scale operation against these people with a
8 great deal of public profile. It was a military
9 operation, is what it was. And, these people were
10 terrorized. But, what happened was, as we go forward
11 in the articles, we'll see as the story plays out,
12 relatives deny money was sent to PLO. Relatives of
13 the families deny that any money was sent to the PLO.
14 And, don't you know it, back to the first article,
15 the state official that made these accusations
16 acknowledged in the first article, and I'll quote,
17 "Buyer acknowledged, however, that the department can
18 produce no public documents to back his claim." But
19 yet, such a massive operation was undertaken on the
20 basis of this claim.

21 As the investigation unfolded and these
22 people were arrested, their lives were disrupted and
23 defamed in the community, their standing as business

1 people and their families and children, more stinging
2 questions were raised. And, I want to just draw your
3 attention to a few other articles here on this
4 particular case. This thing plays out finally in
5 January 5th, 1987. A grocer admits guilt in food
6 stamp case. Gone is the accusation of laundering
7 money to buy illegal arms. Gone is the accusation to
8 fuel terrorism in the middle east. The wind up is
9 this man sued one store owner out of the 6 or 7 who
10 were indicted and whose futures were ruined by their
11 action. One store owner was fined by the Justice
12 Department \$50.00. He had to make restitution of
13 \$500 for money that did not belong to him. That was
14 the extent of the entire illegal action against these
15 people. Well, this was nonetheless embarrassing for
16 those who had put forward these accusations. And,
17 those people have learned by their experience and
18 they are now smarter for it. And, I tell you today
19 that part of the motivation of the store operations
20 in Cleveland, Ohio and in elsewhere throughout the
21 country is motivated on these same kind of rumors.
22 Let's find the boogey man, let's find the scapegoat,
23 let's find the terrorist. It's guised in whatever

1 infraction at the time seems that we might be able to
2 get these people on. But, the motivation is a
3 motivation that's tied to ethnic background, it's
4 tied to religious background. And, it's definitely
5 tied to political motivations as well. This Columbus
6 story teaches us a lot. It teaches us the nature of
7 the pattern of the activity. The force, the swift
8 force, the, prior to the force, the communication
9 with the media to let them know everything that's
10 going on so that part of the destruction to my
11 community is actually perpetrated by defamation by
12 the media itself. At times, they're being used as a
13 tool for political motivation against my community.

14 Since 1987, here in Cleveland, Ohio, in 1983
15 we have had, I believe, 3 series of armed military
16 style store raids, 2 to 3 series. I know that the
17 first series was once again this time the foreign
18 issues and the political and the ethnic issues never
19 entered into the case, it was strictly a matter of
20 investigating food stamp fraud. 15 of our grocers, I
21 believe, were, they were come down upon by a
22 combination of federal agents, Tobacco Firearms,
23 there's actually a combination of organizations that

1 are involved, the FBI, but I hope to show you today
2 that the government organizations that are actually
3 perpetrating the harassment against my community,
4 that's the end result of political pressure that is
5 community based, that we need to address on a
6 community level in forums such as this.

7 The government, my government, the United
8 States has no innate ax to grind against my people.
9 I know that. They are merely acting to entrenched
10 interests in the communities where they're acting,
11 political interests that oppose my people for
12 political, religious and ethnic reasons.

13 The second wave or the first wave of store,
14 grocery store inspections and seiges, usually the
15 pattern of activity happens where police come in or
16 police authority of some type, and it has run the
17 gamut usually it's in combination with a number of
18 authorities, they come in and they usually take all
19 cash, all records, cash registers, they come in
20 armed. They come in asking for where the guns are.
21 The customers are usually very afraid and, of course,
22 the workers are all extremely afraid. These people
23 are hauled in. Usually what happens is maybe one,

1 maybe two out of 15 owners, out of 15 families might
2 be found to be implicated or might actually come to
3 being charged with usually a minor offense, usually a
4 misdemeanor. I read in the Commission On Civil
5 Rights, part of your duties and your mission, it's, I
6 believe, this falls into it. We're talking here
7 about the equal application of the process of law and
8 we feel that amount of force that's being used
9 against us is not equal, it's not balanced.

10 The second time that the stores were invaded
11 here in Cleveland was just 2, 3 weeks ago on WIC
12 coupon fraud allegations. I believe 10 stores were
13 hit at that time, 10 to 15 stores once again were hit
14 at that time. Once again, an armed assault on the
15 stores by government authorities. Once again, the
16 same pattern of activity played out heavily in the
17 media, much inflammatory rhetoric by the politicians
18 who want to use it, want to use racial issues for
19 their own political gain. Once again, indictments,
20 charges, almost nothing. It's ridiculous. One store
21 owner that is supposed to be here today, and I know
22 he has a tough time getting someone to watch his
23 store, literally has worked very closely with the

1 Community Relations Department to smooth any apparent
2 friction between the African American community and
3 the Arab American community. He was one of the
4 grocers that was actually accused of WIC fraud. I
5 understand that he's open. He hasn't been charged.
6 I don't know of anyone else that's not open and
7 hasn't been charged, that really has been charged.
8 Once again, a big hoopla, a great deal of armed
9 intimidation by government agencies and government
10 authorities. A great deal of scare instilled in our
11 community, not only the families that were directly
12 hit as a result of these things, but the greater
13 community because we're all watching very closely.
14 We go to the same churches and mosques. The pattern
15 continues. Once again, no mention of the middle
16 east. My political opponents have learned well by
17 the Columbus case. They've learned that
18 embarrassment serves no purpose to them. Still, the
19 Community Relations Department of the City of
20 Cleveland, an official within the Department who I
21 will not name at this hearing, had told me off the
22 record just within the last 3 to 4 days that the
23 rumor is still out there. Part of the motivation

1 possibly comes from the fear that my community is
2 skimming cash from their business enterprises and
3 fueling a conflict thousands of miles away from
4 America.

5 As I'm sure you can tell by the sound of my
6 voice, I was born here. My parents were born here.
7 I'm of Lebanese extraction. My grandfather came here
8 when Abraham Lincoln was in office. I'm an American.
9 I do not want a conflict from the other side of the
10 world to ruin my life, my children's life or my
11 community's life. And, they can. The covert
12 activity, specifically the Anti Defamation League of
13 the B'nai Brith has a history of 20 to 30 years of
14 surveilling my community, systemically defaming my
15 community. And, at times, putting us into physical
16 danger. For decades the Anti-Defamation League of
17 the B'nai Brith has run a private nation wide spy
18 network, a systematic long term, professionally
19 organized, political espionage operation, complete
20 with informers, infiltrators, money laundering codes,
21 names which are taping secret meetings.

22 While it's not unusual for private political
23 groups to gather information, the ADL spying is

1 different. It's not only the scale which sets it
2 apart, files on 950 organizations and nearly 10,000
3 individuals, but, the focus of this investigation.
4 The ADL spied on groups, which opposed stated goals,
5 as well as those which supported it's principals.
6 More disturbing, however, is the league's
7 collaboration with state, federal and foreign
8 intelligence gathering entities. Their sharing is
9 often confidential information and resources --
10 confidential information and resources, and is not
11 only illegal, but a violation of trust, a threat to
12 civil liberties and an infringement to the right of
13 privacy.

14 The Anti Defamation League commonly
15 known as the ADL has a long standing public
16 reputation as opponent of anti-semitism, a defender
17 of minority rights and a promoter of racial justice.
18 In January, 1973, a less benign dimension of the ADL
19 surfaced. In San Francisco, newspapers broke the
20 story of a 24 year police officer Tom Gerard who kept
21 computerized files on thousands of Arab Americans 36
22 Arab organizations, some of which I'm representing
23 here today. 33 anti-apartheid organizations, 412

1 pinko organizations, 349 right wing organizations,
2 and, of course, 35 Skinhead organizations. Gerard
3 worked closely with Roy Bullock a full-time,
4 salaried, undercover investigator for the ADL for the
5 last 32 years. Bullock's records were even more
6 extensive than Gerard's with files on 77 Arab
7 organizations, 647 pinko and anti-apartheid
8 organizations, he grouped those together, 612 right
9 wing organizations and 27 Skinhead organizations.
10 The spy network to which Gerard and Bullock belonged
11 is headquartered in the ADL's New York office under
12 ADL Director of Fact Finding, Erwin Schul, and his
13 Deputy, Thomas Halperin. As the league's chief west
14 coast undercover operative, Bullock maintained
15 numerous contacts with law enforcement and federal
16 officials, recruited informants and worked with ADL
17 operatives in other cities. The ADL, which has a \$34
18 million annual budget, has openly acknowledged
19 compiling the files on "extremists hate groups".
20 And, supplying reports on them to law enforcement
21 agencies. Richard Hershoff, Executive Director of
22 the ADL Central Pacific Region, also admitted that
23 the ADL, I quote "The ADL does keep files on Arab

1 American Groups or individuals who espouse
2 anti-Jewish views or take credit for anti-Jewish
3 acts". Bullock and Gerard's files, however, revealed
4 massive ADL operations directed not only against
5 right wing separatists and anti-semitic groups, but
6 also hundreds of mainstream and progressive groups.
7 Included among the minority, anti-apartheid, ethnic,
8 peace groups, religious, human rights and other
9 organizations and individuals, many of which ADL
10 should have regarded as allies in the struggle
11 against racism and bigotry. With the American Civil
12 Liberties Union, the National Lawyers Guild, the
13 NAACP, Rainbow Coalition, Greenpeace, Mother Jones,
14 Jews For Jesus, Americans for Peace Now, Irish
15 Northern Aid, Asian Law Caucus, Act Up, United Auto
16 Workers, the Board of Directors of Public Television
17 Stations KQED, Los Angeles Times, South Africa
18 Correspondent Scott Craft, Representative Nancy
19 Polocy, Democratic of California, House Arms Services
20 Committee, Chair Representative Ron Dellums, Democrat
21 of California and former representative Pete
22 McClosky. These are just a few of the files that
23 were contained by an investigation that has been

1 going on since the beginning of this year in San
2 Francisco and in Los Angeles. Records were
3 subpoenaed from the ADL offices and opened, and these
4 are some of the groups that files have been kept on.
5 Also named in the files were thousands of Arab
6 Americans, many who fear their names were passed onto
7 Israel intelligence agencies. These are Americans of
8 Arab decent. Potentially placing them in danger.
9 ADL has frequent and close contact with Israeli
10 officials and despite repeated denials, has been
11 linked to the Hasaad. Already one Arab American, a
12 U.S. citizen included in Mr. Bullock's computer
13 files, has been arrested by Israeli authorities when
14 he returned to the occupied territories.

15 In mid January, the "San Francisco Examiner"
16 began a series of front page stories revealing the
17 San Francisco Police Department officer Tom Gerard
18 was secretly supplying confidential data on thousands
19 of people to an agent of the ADL. On December 10th,
20 1992, the news report disclosed authorities had
21 executed search warrants on Gerard's home, that an
22 ADL operative, Roy Bullock, and on the San Francisco
23 and Los Angeles offices of the ADL. The news hit the

1 bay area like a bomb shell. In fact, Bullock and
2 Gerard had been under FBI investigation for more than
3 two years for selling information about
4 anti-apartheid activists to South African government
5 agents. Gerard, 50, had been a member of the San
6 Francisco Police Department since 1968. He claims
7 that from 1982 to 1985, he took a 3 year leave of
8 absence to serve the CIA in El Salvador, Honduras and
9 Guatemala as a bomb expert. After returning to the
10 SFPD, where he served as a liason to the FBI.

11 Gerard approached the bay area chapter of the Arab
12 American Anti-Discrimination Committee, one of the
13 groups that I'm here representing today, he offered
14 to liase between the Arab American community and the
15 police department, and to help with security at the
16 ADC public functions. His collaborator, Roy Bullock,
17 a small time San Francisco art dealer, had provided
18 information on an unpaid basis to the FBI. Bullock's
19 investigation of the ADL went back as far as 1954 in
20 Indianapolis. Boy, that's pretty close to Cleveland.
21 In 1960, he moved to southern California and began
22 working for the ADL. Which forwarded copies of his
23 written reports to it's New York headquarters.

1 Around 1979, Bullock moved to San Francisco where in
2 1985, local ADL head Richard, Hershoff, introduced
3 him to Gerard, and the 2 men began to investigate
4 both right and left wing groups in the bay area. One
5 of Bullock's chief assignments in San Francisco was
6 to spy on Arab American organizations and
7 individuals, especially the ADC, which he joined in
8 March of 1983. He was removed from the membership
9 rolls in July of 1987 after it was discovered that he
10 was an ADL agent. In 1986, Gerard had introduced
11 Bullock to South African government agents. Bullock
12 claims receiving \$16,000 which he split with Gerard
13 in exchange for information on the local
14 anti-apartheid folks and journalists. Gerard denies
15 that charge. Their relationship continues after
16 Gerard was reassigned in 1988 to the gang task force
17 within the SFPD. At this time, the police officer
18 introduced Bullock to the San Francisco police office
19 of the FBI. Apparently, so that Bullock could fill
20 in the intelligence gathering function the SFPD had
21 relinquished. Bullock began feeding the FBI
22 information in exchange for access to their
23 intelligence files.

1 In November 1990, when Police Chief Lewis
2 Casey shut down the political surveillance unit and
3 adopted new guidelines limiting surveillance, Gerard
4 should have destroyed his files. Instead, he entered
5 7,000 names into his home computer and transferred
6 copies to Bullock. In 1990, Bullock and Gerard's
7 foreign entanglements on behalf of the ADL appeared
8 to have precipitated in the FBI investigation. The
9 inquiry emphasized their connection to South African
10 intelligence. And, the fact that several FBI reports
11 on the nation of Islam were missing from FBI files.
12 The police searched Bullock, Gerard and the ADL
13 offices. By October of 1992, Gerard, Bullock were
14 about to lose their covers as the FBI passed its
15 intelligence about the two to the SFPD. And, the
16 story began to leak out. Gerard fled to a house he
17 had been building in a remote island in the
18 Philippines, which had no extradition treaty to the
19 U.S. Before leaving, however, he neglected to erase
20 his computer. When authorities searched his house,
21 both during the December 10th raids, they found 7011
22 files on individuals, including extensive files on
23 San Francisco's Arab American Community and Arab

1 American activists from around the United States.
2 Some information originated with law enforcement
3 agencies across the country and centered on fund
4 raising for Palestinian groups. Once again, I see
5 connections.

6 CHAIRMAN BATTLE: Mr. Kassouf, your time is
7 about one minute from being over. And, I'd
8 appreciate it if you could summarize for us.

9 MR. KASSOUF: Well, in summary, what I say
10 to you today is these things sound far away. They're
11 on the west coast. I guess the reason i'm a little
12 choked up is because, for me, they're not so far
13 away. I have family members who have been defamed,
14 who have lost their businesses, whose family has been
15 caused great harm. And, we believe in our community,
16 I'm telling you the belief is rampant, and the
17 statements are here to back it up that this kind of
18 operation has been going on in this state in our
19 communities, and seems to me this is hate. Seems to
20 me these are crimes committed against people. And, I
21 can tell you from personal experience, one feels
22 helpless and when one feels helpless, the next step
23 is desperation. We know what happens at that point.

1 So, I come to this committee, looking for
2 help, looking for advice, looking for your knowledge
3 and your experience to come to bear on a problem
4 that's very real to our community. There's always
5 two sides to a story, and I'm sure you'll hear the
6 other side. And, no matter what the other side says,
7 this is a real problem to our community. And, I'm
8 telling you we're at a desperate point, not just in
9 Cleveland, but nationally within the Arab American
10 community. We feel as though there is nowhere to
11 turn. We believe that the police and that our
12 government is being manipulated by powerful interests
13 to our detriment. I don't want to be here. I hope
14 to never be back here.

15 CHAIRMAN BATTLE: Thank you, Mr. Kassouf.
16 Are there questions from committee members?

17 MR. KASSOUF: I would be happy to provide
18 any committee members with documentation to back up
19 all of the claims, as well as cross referenced, cross
20 referencing my complete statement.

21 CHAIRMAN BATTLE: Thank you.

22 Mrs. Powless first, then Dr. Wilson.

23 MS. POWLESS: We've been hearing a lot in

1 these last two days about hate crimes like physical
2 crimes and threats and cross burnings and that sort
3 of thing. Do you have knowledge of those type of
4 hate crimes that have been perpetrated against the
5 Arab community?

6 MR. KASSOUF: I have studies and lists and
7 I can read those to you until I'm blue in the face.
8 But, I'm telling you those things we know how to
9 handle. The far more dangerous and the things that
10 is driving my community to a far greater degree of
11 desperation are the things that I've discussed to you
12 today. If you care to, I can give you reports from
13 our national organization, just as the other
14 organizations have produced reports, detailing the
15 hate crimes. As a matter of fact, Maner Qasem is
16 going to specifically give you the hate crimes
17 according to the Justice Department standards that we
18 have logged in Cleveland, Ohio alone. They are quite
19 numerous. In the last two and a half years, 12 store
20 owners lost their life to murder, not all of which
21 its very questionable whether robbery was a real
22 motive. In three of the cases, they were very much
23 alike, the MO on them, and they were very gruesome.

1 The most recent of which was this year, two this
2 year, and I'd like to just, if I might, show you an
3 example whether it be conscious or unconscious at
4 times, but nonetheless an example of where law
5 enforcement could have saved a member of my
6 community's life, or possibly could have apprehended
7 the criminal who killed the member of my community.
8 This was published in "The Plain Dealer" July 15th,
9 1993, so it's pretty recent. "Officers fail to ID
10 suspect.

11 CHAIRMAN BATTLE: Sir, if you would
12 summarize the article rather than reading it into the
13 record, I'd appreciate it.

14 MR. KASSOUF: I will be glad to. Officers
15 fail to ID suspect. Arab shopkeeper later shot and
16 killed. What happened was a shopkeeper was getting a
17 great deal of harassment by an individual. Police
18 came out and instead of going through standard
19 procedure, police procedure under a case like this of
20 getting identification and finding out who the
21 individual was, they warned him and chased him away.
22 The man came back later, or someone came back later,
23 and shot and killed him. So, yes, we have our share

1 of graffiti walls and beatings and killings. A young
2 man that I went to high school with, he doesn't even
3 speak Arabic him and his family had to move from a
4 nice suburb of Columbia Station at the end of 1991.
5 The reason why was he was subject to racial slurs and
6 eventually it got to the point of actual physical
7 threats to his children. He moved from Columbia
8 Station when the police and the prosecutors just
9 didn't take it seriously.

10 CHAIRMAN BATTLE: Dr. Wilson?

11 MR. WILSON: Yes, just a couple of
12 questions. First of all, I think any information you
13 have on acts of personal violence or intimidation
14 against Arab Americans because they are Arab
15 Americans would be welcome by the Committee. And
16 there is, I think, a period of time in which you can
17 submit that information into the record. The larger
18 picture that you have painted is a disturbing one.
19 If I understand you correctly, since the topic of
20 this committee's meeting was hate crimes in Ohio, the
21 gist of your presentation on that subject is that
22 it's, in fact, the state and federal government that
23 has been the chief perpetrator of hate crimes against

1 Arab Americans by virtue of their actions taken
2 against Arab American store owners on false
3 pretenses. Is that a fair characterization of your
4 accusation?

5 MR. KASSOUF: Well, Mr. Wilson, I believe
6 that the government entities are acting on
7 information passed to them by parties, in the view of
8 a great many people in our community, by parties who
9 oppose my communities on the basis of three things,
10 on the basis of our ethnicity, on the basis of our
11 religious beliefs, and on the basis of our political
12 beliefs. These people don't, do not, are not
13 necessarily authorities in the federal government.
14 They are members of the community, they're concerned
15 citizens.

16 MR. WILSON: I did understand you to fault,
17 for example, the ATF for excessive force in its
18 conduct towards Arab American suspects, is that
19 something you wish to go on record on?

20 MR. KASSOUF: Yes, sir, I do believe that
21 the government has shown a pattern of excessive force
22 when it comes to matters of this sort against our
23 community. I also know that since 1991, well over

1 200 Arab Americans have been interrogated by the FBI
2 as to connections with terrorist organizations, only
3 for one reason, because of their ethnicity. But, I
4 can tell you that I believe in my government, and I
5 believe that I can tell you that I believe that even
6 the majority of loyal ADL supporters are not looking
7 for harm for my community and probably don't even
8 know the extent of activities that go on.

9 MR. WILSON: Just one more question. May I?

10 CHAIRMAN BATTLE: Sure.

11 MR. WILSON: Thank you. With respect to
12 your views of the, at least certain aspects of the
13 ADL and their connections around the country and
14 internationally, you've made some rather serious, I
15 think, allegations, and we're certainly not equipped
16 to pass in judgment on that. But, I would like to
17 ask you this, however, are there not Arab American
18 organizations that monitor the activities of
19 political groups that oppose your interests, as you
20 understand them; is that, I know you appreciate these
21 things?

22 MR. KASSOUF: Sure.

23 MR. WILSON: Are a part of what it means to

1 live in a free country, and I can understand why you
2 might be concerned with them, but they strike me as
3 not out of the ordinary, and things that
4 organizations have a right to do in this country.
5 The larger conspiratorial issue is that of intent to
6 commit crime is a whole another cattle of fish. But,
7 there's certainly activities monitoring Arab American
8 groups that the ADL might be hostile to the Jewish
9 interests doesn't strike me as surprising or
10 problematic. What's your view of that?

11 MR. KASSOUF: Well, I view that, in some
12 instances, it's not. But, in a great many instances
13 it's not only my view, but the view of the San
14 Francisco city authorities, the view of some members
15 of the Los Angeles authorities and the view of a
16 great many people who are currently pushing forward
17 numerous criminal charges implicating the ADL and the
18 members that I discussed with you who allegedly work
19 for the ADL. Yes, we live in a society that's not
20 pristine and pure. And, unfortunately, it's not a
21 Utopia. Yes, we must be vigilant to watch for the
22 potential danger against ourselves, our families and
23 our greater community. But, I believe that amongst

1 well meaning people, there's a line that's drawn
2 that's not easily confused. In this case, history
3 will show that this line has been confused and the
4 view blurred and that the pattern of activity is
5 continued for 20 to 30 years. The leader of one of
6 the groups that, the president of one of the groups
7 that I'm representing here today, Dr. James Sockby,
8 his office had been bombed. The office chief of the
9 west coast ADC office, Alex O'Day, he was murdered.
10 It's said that his murderer is actually in refuge in
11 the State of Israel today. My people have had hate
12 crimes perpetrated against them, and there is
13 documented evidence at the Justice Department. James
14 Sockby has testified in front of this Commission in
15 Washington, D.C. A year and a half ago a peer of
16 mine had testified in front of this Commission in
17 Detroit. These are not new allegations. What I'm
18 asking you today is to look into them, is to put some
19 resources into them. I ask you this because I know
20 that each one of you, each and every one of you have
21 shared my experience, my community's experience at
22 one point or another in this country's development.
23 These are not new things. Hate has been around for

1 the beginning of time.

2 CHAIRMAN BATTLE: Mr. Leventhal?

3 MR. LEVENTHAL: Mr. Kassouf, as a member of
4 this community, I think I can speak for all the
5 members of the committee, we certainly sympathize
6 with you. We've heard similar cases in Cincinnati
7 and there is no doubt that there have been hate
8 crimes committed against members of your ethnic
9 background, along with many others, and that's what
10 we're here for. But, I do think that we have to look
11 at the overall picture and perhaps some of the
12 allegations that you have made might be checked out a
13 little bit. I'm particularly disturbed by your
14 saying that ADL spied or has files on, for example,
15 the NAACP. Now, ADL probably has files on many
16 people, but the question I ask, what are these files
17 all about? Most major organizations collect news
18 clippings, reports on every major organization in
19 this country. So, it's one thing to say that there's
20 a file that has been collected, but it's another
21 thing to say that Greenpeace, NAACP had been harmed
22 by the Anti-Defamation League. I'm sure that the
23 Anti-Defamation League probably does have files on

1 the Skinheads and White Arian Race. And, if they
2 were your enemies, I think that you one want an
3 organization like the Arab Discrimination League to
4 have files or to collect information. But, I just
5 wonder what you, what you can say about the
6 Anti-Defamation League's keeping files, for example,
7 on the NAACP. You made the same statement. Is there
8 any documentation that it does NAACP any harm?

9 MR. KASSOUF: Yes. According to writer
10 Robert Friedman of the "Village Voice" published May
11 11th, 1993, he writes over a 30 year period, he
12 compiled computer files for the ADL on 9,876
13 individuals and more than 950 groups of all political
14 types, including the NAACP, the Rainbow Coalition,
15 the ACLU, the American Indian Movements, the Center
16 for Investigative Reporting, Pacifica, Act Up.

17 MR. LEVENTHAL: What were those files all
18 about? Were there speeches given by the head of the
19 NAACP or were they harmful files?

20 MR. KASSOUF: This is what I would hope you
21 could help me with. Maybe the Commission on Civil
22 Rights can help to make the recommendation that these
23 files are opened up for all to see, for all to know,

1 because I know that in my community, what has
2 happened is a pattern of activity whereby law
3 enforcement agencies gain information. And, we have
4 heard testimony given prior by the ADL, Mr. Savren,
5 that they regularly share information, gain
6 information on groups that could potentially harm
7 them from various law enforcement agencies, as well
8 trade information. This is not a practice that does
9 not, is not going on, what I'm telling you is that
10 some of this information is false information. It's
11 defamatory information and has resulted in improper
12 arrests. It has resulted in the loss of property and
13 potentially the loss of life, reputation, civil
14 rights, political rights of an entire community in
15 this country. And, there's documented cases of these
16 things.

17 What I'm telling you is that it's a
18 part of a problem that's much larger, but we know as
19 reasonable people that not the entire ADL is this
20 way, I call on this Committee to initiate an effort
21 with the well meaning members of the ADL, with the
22 well meaning members of this Committee to investigate
23 these accusations, to quell the fears in my community

1 to really find out what's happening because I can
2 tell you the desperation is to a point it's not the
3 America I was taught we live in.

4 CHAIRMAN BATTLE: Mr. Kassouf, I'd certainly
5 like to thank you for your testimony before us today.
6 And, we are now considerably over the time commitment
7 that we have allocated for this. But, I --

8 MR. KASSOUF: Thank you, Mr. Battle. Thank
9 you, members.

10 CHAIRMAN BATTLE: We'll now move into that
11 period that we have allocated for hearing the public.
12 And, if you've not already indicated your interests
13 in testifying before the Committee this morning,
14 would you please do so with Mr. Minarik so that we
15 have a record of your name and address and
16 organization, if you do represent one. Thank you
17 again, Mr. Kassouf. If you have information that you
18 can and would like to leave with the Committee,
19 please feel free to do that.

20 As Dr. Wilson mentioned, the record of this
21 meeting will not be closed until September 13th. If
22 you have other data that would tend to support your
23 testimony, we would welcome that to be included as a

1 part of the record also.

2 MR. KASSOUF: I did indicate to Mr. Minarik
3 that Manar Qasem, who is also an activist in our
4 community, did want to make a presentation
5 specifically about some of the Cleveland specific
6 hate crimes.

7 CHAIRMAN BATTLE: We'll do that under the
8 public hearing portion.

9 CHAIRMAN BATTLE: Thank you, Mr. Kassouf.

10 MR. MINARIK: Mr. Chair, I have Werner
11 Lange, Juanita Helphrey, Cliff Haven from ADL, Nick
12 Qasem from Arab American Action Committee.

13 CHAIRMAN BATTLE: Is that the order,

14 MR. MINARIK: And then, you can take over
15 the list from there, if anybody else --

16 CHAIRMAN BATTLE: You're in the seat, why
17 don't you go now. And, would you state your name and
18 spell your full name, for the reporter, please?

19 MANAR QASEM

20 My name is Manar Qasem, that's M-a-n-a-r,
21 last name Q-a-s-e-m, and I'm representing Access
22 Ohio, which is the Arab American Community Center for
23 Economic and Social Services in Ohio. Access Ohio is

1 a non profit human service organization working
2 towards meeting the community's economic and social
3 needs. Access works to promote better understanding
4 of Arab culture and integration of Arab Americans
5 into the mainstream of American life. We believe in
6 the dignity of the human being and reject all forms
7 of discrimination and work to its elimination.

8 In the past two years of our existence,
9 quite a few cases of discrimination have been
10 reported to Access from members of the Arab American
11 community. For the purpose of today's hearings, we
12 have used the Justice Department's description of
13 hate crimes to determine which of these cases can be
14 classified as hate crimes. This definition states
15 that hate crimes are those that manifest evidence of
16 prejudice based on race, religion sexual orientation
17 or ethnicity. Such crimes include aggravated
18 assault, simple assault, intimidation, arson, and
19 destruction, damage or vandalism of property. In
20 accordance with this description, and to the best of
21 our judgment today, I'm reporting those cases which
22 we feel fall under the aforementioned description of
23 hate crimes. It's only my duty to convey they cases

1 as they were reported to us as Access. For this
2 reason, I cannot add or take away from any of the
3 information supplied to Access from the victims
4 involved.

5 The following are hate crimes which were
6 reported to Access Ohio. The first, an Arab American
7 student at Cleveland State University who was
8 recognized as a Muslim because of a scarf she wears
9 on her head, found a note in her book bag after
10 returning from the restroom which read, go back to
11 your own country, we'll bomb you. This incident
12 occurred a few weeks after the bombing of the World
13 Trade Center in New York.

14 Number 2, the windows of the Islamic Center
15 in Parma were broken. There's a new mosque which is
16 being built in Parma. This incident also occurred
17 after the bombing of the World Trade Center.

18 Number 3, in June of 1993, an Arab American
19 who works in the Flats was harassed by the police
20 officer. The officer accused him of starting a fight
21 the night before and threatened to arrest him. The
22 Arab American attempted to explain he was not working
23 the night before. However, the officer continued to

1 swear at him and among other things, asked him what
2 do you Arabs do with your money? The Arab American
3 went to the sergeant in the Flats that evening and
4 told him about the officer. The sergeant told him
5 not to worry about it, he told him he would talk to
6 the officer. The officer continued his harassment
7 and the Arab American fears that if he makes an
8 official police report, the officer in question will
9 become more hostile and this will affect his business
10 in the Flats.

11 Number 4, in March, 1993, an employee at
12 Educators Music refused to rent an instrument to an
13 Arab American woman. The woman went to the law
14 department in the City of Lakewood where she was told
15 that the refusal to rent was not the business of the
16 City of Lakewood, but must be settled with the music
17 store.

18 Number 5, on March 3rd, 1993, the Arab Women
19 Students Organization of Cleveland State reported
20 that a student punched a Whole in a banner made by
21 the organization. According to the student's
22 handbook, this is considered intentional destruction
23 of property. The student involved was taken to the

1 judicial board at Cleveland State. However, Arab
2 American students at the University fear that there
3 is growing anti-Arab sentiments on the campus.

4 Number 6, in the 1992 school year, the
5 General Union of Palestinian Students, as well as the
6 Arab Women Student Organization of Cleveland State
7 University reported that they had a banner hanging in
8 the University Center cage, which stated "Spend \$10
9 billion on American schools, stop aide to Israel".
10 This was part of the campaign to halt the building of
11 illegal settlements in the west bank. Two students
12 attempted to remove the sign. They were approached
13 by members of the organization who then reported the
14 incident to school officials. The University
15 officials warned the students of the penalties
16 involved if the sign were to be removed. The next
17 day, the sign was missing. The University questioned
18 members of some of the school organizations about the
19 sign, however, no further effort was put into the
20 case.

21 Number 7, students who belong to the Arab
22 Women Student association at Cleveland State
23 University were having an information table in a

1 University Center cage in the Spring of 1992. The
2 members noticed that the Cleveland State Police was
3 videotaping their event from several floors up.
4 Several organizations set up information tables each
5 day and it's not normal to have them videotaped.
6 Therefore, the students immediately went to the
7 school officials. The police told them that they
8 were only trying to protect them. The students,
9 however, felt that they were being discriminated
10 against because if the officers were trying to
11 protect them, they would have warned them of the
12 taping ahead of time.

13 The following are hate crimes which are
14 documented in the 1990 ADC annual report on political
15 and hate violence for the Cleveland area. 8-23-90,
16 the Cleveland "Plain Dealer" reported that an Arab
17 American family filed a lawsuit against their
18 neighbors who had harassed and threatened them
19 because of their national origin. The incidents
20 included the throwing of stink bombs in their yard at
21 1:30 a.m., torching the family's lawn and a steady
22 diet of threats. The family was forced to sell their
23 home and move.

1 The second one, 1-11-91, threatening
2 telephone call, an Arab American activist received a
3 telephone call containing this threat, "This is John
4 from the Arian people. If any attacks are made on
5 this country, you people are all going to pay, do you
6 understand? "

7 The third one, 1-9-91, threatening telephone
8 call. An Arab American community center received a
9 threatening phone call.

10 Next, 1-10-91, threats, intimidation.
11 Someone called an Arab American community center
12 claiming to represented the Arian People and said,
13 there are any attacks on this country, you people are
14 going to die.

15 The next one 1-14-91, threatening telephone
16 call. An Arab American activist received a
17 threatening phone call after making a public
18 statement about the middle east situation.

19 And, those are all of the documented cases.

20 CHAIRMAN BATTLE: Thank you very much.

21 Mr. Lange, Mr. Werner Lange, welcome.

22 WERNER LANGE

23 Thank you. Good morning. My name is Werner

1 Lange, W-e-r-n-e-r, L-a-n-g-e. I work with area
2 churches and I'm a local educator. I work
3 specifically with the Interchurch Council of Greater
4 Cleveland, which is affiliated with some 700 area
5 Protestant churches. After the dramatic testimony
6 this morning, I'm afraid that my comments may appear
7 somewhat anti-climactic. I'm deeply disturbed at the
8 revelations that Mr. Kassouf has shared, and I
9 encourage the committee to take those allegations
10 very seriously. They have also brought many memories
11 back to my mind that I haven't connected to any
12 organized effort, but the only time in recent years
13 that my life was ever threatened, it was because I
14 criticized Israel, and it was by a JDL group that
15 represented themselves as such. The only time my
16 employment has been threatened directly was because
17 of various stances that I have taken as an American
18 citizen in the land of the free against our policy of
19 supporting what I believe is injustice abroad in the
20 middle east. So, I believe that the operations go
21 well beyond the Arab American community. Apparently,
22 all American citizens who exercise their First
23 Amendment rights in these capacities sometime or

1 another are victimized. It seems my purpose here
2 today is to actually encourage a broadening of the
3 operations of this committee and the definitions
4 under which it operates. It's very clear, from
5 previous testimony, that many times those who are
6 authorized to fight criminals in law enforcement
7 actually become law breakers and become criminals.
8 Those who allegedly fight discrimination also
9 practice discrimination. Those occasionally who say
10 they fight terrorism also engage in it. Crimes
11 motivated by hate come in many forms. Consider the
12 crime, and so do the criminals. Neither the nature
13 of the hate crime, nor the identity of the hate
14 criminals are always captured by current definitions,
15 mind sets and stereotypes. I believe the previous
16 testimony gave dramatic and poignant witness to that
17 fact. Unfortunately, when it comes to hate crimes
18 and hate criminals, we tend to fight the battles of
19 the past rather than the present. Typically
20 portrayed before the public view, when the topic of
21 hate crimes emerges are groups like the KKK, the WAR,
22 the JDL and other Neo Nazi groups. As if the only
23 victims of hate crimes are minorities and the only

1 perpetrators are descendents of former ethnic elites
2 often referred to incidentally as Caucasians, which
3 is based upon a term, on an outright racial myth, and
4 we should dispense on that characterization for a
5 vast majority of people in this country. I suggest
6 we need to shift in focus to the present context of
7 violence always demonstrated by the previous
8 testimony if we, as a civilized society, are ever to
9 make significant progress against hate, hate crimes
10 and violence. Yesterday, this Wichita physician, a
11 member of an occupational elite, was shot by hate. A
12 growing hate of his legal, medical function.
13 Yesterday, a trial opened in Los Angeles on the
14 beating, brutal beating of Reginald Denning, a white
15 truck driver, another victim of hate. Hate, I
16 suggest to you, also keeps a former Cleveland
17 resident and a former U.S. citizen in an Israeli jail
18 after being exonerated of war crimes he did not
19 commit. At the core of the whole John Demjanjuk
20 affair is hate, both institutionalized and
21 individualized. A blind hate and rage which would
22 make otherwise reasonable persons in an otherwise
23 reasonable government agency fabricate evidence.

1 commit fraud, seclude evidence, delude the public and
2 launch a character assassination campaign against a
3 rather vulnerable individual with a heavy accent.
4 These are the things that witch hunts, not Nazi
5 hunts, are made out of. And, whatever else he might
6 have been or may even still be, John Demjanjuk is a
7 victim of a contemporary witch hunt, sanctioned by
8 high ranking officials shaped by a major government
9 agency and propelled, as are all witch hunts, by
10 hate. I would encourage this Commission to add it's
11 voice of concern to those who will, that perhaps the
12 violations with which Mr. Demjanjuk is charged may
13 have been hired by other individuals in other
14 agencies and that, indeed, this man has had his civil
15 rights violated by the OSI of the Department of
16 Justice. These victims of hate crimes I know do not
17 fight the convenient administrative categories
18 available to describe and prosecute them. These
19 categories, I would submit to you, are increasingly
20 narrow rather than broad, and we should broaden them.
21 I would ask you to add to your criteria of hate
22 crimes hate against people on the basis of class, on
23 the basis of their social class, on the basis of the

1 fact that they are poverty stricken. I say this
2 because every day in this community and throughout
3 this country there are a massive group of Americans
4 who are denied basic rights and victimized by a form
5 of discrimination which threatens their life and
6 undermines their health because of economic
7 discrimination. Economic discrimination against the
8 poor, which is legal, but immoral and I argue it's
9 also motivated by the same mind set that motivates
10 all discrimination, contempt and hate. In this
11 particular case, to low income Americans. More
12 specifically and also very briefly, just open up a
13 new topic all together, I refer to institutionalized
14 discrimination in the Medicaid systems caused by
15 institutionalized hate and contempt for Medicaid
16 patients, less than 50% of poor in this country are
17 covered by Medicaid. And, fewer than 5% of
18 physicians, fewer than 5% of the physicians
19 participate significantly in providing services,
20 health care services to these paying customers. What
21 is the responsibility government agencies have right
22 now in health care reform to raise the level of
23 reimbursement to the physicians. I don't think

1 that's going to solve the problem. This is a form of
2 discrimination which is the same type of
3 discrimination that stopped restaurant owners from
4 serving certain customers in restaurants, that
5 stopped municipal swimming pools from allowing
6 certain people to come in to swim. We're dealing
7 here with discrimination by service providers against
8 people on the base of their income status, on the
9 base of them being people that evidently are not
10 welcome in certain offices. And, I think we need to
11 recognize that for what it is, a form of
12 discrimination.

13 Finally, since you're here in Cleveland, the
14 home of the Cleveland Indians, the only team in the
15 American League that ridicules and openly
16 discriminates in that ridicule and contempt against
17 an ethnic group, I wish to call your attention to a
18 daily form of ethnic discrimination, of ethnic
19 discrimination, of ethnic intimidation, ridicule,
20 contempt and, in my view, a crime. A crime against
21 the dignity of a people and their ancient culture.
22 It's a crime that's played out every single day
23 during the long baseball season. Chief Wahoo stands

1 alone among all the teams in the American League as a
2 symbol of ethnic ridicule. No other professional
3 baseball team in the American League has decided to
4 retain such an open vestige of discrimination and
5 insult to the sacredness of any people. Only in the
6 National League do we come up with a close second
7 with the Atlantic Braves that decided to remove this
8 type of a logo and substitute an unsatisfactory
9 tomahawk. Some people trivialize this problem. Some
10 people ignore it. Some people deny it. You, as
11 members of a Commission dealing with civil rights,
12 I'm sure are aware of the wellsprings of hate, of the
13 wellsprings of prejudice and ridicule. None of us
14 are born with these attitudes, with these
15 inclinations. It takes a culture of hate, it takes a
16 vulture culture, it takes a culture addicted to
17 prejudice and discrimination to inculcate that mind
18 set into the developing minds of children and youth.
19 I submit to you that within our nation, because of
20 symbols like this, generation after generation of
21 Americans have had the fertile grounds set for a
22 mindset of ridicule, discrimination, and hate. And,
23 I encourage you, as members of this Commission, to

1 try to correct the problem at its roots. Eliminate
2 those vestiges of racism which day in and day out,
3 poison the minds of our youth and continue the
4 addiction that we have to ethnic ridicule. I ask you
5 to join in the call of the religious leaders within
6 this community to also encourage the management of
7 this team to recognize its failure and to please
8 correct it by entering the world of the future rather
9 than remaining in this brutalizing world of the past.

10 And, I thank you for your attention. And, I
11 thank you for this opportunity to share these
12 thoughts with you.

13 CHAIRMAN BATTLE: Thank you, Mr. Lang.

14 Juanita Helphrey.

15 MR. LANGE: Mr. Battle, may I share copies
16 of that statement with you?

17 CHAIRMAN BATTLE: Certainly, thank you.

18 Will you spell your name, please,
19 Helphrey, for the record and give your address?

20 MS. HELPHREY: Both names, Juanita,
21 J-u-a-n-i-t-a, Juanita, Helphrey, H-e-l-p-h-r-e-y.
22 I'm a two year resident of Ohio and not really into
23 the historical and current statistics in terms of

1 hate crimes. That was part of my last job, which was
2 in North Dakota. I was the Director of Indian
3 Affairs, a state government agency, and dealt with
4 the U.S. Commission on Civil Rights at the North
5 Dakota Advisory Committee on various issues such as
6 you bring to Ohio today. My purpose, I believe, in
7 deciding to come before you is, I guess it's
8 two-fold. One is I'm born and raised, real true
9 Native American Indian from the Fort Berthold Indian
10 Reservation in North Dakota with the traditions and
11 culture that I was raised in, as well as the culture
12 of the white community that surrounded our
13 reservation. And, I brought that background and
14 carried that personality, that character with me to
15 Ohio. So, my first purpose before you is as a Native
16 American.

17 The second is that I carry the portfolio of
18 racial justice for the United Church Board for
19 Homeland Ministry, which is an agency of the United
20 Church of Christ. The national headquarters moved
21 here to Cleveland four years ago after a several year
22 battle or several year discussion across the nation
23 and at the General Senate of 1989 made the decision

1 to move to Cleveland. I made the decision to leave a
2 16-year position and come to Cleveland, uproot myself
3 from a long history with my own family and people to
4 expand my interests and my career in racial justice.
5 So, I work with all four racial, ethnic groups,
6 people of color; the Hispanic groups and the Native
7 American tribes; various tribes both urban and
8 reservation. The various Asian people and also the
9 Black people. So, I'm expanding my knowledge.
10 However, I find a lot of similarities no matter where
11 you live. This is a country that has a long history
12 of immigration since 500 years ago. We were the
13 first people, and we still exist. That's the problem
14 that I deal with today, is people don't remember us
15 except, as Native American people, except as from
16 history books and their learning has been wrong.
17 History is written from the perspective of the person
18 at the time. And, generally, none of my people have
19 written history. Only currently have we been
20 discussing and authoring various topics of various
21 areas for trying to unlearn and re-educate the
22 public. So, there's a lot yet to be done in that
23 areas since we've just begun, in the last two decades

1 or so, and our work is just beginning to be analyzed.
2 So, we are sort of an invisible longest residents of
3 America. Yet, the most invisible and, however, I can
4 relate and so can all my people relate to all the
5 problems suffered by even the person that was before
6 Mr. Werner Lange from the Arab community.

7 So, my purpose before you, I guess having
8 explained the two purposes of my own tribal history
9 and my career is to talk of a couple of areas we --
10 well, I was going to really expand a little where
11 Werner Lange has already. So, I won't reiterate, he
12 did a very beautiful job in some of the presentations
13 that I was going to provide, so I'll skip that and go
14 into two areas also that haven't been mentioned, at
15 least to my knowledge one is environmental racism
16 and the other is the archaeological, or burials and
17 diggings of ancient burial grounds that occurs in
18 Ohio and other states. My people lived all over
19 America and so all over America is going to be burial
20 sites and archaeological additions have taken place.
21 We're in all the museums everywhere. My people have
22 a belief and this is common that there are 200 some
23 tribes, close to 300 and there's a common belief

1 amongst most of them that until the bones go back to
2 mother earth, to the dirt, there's going to be
3 unrest. And, my people believe that the problems we
4 continue to face and face today, which is across all
5 social and economic areas, is because of the unrest
6 of our spirit of people. There was a belief of
7 returning the bones to mother earth is one that keeps
8 us moving to the direction of resolution of the
9 problem. We have tried to get legislation in various
10 states. I fought an 8 year battle in North Dakota to
11 finally get some protective legislation. Ohio is
12 just beginning the battle. There are some
13 legislative people who will and are submitting
14 legislation that will amend current laws or will add
15 new laws that will help us return our people to
16 mother earth. That's one area I think is a very
17 discriminatory area. They are, people do not listen
18 to our beliefs. People do not attempt to understand,
19 and that is typical of all kinds of areas; the not
20 listening. So, in terms of the environment, I have
21 traveled a lot in my present job and visited places
22 that are blatantly discriminating against the low
23 income people as was brought by Werner Lange. And,

1 the most current place I visited this spring was near
2 Atlanta GA where there's extreme environmental racism
3 where we went through a community of Black people who
4 every other house we put a black ribbon because of
5 death according to the environment surrounding, death
6 from cancer, death from Lupus disease, death from
7 brain problem, brain tumors and lung problems and
8 that's environmental racism that's going on every
9 day. And, it brings to mind how powerless people
10 believe themselves because we are conditioned to
11 believe we are powerless. It brings to mind the fact
12 that the laws are basically made by people of
13 European background and that people such as myself
14 were represented in Congress by one Native American
15 who is Senator Ben Knight Horse Campbell. Getting
16 into the structure and system with our voting power
17 is very difficult. What we attempt to do, which was
18 brought forth to you by Werner Lange, who is not of
19 my race, but is very purposeful in defining racism
20 through the use of negative stereotypes and labeling,
21 we have to get people like him and others to
22 understand and believe and follow our cause and
23 support us. That's how we win these kinds of

1 battles.

2 So, the third area that I was going to talk
3 besides environmental and archaeological conditions
4 was the issue of negative stereotypes and labeling.
5 I'll just briefly reiterate my feelings which are
6 common to Mr. Lange's, in that that's a form of
7 racism that's so extreme that people don't see it,
8 they don't feel it, they don't comprehend it. And,
9 therefore, they don't, aren't willing to understand
10 it and aren't willing to listen. That's the big
11 problem, the unwillingness to listen.

12 The two years that I've been here, my church
13 brought a resolution to the same floor that made the
14 move to Cleveland to ask that our people of the
15 United Church of Christ help us, the Native American
16 Christians that are in the church to fight this
17 battle of negative imagery, negative stereotypes and
18 labeling. And, we came to the home base and met with
19 the Cleveland Indian managers as soon as the
20 resolution was passed in June of 1991. Since then,
21 there has been a recent move by the owner of
22 Cleveland Indians as of June of 1993, which is two
23 years later, after a lot of discussion and a lot of

1 demonstrations and a lot of educational material,
2 passed out, including a video that we made called
3 People not Mascots. And, the owner just released a
4 press release stating that the fans want the Chief
5 Wahoo to exist and, therefore, Chief Wahoo will be
6 retained. That didn't stop our purposes and goals.
7 We continued with our believe that we will get enough
8 people to understand that we will make the change in
9 the future. So, we go on with that. But, it does
10 tell you what we're facing in terms of racism. Most
11 of our low income people can't even afford to go to
12 the ball games. So, most of the people that go are
13 not people of color. I have been on the front line,
14 so to speak, and have been the receiver of a lot of
15 blatant remarks such as, go back to the reservation,
16 get a life, how dare you come to our community, an
17 outsider, who has bought a home in Cleveland Heights,
18 how dare you come to our community and attack our
19 poor Chief Wahoo and on and on and on. I have had
20 brochures knocked from my hand as we try -- our
21 demonstrations have been non violent and, in fact,
22 most of the time we say nothing, we just hand out the
23 information. We have demonstrated in other

1 communities who have racist names such as Washington
2 Redskins and Atlanta Braves, Kansas City Chiefs.
3 But, the point behind all of that is the fans who
4 blatantly on television are seen as pro supporters of
5 racism buy their actions, by their actions. And,
6 what we and people in leadership positions such as I
7 have, are attempting to do is to set a new tone for
8 our young people because I have discovered in all my
9 years of working on discriminatory issues,
10 discrimination issues and prejudices, bigotry and so
11 on that I cannot change attitudes, basically, of
12 people that have already formulated in their mind,
13 they have mind sets. But, we can, and I have already
14 in the Cleveland area, changed the attitudes of the
15 young people. They have fresh new grasp. They're
16 willing, they're open, they're honest and that's not
17 the mode of the general public that are already in a
18 mind set. So, it's my purpose and hope that I will
19 be able to, in what little way that I can, the life
20 span that I have and the career span that I have,
21 work on attitudes with our young people, because my
22 people have suffered for 500 years and that's not an
23 erroneous statement. I could have, we could have

1 prepared those that have immigrated here if we had
2 been able to have sit down conversations with those
3 groupings that to come to America is not all that
4 great because if people have not changed their
5 attitudes about my people who have always lived here,
6 they're not going to change their attitudes about the
7 new people coming in. And even today, as immigrants
8 come across the waters, you can see the rejection,
9 rejection and the attitudes and the racism come out
10 in the media and so on. So, the end result, I guess,
11 is that I concur with Mr. Lange's statement in that
12 this defining hate is going further than the visible.
13 You have to go to the invisible.

14 Defining crimes, you have to remember that
15 mainly in this political sentiment in America, most
16 laws are made by people who are not of other racial
17 ethnic background like myself, Native American, Black
18 person, Asian person or a Hispanic background person.
19 They're made by mainly the white middle class or
20 better than middle class citizen. Even in the state
21 government where we don't, again, have any political
22 access because of how our reservations are scattered
23 and isolated. And, actually, in some cases, almost

1 inaccessible. So, if you look at that kind of
2 pattern of getting people into various offices and
3 state, local state and federal governments, then, you
4 know, and into supreme court systems and all court
5 system and on and on, that we have no access,
6 therefore, we haven't had input into what is actually
7 crime, is a crime. Is it a crime to be blatantly
8 prejudiced against our culture, or to blatantly
9 misuse our religious artifacts and so on? Is it a
10 crime to put our bones into the state historical
11 societies and into the museums and all of that?
12 Those aren't defined by us, by our people who would
13 have, if they had access or if they haven't been
14 conditioned to believe that we weren't as good as
15 John Doe, Jane Doe citizens of the country, those
16 crimes, the definitions of crimes would have been far
17 more internalized into how we feel and into the
18 humanness of who we are.

19 CHAIRMAN BATTLE: Ms. --

20 MS. HELPHREY: Anyway, thank you.

21 CHAIRMAN BATTLE: I was going to ask that
22 you summarize because we do have other proceedings.

23 MS. HELPHREY: I'm done, I was wrapping up

1 with that last statement.

2 CHAIRMAN BATTLE: Thank you very much for
3 being with us today and yesterday.

4 MS. HELPHREY: Thank you.

5 CHAIRMAN BATTLE: Mr. Savren, Cliff Savren?

6 CLIFF SAVREN

7 Thank you, Mr. Chairman. I appreciate
8 the opportunity to be back here today.

9 CHAIRMAN BATTLE: Certainly.

10 MR. SAVREN: I must tell you it's with some
11 hesitancy, but obviously as Regional Director of the
12 Anti-Defamation League, some allegations were made by
13 Mr. Kassouf that were reiterated by Mr. Lange, and I
14 felt merited a response. I say with some hesitancy
15 because I think that they're really well beyond the
16 inquiry of this panel in dealing with hate crime in
17 Ohio. On the other hand, as a public forum, I think
18 that it's important to correct the record and to say,
19 first of all, the victimization of Arab American and
20 anti-Arab hate crime in this country is absolutely a
21 legitimate area of concern and one that we, as an
22 organization, have also had concerns about. I would
23 point out, for example, that at the outset of the

1 Gulf War, we had some concerns about FBI targeting of
2 Arab American community members and cautioned the FBI
3 against investigating people based on ethnic or
4 national origin rather than based on actual suspicion
5 of illegal activity. So, there certainly is a
6 legitimate concern as it relates to anti-Arab hate
7 crime and anti-Arab feeling in this country.

8 What I would certainly suggest is not
9 legitimate, is concerns expressed regarding what are,
10 in fact, ADL's democratically protected exercise of
11 political activity in a free society. And,
12 obviously, time doesn't permit going through all of
13 the details point by point, responding to what Mr.
14 Kassouf had to say, but I think that there were some
15 major unfair allegations that I'd like to deal with.
16 And, I should started by saying that the ADL has an
17 80 year proud history as a civil rights organization,
18 and that history is no less proud today than it was
19 at ADL's founding many years ago. And, I should also
20 point out, as you're well aware, that we were founded
21 by the B'nai Brith fraternal organization, a Jewish
22 organization based in a Jewish community,
23 specifically have a pro Israel organizational

1 platform and are very active in asserting Israeli's
2 right to live in security and peace in the middle
3 east. As part of that agenda, and in exercise of our
4 democratic rights, we do, in fact, keep in mind the
5 statements and activities of people who would hold
6 contrary views as it relates to the middle east, and
7 specifically Arab American groups that may hold anti
8 Israel views and conduct anti Israeli political
9 activity. It should certainly come as no surprise to
10 this panel that that's the case. I would make a
11 distinction, though, and that is between any quarrel
12 that we may have with individuals in the Arab
13 American communities as it relates to foreign policy
14 and domestic policy.

15 We have absolutely no quarrel with the Arab
16 American community as it relates to domestic policy.
17 And, as a matter of fact, I would even second some of
18 the concerns expressed about victimization of Arab
19 Americans as Arab American domestically.

20 A lot of other allegations were made which
21 are really entirely unfair. The allegation, for
22 example, about ADL keeping files on other
23 organizations. The ACLU is mentioned, the NAACP was

1 mentioned. And, I can tell you, as the Regional
2 Director of ADL, that we work very closely with the
3 ACLU. I can also tell you that as it relates to the
4 NAACP, even since the supposed allegations that Mr.
5 Kassouf talked about, the NAACP and ADL announced a
6 joint effort nationally to combat hate crime and
7 bigotry. So, that the allegations that have been
8 made, I think, would be very, are really inconsistent
9 with our national efforts with these organizations.
10 As it relates to providing information to foreign
11 authorities, I can tell you categorically that we do
12 not provide any such information to foreign
13 authorities. But we do, in fact, research the right
14 to monitor anti-Israeli political activity in this
15 country in furtherance of our commitment to assure
16 Israel's right to exist in peace and security in the
17 middle east.

18 As it relates to, there are a couple of
19 specific allegations that I also want to relate to,
20 specifically. Mr. Kassouf made mention of the fact
21 that city authorities in San Francisco were pushing
22 for numerous criminal charges against the ADL. But,
23 what he neglected to tell you is, in fact, not a

1 single criminal charge has been filed against ADL in
2 San Francisco or Los Angeles or anywhere else in the
3 country as it relates to this, the activities that
4 Mr. Kassouf was talking about.

5 And then, finally, I just have to make a
6 couple of brief points as it relates to Mr. Lange's
7 comments. First of all, he made reference to JDL the
8 Jewish Defense League and ADL almost in one breath.
9 And, without getting into the activities of JDL, I
10 wouldn't want it left, there seemed to have been the
11 implication, although I acknowledge that he didn't
12 state so specifically, but that somehow the
13 activities of these two organizations are in any way
14 linked and they certainly are not.

15 And, the Demjamjuk case is certainly well
16 beyond the scope of this hearing, but I would just
17 say that to leave standing the allegation that
18 Demjamjuk was a victim of a government witch hunt
19 propelled by hate, and that somehow there's an
20 example of government sponsored hate, I think belies
21 even the findings of the 6th Circuit Special Master
22 in this case, an independent observer, Judge Thomas
23 Weisman, who found substantial evidence that

1 Demjanjuk was a war criminal. So, to make someone
2 against whom there's substantial evidence as a Nazi
3 war criminal into some kind of victim of modern day
4 Nazism or something of the kind, I think is something
5 that should not be left unanswered.

6 I appreciate the opportunity to have made
7 this response. And, if you have any questions, I
8 would certainly welcome them.

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

11 Nick Qasem?

12 Good morning. Will you spell your full
13 name, for the record?

14 NICK QUASEM

15 N-i-c-k, Q-a-s-e-m, last name. Before I
16 start, I would like to clarify something. Dr. Wilson
17 asked a question, I don't know if it was answered or
18 not. Do we keep, do we monitor the ADL activity, you
19 asked that question?

20 MR. WILSON: Do you monitor the activities
21 of other organizations that may be hostile to your
22 organization?

23 MR. QASEM: I would like that question, I

1 don't think that was answered. To answer that
2 question, we are here in this country to monitor the
3 living of our kids, but we monitor what's going on
4 back home, while we do not monitor any other
5 organizations.

6 MR. WILSON: Well, the reason I asked the
7 question is that the other gentleman seemed to have
8 extensive knowledge of ADL concerns in San Francisco
9 and around the country. So, I assume that he, at
10 least personally, is very interested in ADL
11 activities, if not his organization?

12 MR. QASEM: That was published in all the
13 newspapers. Anybody can pick up that information and
14 Mr. Raymond Leventhal, when you called like Mr.
15 Kassouf your ethnical, I really didn't like that
16 comment. I'm an American.

17 MR. LEVENTHAL: I apologize.

18 MR. QASEM: I know where you're coming
19 from.

20 MR. LEVENTHAL: I was looking for a word.
21 What word would you suggest that we use? Could you
22 give me the proper word to use, please?

23 MR. QASEM: Arab American.

1 MR. LEVENTHAL: Okay, thank you. Sorry.

2 MR. QASEM: I'm proud to be an Arab. I'm
3 proud to be an American.

4 Now, I would like to discuss that ADL and
5 Cleveland because I don't want to discuss San
6 Francisco, we are in Cleveland and we discuss
7 Cleveland. I wasn't going to discuss that, but since
8 the gentleman just admit now spying for the State of
9 Missouri on us when he say yes, we do monitor
10 political statements and people opposing to the State
11 of Israel, that means spying on Arab Americans and
12 Arab American groups. We thought in America you
13 could speak your mind. You could, there's a freedom
14 of speech and the government do not monitor whatever
15 you say. You speak you're mind. You defend your
16 heritage. If you Black, you defend South Africa, the
17 Black people in South Africa. If you're Arab, you
18 defend the Arab people in the middle east. But, you
19 don't spy on other people. You don't keep quiet and
20 statement, and he just admitted that in Cleveland.

21 What's going on in Cleveland? Before Arab
22 Americans got involved in the political arena, that's
23 American political arena, get involved in elections,

1 lobbying, nobody was paying attention and Arab
2 Americans were harassed and harassed and harassed on
3 a daily basis. But, when we got involved as Arab
4 American Action Committee start talking to
5 politicians, working with politicians, telling them
6 our point of views, we have see that attack from the
7 ADL on a daily basis from Habaad and the ADL and that
8 link us back to the State of Missouri. Two of our
9 Americans, now one of them, is in jail in the State
10 of Missouri, and the other one is deported to
11 southern Lebanon with a 400 Palestinian Muslims who
12 were deported. Who passed this information that
13 these people were activists in the State in Ohio?
14 The ADL passed that information to the State of
15 Missouri, and when they went back home to visit their
16 wives, they got arrested. One was deported to
17 southern Lebanon, and the other one is in jail. What
18 if our government, the linkage is like this, you have
19 Mahid Habaad has the money and politicians do
20 whatever and how much money they get. This is the
21 American politics. One man is deported in southern
22 Lebanon and he's Arab American, he's an American
23 citizen. What are our government doing about it?

1 Sammy Stein, an Arab American who was born here, he
2 went to visit, his father died and he went to attend
3 the funeral of his father. He was arrested for one
4 year in the State of Missouri. Why? Because he was
5 active, a student activist speaking out on behalf of
6 the Palestinians. He spent one year in the State of
7 Missouri in a prison. So, who is leaking this
8 information? Is it our government, is it the ADL who
9 is doing it? Now, we see the City of Cleveland with
10 chief of police raiding Arab American stores, no
11 defending criminal activities in these stores. Yes,
12 there's criminal activities in these stores. But, if
13 it's a federal crime, federal agencies should take
14 care of that crime, not the Cleveland police.
15 Election is near and we see the city going full force
16 against Arab Americans. Why? Because Arab Americans
17 in 1989 supporting Mayor Mike White financially with
18 manpower. At the time, nobody looked at him. The
19 beginning of the primary, he doesn't have no money to
20 go on tv. The Arab Americans stood by him, supported
21 him, he won. Now, he doesn't need Arab Americans no
22 more. He got Sam Miller from Ford City with his
23 millions, and we know who is Sam Miller. So, now,

1 the attack, financially and economically on Arab
2 Americans, especially Palestinians, why? We heard
3 President Bush saying he's not against the Iraqi
4 people, he's not against the Arab people, he's
5 against Sadaam Hussein. Where is Sadaam Hussein now?
6 He's still the President of Iraq who lost the people,
7 the Palestinian people in Kuwait. Kuwait deported
8 400,000 Palestinians. Why? To cripple the
9 Palestinian uprising in Palestine. They want to
10 cripple the Palestinians outside financially. So,
11 they could cripple the uprising so people would say
12 nothing about what they are doing, the men are doing
13 to the women and children in occupied hands. But,
14 uprising still going on. Now, they want to cripple
15 the Palestinians in the United States financially.
16 Thinking that the uprising gets it's money from us.
17 It do not. The uprising, the uprising going on, I
18 was there, I visited, I didn't give them no money,
19 but the children of Palestine, they want liberty and
20 freedom, just like the children of the United States.
21 So, what's going on here is crippling the
22 Palestinians financially, using high level
23 politicians, creating accusation every day against

1 our community. I went to Jordan two months ago,
2 you're an American, you're not treated good overseas
3 in Arab countries because you're an American. You're
4 not treated good here because you're an Arab. So,
5 where the heck are we going to go?

6 My children, she was born here, raised here,
7 went to college here. The other one, she was born
8 here, raised here during the Gulf War, go back home,
9 where is she going to go? She was born here. The
10 FBI comes to my house, I wasn't home, they give their
11 card to my 6 years old daughter. I came home, she's
12 crying, FBI wants you. I called the man, I said why
13 did you, you know, if I come to your house, kids here
14 with the FBI on tv, you know, they come for terrorist
15 only. Why are you calling me? What do you want?
16 Why did you not, like I'm not home. Just wait until
17 I come home. He said no, I just want to ask you if
18 you know any terrorist activities. Do I have to know
19 if I'm going to be involved with terrorist
20 activities? I'll stay home, I'll stay in Jordan or
21 Palestine. I'm here in the states. Another thing,
22 there's a war in this country against Muslims, and
23 who is carrying that war, the Israeli intelligence.

1 The Egyptian intelligence and our government. Mr.
2 Mohammed whatever his name, the guy who bombed the
3 building in New York, what happened on him, who
4 financed him? I called for hanging of these Muslims
5 if they are real Muslims, they're not. But, they have
6 created all this to attack the Muslims because Islam
7 is a true religion and spreading in this country.
8 Why? Because it deals with everything, equality. It
9 deals with local aides.

10 I just want to discuss this one point.
11 Muslims, a Muslim woman cannot go to bed unless she's
12 married. She stays virgin until she's married. A
13 Muslim man cannot do that, either. So, no disease.
14 So, Islam deals with all these things from A to Z.
15 Nobody wants to see true Islam spread in this
16 country. So, we carry on our war against Islam by
17 creating these bombings. Those people who were
18 making the bomb, why don't we see what happened to
19 them? Just go down to the root of this problem and
20 see Muslim Center here in Cleveland, they break the
21 classes, the windows. Why isn't religion, freedom of
22 religion, in this country supposed to be freedom of
23 religion, so why we creating a war against Islam?

1 Why we creating a war against Arabs? Are we linking
2 Muslims to Iran? No, most of Muslims here, are
3 ascendants, they're not Shiite. So, why all this
4 hate because the ADL and ABAC (ph) see that the
5 Muslims and Arabs start working through the system.
6 They have. They'll open the eyes of the American
7 public on what's right and what's wrong.

8 I'm really disappointed because, with Mr.,
9 he just admitted now, I don't know what's his last
10 name, Cliff, that the ADL spying for the State of
11 Israel. And, the case of Mr. Demjamjuk, why we not
12 allowed to discuss the case of him? He's a
13 Clevelander, he's an auto worker and the Israeli
14 court didn't find nothing on him. They used the case
15 of Demjamjuk now --

16 CHAIRMAN BATTLE: Mr. Qasem, would you
17 please summarize? I suspect that we have a couple of
18 more people and we're rapidly approaching the
19 adjournment of this session. We'd like to hear as
20 much as we could?

21 MR. QASEM: I just want to finish this
22 point.

23 CHAIRMAN BATTLE: Do it quickly, please?

1 MR. QASEM: The case of Mr. Demjanjuk have
2 been used to cover up the crimes of Israel in the
3 west bank. Thank you.

4 CHAIRMAN BATTLE: Thank you very much.

5 Mr. Minarik, do we have others? Are there
6 others? I've seen others from the community. Yes,
7 sir? Would you take a seat and spell your first and
8 last name, for the record for us, please?

9 OUSAMA AWAD

10 My name is Ousama Awad, O-u-s-a-m-a last
11 name A-w-a-d.

12 Ladies and gentlemen of the panel, I'm
13 really compelled to thank you for giving us a chance
14 to talk to you. I'm not going to repeat what my
15 colleagues said. When I first came to this country,
16 I was coming to join the American dream. That dream
17 that I read about in books and seen in movies. But
18 guess what? When I got off the plane, I joined in
19 the nightmare. Now, you can ask me why didn't you
20 pack and leave. I can't pack and leave because I'm
21 not even welcome back where I came from. That's why
22 I left from the beginning. I don't want to take none
23 of your time, but there's racism and there's hate

1 crimes organized in the United States, not just
2 against Arab Americans, against anybody of color.
3 And, you guys have the ability to look through
4 records and cases and see that from starting war in
5 Grenada, starting war in Panama to Iraq, to anywhere
6 with people of colors, and I'm not going to discuss
7 these because we could talk about it for two years
8 and I might not be able to convince you that the
9 policy of this country, especially abroad, is
10 completely wrong. And, because there's certain
11 mentalities and thinkings of people and groups like
12 the ADL and the Jewish Defense League, by God those
13 people in some states are armed, the Jewish Defense
14 League, they have trained cops in California, and I'm
15 not lying. You could check the records. I can't
16 tell you where they get training up here. You talk
17 to any member of those people, like our buddy up
18 there, he admits that he monitors people. Why would
19 he monitor me? I'm an American citizen. I work 17
20 hours up here. He have no right to monitor me unless
21 if I'm given the right to monitor him and his group
22 and who he represents. But, you know what? When
23 this federal government knows of any Arab group that

1 is doing anything to monitor people like that, and
2 groups like that were under investigation by the FBI
3 on the spot, but they're not. The persons that he
4 said he was deported and the other one is in south
5 Lebanon, this country is not doing anything about
6 that. He's an American citizen, and we have the
7 right to ask this country to bring him back. If the
8 State of Israel convicts anybody, that's their job.
9 But, we don't have to take the findings of the State
10 of Israel whatsoever in this country.

11 I'm going to jump to one quick thing
12 regarding to Cleveland. I have a presentation and
13 since you guys been here sitting here long, I don't
14 want to take your time. We're going to look back at
15 Cleveland. They are trying so hard to try any Arab
16 American through the media. Well, I never seen that.
17 I never seen that in all books that I read. I
18 studied American government and politics. I'm not a
19 politician, I'm not a lawyer, but don't try us in
20 public. If you raid a store for selling bad meat, go
21 ahead, send the health department, shut his meat
22 department, shut that store down. But, why all this
23 mighty force? Are they, they're flexing muscles

1 against us? By God, take us to the federal
2 government, to the people you represent. SWAT teams
3 raiding stores for selling bad meat? What they think
4 an establishment is going to do, come out with RPG's
5 or come out with machine guns, SWAT teams.

6 If you have time, I'll take you to some of
7 those neighborhoods they raided. An Arab store got
8 raided by a SWAT team, but across the street, a drug
9 deal is going on, crack selling. It's okay, but bust
10 that Arab American from making a dollar and selling a
11 bad package of meat. We have every day deliveries in
12 meat. I'm a merchant. We have every day produce
13 deliveries, and we have proofs from those produce
14 people. We have dairy deliveries. We're not in the
15 business up here to come and commit genocide against
16 African American people, and that's what is portrayed
17 in the papers up here. Like Mr. Qasem said, some
18 stores have health violations. You know why?
19 Because the health department have no proof of
20 continuing visitation to these stores. There, an
21 inspector walk in, \$50 deposited in his or her
22 pocket, you can write that, these allegations, I back
23 up. I have names. They go to our stores like they

1 are coming to hang someone and we are sick and tired
2 of that. If I'm committing a crime, there's a
3 courtroom. If I'm a convict, I'm going to go through
4 the due process. I want to go to jail. But, don't
5 prosecute the rest of the community because I have
6 committed a crime or someone else. That's the way we
7 feel, ladies and gentlemen. We have been 10, I don't
8 know if Mr. Kassouf mentioned it, 10 murders. Did
9 you mention that? 12 in the last 30 months in
10 Cleveland, point blank, pop to the head or the chest.
11 I have a study I'll even give it to you. We're still
12 preparing it, 12 killings. Trained, hired hits. I
13 don't believe no African American female or male or
14 one of our customers have the guts to walk in a
15 store, pop you in the head 2 or 3 times or in the
16 chest and leave, no way. Those stores they raided,
17 the public came in their defense. The public opened
18 our store. If he have a violation, correct it. One
19 week to comply or two weeks, you want to shut her off
20 and most of those high level politicians do not deny
21 that all we should close these stores. Well, hope
22 our council men or women do something for your
23 neighborhood first. They are taking their anger,

1 their failure as politicians out on our community.
 2 12 murders, one solved because me and Mr. Qasem
 3 supplied some information through friends of ours in
 4 African American community who killed a merchant.
 5 "The Plain Dealer" two days ago said there is a
 6 silence amongst witnesses as if like someone walked
 7 in town, done the job and left thereafter. Isn't it
 8 something for someone to look into? This is making
 9 us uncomfortable. Every time they walk in a store
 10 for a specific violation, the first question, if it
 11 was a federal investigation or a city ordinance,
 12 where you hide your guns? What do you think I'm
 13 doing? Do you see me wearing bullet proof vests and
 14 have a couple of hand grenades in there ready to toss
 15 it on you? If I have a gun, I have a shotgun. If I
 16 have a gun, most of our stores don't even have a gun.
 17 The people that got popped in the head or chest
 18 didn't even have nothing in them. What are they
 19 asking us, to arm ourselves? Are they pushing us to
 20 arm ourselves? We don't want to. We are living in
 21 this society and we enjoying it and by God, unless we
 22 are naive and stupid people and community, we can't
 23 be stupid and naive living off these communities we

1 work for. I feel uncomfortable right now. I'm
2 trying to kiss my even nightmare goodbye because next
3 thing I know, my councilman or woman wants to be
4 re-elected. They going to bust me for selling bad
5 meat, which I would like for all of, you know, know I
6 have no conviction. They didn't bust my business,
7 but this is what's going on. I'm kissing my American
8 dream and the nightmare goodbye. What am I going to
9 do after that? Am I being pushed in a corner to be a
10 drug trafficker for them to leave me alone. I don't
11 want to be a drug trafficker. I work 17 hours every
12 day, and so each and every of my constituents, 17
13 hours a day. We have no social life. We leave home
14 with our kids and our wife sleep, we come home when
15 when they're sleep. We barely have time to spend
16 with them because if we don't do that, we got to join
17 in the line, the welfare line. And, I refuse to join
18 the welfare line. I don't want the government to
19 give me a handout. I appreciate this government
20 giving me an identity that I could say I'm an
21 American citizen. I appreciate this country allowing
22 me in to be what I am, where this time I never
23 probably expected to, where I come from, I don't want

1 no handout. But, please, leave me alone. If and
2 when I commit a crime, it's appreciated if you
3 correct me first because I doubt if my crime is a
4 serious crime and I don't want to go into it with you
5 what's a crime and what's a serious crime because you
6 know what I'm talking about.

7 We got to the point, ladies and gentlemen,
8 and this is the last point I'm going to say, that the
9 law in Cleveland allowed the drug dealers to walk in
10 court, testify against CHM police people that
11 supposedly roughed them, took their money and drugs
12 and the drug dealer, he or she walks out and the
13 policeman is going to trial and going to jail. But
14 yet, an Arab merchant who opens up at 8:00 o'clock,
15 close 12:00 o'clock, have a bad gallon of milk is a
16 criminal and the politicians in Cleveland asking the
17 state to make it a felony because in their turn, they
18 going to make those violations that you can go 6
19 months to jail and \$1,000 fine. Well, unless if the
20 political system in this country has got to start
21 showing facts that we're not the only people singled
22 out, we are.

23 Thank you very much, ladies and gentlemen,

1 and I hope to see you soon after you finish your
2 report.

3 CHAIRMAN BATTLE: Thank you. Are there
4 others of the public who would like to testify? Are
5 there any final comments, questions from committee
6 members?

7 Let me thank all of you for two intense days
8 of very active listening and remind you that our next
9 steps will be once the report has been prepared and
10 the transcript is available, it will be sent to you
11 for your comment. Please read these carefully and
12 return them to Chicago as quickly as possible so that
13 we can move toward our next meeting in January,
14 probably in Columbus, where we pulled it together in
15 final form. Peter, do you have any final
16 instructions for us?

17 Do I have a motion for adjournment?

18 MS. ORTEGA: So moved.

19 MR. LEVENTHAL: I second.

20 CHAIRMAN BATTLE: All those in favor say
21 aye.

22 THE COMMITTEE: Aye.

23 CHAIRMAN BATTLE: Thank you very much. We

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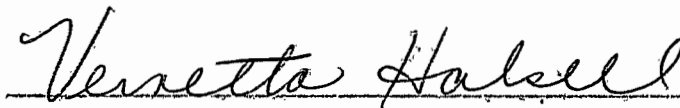
stand adjourned.

(WHEREUPON, the proceedings were adjourned
at 1:00 p.m.)

* * * *

CERTIFICATION

I, VERNETTA HALSELL, a Certified Shorthand Reporter, state that I reported in shorthand the testimony taken in the above-entitled matter, and that this constitutes a true and accurate transcription of my shorthand notes so taken as aforesaid.



VERNETTA HALSELL