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KANSAS AND MISSOURI ADVISORY COMMITTEES TO THE U.S.

COMMISSION ON CIVIL RIGHTS

"CIVIL RIGHTS ENFORCEMENT EFFORTS:
HATE CRIMES AND RACIAL PROFILING"

Holiday Inn South
5701 Longview Road
Kansas City, Missouri

April 27, 2000

LIBRARY

U.S. COMMISSION ON CIVIL RIGHTS

Advisory Committee members present were Dr. Alma Navato, Mr. Phillip Delatorre, Mr. Claude Rogers, Mr. George Parker, Ms. Kelley Dull, Mr. Gary W. Rust, Ms. Kathy Comache, Mr. Richard Gutterez, Dr. Il Ro Suh, Mr. Larry Burks, Mr. Troy Scroggins and Ms. Joan Collins.

Staff members present were Mr. Melvin Jenkins, Regional Director; Ascension Hernandez, Civil Rights Analyst; and Ms. Jo Ann Daniels, Administrative Assistant.

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HOSTETLER
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COPY

1 MS. NAVATO: The bi-state
2 meeting of the Kansas and Missouri Advisory
3 Committees to the Commission on Civil Rights shall
4 come to order.

5 For the benefit of those in the
6 audience, I shall introduce myself and my
7 colleagues. My name is Alma Navato and I am the
8 chairperson of the committee -- Missouri Advisory
9 Committee for the United States on Civil Rights.
10 Co-chairing with me today is Mr. Phil Delatorre,
11 chairperson of the Kansas Advisory Committee.

12 Members of the committees are,
13 from my right, if you'd like to introduce
14 yourselves.

15 MR. ROGERS: Claude Rogers, St.
16 Louis, Missouri.

17 MR. PARKER: I'm George Parker
18 from Columbia, Missouri.

19 MS. DULL: Kelley Dull, Raytown,
20 Missouri.

21 MR. RUST: Gary Rust, Cape
22 Girardeau, Missouri.

23 MS. COMACHE: Kathy Comache,
24 Kansas City.

25 MR. GUITTEREZ: Richard Gutterez,



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1 Overland Park.

2 MR. NULTON: Bill Nulton, Prairie
3 Village, Kansas.

4 MR. BURKS: Larry Burks, Wichita,
5 Kansas.

6 MR. SCROGGINS: Troy Scroggins,
7 Topeka, Kansas.

8 MS. NAVATO: Okay. And I would
9 also like to introduce from the staff, the
10 Commission's regional office in Kansas City, to my
11 left is Mr. Melvin Jenkins, the Regional Director,
12 Mr. Ascension Hernandez is over there in the
13 corner. He's our civil rights analyst. And Jo Ann
14 Daniels, who I believe is in the back, is the
15 Administrative Assistant.

16 The U. S. Commission on Civil
17 Rights is an independent bipartisan agency first
18 established by Congress in 1957 and re-established
19 in 1983. It is directed to investigate complaints
20 alleging that citizens are being deprived of their
21 right to vote by reason of their race, color,
22 religion, sex, age, disability or national origin
23 or by reason of fraudulent practices.

24 We study and collect information
25 relating to discrimination or denial of equal



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1 protection of the laws under the Constitution
2 because of race, color, religion, sex, age,
3 disability or national origin or the administration
4 of justice.

5 The commission is also --
6 appraises federal laws and policies with respect to
7 discrimination or denial of equal protection of the
8 laws because of race, color, religion, sex, age,
9 disability or national origin or in the
10 administration of justice; serves as a national
11 clearinghouse for information with respect to
12 discrimination or denial of equal protection under
13 the laws, again because of race, color, religion,
14 age, disability or national origin. It also
15 submits reports, findings and recommendations to
16 the President and the Congress.

17 The Commission has approximately
18 51 advisory committees, one for each state and the
19 District of Columbia, and each is composed of
20 citizens familiar with local and state civil rights
21 issues. The members all serve without compensation
22 and assist the Commission with its fact-finding,
23 investigating and informal dissemination functions.

24 The Missouri and Kansas Advisory
25 Committees to the U.S. Commission on Civil Rights



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1 are here to conduct a fact-finding meeting on the
2 issues of civil rights enforcement efforts relating
3 to hate crimes and racial profiling in the states
4 of Missouri and Kansas. The Committees want to
5 receive the facts on the above topics to determine
6 if citizens are receiving equal protection under
7 the law.

8 And I will introduce Mr. Phillip
9 Delatorre to continue on.

10 MR. DELATORRE: At the outset, we
11 want to remind everyone present of the ground
12 rules. This is a public meeting open to the media
13 and to the general public. But we have a very full
14 schedule of persons who will be providing
15 information within the limited time we have
16 available. The time allotted for each presentation
17 must be strictly adhered to. This will include a
18 presentation by each participant followed by
19 questions from Committee members.

20 To accommodate persons who have
21 not been invited but want to make a statement, we
22 have scheduled an open session this evening shortly
23 after the last invited speaker. Anyone wishing to
24 make a statement during that period of time should
25 contact Ascension Hernandez for scheduling.



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1 Written statements may be submitted to staff here
2 today, or by mail to the U.S. Commission on Civil
3 Rights, 400 State Avenue, Suite 908, Kansas City,
4 Kansas 66101. The record of this meeting will
5 remain open until May 27, 2000.

6 Though most of the statements made
7 today may be related to hate crimes, racial
8 profiling and race relations, we want to ensure
9 that all participants do not defame or degrade any
10 person or organization.

11 In order to ensure that all
12 aspects of the issues are presented, knowledgeable
13 persons with a wide variety of experience and
14 viewpoint have been invited to share information
15 with us. Any person or any organization that feels
16 defamed or degraded by statements made in these
17 proceedings should contact our staff during the
18 meeting so that we can provide an opportunity for
19 public response.

20 Alternately, such persons or
21 organizations can file written statements for
22 inclusion in the proceedings. I urge all persons
23 making presentations to be judicious in their
24 statements.

25 The Advisory Committee appreciates



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1 the willingness of all participants to share their
2 views and experiences with the committee.

3 The Director of the Regional
4 Central Office to the U.S. Commission on Civil
5 Rights, Melvin Jenkins, will now share some
6 additional opening remarks with you.

7 MR. JENKINS: The jurisdiction of
8 the central regional office reaches to nine states,
9 including the States of Alabama, Mississippi,
10 Louisiana, Arkansas, Oklahoma, Iowa, Kansas and
11 Missouri. The undertaking today is the first
12 bi-state product we've done since 1973 in the
13 Greater Kansas City area. Although we've held
14 numerous hearings in southern states, this is our
15 first venture, again, in the Kansas City area.

16 Because the issues cut across
17 state lines, we decided to provide an avenue for
18 both advisory committees to come into play to
19 develop a fact-finding study based on the
20 information that we hear today. Although the
21 information will cover racial profiling and hate
22 crimes, there will be some other issues that will
23 come about also, including the federal enforcement
24 of civil rights laws.

25 One of the things that the



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1 advisory committees will do from this meeting is to
2 develop a written report with findings and
3 recommendations. Those recommendations will be
4 issued to the entities involved. We hope to be
5 able to have a report of this meeting, once we have
6 the transcript, within six weeks and a written
7 report with the findings and recommendations to be
8 released to the public within three months.

9 It takes that number of time --
10 that number of times to develop a written report
11 because of the information that we have received.
12 So far we have over 1,000 pages of information that
13 we have to sift through concerning racial profiling
14 and hate crimes. What we will intend to do after
15 that is to issue the report to the general public,
16 with the report going before the U.S. Commission on
17 Civil Rights for publication. Again, that report
18 should be available to the general public within
19 three months.

20 MR. DELATORRE: Thank you,
21 Mr. Jenkins.

22 MS. NAVATO: Thank you, Mr.
23 Jenkins.

24 For the first presenter, I'd like
25 the -- the chair would like to recognize Mr. Ron



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1 McMillen.

2 MR. McMILLAN: Yes.

3 MS. NAVATO: And a little bit
4 about Mr. McMillen. He is a Street Outreach
5 Specialist with Kansas City Free Health Clinic. He
6 is a talk show host of KKFI 90.1 FM, a community
7 radio station. He is interested in urban
8 reformation and networks which move up and other
9 viable community organizations in Kansas City. He
10 will describe his experience with racial profiling
11 and the consequences by law enforcement, and make a
12 few recommendations to the Committees.

13 MR. McMILLAN: Thank you, Madam
14 Chairman. Are we going to use this? Thank you,
15 Madam Chairman. Commissioners, good morning. May
16 god bless us all with the light of understanding,
17 and hopefully, we will get information here that
18 will improve some of the conditions that we live
19 under in our Midwest here.

20 I work in the community as a
21 street outreach health educator, so that takes me
22 on the street to some of our worst areas, and I
23 encounter a lot of conditions and things that we as
24 a community must face.

25 When it comes to racial profiling



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1 and some of the things that occur in our community,
2 I would ask that the Commissioners look at racial
3 profiling in a little broader aspect than just an
4 incident of a person getting stopped. But there's
5 a whole mentality that goes along with racial
6 profiling.

7 What we see is that racial
8 profiling truly is a symptom of police departments
9 that are racist. And oftentimes we find that
10 within departments, we find some real serious
11 conditions as far as people, officers who work for
12 police departments internally have racial
13 problems. And those racial problems also set up
14 impediments and keep certain officers from being
15 able to advance within their departments.

16 That structure, internal
17 structure, is white supremacy in nature, as we
18 witnessed here in Kansas City, Missouri recently.
19 Our top officers, as soon as they get to a certain
20 level, they are eliminated. Their due process is
21 not protected. Allegations about them, they can
22 get all the way up to colonels, and all of a sudden
23 allegations will surface from years back which will
24 sometimes eliminate them from being -- achieving
25 chief. And so if officers who are 24 years, 27



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1 years in their department have allegations, then
2 their rights are not protected. They can be
3 eliminated. They can't receive due process.

4 Then we can go back to the street
5 and talk about the little guy being racially
6 profiled. If officers who work for law enforcement
7 are not protected, and their almost chiefs or
8 colonels, that policy, that particular philosophy
9 that does not protect them within the department,
10 the average guy on the street, when an officer,
11 he's going to approach and deal with folks knowing
12 this department has a policy that is racist, and
13 that keeps people of color from advancing. That
14 does not protect their rights. He's not going to
15 give due process to the average guy like me on the
16 street because he knows within his department
17 people of color are not protected.

18 So I ask you to look at racial
19 profiling, police brutality in a larger sense,
20 because there is institutional hate. It's not just
21 the racial profiling that comes off person-to-
22 person, but just an atmosphere that exists here.

23 And across the country we're
24 seeing police murder in lots of cities across this
25 nation. They don't just come from individuals who



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1 have problems, but it's a whole discipline that
2 isn't being looked at. And it is a disease within
3 police departments that would allow officers to go
4 to the streets and carry a certain type of
5 mentality with them that will cause them to react.
6 And police departments themselves, when they don't
7 allow all of us -- this country can only be great
8 when all of us have equal access.

9 We witness that in the Midwest.
10 We know that we have Negro leagues, and we have the
11 white leagues, and for years, they could not
12 compete together. But not until everybody could
13 compete did we have the major leagues, and it was
14 beneficial to the whole game of baseball.

15 Right now we have in this Kansas
16 City, Missouri, which is, by the League of Cities,
17 and most reports, is probably the tenth, eleventh
18 most segregated city in this country.
19 Structurally, there's an east and west. The police
20 department reflects that type of mentality. So
21 when we look at the racial profiling incidents that
22 come up and how people have to deal with
23 this -- the police brutality cases that we have
24 here, and how the system itself, the criminal
25 injustice system, because most times when it comes



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1 to -- now, we have that mentality which is in a
2 police department, but then the judicial system
3 itself, when these cases are moved forward, a grand
4 jury, because of racist mentality, because of the
5 way police are protected, rarely will indict a
6 police officer for murder. And we're seeing that
7 across the country, too.

8 And these are the things that
9 we have to look at and how we deal with the fact
10 that police are very protected, and citizens are
11 not protected in a lot of instances. And we're
12 seeing corruption in police departments, racial
13 profiling, people being targeted. And what we find
14 with the most recent study is that youth from our
15 cities are getting unfair disparity of what a black
16 minority child would get as opposed to what a white
17 youth will get when they go into these.

18 And I say the reason why we have
19 to look beyond just the racial profiling symptoms
20 and look at the department is because we now are
21 seeing police departments cooperating in some of
22 those cities who have these problems as freedom
23 mechanisms which are extracting our young black
24 males from our community.

25 We now, the United States of



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1 America, the land of the free, home of the brave,
2 now as of February, have two million in our prison
3 population. That's more than any other country in
4 the world. And the cases and the things that come
5 up that are taking our youth away, we're not seeing
6 a system that is fair. It is very well documented.
7 The Justice Department documented the last study,
8 saying that black people are six times more likely
9 to get time in the lock-up for the same crime as a
10 white youth who would not get locked up.

11 So these are serious behaviors.
12 It is serious for what we call P&P. They are
13 patterns and practice that discriminate. In order
14 for us to truly have justice and for people to
15 begin to truly trust these law enforcement agencies
16 in our community, I would hope that as we look at
17 this and we have bi-state commissions, that we
18 broaden our scope and look at just how damaging
19 these police departments are and how they should be
20 monitored.

21 There is in a bill that was just
22 proposed that would look at some aspects of it.
23 It's called Trust and Integrity, Trust and
24 Integrity Act 2000 by John Connors. And it says
25 just that, that we look at the police department,



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1 how they're trained, accountability, and some of
2 the things that go into making sure that police
3 departments are fair and they're not impediments
4 for folks. Most of the time they want us to -- we
5 just had a recent call to try and have recruitment
6 of minorities for the police department.

7 And when we go in our -- I mean,
8 we can ask ten white kids about their relationship
9 with the police department and ask ten black kids,
10 and I guess you know the white kids feel a whole
11 totally different thing about the police and their
12 relationship in the community than you'll hear from
13 ten African-American minorities. They feel totally
14 different, that the police department is not part
15 of a social order, but an invasion force of people
16 who they do not relate well to. And then we are
17 supposed to be able to go out and recruit our youth
18 to help change this scenario.

19 And so we really do have to look
20 at this structural part, how are our police
21 departments run and how they are trained and their
22 ability to have a relationship with the communities
23 that they serve is deeply impaired.

24 And when it comes to the latest
25 rash of different type of hate crimes -- as a



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1 matter of fact, on the way here today, I got lost.
2 And I had two choices. I could go down this
3 particular route, or they told me I could go
4 through Raytown. And if anybody was at the last
5 Commission meeting that we had, we know that
6 Raytown, the word is out. If you're black, be
7 careful when you go through Raytown, because
8 those -- it's a color-coded area, and you know
9 certain places around here, and the word is just
10 passed on. And in hearings that we will have, it
11 was very much so it had stopped. As a matter of
12 fact, a couple of people who just happened to be
13 black got stopped in Raytown and had some problems
14 with some of the residents from Raytown who live
15 there. So it was my choice not to go to Raytown.
16 But I would hope as we look at apartments that are
17 supposed to serve the people, the training, being
18 able to have a citizen be able to advance in the
19 department.

20 When we look at the racial
21 profiling product, we keep saying that's a symptom
22 of some other sickness that takes place. Because
23 when officers come into a department, and they must
24 become blue, not black, and -- become a part of
25 blue, not black, in order to advance, because you



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1 know what you've got to do to survive and be
2 promoted in these particular departments. These
3 are the things we have to look at. Structurally,
4 if racism is practiced within the department, if
5 they're rolling in the neighborhoods, we have some
6 pretty crazy sections of Kansas City.

7 MS. NAVATO: Thank you,
8 Mr. McMillan.

9 MR. McMILLAN: And I thank you for
10 the opportunity to testify, and I hope something
11 that I said will give some light to the situation.

12 MS. NAVATO: Unfortunately, we're
13 under a very strict time.

14 MR. McMILLAN: I know Mr. Kelly
15 won't be here, so you can skip him. I already
16 checked that out. Thank you and I hope you did get
17 some information from me.

18 MS. NAVATO: Thank you.

19 Does anybody have any questions
20 for Mr. McMillan?

21 MR. RUST: Ron, has there ever
22 been a black police officer who either filed an
23 EEOC or a Human Rights Commission complaint because
24 he didn't feel he was promoted within the
25 department?



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1 MR. McMILLAN: There's a lot of
2 that going on. And I don't know that those are
3 adequately addressed, or I don't know what happened
4 to a couple of cases, but in our most recent cases
5 we saw that, rather than go through a whole lot of
6 stuff when they get to a certain period, two of
7 them I know, just at the top level, African-
8 Americans we need to be holding up and stuff. One
9 bowed out and took a job in the community, and the
10 other one retired, period, rather than go through
11 the whole allegations and fight. It's pretty
12 humiliating when your file is released to the media
13 and you don't have any protection. And it's only
14 allegations, not even charges yet, so some serious
15 type of stuff where the files are leaked and
16 they're not able to withstand all the -- the whole
17 careers are, like, up in the air after it gets
18 tarnished like that.

19 MR. RUST: Excuse me. One more.
20 Did The Kansas City Star write any articles on this
21 subject?

22 MR. McMILLAN: Some.

23 MR. RUST: I know specifically
24 they were --

25 MR. McMILLAN: They do it like



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1 most agencies do it around here, superficially.
2 They won't really get into some of the real causes.
3 They write some of the story, but when you know
4 these people and you understand what they're going
5 through, they take a safer route out. Nobody
6 really wants to deal with racism. We're in a big,
7 serious denial, like David Stipler's book, Country
8 of Strangers. He talks of how he went across this
9 country in a five-year study and found very few
10 white people wanted to talk about racism. And
11 black people, like you, Madam Chairman, are ready
12 for me to get out of here right away. Okay. Thank
13 you.

14 MS. NAVATO: Actually, no. We do
15 have another question. Claude Rogers is
16 recognized.

17 MR. ROGERS: Simply, has there
18 been any discussions between members of the
19 community and the police force regarding a citizens
20 review board?

21 MR. McMILLAN: Yeah, we have tried
22 to establish our OCC, where they have complaints,
23 we try to deal with that. We're trying to develop
24 a citizens review board, trying to get past some of
25 these policemen's associations. It's very



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1 difficult. And we do have discussions. We met
2 recently with Chief Easley, and we met recently
3 with the president of the Board of Police
4 Commissioners to deal with some of these things.
5 But as an actual review board of citizens, we have
6 not established this rapport yet, and we've been
7 working to try and do some of that.

8 MS. NAVATO: Mr. Jenkins has a
9 question.

10 MR. JENKINS: Ron, you're out and
11 about in the community. When you encounter young,
12 black males, what advice do you give them
13 concerning police stops?

14 MR. McMILLAN: To don't make any
15 frantic moves, be cooperative, be very visible, and
16 let the officer -- because I had an incident myself
17 where I thought I could get out and talk to the
18 officer, and they said, "Get on the ground, spread
19 them," you know. So I've had experience, and I
20 told them, "Just stay still. Don't make any
21 erratic moves." And we do have ACLU guideline on
22 the radio and different programs. We talk to males
23 about trying to be cooperative and don't instigate,
24 because a lot of times it doesn't take but a split
25 second for something to go wrong. So we advise



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1 them to be very careful about their movement, don't
2 do anything erratic, and try to cooperate as best
3 they can.

4 MR. JENKINS: As you know, police
5 officers use a little card that reads the Miranda
6 warning for anybody when they're stopped. Would it
7 be helpful to distribute cards to black males to
8 remember this when they're stopped by police so
9 they can recall what to do and not to do?

10 MR. McMILLAN: We do have that
11 type of printed material. We did a video and
12 several things. And some people get that type of
13 message, but too often the person that needs it the
14 most doesn't get it.

15 MS. NAVATO: Thank you very much.
16 And Mr. Parker?

17 MR. PARKER: Ron?

18 MR. McMILLAN: Yes, sir.

19 MR. PARKER: I wonder what you
20 think about when a public policy is established in
21 our country, such as the civil rights laws,
22 anti-discrimination laws and so forth, those
23 policies have been established. But once they're
24 established, it usually means that there's probably
25 a majority of people who believe in them or maybe



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1 more than a majority. So I wonder, when we find
2 some problems like you've been mentioning, one of
3 the solutions, it seems to me, is for the leaders
4 merely to articulate the public policy and tell the
5 folks, tell the citizens, "Folks, we've got a
6 public policy, and this is it, and this is what
7 we're enforcing. And when people violate that
8 policy we're going to put them in jail."

9 Now, it seems to me that the
10 leaders sometimes can articulate those things,
11 whether they're mayors or preachers or priests or
12 leaders in the community, when they articulate the
13 problem. So sometimes I think anyone who finds
14 there are problems, if we take it to the leaders
15 and say, "Hey, why don't you support the public
16 policy in this country and tell the citizens around
17 here what's right?" And I don't know if you
18 thought about that as a way to go about that
19 problem. And I think sometimes when the leaders
20 will come out publicly and say what's right, then a
21 lot of times that's the only solution you need. I
22 mean, sometimes that takes care of is it what I'm
23 saying.

24 MR. McMILLAN: And leaders are
25 really coming forward. Just like in Kansas City,



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1 now we have two young councilmen, Councilman Jim
2 Rollins, and Councilman Troy Nash. One is the
3 councilman of the Fourth District, a very rich and
4 white and prominent district, and one is a
5 councilman in the Third District, poor, one of the
6 poorest in the city. They have come together with
7 their relationship and with their office and formed
8 an alliance, having dialogue, bringing folks
9 together, truly having dialogue. I'm not just
10 saying like The Kansas City Star and The Call had a
11 race relations panel, and when you got there you
12 had to write your stuff on a piece of paper and
13 pass it up, and people weren't truly able to
14 interact, engage, and have true dialogue.

15 What these two councilmen are
16 proposing, is, Yes, let's talk about public policy,
17 let's talk with social order, let's take an
18 all-black community and an all-white community, and
19 bring them together, have a dialogue, have visits
20 with each other, have exchanges of things and try
21 to work towards race relations in this city.
22 Because I think Kansas City is one of the cities
23 that can do it because of the type of people that
24 are here.

25 I'm a refugee from New York, but



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1 I've been here ten years, and I find that this is
2 an accessible city. You can get to people, you can
3 talk to people, but the people have to make it
4 happen. So, yes, public policy, but true dialogue.
5 And I appreciate the chance to come here and give
6 true dialogue and be able to express my point and
7 then the other side has to be heard. And we have
8 to facilitate where true dialogue, where people can
9 come away from a panel on race relations and feel
10 there's been production. I understand black people
11 a little better, or I understand white people a
12 little better. This is how we have to get over
13 some of the denial systems we have in place.

14 And this country is a great
15 country, but only when everyone is allowed equal
16 access, and the powers that be, and the doors are
17 open in a time of great economic boom. If we
18 cannot do it now, we've missed an opportunity. Let
19 the stock market crash and then you all talk about
20 equal access, then we have a problem. I think the
21 time is now, and hopefully we are all blessed to be
22 a part of making it happen.

23 MS. NAVATO: Thank you very much.
24 The Chair would like to recognize two more commit
25 members from the Missouri Advisory Council that



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1 have stepped in. Dr. Cora Thompson in the back,
2 and Dr. Robert Robinson. We'll try to get
3 arrangements for you up here.

4 The next presenter, Dr. David
5 Haley, is not yet here, so we will go ahead and
6 recognize Mr. Atkins Warren. And also Mr. William
7 Whitcomb. And Mr. Atkins Warren is a regional
8 director, police chief, and Mr. William Whitcomb is
9 a conciliation specialist to the Community
10 Relations Service.

11 For the record, please state your
12 name, address and occupation.

13 MR. WARREN: Okay. My name is
14 Atkins Warren. I'm the regional director United
15 States Department of Justice, Community Relations
16 Service, 1100 Main Street, Suite 1320, Kansas City,
17 Missouri, 64105.

18 MR. WHITCOMB: Bill Whitcomb,
19 Department of Community Relations, same address, of
20 course, and I have to be careful what I say because
21 this is my boss to my right.

22 MS. NAVATO: Just a little
23 background on Mr. Warren. He is currently the
24 Regional Director of the Region 7 Community
25 Relations Service, he has thirty years experience



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1 in the administration of justice. He served as
2 police chief for five years in Gainesville,
3 Florida, and he started his police career in the
4 metropolitan police department of St. Louis,
5 Missouri, rose through the ranks to become
6 lieutenant colonel of Internal Affairs. He
7 received a master's degree in public administration
8 from Webster University. He has served as a
9 consultant at the local, national and international
10 levels on police community relations and police
11 training to reduce racial tensions in the
12 communities.

13 He will speak to the Committee on
14 the issue of racial profiling as it pertains to his
15 work in Region 7.

16 And then later, Mr. Whitcomb is a
17 conciliation specialist for the United States
18 Commission on Community Relations Service. He is a
19 skilled investigator with fifteen years of
20 experience in conflict resolution, with the Rodney
21 King files, and worked with the church response
22 team. And he will describe his work with the
23 response team in Kansas City, Missouri.

24 MR. WARREN: Good morning. Again,
25 the DWB, Driving While Black or Brown policy has



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1 been described as very prominent in our society
2 today. I have some prepared notes I am going to
3 stick with. It won't let me ramble, so I can go
4 straight through. And then, of course, I'll be
5 available afterwards to respond to any questions
6 you have.

7 As anyone who's been paying
8 attention knows, law enforcement today is under
9 attack over the issue -- and maybe "attack" is too
10 forceful -- but anyway, they are under attack over
11 the issue that has commonly become known as DWB,
12 Driving While Black or Brown. The belief that many
13 police actions are directly based only upon race
14 is, according to some, reaching a critical mass in
15 communications of color.

16 In a national survey conducted by
17 the Gallup organization, a random sample of
18 Americans over eighteen years of age were asked the
19 following question: It has been reported that some
20 police officers stop motorists, or certain racial
21 or ethnic groups, because the officers believe that
22 these groups are more likely than others to commit
23 certain types of crime. Do you believe that this
24 practice known, as racial profiling, is widespread
25 or not? The polls showed that six of every ten



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1 Americans believed the practice is widespread.
2 Seventy-six percent of black Americans replied that
3 they believed the practice to be widespread, and 56
4 percent of the whites polled agreed.

5 Even more importantly, eighty
6 percent or more of both races disapproved of the
7 practice. What has been the driving force behind
8 the negative public opinion of American policemen
9 that was captured the Gallup poll? Is this
10 something new? Let me tell you, it isn't.

11 I go back to my days in the ranks
12 on the street as a patrolman, as a police sergeant,
13 as a police lieutenant. Back in those days it was
14 very prominent. Will law enforcement agencies be
15 required by legislation or legal action to keep
16 records on the race or ethnicity of each person
17 they stop? Should law enforcement agencies
18 establish policies condemning and prohibiting the
19 use of race as a consideration for any kind -- for
20 any and all police actions? If a policy is
21 established, how will it be enforced? How are the
22 law enforcement agencies across the country dealing
23 with this situation? I'm hoping as we talk this
24 morning that we can address this a little more
25 closely.



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1 Whether perception or reality, the
2 belief that race plays a significant role in the
3 officer's decision to stop a pedestrian or motorist
4 is not new. A 1967 report of the National Advisory
5 Commission on Civil Disorder, as the Kearney
6 Commission, noted that one of the complaints that
7 was heard repeatedly from the witnesses concerning
8 the causes of the riots which had taken place in
9 150 cities concerned the practice of stopping
10 Negroes on foot or in cars without obvious basis.

11 If the situation has been ongoing
12 for so long, why has the issue of racial profiling
13 only recently been elevated to the level of concern
14 that is currently being expressed?

15 To answer that question and to
16 understand the issue more fully requires a brief
17 historical review. The Drug Enforcement
18 Administration -- that's DEA -- developed one of
19 the first widely used profiles in the early 1970s.
20 DEA Special Agent Paul Marconi created a profile of
21 drug couriers based on behavior characteristics.
22 The profile used common characteristics and actions
23 to identify likely violators. Did the person
24 appear to be nervous? Did he pay for his ticket in
25 cash and in large bills? Was he going to



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1 go -- was he going to or arriving from a
2 destination considered a place of origin of
3 cocaine, heroin, or marijuana? Was he traveling
4 under an alias?

5 By 1979, Marconi's drug courier
6 profile was in use at over twenty airports. By the
7 1980s, crack cocaine became the drug of concern,
8 and skin color became a major additional profile
9 component. As a result, innocent black travelers
10 found themselves the subjects of interrogations and
11 searches by the DEA and U.S. Customs Service.

12 In 1982 President Ronald Reagan
13 officially declared war on drugs and intensified
14 interdiction efforts in the South Florida area. In
15 1985 the Florida Highway Patrol issued guidelines
16 to their troopers on the common characteristics of
17 drug couriers.

18 The profile included elements
19 such as use of rental cars, scrupulous obedience to
20 traffic laws, drivers wearing lots of gold, who do
21 not fit the vehicle, and ethnic groups associated
22 with drug trade.

23 Building upon the profiles in use
24 in 1986, DEA introduced Operation Pipeline.
25 Operation Pipeline is a highway drug interdiction



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1 program that has been taught to over 27,000 police
2 officers in the United States. The use of the
3 pretext traffic stops is incorporated into the
4 Operation Pipeline program, and is used in the
5 interdiction effort.

6 While proven to be an effective
7 law enforcement tool, it has, according to
8 opponents of the program -- implicitly, if not
9 explicitly -- encouraged the targeting of minority
10 motorists. The belief by many members of the
11 minority community that race is a factor in police
12 action has been long in duration. Being stopped,
13 questioned and searched by the police for no
14 apparent reason has been a common experience shared
15 by many. But it was not until several lawsuits
16 were filed and media attention directed at the
17 issue did it become one of national concern.

18 In 1993, the American Civil
19 Liberties Union, ACLU, brought a class action
20 lawsuit against the Maryland State Police. The
21 issues raised in that case are consistent with
22 those used in other similar lawsuits that have been
23 filed against law enforcement agencies across the
24 country. By the end of 1999, the ACLU had filed
25 lawsuits in eight states, and the Maryland State



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1 Police case.

2 A study was done under the
3 supervision of Dr. John Lambert, a Temple
4 University professor. A rolling survey of 5,741
5 cars was conducted over the course of 42 hours.
6 In 96.8 percent of the cases, it was possible to
7 identify the race of the driver of the vehicle.
8 16.9 percent of the cars had black drivers, and
9 75.6 percent of the cars had white drivers. 4,354
10 of the cars, or 93.3 percent, were observed to be
11 operating in violation of traffic laws and
12 therefore eligible for be stopped by the police.

13 Of the violators, 17.5 percent
14 were black, and 74.7 percent were white. The
15 result of the rolling survey was then compared
16 against the full enforcement initiative of the
17 Maryland State Police between January 1995 and
18 September 1996 on I-95 north of Baltimore. The
19 state police reported searching 823 motorists
20 during the period. Six hundred, or 72.9 percent,
21 of those stopped and searched were black; 80.3
22 percent were black, Hispanic or other racial
23 minorities.

24 Based upon the analysis of the
25 data, Professor Lambert concluded the evidence



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1 examined in this study revealed dramatic and highly
2 significant statistical disparities between the
3 percentage of black Interstate 95 motorists
4 legitimately subject to stoppage by the Maryland
5 State Police and the percentage of black motorists
6 detained and searched by state troopers on this
7 roadway.

8 While no one can stop the
9 motivations of each individual trooper in
10 conducting the traffic stop, the statistics
11 presented herein represented a broad and detailed
12 sample of highly appropriate data shows without
13 question a racially discriminatory impact on blacks
14 and other minority motorists from state police
15 behavior along I-95.

16 In the late 1990s, media attention
17 intensified over the racial profiling phenomenon.
18 Coverage of complaints by minority citizens being
19 stopped and searched by police based only on racial
20 profiles began appearing in newspapers and
21 television across the country. The complaints were
22 no longer coming from just young males of color or
23 criminals, but from law abiding business persons
24 and sports figures.

25 The case of Arion Campbell



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1 (phonetics), a police major -- and I'm sure most of
2 you saw this -- with the Metro Dade Police
3 Department, galvanized the public's attention to
4 the issue. In 1997, Major Campbell was driving
5 through Orange County, Florida, and was stopped by
6 a sheriff's deputy on the Florida turnpike for
7 making an illegal lane change and having an
8 obscured license plate. Major Campbell identified
9 himself to the deputy as being a police officer,
10 and then became belligerent, believing that the
11 stop was racially motivated. The situation
12 escalated and ended with the major being maced with
13 pepper spray, wrestled to the ground and arrested.
14 The sight of a decorated, high-ranking police
15 officer was captured on the officer's in-car video
16 system and played repeatedly by television stations
17 across the country.

18 Coverage of lawsuits brought
19 against the police by the ACLU on behalf of
20 minorities being allegedly illegally stopped and
21 searched in violation of the Fourth Amendment
22 increased. The number of lawsuits being filed
23 increased, and in some cases, judgments were
24 rendered in favor of the plaintiffs.

25 In 1998, the term DWB because



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1 synonymous with racial profiling and police
2 misconduct. As could be expected, it was only a
3 matter of time before the issue reached the
4 political arena. In March 1998, the United States
5 House of Representatives unanimously passed the
6 Traffic Stop Statistics Act. The legislation
7 required that police officers would be required to
8 collect several categories of data on each traffic
9 stop, including the race of drivers -- including
10 the race of the driver and whether a search was
11 performed. The legislation died in the Senate
12 Judiciary Committee. The bill has been
13 re-introduced by Congressman John Conyers in April
14 of 1999 and is pending at the time that I'm giving
15 you this information. And I've talked to the
16 congressman personally about this. He's going to
17 see it through -- that's what he's indicated to
18 me -- and he feels he's got enough support to get
19 it through.

20 On April 21, 1999, North Carolina
21 passed the first law in the nation to require the
22 collection of data by the police to develop a
23 statistical code for the use of traffic stops.
24 Similar bills have been introduced in at least
25 twelve other states. That's where it stands.



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1 Every police department that we come in contact
2 with has it on the agenda. They talk about it.

3 Bill and I were just in St. Louis
4 at a meeting involving the all of the metropolitan
5 chiefs in St. Louis and southern Illinois, and they
6 were all interested in it. They talked to us about
7 the program itself, what were our thoughts. So
8 it's something that's been identified. Most
9 progressive departments are addressing it. Maybe
10 not to our satisfaction or your satisfaction; they
11 know something has to be done. They know that
12 they have a broad community that's asking
13 questions, and the community is not going to be
14 satisfied until they come up with an answer that
15 makes sense.

16 MS. NAVATO: Thank you.

17 MR. WHITCOMB: I, too, have a
18 prepared statement. My name is Bill Whitcomb, and
19 as I indicated, I've been here with the U.S.

20 Department of Justice Community Relations Service.

21 Our region, based in Kansas City,
22 Missouri, encompasses Iowa, Nebraska, Kansas and
23 Missouri. CRS is an arm of the Department of
24 Justice and helps citizens to settle race-related
25 problems voluntarily rather than in the courts or



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1 in the street. We're commonly referred to as
2 peacemakers. My boss would like to say that when
3 you call us, when we come and knock on your door,
4 everything is all right. When the other folks come
5 to your door you'd better look out.

6 Created by the Civil Rights Act of
7 1964, it is the only agency to which Congress
8 has assigned the task of providing direct help to
9 the community to resolve disputes, disagreements or
10 difficulties relating to discriminatory practices
11 based on race, color or national origin. CRS helps
12 communities at the request of State or local
13 officials, local citizens and organizations. The
14 agency may also assist on its own motion when it
15 suspects that peaceful relations among citizens are
16 threatened.

17 The approach is flexible and
18 geared to cope with specific community disputes
19 ranging from disagreements in education, law
20 enforcement, and a dispute involving the Ku Klux
21 Klan.

22 In recent years, hate crimes have
23 reached a significant notoriety, amount of coverage
24 and commentary in the news media. As a result of
25 these dramatic instances of hate crimes, public



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1 awareness and concern over biased, motivated crimes
2 has heightened, and the topic has steadily moved up
3 the political agenda of leaders at every level of
4 government. These developments have lead Attorney
5 General Janet Reno to seek a successful law and
6 strategy designed to fight and to prevent
7 race-motivated offenses.

8 For the purpose of this treatment,
9 racial hate crimes or bias-motivated crimes, these
10 crimes are defined as offenses motivated by hatred
11 against a victim based on his race, ethnicity or
12 national origin.

13 How has the Community Relations
14 Services responded to the sometimes random and
15 irrational nature of hate crimes when the crimes
16 are, one, disruptive to individuals and
17 communities; two, require a greater effication of
18 police resources; and three, are most often
19 committed to deter access and to end the rights?

20 CRS's work with the community is
21 essential to reduce fear, prevent retaliation, to
22 prevent additional bias incidents, to encourage
23 other victims to come forward to report crimes,
24 condemn the bigotry that leads to violence,
25 reassure the victim that every available



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1 investigative and enforcement tool will be utilized
2 to find and prosecute the person responsible. It
3 is not merely a black problem when a cross is
4 burned or a Jewish problem when a swastika is drawn
5 on the wall, but a community-wide problem for
6 everyone to respond.

7 As has been charged,
8 stereotypes are alive and kicking, and that
9 translates into racism. These acts of violence
10 have reached such a volume that they cannot be
11 ignored without jeopardizing the social factors of
12 this multi-national society.

13 MS. NAVATO: Thank you,
14 Mr. Whitcomb. Are there any questions?

15 Mr. Claude Rogers.

16 MR. ROGERS: Yeah. Mr. Whitcomb,
17 you were a member, as was I, of the team that put
18 together the hate crime legislation for St. Louis,
19 Missouri. And as you know, there was some feelings
20 among many officers that there was not a need for a
21 hate crimes law at all. And in one of your
22 discussions with police departments now in dealing
23 with the profiling of young black males, how do
24 they actually feel about a traffic stop statistics
25 law?



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1 MR. WHITCOMB: I think whether
2 it's gathering statistics for racial profiling or
3 hate crime instances, I think most police officers,
4 people feel like this is an additional burden that
5 they have to endure, and their primary
6 responsibility to the community is to enforce the
7 law. And so as it was then, as it is now, is that
8 the fact that we don't have time, you know, to
9 garner information, whether it's racial profiling
10 or statistics for hate crime instances.

11 MR. WARREN: I would like to add a
12 little something to that. An administrator who
13 wants to be a little on the ball wants to answer
14 questions. He feels he needs them, and sometimes
15 as a favor or consideration for his personnel, they
16 like to stay away from it because that doesn't show
17 the confidence that they like to present. And all
18 of us who have groups that work for us and with us
19 who like to show a comfort zone, when we deal with
20 them as far as our relations, if we're going to be
21 micro-managing and all of that, it has a tendency
22 to -- you know, to show, and we recognize that.

23 So the administrators -- and we've
24 dealt with some smart administrators. Our police
25 chief in Johnson County, Overland Park, Kansas, is



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1 right on target. He's ready to answer any question
2 the community brings in. He's one step ahead of
3 whatever the problem might be. And this is sort of
4 like a preventive proposal. He can be very
5 proactive. And departments, again, who want to be
6 proactive and respond to their citizens, even
7 though their officers feel like they shouldn't do
8 it, they will go ahead and do it. It's not a
9 popular thing.

10 MS. NAVATO: Mr. Parker.

11 MR. PARKER: I appreciate both of
12 your presentations here this morning. You gave us,
13 Mr. Atkins, Warren, you gave us DWB, and then you
14 come down there after you talk about Major
15 Campbell, and you said -- I thought you said GWB,
16 and I wondered what that stood for.

17 MR. WARREN: Maybe I did, and I
18 shouldn't have. It's DWB.

19 MR. PARKER: Okay. I thought you
20 had another acronym there, and I wondered what it
21 was. Thank you.

22 MS. NAVATO: Thank you, Mr. Warren
23 and Mr. Whitcomb.

24 Are there a few questions from the
25 panel.



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1 Mr. Guitierrez.

2 MR. GUITTEREZ: Mr. Warren, I
3 really appreciate your historical involvement of
4 the techniques that law enforcement has used.
5 Following that thread, could you give me
6 information, if you have any, regarding the
7 validity of the testing that was done prior to the
8 DEA disseminating the report? Did that have any
9 implications as well as what was done with the
10 Operation Pipeline start taking off?

11 MR. WARREN: Not too much. Going
12 back further -- and I know that my own experience
13 showed me some things. Of course, we weren't
14 calling it DWB then, but the police have been
15 profiling, again. They start off, if you fit a
16 certain profile, you weren't allowed to come
17 through a certain part of town; or if you did, you
18 were stopped. Now, whether you were violating the
19 law or not, you were just stopped. And since being
20 a member of the Community Relations Service and
21 having a chance to work throughout the nation, we
22 would go into meetings, as we do now, and talk to
23 the police departments and speak this to them about
24 that the stops were legitimate. And I kind of
25 share that with you to let you know that it all



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1 depends on the community itself. It all depends on
2 the administration of whatever the agency is. If
3 the leadership says it's no, it's no. If the
4 leadership is luke warm, it does not pay attention
5 to what's going to happen. Generally, those won't
6 stay ahead of the curve. They've taken that action
7 and are prepared to deal with it.

8 MR. GUITTEREZ: Are you suggesting
9 that the local community is what's responsible for
10 allowing the technique to go around?

11 MR. WARREN: That's right. I
12 mean, their mayors and police chiefs, all of their
13 government answers to the local community.

14 MR. WHITCOMB: I might add about
15 the police department in the Kansas City area, the
16 police chief is active. There has been a perceived
17 negative feeling that this particular town is
18 historically thought of as being a -- that racial
19 profiling is going on. If you're going to do that,
20 the best way to do it is to assess it, get the data
21 and determine what is the trend. So I think even
22 though there's some variance in terms of what
23 administrators would like to do -- because it does
24 take work, it does take resources to garner that
25 kind of information. But they are being very



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1 proactive, and I don't think it's because of state
2 legislation, I think they feel like this is the
3 right thing to do.

4 MS. NAVATO: Mr. Jenkins, you have
5 a question?

6 MR. JENKINS: Yes, I have a couple
7 of questions. The Board of Police Commissioners of
8 St. Louis recent passed a policy concerning racial
9 profiling. Would you describe this policy and
10 whether or not that could be parlayed to the Kansas
11 City Police Department or some suburban areas?

12 MR. WHITCOMB: You go ahead.

13 MR. WARREN: Okay. The policy
14 says no racial profiling, period. For no racial
15 profiling, that means they have to have stats to
16 back up whatever the chief might say or whatever
17 the various commanders might say. So they're
18 saying, We don't want this, and we want you to
19 prove to us that you're not. It's that simple.
20 They alter the facts, the stats are obtained. And
21 I talked to Chief Henderson about this. He's
22 really into that. He felt even before the board
23 announced this policy that they were doing that.
24 But I mean, then again, this
25 assures the community that it's not tolerated. If



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1 it's not tolerated, that means I want you to record
2 it for me so I can do something about it if it's
3 happening. I mean, that's the general
4 understanding the community has, and that's the
5 comfort zone that they have, that anything they
6 report to the department that's in violation of
7 whatever the public rules are, that something will
8 be done.

9 And, of course, the police know
10 this. And during the course of that, I believe
11 they noted like on the back of license plates, if
12 you see me doing anything wrong call this number.
13 Well they're not saying that. But, I mean, that's
14 the feeling that one gets when a community offers
15 to its citizens, "Things we're not going to
16 tolerate, and if you see something that's going
17 wrong, you let us know." And I think the chief in
18 St. Louis, along with -- you know, particularly
19 Chief Henderson has developed and discussed and is
20 working with that policy.

21 MR. JENKINS: In reviewing that
22 policy with the Board of Police Commissioners, you
23 can see that being proactive in the metro area in
24 Kansas City?

25 MR. WARREN: Yes, sir. But, of



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1 course, Bill and I have been working very closely
2 with the Kansas City Police Department. In fact,
3 we have credibility with all of the departments.
4 That's a good signal for us, knowing that whatever
5 we say to them or share with them, they place some
6 value on it.

7 MR. JENKINS: Are they being
8 proactive?

9 MR. WARREN: Yes, I would say
10 that.

11 MR. WHITCOMB: Yes.

12 MR. WARREN: Bill has been working
13 on their training committee with them. You know,
14 the committee that works on the plans for training,
15 use of firearms, use of force. They know, and
16 they're very open. And when they're open and
17 sharing with us that way, that indicates they're
18 proactive.

19 MR. JENKINS: On the other side of
20 the coin, what advice do you have for the various
21 ethnic communities regarding this policy regarding
22 this being stopped while black -- driving while
23 black?

24 MR. WARREN: You have to let your
25 community leadership know what is going on. And



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1 there's nothing bigger than the book. But again,
2 the pressure -- and I don't want to use that term.
3 The assurance that your department heads have
4 knowing that you're observing, you're watching,
5 you're offering advice, you're offering help,
6 that's what they need. They need to hear this.
7 They need to continue to hear it. They need to
8 have public meetings. Most departments are now
9 developing an advisory board.

10 Again, this department that I
11 mentioned to you earlier in Johnson County, Kansas,
12 they have an advisory board for Hispanic. They
13 have an advisory board for blacks in the community.
14 And this is done simply so they can identify
15 whatever that particular ethnic group is
16 experiencing, and they can consider it a problem.
17 They want to work on it, they want to know about
18 it. And they also meet for the diversity of the
19 diverse population, the different ethnic groups, to
20 pass information along to their general society and
21 communities what the police department is doing so
22 they'll know that all they have to do is step
23 forward.

24 Now, this is not done everywhere,
25 but I can assure you that the other chiefs that are



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1 not doing it are watching, they're listening. If
2 there's something negative that comes back from
3 that, they'll know that. If it's something
4 positive that's coming back, they'll go back, too.
5 But you also have to remember that most police
6 heads and school heads are appointed as part of a
7 political process, and we have policies. You see,
8 they have to answer to them, and sometimes they're
9 not sure about taking steps that may be too little,
10 or too far to the left, or too far to the right,
11 whatever term you want to use, if it's going to be
12 accepted so they can properly function.

13 MR. JENKINS: One final question.
14 There have been statements from some of the police
15 administrators throughout the country that if we
16 have a racial profiling bill, it will take away
17 time from law enforcing and things that makes it
18 take up too much time. Being a former law
19 enforcement administrator, what is your retort on
20 that concerning that we don't have time to take all
21 the statistical data down for racial profiling?

22 MR. WARREN: I don't buy that. I
23 don't buy that, because it's so easy in our
24 computerized society to just punch a dot, and
25 you've got it. For every car stopped, punch a dot,



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1 you've got it, it goes into the records and it pops
2 up when you need them. It's such a simple thing to
3 do. And so this comes, though -- they say this
4 because they're looking -- the ranks -- really the
5 ranks control the leadership. I mean, that's a
6 fact. And certainly, I'm not saying in all cases,
7 but in most cases, that's the way it starts out,
8 until you develop a relationship with your troops,
9 or others. Let them know this is the best way to
10 do it, this is the right thing to do. You will
11 find better people will come and be a part of us,
12 and it's just such a very effective form of
13 participation once they understand what's best for
14 the agency.

15 MS. NAVATO: Mr. Parker.

16 MR. PARKER: You mentioned, I
17 think both of you, maybe, that profiling is nothing
18 new. It's been going on a long time. The one
19 thing I don't think you maybe related to was the
20 fact that most human beings are profiled every day.
21 I mean, I see a guy that's got tattoos on both
22 arms, and I profile that guy and think something
23 about him. Then if I see a hippy that's got his
24 hair down to his ankles and he looks dirty, I
25 profile him. If I talk to him, I may find out he's



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1 a wonderful fellow and he's not one of those
2 hippies. But what I'm saying is all of us are
3 profiling every day, I suppose, and that's why
4 we're coming to the problem. That doesn't mean we
5 shouldn't do what you all are talking about, but,
6 you know, we've got to solve the problem, and human
7 beings have to --

8 MR. WARREN: You have to be
9 careful on how you profile.

10 MR. PARKER: Yeah.

11 MR. WARREN: I mean, it's the same
12 thing if you're a young man looking for a wife or a
13 girlfriend. What is it that attracts you to that
14 person?

15 MR. PARKER: Right.

16 MR. WHITCOMB: One of the things
17 that a lot of groups are trying to determine, and I
18 think the community needs to be aware that there
19 are good or legitimate profiling activities going
20 on, which is a good administrative tool. Racial
21 profiling when we were trying to determine those
22 individuals most likely to commit crimes, you know
23 -- racially biased profiling, you know, that
24 determines what kind of individuals fit that
25 particular characteristic. I think the community



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1 needs to go meet with law enforcement. "What are
2 you doing? What kinds of things are you doing in
3 terms of responding to a particular segment of the
4 community?" The police-community relationship is
5 very important. It's very important to share that
6 information.

7 MS. NAVATO: I agree.

8 Dr. Robinson.

9 MR. ROBINSON: I have a question.
10 Mr. Whitcomb, you spoke of assessing racial
11 profiling and it seems that the traffic stop
12 statistics are the primary means of doing that. I
13 was wondering are you familiar with any other
14 methods or measures that are being used to assess
15 the issue of racial profiling?

16 MR. WHITCOMB: I think the only
17 way that you're going to do it is that the police
18 administrators begin to, when they're giving
19 orders, get that kind of information that we're
20 going to do this, plus, in addition to our other
21 responsibilities. It has to come from the top
22 down. If the chief puts it in the orders that
23 you're expected to report these kinds of incidents,
24 you'll find you're out in the field, their
25 activities are supervised. That's the only way I



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1 think you can gather that kind of data. And I
2 think that in order to determine trends or whether
3 or not this activity is present, you have to have
4 that kind of statistical foundation.

5 MR. WARREN: I'd like to add a
6 little bit to it. A supervisor knows his people.
7 He just knows his people. If somebody who's worked
8 for you for some time, you understand them, you
9 know them. You see them when they stop people, you
10 see them when the stop cars, and you know those you
11 have to watch and be very careful of. And so, you
12 know, supervision is the key. We can get all the
13 stats that we want. But on the street, when
14 they're doing the different things they have to do,
15 good supervision, that will stop it.

16 MR. ROGERS: I understand that a
17 lot of police forces now are going to sensitivity
18 training. It's been a part of their basics for the
19 new recruits. But in your interactions with the
20 departments, what's being done to sensitize them to
21 the fact that once they have profiled an
22 individual, as soon as they run a license plate or
23 as soon as they stop them, the activity that takes
24 place after they've been stopped -- because many
25 times that's when the problems start, when an



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1 officer may stop an individual. And after he's run
2 the plate, there may not even be a need to stop
3 them, but they're. Stopped anyway. Are they being
4 taught how to act in those situations and how not
5 to harass people?

6 MR. WARREN: Yes, they have. But
7 Bill, why don't you talk about that a little bit.

8 MR. WHITCOMB: What we call a
9 pretextual traffic stop, a pretext of stopping an
10 individual because they committed a traffic
11 violation. And of course, the person who is
12 driving does not know the intent of that officer.
13 And the training, yes, that's good. But we're
14 talking about dealing with the values and
15 attitudes, and I think all the training in the
16 world is not going to help that officer who has
17 some perceptions that, you know, he has an
18 opportunity to exercise his control and the people
19 that he serves. Training is not entirely the
20 answer. I think supervision is probably -- you
21 know, have a closer impact on that officer in terms
22 of how he behaves while out in the field. And I've
23 seen officers go through training, and their basic
24 attitudes and values remain the same. So it
25 doesn't help that much.



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1 MR. ROGERS: So there is no
2 psychological profile.

3 MS. NAVATO: Thank you.
4 Mr. Jenkins?

5 MR. JENKINS: Are there any
6 statistics available to achieve the concerns that I
7 suppose the community readily wanted to interdict
8 drugs that in any way sets up interdiction of DWB
9 that still is compatible with interdicting of
10 drugs? That's kind of an involved question, but I
11 think you get the drift.

12 MR. WARREN: Yes, it is. But it's
13 still an effective tool. However, the proper
14 approach is now stressed, not the indiscriminate
15 approach. And they feel that because so many of
16 the stops were indiscriminate stops, just because
17 the person was black or brown or whatever. And so
18 that, you know, that's not the case. Well, they're
19 trying to make sure that's not the case anymore.

20 And the superintendent of the
21 Highway Patrol in New Jersey lost his job because
22 of that. And so when you let your supervisors know
23 that you're not going to tolerate this, then it has
24 the effect of going down. I mean, of slacking of
25 or stopping the process, not completely. But if



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1 you hold supervisors responsible, the supervisor is
2 the key person. You say we're not going to
3 tolerate it. It's still happening. And I
4 mentioned earlier, the supervisors know their
5 people, they're not strangers. You know who has
6 the tendency to do what. If you don't know that,
7 you're not a supervisor.

8 MR. SCROGGINS: Not really a
9 question, but a comment. I have a lot of
10 experience in the school system and in our public
11 schools. Just this past week, we had a couple of
12 students that did a survey. And what happens in
13 high school, you have passing periods, and then
14 kids are supposed to be in class at a certain time,
15 and then you always have a section of students that
16 are kind of always in the halls. They should not
17 be there, they should be in class somewhere.

18 But the newspaper staff took ten
19 students, five black, three white, one Hispanic,
20 and one Asian. And they sent them in the hall just
21 to go a certain route. And in our high school
22 setting we have, like, hall monitors. There are
23 teachers that stand there, and students in the hall
24 that just they should question them as to "Why are
25 you here?", kind of some sort of people in



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1 authority stopping people and asking "Why are you
2 here?" and that kind of thing. I think that kind
3 of correlates to this.

4 But I think there was something
5 very interesting in the facts they uncovered
6 there. They took these ten students. They sent
7 them on the exact same route, same circumstance, no
8 pass in hand, all dressed decently, very, very
9 predictable results. All the minority kids, the
10 Hispanic and the Asian, they were stopped half the
11 time. All the black kids -- and there were three
12 of them -- they got stopped All the time at every
13 instance by every teacher. All the white kids, no
14 one ever got stopped or questioned or asked why
15 were you there. So I say that to say we talk about
16 law enforcement, and I think we have a problem --
17 this goes a whole lot deeper than just law
18 enforcement. We have a mindset in this country
19 that, you know, if you're the wrong color -- and
20 we're talking about being black on highways or
21 brown on highways, whatever the case may be --
22 you're in peril. Yes, you are. But there is a
23 broader sense in our society. People of color, for
24 whatever reason, they're in peril just because --
25 and we need to try to come to the crux of this. I



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1 know we're working at this level, but I wanted to
2 let you know that it's a whole lot more. And I
3 trust we're making good inroads here with law
4 enforcement, but we've got a lot more to do in
5 society to make everything better across the board
6 for this.

7 MS. NAVATO: Thank you very much.
8 Next presenter we have -- thank you, Mr. Whitcomb
9 and Mr. Warren.

10 MR. RUST: While he's coming up,
11 that's terrible leadership in your schools. In our
12 schools everyone outside of their classrooms
13 improperly would have been asked.

14 MR. NAVATO: I'd like to introduce
15 Mr. James D. Kiely (pronouncing).

16 MR. KIELY: Kiely (pronouncing).

17 MS. NAVATO: Kiely (pronouncing).
18 Thank you. Supervisor for the United States
19 Department of Justice for the FBI, Kansas City,
20 Missouri.

21 For the record, please state your
22 name, address and occupation.

23 MR. KIELY: James D. Kiely,
24 K-i-e-l-y. I'm the supervisory special agent with
25 the Federal Bureau of Investigation, 1300 Summit,



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1 Kansas City, Missouri.

2 MS. NAVATO: Mr. Kiely will review
3 the uniform crime reporting program available for
4 Kansas and Missouri. He will focus on hate crimes
5 and criminal violence incidents, and describe the
6 emerging trends for the report years 1997 through
7 1999.

8 MR. KIELY: I have a lot of
9 information to share with you this morning, and
10 particularly some specific data. So in terms of
11 the uniform crime report and the hate crimes
12 statistics after 1990, '94, '96, it would be easier
13 to read this information to you, and then I'll
14 discuss emerging trends for '97 through '99 for the
15 FBI Kansas City Division identified with regard to
16 hate crimes.

17 It's a summary of the Uniform
18 Crime Reporting Program. The Uniform Crime
19 Reporting Program is a nationwide statistical
20 effort of approximately 17,000 city, county and
21 state law enforcement agencies voluntarily
22 reporting data on crimes brought to their
23 attention, the most current available statistics
24 for this report of 1998.

25 During 1998, these law enforcement



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1 agencies active in the Uniform Crime Reporting
2 Program represented over 259 million United States
3 inhabitants, or 96 percent of the total population
4 as established by the Bureau of the Census.

5 An analysis of the community types
6 indicate that these agencies represented 97 percent
7 of the population in the metropolitan statistical
8 areas, ninety percent in cities outside the
9 metropolitan areas, and 89 percent in rural
10 counties. So it's fairly representative of a
11 cross-section of the country.

12 Since 1930, the FBI has
13 administered the program and issued periodic
14 assessments in nature for the types of crime in the
15 nation. While the program's primary objective is
16 to generate a reliable set of criminal statistics
17 for use in law enforcement administration operation
18 and management, instead it has, over the years,
19 become one of the country's leading social
20 indicators.

21 The American public looks at the
22 Uniform Crime Reports for information and
23 fluctuations in the level of crimes.
24 Criminologists, sociologists, legislators,
25 municipal planners, the media, and other students



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1 of criminal justice use the statistics for research
2 and planning purposes.

3 The FBI's Uniform Reporting
4 Program collects information on the following
5 crimes reported to law enforcement authorities:
6 Homicide, forcible rape, robbery, aggravated
7 assault, burglary, larceny, theft, motor vehicle
8 theft and arson. Arrests are also reported in 21
9 additional crime categories. Uniform criminal
10 reporting data is compiled from monthly law
11 enforcement reports or individual crime incident
12 reports transmitted directly to the FBI or to the
13 centralized state agencies that then report to the
14 FBI.

15 Each report submitted to the UCR
16 program is examined thoroughly for reasonableness,
17 accuracy and deviations that may indicate errors.
18 Large variations in crime levels may indicate
19 modified records, procedures, incomplete reporting,
20 or changes in a jurisdiction's boundaries. To
21 identify any unusual fluctuations in an agency's
22 crime counts, monthly reports are compared with
23 previous submissions of the agency and with those
24 for similar agencies.

25 The UCR program provides crime



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1 counts for the nation as a whole, as well as
2 regions, states, counties, cities and towns. This
3 permits studies among neighboring jurisdictions and
4 among those with similar populations and other
5 common characteristics.

6 UCR findings for each calendar
7 year published in a preliminary release in the
8 spring of the following calendar year have been
9 succeeded by a detailed annual report issued later
10 that fall. Following a five-year redesign effort,
11 the UCR program is gradually converting to a more
12 comprehensive and detailed national incident based
13 reporting systems, NIBRS. The NIBRS can provide
14 detailed information about each criminal incident
15 in 22 broad categories of offenses. The State of
16 Kansas is currently testing NIBRS, but Missouri is
17 not participating.

18 The State of Kansas has a state
19 program agency which coordinates and provides data
20 for the Uniform Crime Report. But complete data
21 was not available from that agency from '93 through
22 '98. The crime statistics were estimated for those
23 years.

24 Kansas -- excuse me. The City of
25 Wichita, Kansas, recently received a grant to serve



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1 as a federal pilot agency in the NIBRS project.

2 This project should demonstrate to law enforcement
3 the feasibility and benefits of a reporting NIBRS
4 data. At the end of each Uniform Crime Report
5 Program quarter, summary information is collected
6 on hate crimes, i.e. specific offenses that were
7 motivated by offender's bias against the race,
8 religion, ethnic origin, sexual orientation, or
9 physical or mental disability of the victim. Hate
10 crime data from those agencies participating in the
11 NIBRS are submitted monthly.

12 With regard to the Hate Crimes
13 Statistics Act of 1990, which segments off of the
14 Uniform Crime Reporting, in terms of an
15 introduction, in response to the passage of the
16 Hate Crimes Statistics Act of 1990, the Attorney
17 General designated the FBI Uniform Crime Reporting
18 Program to develop and implement a data collection
19 system for its voluntary law enforcement agency
20 participants, again numbering 17,000, with the
21 cooperation and assistance of several local and
22 state law enforcement agencies already experienced
23 in the investigation of hate crimes and the
24 collection of related information, comprehensive
25 guidelines for the compilation of hate crime data



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1 was established.

2 The Hate Crimes Statistics Act was
3 amended by the Violent Crime Law Enforcement Act of
4 1994 to include those crimes motivated by a bias
5 against persons with disabilities. In order to
6 comply with this amendment, the FBI began
7 collecting data on disability bias motivated crimes
8 on January 1, 1997. Also, the Church Arson
9 Prevention Act signed into law in July, 1996,
10 amended the Hate Crimes Statistics Act by
11 permanently extending the data collection mandate.

12 Removal of the sunset clause from
13 the original statute reinforces the FBI's
14 commitment to making hate crime data collection a
15 permanent part of the Uniform Crime Reporting
16 Program.

17 The collection design. The data
18 collection effort was designed to capture
19 information about the type of bias serving as the
20 motivating factor, the nature of the offense, and
21 the characteristics of the victims and the
22 offenders. When developing a reporting program,
23 planners considered many factors. They recognized
24 that hate crimes are not separate, distinct crimes,
25 but rather traditional offenses motivated by the



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1 offender's bias. An offender may commit an assault
2 because of his or her bias to the victim's race,
3 religion, sexual orientation, ethnicity, national
4 origin and disability. It was therefore not
5 necessary to create new crime statistics
6 categories.

7 To the contrary, hate crime data
8 to be obtained by collecting additional information
9 about crimes currently being reported to the
10 Uniform Crime Reporting Program. The bias
11 motivations reported would be those specifically
12 addressed by the Hate Crimes Statistic Act; i.e.
13 prejudice against race, religion, sexual
14 orientation, ethnicity, or disability.

15 Because of the difficulty in
16 determining an offender's subjective motivation in
17 the commission of a crime, bias would be reported
18 only after law enforcement investigation revealed
19 sufficient evidence that the offender's actions
20 were motivated in whole or in part by the bias.

21 With regard to training, since
22 the development of the Hate Crime Data Collection
23 Program, UCR staff provided training to law
24 enforcement personnel in fifty states, the District
25 of Columbia, and U.S. territories. Personnel from



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1 state level crime reporting programs also conduct
2 training in their respective states. Periodic
3 training sessions continue to focus on the standard
4 methodology used to investigate, recognize and
5 report hate crimes.

6 Participation. In 1998, a total
7 of 10,730 law enforcement agencies in 46 states and
8 the District of Columbia participated in the Hate
9 Crime Data Collection Program. Summary and
10 incident-based data are sent to the FBI either
11 through state level UCR programs or directly from
12 individual agencies in states without programs. It
13 is important to note that the agencies
14 participating in the Hate Crime Data Collection
15 Program in 1998 represent over 216 million United
16 States inhabitants, or 80 percent of the
17 population. While not all agencies are
18 participating in the hate crime program, reports
19 from those that are offer perspectives on the
20 general nature of hate crime occurrence.

21 Collection of hate crime
22 statistics at the national level will induce
23 awareness and understanding of bias-motivated
24 crimes. This effort will enable law enforcement
25 agencies to better qualify their needs and allocate



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1 resources to the areas in which their most
2 essential law enforcement agencies have
3 historically demonstrated progressive and
4 professional competence in approaching criminal
5 progress. Their response to the hate crime
6 legislation is no exception, and participating law
7 enforcement agencies should be commended for their
8 efforts in pressing this issue.

9 In the summary and analysis of the
10 1998 hate crimes statistics, during 1998, a total
11 of 7,755 bias-motivated criminal incidents were
12 reported to the FBI. Obviously, this is nationally
13 by the 10,730 law enforcement agencies in 46 states
14 and the District of Columbia. Of the 7,755
15 incidents, 4,321, or 56 percent, were motivated by
16 racial bias; 1,390, or 18 percent by racial bias;
17 1,260, or 16 percent, by sexual orientation bias;
18 and 754, or ten percent, by ethnicity or national
19 origin. There were also 25 incidents of disability
20 bias.

21 With regard to the offenses,
22 crimes against persons composed 68 percent of the
23 9,300 -- let me try that again, of the 9,235
24 offenses reported. Of all offenses measured,
25 intimidation was the most frequently reported hate



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1 crime, accounting for 38 percent of the total.
2 Destruction, damage or vandalism of property
3 accounted for 28 percent of all offenses, and
4 simple assault and aggravated assault accounted for
5 eighteen and twelve percent respectively.

6 Thirteen persons were murdered in
7 1998 in hate-motivated incidents. Racial bias
8 motivated eight murders, sexual orientation, four,
9 ethnicity, one.

10 While examining offenses
11 associated with racially-motivated incidents, 2,084
12 of the 3,573 anti-black offenses involved white
13 offenders, while 567 of the 989 anti-white offenses
14 involved black offenders.

15 For the benefit of the commission,
16 I've included with this written statement tables
17 which support this data.

18 Concerning victims in hate crime
19 statistics, eight of every ten of the 9,722
20 reported hate crime victims were individuals. The
21 remaining were businesses, religious organizations,
22 or various other targets.

23 Offenders. National law
24 enforcement agencies reported 7,489 known offenders
25 to be associated with the 7,755 incidents reported



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1 in 1998. The known offenders, 66 percent were
2 white, seventeen percent were black.

3 Unlike victims who were witnesses
4 in crimes against property, those who witness or
5 are victims of crimes against persons are
6 frequently able to assist law enforcement in the
7 identification of their offenders. Offenders were
8 unknown for 3,686 or 48 percent of the incidents.
9 35 percent of the 7,489 known offenders in 1998
10 were reported in connection with offense of
11 intimidation.

12 Known offenders involved in
13 religious bias crimes are difficult to identify
14 because most of the crimes are committed against
15 property. Clearance rates are historically low for
16 those types were crimes. Law enforcement
17 identified only 536 offenders in connection with
18 1,390 religious bias incidents in 1998.

19 With regards to locations, in
20 1998, the majority of the reported hate crime
21 incidents, 31 percent occurred in or on residential
22 properties. Incidents perpetrated on highways,
23 roads, alleys, streets, accounted for 20 percent.
24 Nine percent occurred at schools or colleges.

25 Okay. With regard to the issue of



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1 hate crime, it's a very serious matter, or
2 obviously we wouldn't be here today. On the
3 practical level, the FBI has always taken a very
4 aggressive stand with regard to civil rights
5 violations. And with this new era of hate crimes,
6 we're aggressively pursuing those types of
7 violations.

8 To share with you our successes
9 here in the Kansas City Division of the FBI, we're
10 responsible for covering the entire State of Kansas
11 and the Western District of Missouri, which is
12 equivalent to the western half of Missouri.

13 To summarize this data for you on
14 that, for the investigative years '97 through '99,
15 the Kansas City division received an average of 52
16 hate crime complaints annually between '97 and
17 '99. Breakdown percentages: 61 percent race, 25
18 percent religion, six percent ethnicity, two
19 percent disability, six percent sexual
20 orientation. I will note that at this point in
21 time, with regard to the FBI and federal hate crime
22 investigations, there is no federal statute in
23 effect for sexual orientation. I'm giving you
24 statistics about complaints we received. And
25 certainly, we accept them, and if it's appropriate



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1 we pass it on to local law enforcement, whether in
2 the State of Kansas or Missouri, if they're in a
3 position to pursue such a matter.

4 The Kansas City division of the
5 FBI has initiated an annual average of twenty hate
6 crime investigations between 1997 and 1999, twenty
7 annually. Breakdown of those percentages: 61
8 percent based on race, 39 percent based on
9 religion. We don't have any of the other
10 categories.

11 Again, for clarification purposes,
12 we obviously receive a higher number of complaints.
13 The average was 52. But after reviewing those
14 complaints, discussing the situation with the
15 United States attorney's office, we don't
16 investigate any matters, whether it's civil rights
17 related, white collar crime, whatever, plus the
18 United States attorney's office indicates that they
19 will authorize prosecution. So we start out with
20 an average 52 complaints per year during that
21 period, hate crime related, and it funnels down to
22 an average of 20 actual investigations where the
23 information reflects that there, in fact, is a
24 problem that warrants federal investigation and
25 the United States attorneys office has indicated



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1 they're willing to prosecute if we can prove it.

2 During the last three-year period,
3 the Kansas City Division of the FBI has averaged
4 eleven convictions for hate crime related cases,
5 in pursuing these matters. And I'd like to take
6 the time to commend our office for that effort.
7 That is the second highest average in the United
8 States, only surpassed by the FBI Miami Division.

9 That's all I have.

10 MR. NAVATO: Dr. Thompson.

11 DR. THOMPSON: I have a couple of
12 questions. The first is: How do you report a hate
13 crime?

14 MR. KIELY: Telephonically. Pick
15 up the phone, call our office, ask to speak to the
16 civil rights squad, and walk into our office, the
17 reception area, and an agent will come down and
18 interview you.

19 DR. THOMPSON: And who makes the
20 determination that the incident that they're
21 evaluating is racially motivated?

22 MR. KIELY: Well, for us to
23 investigate a hate crime, it's got to be racial,
24 religious, ethnicity or --

25 DR. THOMPSON: Who makes that



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1 determination?

2 MR. KIELY: Well, it's usually
3 quite obvious in terms of the complaint.

4 DR. THOMPSON: Who makes the
5 determination? Who makes the decision that this is
6 a hate crime, this is racially motivated, or is it
7 sexual orientation motivated?

8 MR. KIELY: I don't know.

9 DR. THOMPSON: Well, somebody
10 officially has to say this is a hate-motivated
11 crime.

12 MR. KIELY: For an investigation
13 to be initiated?

14 DR. THOMPSON: Yes.

15 MR. KIELY: The facts are reviewed
16 and they're compared with the statute to determine
17 whether it qualifies as a violation under the
18 Constitution of the United States attorney's
19 office. And they say whether they feel it's a
20 criminal violation or not.

21 DR. THOMPSON: Your office reviews
22 those facts?

23 MR. KIELY: Well, it comes to us
24 initially, before it comes to the U. S. Attorney's
25 office.



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1 We also just had a presentation by
2 a gentleman from the Department of Justice
3 Community Relations Service. And when we have an
4 average of 52 hate crimes, and then we initiate an
5 average of 20 investigations during our last three
6 year period, some of the investigations or some of
7 the complaints that are received that don't rise to
8 the level of the federal criminal offense for a
9 hate crime, we try and work closely with the
10 Community Relations Service, Department of Justice
11 to refer those matters to them that don't rise to a
12 criminal level. Because certainly there are issues
13 that warrant additional attention regarding bias in
14 the community. And so we try to work closely with
15 them. It's not unusual for us to share information
16 and work back and forth in an effective manner.

17 MS. NAVATO: Mr. Nulton.

18 MR. NULTON: A practical
19 application of what you've been saying as far as
20 meeting the criteria, the Columbine High School
21 shooting, would that be a hate crime report?

22 MR. KIELY: You have to have a
23 personal bias against persons or property, and then
24 it's based on race, religion, ethnicity or
25 disability, so the answer would be no.



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1 MS. NAVATO: Dr. Thompson again.

2 DR. THOMPSON: Well, let's not go
3 as far as Columbine. The shooting at Park Hill
4 High School two years ago out by the airport, north
5 of the river, was that a hate crime, religiously
6 motivated?

7 MR. KIELY: I'm not familiar with
8 that situation.

9 MS. NAVATO: Mr. Rogers.

10 MR. ROGERS: Yes. Excuse me.
11 When a determination is made that a hate crime has
12 occurred and it's investigated and it's prosecuted,
13 is it prosecuted as a hate crime, or is it
14 prosecuted under another criminal code?

15 MR. KIELY: There are -- as an
16 example, a cross burning case would be a hate crime
17 and would be a violation of discrimination in
18 housing. That's the federal statute that it falls
19 under. Another thing that we try and do is if we
20 don't have a particular federal statute that's the
21 most applicable to a particular hate crime
22 situation, we also -- some of our convictions are
23 as a result of legal prosecution. So someone may
24 be convicted of a hate crime, but they're actually
25 charged with assault at a local level.



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1 MR. RUST: The Department of
2 Justice funded the International Association of
3 Chiefs of Police to provide a video to local police
4 departments on hate crimes definitions, and also
5 pamphlets and some material to carry in your
6 pocket. Are you familiar with that information?

7 MR. KIELY: I've not seen that
8 personally. We're in the process right now of
9 working with the Community Relations Service for
10 the Western District of Missouri to put together a
11 program called Train the Trainer, to train law
12 enforcement officers on hate crimes. It's
13 something that we're doing.

14 MR. RUST: I might suggest you
15 review it. It's actually very good material.

16 MS. NAVATO: One of the questions
17 I had was you had mentioned that the NIBRS in
18 Missouri was not participating.

19 MR. KIELY: Yes.

20 MS. NAVATO: Was there a reason
21 for that, or was there any investigation as to why
22 that was?

23 MR. KIELY: Well, it wouldn't be
24 something investigative, it's a decision that the
25 State of Missouri has made. Federal authorities



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1 have no bearing on what the State of Missouri
2 decides. That's a State of Missouri decision. The
3 participation is voluntary.

4 MS. NAVATO: Participation as to
5 in what regard?

6 MR. KIELY: Providing a staff.
7 When you look through the tables that I've attached
8 for you, you'll see that not every state is
9 participating in this. Forty-six of the fifty.

10 MS. NAVATO: I'd like to follow up
11 on that. Where is the sheet that you had
12 mentioned? I don't think I have it.

13 MR. RUST: Let me follow up, then,
14 if I may.

15 MR. KIELY: Sure.

16 MR. RUST: I assume a local police
17 department could make the decision, the state could
18 make the decision?

19 MR. KIELY: Right.

20 MR. RUST: Who elected not to --
21 in other words, Kansas did, Missouri did not. Is
22 that an administrative decision of the state
23 government?

24 MR. KIELY: That's my
25 understanding.



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1 MR. RUST: Which would be what
2 department?

3 MR. KIELY: Well, the State.
4 Someone on the state level has decided not to
5 participate. I've got a chart here that I've
6 enclosed for you which reflects the participants
7 and the nonparticipants. But again, I --

8 MR. RUST: I was just inquiring.

9 MR. KIELY: I'm a federal
10 employee, not a state employee, so I have no input
11 on that.

12 MS. NAVATO: I understand. In the
13 St. Louis Post-Dispatch about two or three weeks
14 ago the FBI had released that Missouri had the
15 highest number of hate groups as compared to the
16 other states on the national level. Do you have
17 any comments on that and how it's progressed as far
18 as the years?

19 MR. KIELY: That article in that
20 reference was referred to the FBI Project Megiddo
21 on domestic terrorists groups. There are a higher
22 percentage -- there are actually fourteen different
23 Christian identity groups in western Missouri,
24 which is the highest concentration of any area of
25 the United States. And that's actually what they



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1 were referring to.

2 MR. ROBINSON: How many was that?

3 MR. KIELY: Fourteen.

4 MR. RUST: Seventeen reported
5 elsewhere. We have data showing seventeen.

6 I want to follow up. I've got a
7 report here from the Federal Bureau of
8 Investigation. It was sent out to the members of
9 the Committee. And it reports incidents and hate
10 crimes -- and by the way, you described racial, et
11 cetera. And of 97 reports in Missouri, it listed
12 in 1998, I see here, Greater Kansas City was 39,
13 and -- excuse me. Greater St. Louis 39, greater
14 Kansas City 23, Springfield thirteen, and Poplar
15 Bluff seventeen. That's basically ninety percent
16 of all the incidents.

17 That doesn't seem to be a high
18 number of total incidents to me. Now, you listed a
19 lot of other things, but I'm wondering, you said
20 that the data, and I'm back to your other report.
21 The FBI provided this report to us.

22 MR. KIELY: The FBI is the
23 depository for all the information provided by the
24 local police departments. So when it says
25 Springfield, Missouri, it's the Springfield,



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1 Missouri, Police Department providing information
2 to the FBI, based on the incidents they identified
3 and, again, decided, as a result of their
4 investigation, rose to the level of a hate crime.
5 That's what we're working with.

6 MS. NAVATO: Dr. Thompson.

7 DR. THOMPSON: I'd like to go back
8 to the question that was asked earlier. Do you
9 have a reasonable thought as to why Missouri has
10 such a concentration of these hate groups?

11 MR. KIELY: These people
12 have -- well, again, the article was referring to
13 these Christian movement groups. In general terms,
14 they're people that have Aryan beliefs and they
15 have some religious bias. They believe in a total
16 white race, and they don't recognize anyone else.

17 DR. THOMPSON: Let me rephrase the
18 question, and maybe we can get to it a little
19 faster. Do you have an idea as to why Missouri
20 rather than Idaho or Montana?

21 MR. KIELY: Well, again, I have no
22 idea why these people decided to settle here, and
23 they have. And that's what the article is
24 referring to.

25 DR. THOMPSON: Thank you.



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1 MR. KIELY: You're welcome.

2 MR. GUITTEREZ: Just one brief
3 question. We have a crime that's been perpetrated,
4 and is the assessment made as to whether or not it
5 is a hate crime by it meeting criteria, or is it an
6 evaluation of the opinion?

7 MR. KIELY: Well, there's the
8 basic definition of a hate crime, FBI definition.
9 But it goes much further than that. I mean, do we
10 have a violation of a federal civil rights
11 statute? If we do, then it warrants a federal
12 investigation.

13 MS. NAVATO: We'll take one more.

14 MR. KIELY: It's also a comparison
15 to the federal statute and requesting an
16 interpretation of those facts and the statute by
17 the United States attorney's office.

18 MS. NAVATO: One more question.

19 MR. GUITTEREZ: Do you go into
20 motivation by interviewing the offender to get to
21 motivation?

22 MR. KIELY: Absolutely. And part
23 of the hate crime is also certainly whatever the
24 particulars are in the situation, how were they
25 interpreted by the victim? I mean, was it



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1 threatening to them? That's critical in this whole
2 process, if it's threatening to them, then it goes
3 a long way.

4 MS. NAVATO: Mr. Scroggins.

5 MR. SCROGGINS: Yeah. Part of my
6 question, I think, as it relates to this
7 gentleman's question here about the initial
8 victimization of a person, he or she, of a hate
9 crime. If it is deemed or doesn't meet the
10 criteria for hate crime as defined by the FBI, can
11 a person file in the criminal court a criminal
12 action if it is -- if it has been deemed not a hate
13 crime as such?

14 MR. KIELY: Well, again, I
15 mentioned the option of trying to remedy the
16 situation through the Department of Justice
17 Community Relations Service, if it doesn't rise to
18 a federal civil rights situation. There's an
19 option in the State of Missouri for hate crimes.
20 They are not -- there are obviously hate crime
21 statutes in Kansas that creates a little bit of a
22 problem.

23 MR. SCROGGINS: Say like in Ryder,
24 Texas, a person is denied occupancy of public
25 accommodations, I mean a public housing, like a



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1 fellow did, and was shot by Texans. Is that a hate
2 crime? It is that, by definition -- I'm sure it
3 probably was. I'm saying there could be. It
4 wouldn't be an incident -- it could be deemed not
5 an occurrence, but could a person file a complaint?

6 MR. KIELY: Not federally.

7 MR. SCROGGINS: Not federally.

8 He'd have to file under the state, then?

9 MR. KIELY: It's either a federal
10 criminal violation or it's not. And if it's not,
11 and the U.S. Attorney's office has not authorized
12 prosecution, we're not going to investigate it for
13 a violation of this.

14 MS. NAVATO: Thank you very much,
15 Mr. Kiely.

16 MR. KIELY: You're welcome.

17 Mr. Mark Goodloe, who's not here.
18 Mr. Delatorre will provide the letter that he had
19 written for the Committee.

20 MR. DELATORRE: This is a letter
21 that was addressed to Melvin Jenkins that comes
22 from the office of Donald Brownlee and explains why
23 they're not here today. It says, "Dear Director
24 Jenkins. Thank you for the invitation to the
25 bi-state meeting of the Kansas and Missouri



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1 Advisory Committees to the U.S. Commission on Civil
2 Rights set for April 27th in Kansas City. I regret
3 that a representative of the Kansas Highway Patrol
4 will not be able to attend.

5 "We are in the final days of our
6 state legislative session in Kansas. Governor
7 Graves has made a recommendation to add fifteen
8 troopers to our agency, and the legislature must
9 act on this proposal. Obtaining these badly needed
10 positions is of utmost importance to the Patrol and
11 ultimately the citizens of Kansas. Making the
12 Governor's recommendation become reality will
13 require our full time and attention for the
14 remainder of the legislative session.

15 "I am sorry that we cannot attend
16 the meeting. I apologize for any inconvenience
17 this may cause.

18 "Sincerely."

19 We also have a little bit of a
20 description of Mr. -- of Captain Mark Goodloe, and
21 I'll read this just for the record as well, because
22 it does contain a little bit of helpful information
23 or pertinent information. It says, "Captain
24 Goodloe is the commander of field operations for
25 the Kansas Highway Patrol. He will provide



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1 information on racial profiling." -- he would have
2 if he'd come, I guess -- "Hate crimes at the state
3 level are investigated and reported by the KBI.
4 The Patrol has been accused of racial profiling in
5 newspaper accounts. They deny that they do that.
6 The Patrol prohibits troopers from making stops
7 based on race, sex or age. Mr. Goodloe has gone on
8 record for the Patrol supporting racial profiling
9 legislation, but the Patrol wants adequate funding
10 to cover the additional expenses for reporting of
11 data."

12 MS. NAVATO: Thank you.

13 The next presenter is Corporal
14 David Cash. Is he present?

15 (No response.)

16 MS. NAVATO: We will continue on
17 with John M. Douglass, Chief of Police of Overland
18 Park, Kansas. And for the record, just state your
19 name, address and occupation.

20 MR. CASH: Yes. I'm John M.
21 Douglass. I'm the Chief of Police of Overland
22 Park, Kansas, Police Department and have been for
23 the last four and a half years. I'm a 27-year
24 veteran of the police department.

25 MS. NAVATO: Just a little bit



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1 about Mr. Douglass. He has been the Chief of
2 Police for Overland Park, Kansas, since March 1st,
3 1996. He began his law enforcement career 27 years
4 ago with Overland Park, Police Department holding
5 various positions in every division in the
6 department. He's received a Master's in public
7 administration from Kansas University. And Chief
8 Douglass's department has begun studying the issue
9 of racial profiling in the city, and he will share
10 that experience with the Committee, as well as
11 information on hate crimes.

12 MR. DOUGLASS: Madam Chair, I've
13 been asked to talk about both the investigation of
14 hate crimes and racial profiling. My predecessors
15 to the podium have already discussed to some extent
16 the investigation of hate crimes, and I'd be glad
17 to answer any questions you might have as it
18 pertains to the City of Overland Park. But I would
19 also like to spend, since we have a brief amount of
20 time, opening up dialogue concerning what has
21 become known as profiling of car stops, and maybe
22 give you one person's opinion on the law
23 enforcement viewpoint as to how this should be
24 taken with respect to this issue.

25 I think that the information



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1 concerning racial profiling has certainly been
2 debated on a national level with considerable
3 energy for the last year and a half. I actually
4 learned first about the issue and some of the
5 issues as a member of the legislative committee for
6 the International Association of Chiefs of Police.
7 As a committee member a year and a half ago, debate
8 began in the law enforcement community as to what
9 the response should be, whether it should be a
10 vigorous denial that this occurs or whether it
11 should be an introspective look to see exactly what
12 is occurring and take remedies to make sure it does
13 not occur.

14 I have to tell you quite frankly
15 there is a difference of opinion in the law
16 enforcement community. I personally believe that
17 we are wasting a lot of valuable time and a lot of
18 valuable energy trying to debate the exact scope of
19 the issue, and we should come to grips with the
20 fact that to some extent for a variety of reasons
21 that there are car stops which are made which
22 should be made differently. I think that no part
23 of our law enforcement community is exempt from
24 that.

25 Having said that, there are a lot



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1 of different reasons why car stops of this nature
2 have occurred. It is not always because of overt
3 bigotry, it is not always because of hatred, and in
4 fact, in my opinion, the vast majority of the time
5 it is actually made out of a lack of understanding,
6 a belief in myths and miscommunications,
7 misunderstandings which have existed for a long
8 period of time in our social conscious. It is a
9 matter of repeating some mistakes of the past.

10 All that aside, I think it is
11 absolutely incumbent upon each of those in my
12 profession, as a law enforcement objective, to make
13 an internal decision as to what is occurring in
14 their particular department and to try to take
15 measures to see that whatever is occurring is done
16 appropriately and properly and involve the right
17 approaches.

18 To that end I asked for and
19 assembled an advisory group last September. That
20 advisory group contains members of the
21 national -- the NAACP, local chapter of Olathe and
22 northeast Johnson County, Mr. Henry Guery, III --
23 whom you may or may not hear from later on, I'm not
24 sure -- Mr. Oscar Johnson, who's the president of
25 the northeast chapter; Dr. Charles Linmore, who is



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1 a member of NOBLE, which is the black police
2 officers professional association. He's also a
3 professor at Washburn University, former highway
4 patrolman in Kansas, and federal officer;
5 Mr. Atkins Warren from our local civil rights
6 justice department branch, and members from the
7 Jewish Community Center. In addition, we have a
8 second advisory group dealing with Hispanic issues,
9 which is now started after the first of the year.
10 It's gone for a month and a half. With this
11 advisory group in the last six months, we've
12 started to explore this particular problem and all
13 its nuances.

14 When asked am I in favor of
15 legislation which requires police departments to
16 provide this information, I guess I have very
17 little stance on that, because irrespective of
18 whether there is legislation or whether there is
19 not, I think we're all incumbent -- it is incumbent
20 upon all of us as police executives to make a valid
21 inquiry into our own practices, irrespective of any
22 legislation that takes place.

23 I will say there is quite a bit of
24 debate over what's going on in legislation. And if
25 and that legislation were enacted, there would be



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1 questions asked concerning those particular
2 interactions. I can tell you from my examination
3 that interactions are much more complicated than
4 the cursory look that is asked for in the
5 legislation. Don't get me wrong, I'm not saying
6 that the legislation is a bad idea, and I realize
7 that where we're at is often times a compromise.
8 But it needs to go much further and much deeper
9 than just the basic question, and that is, on the
10 surface, are the number of stops or interactions
11 between the police inappropriate for the number of
12 residents of color or ethnicity within the
13 community? It is much more complicated than that.

14 And when we go into this, we have
15 to go into it from a technology and professional
16 viewpoint to ensure that is it is professionally
17 handled and completely understood. Let me give you
18 an example.

19 The preliminary figures that we
20 have looked at in Overland Park, for example, show
21 that of the total number of contacts in 1999, our
22 police department have -- that we have recorded
23 between police officers and minority citizens, that
24 the total number was ten percent. The question
25 then comes about how does that stack up? Is that



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1 appropriate? Is it inappropriate? Is it too much?
2 Is it enough? The question has to be asked, and it
3 is a multi-faceted question. And from a police
4 professional standpoint, cannot be easily answered
5 by simply taking that data.

6 For example, for the population of
7 Johnson County in terms of minorities, the census
8 is 1990, recorded us at four percent. So on its
9 face value, it would appear to be high. On the
10 other side, we are part of a metropolitan community
11 where the city itself is bifurcated by state. We
12 have a tremendous population that moves through
13 Johnson County on a daily basis where the residents
14 are sometimes Wyandotte County, sometimes Jackson
15 County. So the only way of really knowing if there
16 is a disparity numbers is to take a look at
17 identifying how many of those who move through our
18 city on a daily basis are from Jackson County or
19 from Wyandotte County so we can compare those
20 statistics and get a bona fide idea.

21 The other thing that you have to
22 take into consideration is all car stops are not
23 created equal. We assume that in any particular
24 car stop or any particular interaction that they
25 all carry the same weight of decision-making, that



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1 we can decide to make that based upon a variety of
2 factors, one of which could be race or gender.
3 Remember, however, that most car stops, especially
4 traffic tickets, have a factual basis. In order to
5 write a traffic ticket, you have to have probable
6 cause. You have to have a violation which
7 occurred, which means that in all traffic stops,
8 the decision of the officer is limited to that
9 which is contained in that particular car stop's
10 behavior. For example, if it's speeding, you have
11 radar data or you don't have radar data, which
12 means because it is limited, certain offenses from
13 the traffic code are more prone to protect their
14 car stops than others. And I know I'm throwing out
15 a lot of technical information that you may or may
16 not totally grasp from my viewpoint. I apologize.
17 It's just because we have such a short time, I
18 assume that you know most of what I'm talking
19 about.

20 So what you have to do then is you
21 have to look at the car stops from a particular
22 standpoint. You have to take a look and identify
23 benchmark car stops, for example; those kinds of
24 car stops which are most likely to be following too
25 closely, illegal left-hand or right-hand turns,



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1 tail light violations. We don't often write
2 traffic tickets for those. So if you find
3 disparity numbers in those particular areas,
4 you're more likely inclined to find disparity
5 issues. Does that make any sense? So you have to
6 break it down into that step. So that is one more
7 step removed from the basic transaction that takes
8 place.

9 In addition to that, I think as a
10 group we have to look at it from the difference
11 between field interrogation stops, or those which
12 are commonly referred to as Terry stops --
13 referring to Terry versus Ohio -- and traffic
14 violations, because they are, again, not the same
15 thing.

16 Terry stops have a tremendous
17 amount of discretion involved. Who you stop on the
18 street to talk and who you talk to about what
19 activity may be suspicious is a matter of
20 tremendous discretion; whereas a traffic ticket may
21 not be as much a matter of discretion.

22 The thing you have to remember,
23 too, when you lump them together, the number of
24 traffic tickets far outweighs the number of Terry
25 stops. In Overland Park's case, 28,000 traffic



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1 ticket, 2,800 Terry stops last year. Consequently,
2 if you lump them together you may very well
3 statistically annihilate any pertinent data that
4 would lead you to any particular conclusion one way
5 or the other.

6 The point I'm trying to make is:
7 In order to do this properly, a very sophisticated
8 analysis on all of these levels, ranging from how
9 does the department do it to what -- how do they do
10 in different areas, clear down to the individual
11 and how they approach that is necessary to settle
12 this questions. Ultimately, however, the key issue
13 involved is training.

14 I'm going -- I am going to tell
15 you what I told my officers this morning. I meet
16 with them every six months in groups by division.
17 I met with the Administrative Services Division.
18 And like all the meetings, this issue came to the
19 forefront. I told them what I'm about to tell you
20 now. I have 207 officers. I absolutely believe in
21 the sincerity of each and every one of those
22 people. I do not know any one of them who would
23 deliberately stop a person based upon their race,
24 gender or ethnicity.

25 I also know that I'm a child of



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1 the '50s. I was born in 1951. As a young child I
2 heard things uttered on the street that you would
3 never hear uttered today. In the 1960s, I watched
4 on television as the lights, as the dogs were let
5 loose in Birmingham, Alabama. I saw all of those
6 things occur. I lived through the preliminary
7 parts and almost went to Vietnam. I was a police
8 officer in 1970 and college student in 1970. I
9 have all of those experiences which formed the
10 basis for how I make decisions.

11 In 1973 as a police officer, I was
12 trained by police officers who had been doing the
13 business since the '50s. There is no way that I do
14 not carry the baggage of all of those experiences
15 in the decisions that I make, as each of us do, as
16 each of you do.

17 Having said that, it's incumbent
18 upon us to come to grips with those biases we all
19 carry with us, and those understandings of those
20 car stops.

21 On the other side of the coin, as
22 I've pointed out to them this morning, your
23 viewpoint of being stopped by the police may be
24 very much different from mine. On a daily basis as
25 a patrol officer, I could stop five, six, seven,



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1 eight individuals. It was merely a business
2 transaction.

3 On the other side of the
4 windshield it was probably the one and only time
5 that person may have ever been stopped by the
6 police, depending upon their particular
7 experiences, dependent upon the history that they
8 have had with the police, or the experiences their
9 relatives have had with the police, there's an
10 entirely different viewpoint of maybe the
11 motivation that goes into this. We all have to be
12 sensitive to that.

13 The officers on the street, in my
14 opinion, want desperately to do the right thing.
15 That isn't to say that out there that there are not
16 law enforcement officers or people who have bad
17 attitudes. We all know that exists. Please don't
18 forget the fact that the vast majority of police
19 officers are members of the community like each and
20 every one of us who come to the table wanting to do
21 the right thing and wanting to do it in the right
22 way. Now it's incumbent upon us to make sure we
23 work together to rectify whatever issues we may
24 find. So it's a two-step process. Look and fix
25 whatever is out there.



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1 This has had one positive effect
2 for me. We have developed a relationship between
3 two organizations which may not have been possible
4 or certainly plausible some time back. If you were
5 to ask me early in my career if the NAACP and the
6 ACLU and the police administration would sit down
7 to honestly try to solve active problems, I would
8 have thought that to be a highly improbable
9 possibility. But I think we've all come through
10 our lifetimes to realize it's time to fix some
11 stuff. It's time to quit fooling around and
12 arguing about it and fix it. That's the most
13 important part of what we have to do.

14 I'll end my conversation with the
15 same admonition I gave my officers this morning. I
16 truly believe that God grants only a handful of
17 people the opportunity to make a difference, to
18 actually change something. I believe we've been
19 given that opportunity, and shame on us if we
20 don't.

21 MS. NAVATO: Thank you, Chief
22 Douglass.

23 Anybody have any questions?

24 Mr. Suh.

25 DR. SUH: I've been living in



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1 Overland Park for three years, but I've never been
2 stopped. Do I look like white or what?

3 MR. DOUGLASS: Well, that's kind
4 of a loaded question. Let me answer it this way:
5 Do I look Arab or what? My grandparents were
6 immigrants from Lebanon in the early turn of the
7 century. My mother -- I'm relatively darker,
8 certainly, than my wife. My mother is relatively
9 darker than me. And I had an uncle that his kids
10 thought was Sammy Davis, Jr. Now, who knows? It
11 shouldn't make a difference.

12 MR. ROBINSON: I have a question.
13 You said that the total number of minorities
14 stopped was ten percent in Overland Park. Is that
15 ten percent reflected in both Terry stops and
16 protectural stops, or is there a difference when
17 you break those two categories out?

18 MR. DOUGLASS: The data that we
19 have right now is incomplete. Part of what we have
20 to do is continue to close the loop. And I'll
21 explain it entirety. But to answer your question,
22 that is all recorded stops that we have where we
23 know. That is FIF stops, or field interrogation
24 stops. The Terry stop and the traffic stop
25 together, those are those two numbers. But



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1 understand, sir, that one of the things that we're
2 having to do is move towards collecting more
3 demographic information because we don't require
4 officers to make an FIF on every Terry stop they
5 make currently. So consequently, there is a void
6 on information that we simply do not yet know.

7 MS. NAVATO: Mr. Claude Rogers.

8 MR. ROGERS: If I heard you right,
9 the Terry stops that are made are stops that there
10 are no traffic violations with no ticket issued.

11 MR. DOUGLASS: Yes, sir.

12 MR. ROGERS: And I'm assuming what
13 you just said you probably don't keep racial
14 statistics on that ten percent --

15 MR. DOUGLASS: Um --

16 MR. ROGERS: -- on the Terry
17 stops.

18 MR. DOUGLASS: We keep part of it.
19 If they make out a field interrogation form -- and
20 they are required under certain criteria to do
21 so -- we have that. But we are moving towards a
22 system where we will document all Terry stops.
23 They will not be making out a separate form, but we
24 will keep a database through our radio system.

25 MR. ROGERS: And I assume that



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1 even before a stop is made, an officer will run a
2 license plates in his car computer. So what I'm
3 trying to understand, then, is there ever a reason
4 to make a Terry stop, or to make any kind of stop
5 of a citizen if, once the license plate is run,
6 there's nothing comes back, that's clean and
7 there's no violation made?

8 MR. DOUGLASS: Well, on its face I
9 would say no, but there are a lot of reasons why
10 you might go ahead and make a stop. Let me give
11 you an example.

12 MR. ROGERS: Yeah, give me an
13 example.

14 MR. DOUGLASS: We're driving down
15 street, and I see a car, and I run the license tag
16 before I stop that car. And on the license tag
17 there may be absolutely nothing, but the car may be
18 driving erratically and indicate to me that they
19 are on narcotics or alcohol.

20 MR. ROGERS: Uh-huh.

21 MR. DOUGLASS: Or there are times
22 when legitimately, and unfortunately too many
23 officers, and certainly in the past, have used as
24 an excuse, well, you match the description of a
25 crime that has taken place. There are certainly



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1 legitimate times when that is the case. But we are
2 teaching our officers to make sure that that's not
3 a scam, that's the truth. So that certainly is one
4 opportunity where it would take place.

5 I guess the point I'm trying to
6 make is nothing is ever as simple or as
7 straightforward as it seems. You have to be able
8 to take each of these things and understand it
9 completely to get a full viewpoint so that you can
10 adequately assess either side of that question.

11 MS. NAVATO: You had mentioned
12 that people with different biases go into the
13 police department. And because of that, the
14 question I have is: Of the 270 police officers in
15 Overland Park, Kansas, Police Department, what is
16 the breakdown of the minorities that are part of
17 the police force?

18 MR. DOUGLASS: I should know this,
19 although it changes somewhat a little bit each
20 day. We are running right now, I think, somewhere
21 close to between fifteen and twenty percent total
22 minority officers. It is below what we want it to
23 be, and in my opinion it is inadequate, and it is
24 an integral piece of what we're trying to
25 accomplish right now.



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1 I can also tell you that we have
2 gone through some very significant efforts at
3 recruiting minorities and women into the police
4 department, and right now it is extremely
5 difficult. We just completed a recruitment
6 process, and some of you may have seen some of the
7 unique effort we went through. Did some of you see
8 the billboards that we posted everywhere? I mean,
9 we went out and posted fifteen billboards that were
10 essentially huge community help-wanted signs. Out
11 of those bill boards we received 900 appli- -- not
12 applications, 900 requests for information. Two
13 hundred took the test. Out of the 200 that took
14 the test, I was informed by the test folks today --
15 we're waiting for the data to come back -- that a
16 total of 25 were Hispanic or African-American.
17 That was disappointing. I was hoping for more.

18 We have gone to universities, to
19 colleges, small colleges where the populations were
20 primarily Hispanic or African-American or Asian in
21 search of trying to establish a long-term
22 relationship and achieve a better recruitment
23 posture, trying to get more diversity into the
24 police department. But it is a constant and it is
25 a huge effort. It is very difficult. But we have



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1 been making what I believe to be some very
2 superlative efforts.

3 DR. THOMPSON: On those
4 statistics, how many on the administration are
5 people of color?

6 MR. DOUGLASS: Well, of the top
7 positions, six captains, one is African-American.
8 That would be Captain Jeff Dysart. Of the
9 lieutenants, we have two that are Hispanic. We
10 have of the six captains, one which is a woman. We
11 have sergeants and detectives which are Hispanic
12 and African-American. I can't give you -- I'm
13 sorry. I wasn't prepared to give you the exact
14 numbers. And again, I think we've done a good job,
15 but it's inadequate. I want to do more.

16 At the same time, though, police
17 departments are funny. You come in at the top and
18 you come in at the bottom. If you come in at the
19 bottom, you have to work your way to the top, which
20 means it takes quite a while to be a captain.
21 Captain Dysart and I moved up through the ranks
22 together.

23 DR. THOMPSON: Chief Douglass, I
24 have some familiarity with the history and
25 evolution of the police department in Overland



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1 Park, and I want to say here that under your
2 administration, there have been significant
3 changes.

4 MR. DOUGLASS: Thank you. That
5 makes me feel very good. I'm kind of egotistical,
6 and its makes me feel better.

7 MS. NAVATO: Mr. Nulton.

8 MR. NULTON: Yes. Chief Douglass,
9 for a law enforcement agency to minimize the number
10 of claims of improper profiling, what steps would
11 you recommend to that agency?

12 MR. DOUGLASS: Well, first of all,
13 I think we have to take a good introspective look.
14 I think we cannot be afraid to look. And that will
15 bring me to another point in just a moment.

16 The second thing is we have to be
17 up front with the officers. And I think if we
18 present to them -- too oftentimes administrations
19 send down edicts and send down issues which tend to
20 make people defensive, and it makes everybody
21 defensive. And what we, I think, have to do, and
22 what I'm hoping to do in my department, is to
23 present all of the information to the officers and
24 allow them to see and develop for themselves that
25 this is a good and just cause. It's something that



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1 needs to be done. Moving that way without
2 defensiveness, without feeling they're here getting
3 hammered, I think they will do the right thing.

4 In addition to that, it has to
5 also to be a product of the community. And let me
6 also say this issue is not -- this issue about
7 profiling is not just a police and minority issue.
8 This a community issue. And it reflects community
9 in general.

10 I had the opportunity to talk
11 about this to members of the press because they
12 wanted to understand better this particular issue.
13 It was at a luncheon. It was a table exercise
14 similar to what we're doing here. And I pointed
15 out to them, you know, you could take these same
16 standards and apply them to any industry across the
17 board. And I use feminism as an example.
18 Oftentimes it is my understanding of a minority
19 community complaints about the positive and
20 negative types of press coverage that they
21 receive -- often much more negative than
22 positive -- portraying the minority community in a
23 position that creates some of these issues.

24 Now, I said, at the same time, you
25 could take, if you wanted to do the analysis and



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1 analyze the number of lines of print which you
2 give, the number of minutes that you give, you
3 could equate that to positive, you could equate it
4 to negative, you could assemble it and put it in
5 retrospect to the population and you could make the
6 same kind of determination. Now, should they? I
7 don't know. I've got enough problems. I am going
8 to let them clean up their own house.

9 But the point I'm making is: This
10 is the tip of an overall problem. It could be in
11 real estate, it could be in how long you sat in an
12 office, it could be whether or not you get a job.
13 Everybody in the community needs to sit down and
14 look at what they are doing. In the police
15 department, we're going to take -- we're going to
16 take the lead.

17 DR. THOMPSON: To your knowledge,
18 are all the other police departments in Johnson
19 County participating in this statistic?

20 MR. DOUGLASS: (The witness shook
21 his head.) We are at the very -- I'm sorry. I
22 didn't mean to interrupt you.

23 DR. THOMPSON: That's all right.

24 MR. DOUGLASS: We are at the very
25 beginning of looking at what we're going to do. I



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1 know other departments and other chiefs of police
2 who are looking as well in their own way. And I'm
3 here to tell you that the chiefs of police in
4 Johnson County are good, hard-working people who
5 are trying to do the right thing. But I also think
6 in general law enforcement -- and I'm speaking in
7 general about law enforcement, not just Johnson
8 County -- in general, law enforcement is a little
9 bit afraid. In many ways, by looking
10 introspectively, we put ourselves on a pedestal and
11 open ourselves up for criticism. And the word that
12 I've gotten from Mr. Guery and Mr. Johnson is we're
13 willing to work with you, and be patient with you,
14 and help you through this if you will be willing to
15 make sure it gets done. And that's what I think we
16 need to look at and understand. The change will
17 not occur overnight. I'm not asking you to wait
18 years, I'm just saying let's take the defensiveness
19 out of it. Let's not try to get into a blaming
20 contest; let's get into a fix-it mode and find out
21 what it is and fix it.

22 I can tell you the studies where
23 they showed 49 percent of traffic stops. That has
24 got to be a high. They were doing drug
25 interdiction. I can't think of any way in the



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1 whole wide world they could get those kind of
2 statistics any other way. That doesn't make it
3 right. It's still obvious, but I can also tell you
4 I don't think you're going to find 49 percent of
5 any traffic stop in Johnson County, or in Kansas,
6 or anywhere in Kansas that shows that high of a
7 statistic.

8 Now does that mean we don't have
9 anything to fix? How do we know till we look? And
10 that's what I think we need to be willing to do.

11 MR. SCROGGINS: Chief Douglass,
12 what kind of new and innovative things, recruitment
13 tactics, are you using to try and eradicate this
14 image that the white police officer has of the
15 black community? You really don't have a black
16 community in Johnson County as such; but you do
17 have occasions which you go among crowds or
18 organizations that are predominantly black. What
19 kinds of new things are you thinking about doing?

20 MR. DOUGLASS: Well, sir,
21 ironically, we do have a black, African-American
22 community in Overland Park. It is small and it
23 is -- I mean, it's positive. We don't have an area
24 that is African-American. That traditional model
25 is gone. I think, fortunately, they are our



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1 neighbors everywhere. They may be next door, they
2 may be on the next block, but we have one. But at
3 the same time it's small, so we have to depend upon
4 the larger community in Kansas City. I mean, we
5 are part of the larger community in Kansas City.
6 It's a hard thing, it's a hard sell to convince
7 people of our openness, convince people that the
8 welcome sign is out. It takes some doing. We have
9 gone to churches, we have -- you know, we're
10 learning what works in one community may not work
11 in another. We have developed ties with the
12 Hispanic community through some of these groups.
13 We have gone to, as I mentioned, universities and
14 schools where we have made one-on-one contacts.

15 I now have officers in the
16 department who do -- who, on a part-time basis, are
17 considered recruiting officers. They have a
18 college, and whether that's Southern or whether
19 it's some other college, they have a college that's
20 theirs, and they are to make constant contacts over
21 a period of time with the counselor there to have a
22 one-on-one so that when a good person or a good kid
23 comes along, they can move them in our direction.
24 But it is extremely difficult.

25 And I will also point out what



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1 I've brought up to my advisors. This is something
2 we all want. But stop and ask yourself: When your
3 son or daughter was born and you were sitting with
4 them holding them in your arms, what were you
5 thinking? I know what I was thinking. John
6 Michael Douglass was born 24 years ago. I looked
7 at him, and I thought, "You're going to be a
8 lawyer, you're going to be a doctor, you're going
9 to find the cure for something, or you're going to
10 do something significant. You're going to do more
11 than your dad did." I never thought in a million
12 years to say, you know, "I can't wait till you get
13 a helmet and motorcycle boots." Well, John Michael
14 Douglass is a police officer, and I am extremely
15 proud of him. But think about it. We don't think
16 that first. If we want it to happen, we've got to
17 be willing -- if we want the best out of our law
18 enforcement community, we have to give our best.
19 We have to encourage our sons and daughters that
20 that is an honorable profession that deserves the
21 best kind of people in it.

22 MR. GUITTEREZ: I just have one
23 question. You mentioned that there were 2800 Terry
24 stops.

25 MR. DOUGLASS: (Nodded



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1 affirmatively.)

2 MR. GUITTEREZ: How does that
3 compare to the peer communities?

4 MR. DOUGLASS: You know, sir, I
5 don't really know. This data hasn't been really
6 particularly available, and it's incomplete. I say
7 2800 Terry stops. I mean 2800 documented Terry
8 stops. We'll have -- I know that because we have
9 FIFs that have been done. I won't know until we
10 come up with a system that adequately displays all
11 of the contacts we're having. I just won't know.

12 MR. GUITTEREZ: I've heard you
13 very nicely articulate the need for more evaluation
14 and more data. And you make a very compelling case
15 for more qualitative evaluation of what's going on
16 now. I think you're doing that. Are you sharing
17 that information with your officers.

18 MR. DOUGLASS: Yes.

19 MS. NAVATO: Dr. Thompson.

20 DR. THOMPSON: I wanted to ask
21 about hate crimes. How are hate crimes -- who
22 determines that this behavior incident is a hate
23 crime? And I mean other than the obvious.

24 MR. DOUGLASS: Well, as you know,
25 Doctor, we don't have in Kansas a statute that



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1 defines hate crime. They define all the other
2 elements of crimes. In Overland Park, we throw a
3 broad net. Actually, if the person involved
4 believes that there is bias or prejudice involved,
5 we investigate it as such, feeling that we are
6 better off looking at it from that viewpoint as
7 opposed to limiting it accordingly, because on the
8 end result it's charged out.

9 If it's criminal destruction of
10 property, it's charged out as criminal destruction
11 of property, so we are somewhat at a loss without a
12 formal criteria from the State as to what a hate
13 crime is. Nevertheless, we consider and we throw a
14 broad net. If the officer believes or the victim
15 believes it is a product of hate, we approach it as
16 such out of an abundance of caution.

17 MS. NAVATO: And your police
18 officers are trained as to what specifics to look
19 for to identify hate crimes, then?

20 MR. DOUGLASS: We have given some
21 training. Ironically, the people a few minutes ago
22 were talking about the IPC tape out of the
23 Department of Justice. We just received our copy
24 last week. It's being currently reviewed as we
25 speak this week and will become part of the block



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1 training we provide for all of our officers in
2 July.

3 MS. NAVATO: Thank you very much.

4 I would like to recognize Mr.
5 Steve Culp, Administrative Chair of the KCK Police
6 Department.

7 For the record, please state your
8 name, address and occupation.

9 MR. CULP: Good afternoon. My
10 name is Steve Culp. I'm a Major with the Kansas
11 City, Kansas, Police Department, and I am the
12 Bureau Director for the Administrative Services
13 Unit of the Kansas City, Kansas, Police Department.

14 MS. NAVATO: Thank you. Major
15 Culp heads the administrative Division of the
16 Unified Government of Wyandotte County and Kansas
17 City, Kansas. He will report on the police
18 department's experience in investigating and
19 reporting hate crimes, and their position on the
20 racial profiling issue in the city.

21 MR. CULP: I've brought a few what
22 we call presentation packets. I don't know if they
23 should be passed around, or if I should just leave
24 them afterward. Either way. I'm glad to
25 supply -- I don't know if I brought enough for



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1 everyone, but me go ahead and begin.

2 First off, I'd like to start with
3 a little bit about the area which I represent. The
4 Kansas City, Kansas, Police Department is part of
5 the Unified Government of Wyandotte County and
6 Kansas City, Kansas.

7 Kansas City, Kansas, represents
8 the vast majority of citizens in the county. It
9 has a land mass of approximately 127,000 square
10 miles -- or 127 square miles, excuse me. It's a
11 blue-collar community, and the formation of the
12 city is that it was collected from a number of
13 smaller cities. A couple hundred years ago, or 150
14 years ago or so, people started settling along the
15 river, and immigrants started to settle in on the
16 banks of their own, and over the years formed a
17 school of smaller towns, I'll go into that a little
18 bit. Eastern immigrants settled in areas east of
19 downtown; call them Strawberry Hill, Polish Hill,
20 and Russian Hill. Largely African-American,
21 northeast KCK area, has a historic history also.
22 The original settlement was called Quindaro. It
23 was part of the underground railroad. So -- which
24 still exists, and it's an interesting area if
25 anybody would like to travel that way.



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1 There is a distinct area of
2 Argentine where Hispanic individuals tended to
3 reside, and there were areas of or Armourdale and
4 Rosedale that bordered it.

5 There is a less organized area of
6 Turner, which more or less borders Johnson County,
7 and Piper is in the western part of the county and
8 the city, and it's a more rural area.

9 Kansas City, Kansas, has -- the
10 Police Department of Kansas City, Kansas, has
11 definite programs, procedures, policies and
12 training pertaining to hate crimes. The area of
13 profiling bias is somewhat in the forefront today.
14 I'm trying to go through both of those as we
15 speak.

16 We have been researching profiling
17 bias as it exists in our community. And actually,
18 it's a national issue which I gather, you know,
19 it's important we're here today.

20 We've contacted in the recent past
21 these agencies trying to gather information about
22 this. Again, one of the agencies listed as the
23 IACP, we use their information that we're going to
24 try to follow along the standardized guidelines.

25 Kansas City, Kansas, Police



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1 Department is an accredited agency, and it's a
2 national accreditation with ILEA. A very small
3 percentage of law enforcement agencies reach this
4 accreditation. Actually, we've been reaccredited
5 lately, recently. It's very difficult to achieve
6 accreditation, and the standards are very high.
7 And when you measure yourself against the best of
8 other agencies, and you've reached this, it is
9 something worth mentioning. And one of the things
10 that they -- there's a poster up, a poster which
11 advertises us. And we all remember commercials
12 from the past, but it says, "It's two o'clock in
13 the morning and you're sleeping. Do you know what
14 your police department's doing?" And the bottom of
15 it says, "You do if they're accredited." And that
16 is a wonderful thought on the matter.

17 Back to potential bias in law
18 enforcement activities. These are three policy
19 statements that we're reviewing. They are not set
20 in department policy yet; however, we are reviewing
21 these. We feel they're strong statements and that
22 we will in some way incorporate all three of them.

23 The department acknowledges that
24 bias, real or perceived, is detrimental to the
25 relationship between police and the community we



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1 serve, that it erodes the basic foundations
2 affecting community polices. The department does
3 not endorse, train, teach, support or condone any
4 type of bias profiling. Officers will not make
5 traffic stops on the basis of the motorist's race,
6 ethnicity, or socio-economic status. Traffic stops
7 will be made only with articulable suspicion that
8 the person stopped has committed a traffic
9 violation. Appropriate enforcement action will
10 always be completed at traffic stops, whether a
11 verbal warning, a citation or arrest. The
12 appropriate enforcement action will be completed
13 within a reasonable amount of time once the stop is
14 made. No motorist, once cited or warned, should be
15 detained further -- detained beyond the point where
16 there exists no reasonable suspicion of further
17 criminal activity.

18 Again, those are not part of our
19 policy yet; but as a policy board, we have five
20 majors on our police department, and we sit on the
21 policy board, which we call in groups, other
22 interested individuals, and we make policy for the
23 police department, with the approval of the chief
24 of police, and we feel that these three statements
25 in some way will be incorporated into our



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1 policies.

2 As I see it, in my opinion, the
3 profiling bias, we all know hate crimes and the
4 tremendous impact that a very high profile case
5 will bring forward. The community support, the
6 media exposure in the other side will come out,
7 too. But it's the subtle -- profiling bias can be
8 a subtle thing that it's very difficult to
9 measure.

10 If no traffic ticket is written,
11 if the officer doesn't make a documentation of what
12 the stop is about, and it -- and Chief Douglass is
13 right, it carries over to all segments of society.
14 The only way to address that, to measure that, is
15 if there is a control measure. I saw on the agenda
16 that Representative Haley was here. I've read some
17 of the proposed legislation and the mandate for the
18 state to develop a system where this could be
19 accounted for.

20 Local governments have a
21 particular perspective of mandates, either federal
22 or from the state level, because they usually cost
23 a lot of money and consume resources. However,
24 this one appears that some state resources will be
25 mandated in order to accomplish the task. The more



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1 you ask officers to do, the less time they will
2 have to do proactive activities. However, if those
3 resources which are mandated are directed to
4 augment that, then there really isn't any reason
5 why you wouldn't want to measure these things.

6 Again, the underlying bias may be
7 so subtle that the individual officer may not have
8 the background, the training, to recognize the
9 bias. And in the meantime, if -- there truly is a
10 controlled measure, and I believe that's what the
11 legislation is directed toward is the control
12 measure.

13 On the next page, I heard a couple
14 of questions asked about the makeup of the police
15 department, of the police department, staffing, and
16 I've indicated through this piece of paper what our
17 particular staffing levels are: 75 percent white,
18 fifteen percent black, 8.7 percent Hispanic, and
19 one percent other.

20 The next page I went into our
21 command and executive level, staffing levels, and
22 I've also heard that question raised. So 77
23 percent white, 19 -- almost 20 -- percent black,
24 one percent Hispanic.

25 Policy board, I mentioned



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1 earlier. Of our five majors --

2 MR. DELATORRE: They're on the
3 chart that you were just going through with us, the
4 executive officers, the command officers?

5 MR. CULP: Yes, sir.

6 MR. DELATORRE: Your jurisdiction
7 includes Armourdale; is that right?

8 MR. CULP: That's correct, sir.

9 MR. DELATORRE: And Argentine.
10 Those are heavily Hispanic areas; is that right?

11 MR. CULP: That is correct.

12 MR. DELATORRE: Why just one
13 Hispanic, and why almost six whites?

14 MR. CULP: The foundation for
15 that, for promotion into the executive level
16 involves promotion testing. We have a bargaining
17 unit, an organized police department for the rank
18 and file. They have negotiated a test in which
19 they must -- it's a competitive test which they
20 take, and then that's how they get promoted out of
21 the ranks to the rank of lieutenant which proceeds
22 through the rank. We've had some recent
23 retirement, and at this particular point in time,
24 that -- the executive command and executive officer
25 level is exactly one.



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1 MR. DELATORRE: Does that concern
2 you?

3 MR. CULP: It concerns me at a
4 tremendous level. We have a -- there will be a new
5 census out. I believe there will be a shift in the
6 population composition of Kansas City, Kansas, and
7 I believe there it will be more colored than it is
8 now. We have extensive recruiting efforts, as well
9 as Chief Douglass has indicated, to do the same
10 things.

11 But I believe we have to make the
12 policy. Much of what I've spoke of refers to the
13 policy. Our policy board must come to a conclusion
14 on how to address this. And because of our
15 particular population composition, I believe that
16 we have certainly great levels of talent inside our
17 city limits, inside Unified Government. We may
18 redirect our efforts to try to develop talent in
19 there, to get talented individuals of color to
20 apply and become police officers.

21 The patrol ranks, the
22 rank-and-file ranks, patrol, sergeant, detective,
23 have better composition. Sometimes officers do not
24 want to take a test to come out of the
25 rank-and-file. They like being represented by an



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1 organized group. We have -- we, as a collective,
2 have to convince them to become leaders, become
3 command officers.

4 There is a Latino Police Officer
5 Association in Kansas City, Kansas, and we will
6 have dialogue with them again, and we will formally
7 address this in the future.

8 MR. DELATORRE: Do you think the
9 current status with just one Hispanic and six
10 African-Americans, is it perceived by the
11 administration that that causes problems as things
12 are now with dealing with people in Argentine and
13 other Hispanic areas, other native -- excuse me,
14 African-American areas? Does it cause you problems
15 the current way things are with these numbers?

16 MR. CULP: It does not appear to
17 be direct overt problems. We do have a higher
18 level of rank-and-file members who are police
19 officers who work in those areas. Some of them are
20 community police, and some of them are in D.A.R.E,
21 and are in units throughout the police department.

22 We work with the City of Kansas
23 City, Kansas Unified Government, and elected and
24 appointed officials are deeply committed to the
25 philosophy that we need policemen. We outreach to



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1 community groups every day, almost every hour of
2 the day. We have a great rapport with the
3 community, I believe.

4 If you take certain benchmark
5 measurements, the number of internal affairs
6 complaints over the years would be one. The number
7 of violent confrontations with police officers.
8 The last chief of police that recently retired, his
9 name was James Swafford. He was dedicated to
10 issues such as these. We've cut our internal
11 affairs complaints over the years in half and then
12 half again. I believe we have a tremendous
13 rapport.

14 Some of these -- I would say the
15 overwhelming strong personality that our mayor has
16 that reaches out to the community; she touches
17 individuals in a collective way somehow, and there
18 is a rapport with the government and with the
19 citizens. And the police department I do not
20 believe has a rapport problem with the people it
21 serves.

22 MR. DELATORRE: Thank you.

23 MS. NAVATO: And I have a
24 question. The internal complaints that are
25 decreasing in number, is it primarily because of



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1 the improvement of race relations in the
2 department, or is it underreporting? And if there
3 is, are there repercussions as to when you go
4 through a complaint?

5 MR. CULP: Again, our last police
6 chief, James Swafford, directed many, many
7 resources towards exactly what you're saying.
8 There is a consideration and concern that people
9 will not come forth because they feel that further
10 recriminations might develop.

11 The internal affairs unit of the
12 police department is separated from the normal
13 operation of the police department. We have good
14 follow-up. There are perceptions that are
15 difficult to overcome. But in essence, in going
16 back to the first part of your question, I believe
17 people are people, basically; and if you treat
18 people with the product that you have to give in an
19 appropriate manner -- ours is service. We are
20 dedicated to giving services. In the internal
21 affairs unit, we also make sure that the
22 composition of the internal affairs unit is also
23 reflective of the people we serve, even at a
24 heightened level. And I believe the comfort level
25 with our complaint system is adequate.



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1 MS. NAVATO: Ms. Comache.

2 MS. COMACHE: On the subject of
3 bias, in the Kansas City, Kansas, area, there is a
4 bias developing toward Spanish -- especially
5 Spanish-speaking, a stereo type of Spanish-speaking
6 persons being undocumented residents. And this is
7 coming out of the grass roots level community
8 groups, neighborhood groups. And what is the
9 police department doing in their community policing
10 program to erradicate this problem by the officers,
11 and what they can do to erradicate this bias among
12 the community groups?

13 MR. CULP: There's an area of the
14 community that is in a state of flux. There is a
15 larger Spanish-speaking number of people.
16 Community policing, we attend virtually all
17 the -- or numerous meetings. I can't say we attend
18 all the meetings, which concerns race. We have
19 resources to dedicate toward that.

20 I don't know exactly what saved --
21 it is more than just a police issue, it's a
22 community issue. Police are part of the community,
23 and I think it's a collective effort. We have a
24 neighborhood system that's in place that's outside
25 the police department. We are called in to be part



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1 of it, but we are just part of it, and I don't know
2 that there are specific series of complaints about
3 police officers because of Spanish-speaking
4 individuals.

5 MS. NAVATO: Dr. Robinson.

6 DR. ROBINSON: Yes. On the
7 figures that you present here on complaints, are
8 these substantiated, or simply alleged violations
9 by officers, unsubstantiated efforts that have been
10 investigated?

11 MR. CULP: You've gone to the next
12 page, sir, where it says "Internal Affairs
13 Complaints"?

14 DR. ROBINSON: Yes. Based on
15 race.

16 MR. CULP: Yes, sir. These are
17 all complaints, any type of complaint that is
18 called in with the base that it was a racially
19 motivated incident.

20 DR. ROBINSON: My question is:
21 These numbers reflect complaints that were
22 substantiated or merely investigated?

23 MR. CULP: No, those were all
24 complaints. There is a very low number, and it
25 surprised me, sir.



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1 DR. ROBINSON: I understand. To
2 make a complaint is one thing; to substantiate the
3 complaint as being true or existing is another
4 thing. I'm asking is this a complaint made? Was
5 it substantiated as an existing issue?

6 MR. CULP: You're saying to be a
7 founded complaint or an unfounded complaint?

8 DR. ROBINSON: Right.

9 MR. CULP: I do not know. I do
10 not know what the results of these complaints are.
11 They're all looked into. But some of them -- it's
12 difficult when there's two people and one of them
13 alleges something was said. I mean, one-on-one is
14 not -- it's difficult to prove one way or other.
15 What I can tell you is that I do -- I looked
16 superficially, committedly, but I looked to see, and
17 it does not appear that there are repeated
18 complaints against individual officers, specific,
19 the same officers within these complaints that are
20 listed here.

21 DR. ROBINSON: So internal affairs
22 actually conducts the investigation of the
23 complaint?

24 MR. CULP: Any complaint against a
25 police officer is investigated by an internal



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1 affairs detective.

2 MS. NAVATO: Mr. Rust.

3 MR. RUST: I don't know how police
4 departments record their data, so let me ask you:
5 In your -- if I was a police officer, and I stopped
6 somebody, for whatever reason, and I don't issue a
7 ticket, do you report that as just a stop in any
8 way, or is that --

9 MR. CULP: I think -- again, I
10 think Chief Douglass of Overland Park addressed
11 that somewhat. It depends upon the issue at hand.
12 In some cases, if somebody is stopped in
13 relationship to a description of a car that has
14 been noted around the area where there's numerous
15 burglaries in the middle of the night, and it's
16 found that there's no basis in fact for the person
17 to be suspected of anything, there may not be a
18 record of that. And again, if there's not cause to
19 arrest somebody for that, but if there's a
20 reasonable suspicion that the individual may be
21 involved in some kind of criminal activity but not
22 enough to arrest them, then you would document that
23 on an interview form, and then ship it through so
24 there would be some documentation of that.

25 The legislation that I spoke of



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1 earlier that the State has pending I believe would
2 address that by making all law enforcement
3 contacts, in one form or another, be documented.

4 MR. RUST: I would think you'd
5 almost have to do that or there would be
6 intimidation without a ticket.

7 MR. CULP: That's what I was
8 speaking of when I spoke of subtlety of profiling
9 bias. It's very subtle in nature and it's very
10 difficult to collect information on something
11 that's subtle unless there's a control measure
12 that's in place. The legislation would be the
13 control measure.

14 MS. NAVATO: How would you
15 implement the control study?

16 MR. CULP: That would be
17 legislation, the pending legislation. That would
18 be before us, and we would comply with the
19 legislation. That would require certain data be
20 collected about the nature and the racial, gender
21 composition of the people that are involved in the
22 contact. It would be anonymous in nature. The
23 identities of the people, they would be concerned
24 about that. But the control measure would come
25 from the State, and we would comply, as I read



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1 them.

2 MS. NAVATO: And how would
3 supervision -- how would the complaint -- or how
4 would each stop, then, be recorded? Who would make
5 sure that these are actually being done and carried
6 out?

7 MR. CULP: Well, in my belief, the
8 essence of police management is control. If you
9 don't have control, then you don't have police
10 management. There are supervisors that are -- not
11 so many from our police department as I assume
12 there are on all police departments.

13 The control measure would be that
14 with the state legislation, it is a state law. It
15 would be part of our policies that we have. And
16 it's just like any rule or regulation, procedure or
17 policy on a police department. If someone violates
18 it and they are caught, they will be dealt with.

19 MS. NAVATO: Dr. Thompson.

20 DR. THOMPSON: I have two
21 questions.

22 First, in your demographics, I see
23 "Others" as a group, and I was concerned. It seems
24 to me, and I'm not a Kansas City, Kansas, person,
25 so forgive my ignorance. It seems that there are



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1 four crowds of indigenous people who are in the
2 community?

3 MR. CULP: Are you talking about
4 native Americans?

5 DR. THOMPSON: Indigenous
6 people.

7 MR. CULP: Okay. I know there are
8 native Americans there, there are -- we have Asians
9 -- I assume there's a specific group, but the
10 composition is not -- I do not know the population
11 base, but I do not believe their numbers are
12 significant, as I read the U.S. census.

13 DR. THOMPSON: I don't like anyone
14 to say we're not significant.

15 MR. CULP: There's no numbers.

16 MS. NAVATO: Mr. Suh.

17 MR. SUH: Three, is what? What
18 are they? Who are they? Is that Chinese or
19 Japanese, who are they?

20 MR. CULP: I believe we have two
21 Asian officers, and to be honest with you, I don't
22 know what the ethnic background is. We have three
23 hundred -- we're authorized for 372 police
24 officers. We have a staffing level of 345, I
25 believe. Again, I don't know the ethnic



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1 background.

2 MS. NAVATO: Again, as far as --
3 you had mentioned testing and supervisors going on
4 to higher levels of authority within the police
5 department. What methods of testing and releasing
6 do you have to determine who is going to advance?

7 MR. CULP: We have contracted with
8 an outside firm who handles this sort of activity
9 for the State. It is a valid and reliable test.
10 To my knowledge, they've never had a -- I think
11 last time they indicated that nothing has ever been
12 done that is inappropriate with the testing
13 procedures. We work with them. We have to work
14 with the bargaining units and negotiate a
15 stipulation of contract, and we try to make it as
16 open as possible.

17 MS. NAVATO: One more question.
18 Mr. Jenkins.

19 MR. JENKINS: Yes, and it may be a
20 statement. You mentioned a draft policy statement
21 concerning racial profiling. What action -- when
22 do you anticipate action being taken on that
23 policy, and by whom?

24 MR. CULP: This is pretty early in
25 the game at this particular time. What we want to



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1 do is make sure we don't draft policy that's going
2 to be in contradiction of any state legislation
3 that's passed. We want to be in compliance with
4 it. And if we find that it won't pass, we'll have
5 to cross that bridge when we get there. And our
6 policy, again, we have five majors who sit on a
7 policy board. Two of those are African-Americans.
8 And we will probably implement some policy of our
9 own, absent the State.

10 MR. JENKINS: When do you
11 anticipate that?

12 MR. CULP: The time line for that
13 I can't give you. But it certainly is a compelling
14 issue. And we discussed it as recently as last
15 week, so we're making progress.

16 MS. NAVATO: One more question.
17 Mr. Gutterez.

18 MR. GUITTEREZ: You mentioned that
19 your police department is certified?

20 MR. CULP: It's board accredited,
21 yes.

22 MR. GUITTEREZ: Does the
23 accreditation have any position on profiling?

24 MR. CULP: It has some standards.
25 There's, like, four hundred standards. Many of



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1 them have to do with composition of your police
2 department recruiting efforts. Again, this puts us
3 in compliance with police departments around the
4 United States. They have some bearing in the hate
5 crime area. So in effect, we do. There's nothing
6 -- no specific words are used by the makeup of the
7 accreditation board. It involves individuals,
8 professional individuals across the spectrum of
9 police organizations.

10 MR. GUITTEREZ: How many
11 departments does this involve?

12 MR. CULP: I do not know that
13 number exactly. I was deeply involved in that
14 accreditation process, dealing with them. That
15 would have been five years ago, six years ago or
16 so. But since that time, where agencies have done
17 so, we think it's a good thing. There are a few in
18 the area that are. I believe Lee's Summit Police
19 Department is attempting it. I know Riley County
20 is in Kansas. There's a few in it. One was just
21 recently accredited in Kansas City, Missouri.

22 MR. GUITTEREZ: I take it it is
23 something that is very rare?

24 MR. CULP: It is very rare at this
25 point.



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1 MS. NAVATO: Thank you, Major
2 Culp.

3 MR. CULP: There is our policy
4 toward hate crimes in here also. It's pretty
5 extensive, so if you'd care to review it, that's...

6 MS. NAVATO: In view of the time
7 factor --

8 MR. CULP: Right. Thank you.

9 MS. NAVATO: Thank you very much.
10 We'll review that.

11 Next presenter is Richard Easley,
12 Chief of Police for the Kansas City, Missouri,
13 Police Department.

14 And for the record, please state
15 your name and address and occupation.

16 MR. EASLEY: My name is Richard
17 Easley. Our police department's address is 1125
18 Locust, Kansas City, Missouri. ZIP code is 64018.
19 I'm Chief of Police of Kansas City, Missouri,
20 Police Department.

21 MS. NAVATO: Chief Easley was
22 appointed Chief of Police on April 2nd, 1999. He
23 has 26 years of law enforcement experience, all
24 with the Kansas City, Missouri, Police Department.
25 He received a BA in criminal justice from Avila



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1 College and a master's degree in public affairs
2 from Park University. He's received training in
3 various areas, including community policy and right
4 wing groups. He will provide the Committee
5 information on hate crimes and racial profiling
6 experiences in Kansas City.

7 MR. EASLEY: Thank you very much.
8 I appreciate very much the opportunity to be here.

9 Starting out, the Kansas City,
10 Missouri, Police Department is responsible for
11 maintaining the peace and providing for the safety
12 for approximately 442,000 residents, plus all of
13 those individuals who do business and visit the
14 City, which is 317 square miles.

15 Last year we handled over 460,000
16 calls to 911, 68 percent of which were requesting
17 police response. We also provide traffic
18 enforcement for about 2,500 miles of roadway.

19 Our department is very unique. We
20 are one of only two cities in the United States
21 that operates under state control. This means that
22 we're governed by a board of police commissioners
23 who are appointed by the governor of the State of
24 Missouri. I serve as the chief executive officer,
25 and I report to the Board of Police Commissioners,



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1 who are appointed by the governor and also the
2 mayor of Kansas City, Missouri.

3 Our department is organized into
4 four bureaus according to functions. They are the
5 Patrol Bureau, the Investigations Bureau, the
6 Administration Bureau, and the Executive Services
7 Bureau. Each bureau within our department is
8 comprised of divisions, and each division is
9 further divided into units, and some of those units
10 are divided into sections.

11 We currently employ 1,246 sworn
12 members, and that number includes the ranks of the
13 police officer, sergeant, captain, major,
14 lieutenant colonel, and chief. The title deputy
15 chief is used for all lieutenant colonels, and the
16 title of detective is included in the rank of
17 police officer. In addition to the 1,246 sworn
18 members, we currently have 51 police officers at
19 the training academy.

20 We also have 594 non-sworn
21 civilian employees. And non-sworn employees
22 perform a wide variety of tasks, and there are over
23 125 different civilian employee job titles with a
24 similar rank structure for crew leaders,
25 supervisors, directors and managers.



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1 Of our 1,891 department
2 employees, 782 or 41 percent are protected class,
3 and 59 percent are white males. Minorities
4 comprise 23 percent of department employees. With
5 regard to gender, seventy percent are male, thirty
6 percent are female.

7 Within the sworn ranks, 25 percent
8 of our deputy chiefs are protected class, and 25
9 percent are minorities. Forty-one percent of our
10 majors are protected class, and 23.5 percent are
11 minorities. Twenty-nine percent of our captains
12 are protected class, and 14.7 percent are
13 minorities. Twenty-two percent of our sergeants
14 are protected class, and 10 percent are minorities.
15 Thirty-four percent of our detectives are protected
16 class, 22 percent are minorities. Twenty-eight
17 percent of our police officers are protected class
18 and 17 percent are minorities. Thirty-five percent
19 of our academy recruits are protected class, 22
20 percent are minorities. And our civilian members
21 are comprised of 69 percent protected class, and 37
22 are minorities.

23 As one of the former commanders of
24 our Human Resources division, I can assure you we
25 have actively recruiting minority applicants. We



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1 have recently evaluated our recruiting efforts, and
2 made several changes, including adding a Hispanic
3 recruiter to our Human Resources division. We use
4 other minority department members to assist us as
5 outreach recruiters and advertise in various
6 newspapers, employment guides, which are widely
7 distributed throughout retail outlets. We recruit
8 at the high school level, colleges, in the
9 military, and we're basically at any large events
10 in our region where interested applicants may
11 gather.

12 Back in June of 1988 our Mayor,
13 Richard Berkley, formed a citizens Commission on
14 Hate Group Activities. Our department voluntarily
15 created a bias incident reporting system as a
16 result of the commission's recommendations and in
17 accordance with the 1990 national Hate Crimes
18 Statistics Act. A department directive regarding
19 bias crime and bias incident reporting procedures
20 was published and distributed to all our personnel
21 on January the 20th of 1991. Patrol supervisors
22 also conducted in-service training at that time.

23 Our bias reporting procedures were
24 internally audited in 1992, and the directive was
25 amended to streamline the reporting system, and



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1 training issues were addressed.

2 On August 22, 1993, some new City
3 ordinances pertaining to hate crimes became
4 effective. They established reporting
5 responsibilities between the police and the
6 City's Human Relations department to provide for
7 enhanced sentencing penalties in our municipal
8 court involving bias incident cases. A \$300
9 minimum fine can be imposed for those convicted of
10 city ordinance violations in cases where it can be
11 proven that individuals were victimized due to
12 race, color, gender, religion, national origin,
13 age, ancestry and sexual orientation, disability,
14 handicap or other health-related conditions.

15 Our department's bias incident
16 directive was updated once again in 1994 and
17 remains in effect today. It clearly defines
18 procedures for responding to bias incidents. The
19 report forms have been updated to include a check
20 box for bias crimes, and statistics are collected
21 by our Investigation bureau's Perpetrator
22 Information Center for recaps not only to our
23 board, but to the citizens also.

24 Bias crime is defined as any act
25 or attempted act by a perpetrator or a group of



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1 persons which results in physical injury,
2 intimidation and/or property damage and which
3 appears to be motivated, all or in part, by race,
4 ethnicity, national origin, religion, or sexual
5 orientation.

6 We have seen a decline in bias
7 crimes reported to the police in the last three or
8 four years. In 1997, there were 23; in 1998, there
9 were eighteen, and in 1999 there were eleven. As
10 of March 31st of this year, only two bias crimes
11 had been reported. Although these numbers
12 obviously represent only a tiny fraction of all
13 offense reports taken by the Kansas City, Missouri,
14 Police Department, we continue to reinforce the
15 need for officers to investigate every incident
16 thoroughly to determine whether it meets the
17 criteria for a bias crime and provide the
18 appropriate response.

19 At about the same time that police
20 awareness was being raised regarding bias incident
21 reporting, we realized the need for expanded
22 cultural and diversity training within the
23 department. All officers and supervisors attended
24 Harmony in a World of Difference workshops in 1991
25 and followed that by having continuing, ongoing



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1 in-service training since that time on topics such
2 as hate crimes, white supremacist groups, cultural
3 diversity communications. The 2000 in-service
4 training catalog offers racial profiling classes
5 along with cultural diversity and "Verbal Judo" to
6 enhance interpersonal communications.

7 Our new recruits meet with Mayor
8 Pro Tem Alvin Brooks for four hours to discuss
9 minority relations and participate in ten hours of
10 lecture and practical applications regarding
11 cultural diversity, receive eight hours of tactical
12 communications course, and spend eight hours with
13 Dr. Stuart Munro from Western Missouri Mental
14 Health to learn about people suffering from various
15 mental illnesses, and are exposed to bias incident
16 scenarios within their thirty-eight hours of
17 report-writing instruction.

18 On December the 21st of 1999 the
19 Board of Police Commissioners signed a resolution
20 pertaining to Criminal Characteristics. The
21 resolution reminds members that in all instances,
22 detention of an individual requires reasonable
23 suspicion, and arrest requires probable cause
24 independent of any criminal characteristic
25 developed.



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1 We try to provide our members with
2 extensive training and clear policy to guide their
3 actions in dealing fairly and professionally with
4 all people, regardless of race, gender, ethnicity,
5 sexual orientation, handicap, age and so on. We
6 have what's called an Early Warning System to help
7 identify problem members. It tracks the number of
8 citizen complaints and times that force is used by
9 each officer. Once the system identifies a member
10 with an unusual number of force reports and/or
11 citizen complaints, the supervisor reviews those
12 incidents collectively for any patterns of problem
13 behavior and may recommend additional training or
14 counseling. The Early Warning System is being
15 updated and expanded to include other performance
16 issues, such as vehicular accidents and other
17 categories to assist the member's supervisor in
18 identifying questionable officer conduct.

19 On a more positive note, we have
20 established a Police Athletic League to help bridge
21 the gap between police and youth. PAL officers
22 work with young people in between three p.m. and
23 eight p.m., which are critical times for
24 counselors. Those are the times after school when
25 they get in trouble. And that's what PAL is good



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1 for is to try to provide them a structured
2 environment to have access and serve as mentors.
3 We work very closely with the schools in helping
4 them with that. We have some educational
5 requirements. We have been very, very fortunate
6 here in Kansas City that we are starting to see
7 good results with our program. PAL activities are
8 very popular with our officers, and I think this is
9 one of the best behaved programs we have available.

10 In closing, I would like to tell
11 you that we do remain open to new ideas and are
12 always on the lookout for nationally recognized
13 authorities to help train our people. We monitor
14 what other departments are doing. I attend Major
15 Cities Chiefs meetings three times a year where all
16 the major city chiefs in the country get together,
17 we talk about issues and problems, and, you know, I
18 am very, very open to knew ideas, to trading, and I
19 think that's extremely important in this day and
20 age.

21 This pretty much concludes my
22 presentation and I'll be more than happy to answer
23 any questions you have.

24 MS. NAVATO: Thank you, chief.

25 Questions?



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1 MR. BURKS: Chief, you say
2 according to your system, I listened to some of the
3 statistics you kind of offered for the last couple
4 of years. The numbers are going down as far as
5 hate-related type crimes. But what kind of hate
6 groups have been identified in your area problems
7 that kind of get correlated into those numbers?

8 MR. EASLEY: You know, I don't
9 know that we have that at this stage.

10 These three hate groups are
11 certainly involved in Kansas City. Certainly we
12 have some white supremacist groups that are in the
13 region. I really can't answer your question as far
14 as specific groups.

15 MR. BURK: I know you also said
16 you do a lot of community involvement with kids and
17 that kind of thing. Do you all have police
18 officers in schools or how do you all enact that
19 kind of interaction where children are involved?

20 MR. EASLEY: You know, we have the
21 D.A.R.E. program and the rape program, which is a
22 couple of major programs for us. And we also, of
23 course, have PAL. There are some school resource
24 officers in the schools. However, we do not get so
25 many schools involved. It's impossible.



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1 There are also officers inside the schools.

2 However, I have to tell you we spend a lot of time
3 inside the schools. That doesn't limit us from
4 getting to know the principals, working with the
5 kids and so forth.

6 When we go to the schools, we require the kids to
7 maintain 2.0 grade average and we work not only
8 with the teachers but the principals and try to
9 help the schools.

10 MS. NAVATO: Dr. Thompson.

11 DR. THOMPSON: How do you
12 identify -- how do your people identify hate
13 crimes?

14 MR. EASLEY: Other than identify
15 the --

16 DR. THOMPSON: Other than the
17 obvious.

18 MR. EASLEY: We identify them
19 through our interviewing and questioning of the
20 victim and also based on the evidence that is there
21 at the scene of the crime, and also through
22 discussions with any potential witnesses that would
23 be there.

24 DR. THOMPSON: And how are your
25 people trained to do that?



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1 MR. EASLEY: You mean to ask
2 questions? We go through with a process of
3 teaching them to investigate those kind of crimes
4 out of the police academy, both in the recruit
5 police academy for recruits as well as through
6 ongoing in-service training.

7 DR. THOMPSON: I didn't
8 necessarily mean the investigative part of it. I
9 mean how do they learn that -- to recognize that
10 this is potentially a hate crime?

11 MR. EASLEY: I think they learn
12 it -- are you talking about how do we educate our
13 people to be able to see that?

14 DR. THOMPSON: Yes.

15 MR. EASLEY: I think it's through
16 the instruction we give them at the police academy,
17 which incorporates not only our own in-house people
18 who develop the training but also through our
19 training with the members of the community, like
20 Alvin Brooks and some other people that we have.

21 MS. NAVATO: Mr. Gutterez.

22 MR. GUITTEREZ: Officer Easley,
23 I'm really quite pleased that there's a new
24 surveillance system that's being piloted. Could
25 you give me an idea about what -- how many



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1 individuals, officers have been identified through
2 the system?

3 MR. EASLEY: We have identified
4 officers and, in effect, we've been doing the Early
5 Warning System for a number of years, and that is
6 part of the process, that not only evaluate the
7 officers but evaluate supervisors also. I think a
8 key element of identifying officers with problems
9 is the supervisors. They have day-to-day contact
10 with them. They hear what goes on when these
11 officers are making contacts with citizens. So
12 what we do is we make it a part of the evaluation
13 process for both the officer and the sergeant. If
14 you're asking me for numbers or about officers that
15 have been scrutinized, there are many. I can't
16 give you the exact numbers.

17 MR. GUITTEREZ: But you actually
18 are going to identify a core group of people that
19 have fallen into has risk category.

20 MR. EASLEY: We've s identified
21 officers who have drawn our attention by an usually
22 large number of complaints or use-of-force kind of
23 issues. But what we do is once that draws our
24 attention to them, then we have a supervisor under
25 the supervision of the commander investigate to see



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1 if we have a problem. And, no, there are not large
2 numbers of officers identified. And these may
3 be -- some may be very minor in nature, and we send
4 officers to Verbal Judo classes, we send them to
5 classes on how to develop their human relations
6 skills a little better than what they are right
7 now.

8 MR. GUITTEREZ: I was going to ask
9 you if you would be willing to share that
10 instrument with the committee.

11 MR. EASLEY: Okay. We have
12 currently an Early Warning instrument that is now
13 -- we are in the process of adopting a brand new
14 policy which is much better because it takes into
15 consideration the officer's accidents, other kind
16 of behavior that we think is important to capture.
17 Once that is approved, which probably will be into
18 the future --

19 MR. GUITTEREZ: You've been field
20 testing this first instrument for a year or two?

21 MR. EASLEY: Right. And it's
22 primarily directed more toward complaints that have
23 been filed, the processes. I think it's on a
24 quarterly basis, isn't it, Randy?

25 UNIDENTIFIED VOICE: (Nodded



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1 affirmatively.)

2 MR. EASLEY: It's on a quarterly
3 basis. The commander and supervisors of all the
4 officers get the report that shows number of
5 complaints that officers receive, and then the
6 supervisor is responsible for looking into those
7 details to see if, in fact, there are some problems
8 here. That does not necessarily mean that they
9 have to be substantiated complaints. If we have a
10 consistent pattern or problem area, then it's the
11 responsibility of the superior or commander to try
12 to push that person to improve.

13 MS. NAVATO: Mr. Rust.

14 MR. RUSH: For the governor to
15 appoint you the Chief of Police at Kansas City, did
16 you have to win the Mel Carnahan look-alike
17 contest?

18 MR. EASLEY: You know, several
19 people told me I look like him. I've always
20 thought I was better looking than him. But
21 actually he didn't appoint me. The Board of Police
22 Commissioners is responsible for doing that.

23 MS. NAVATO: Dr. Thompson.

24 DR. THOMPSON: You mentioned that
25 for training purposes you work with nationally



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1 recognized authorities. How is -- why are not
2 locally recognized people doing this? Does that
3 exclude --

4 MR. EASLEY: It does not exclude
5 local people. I don't know if you know Alvin
6 Brooks. We think he's locally recognized and
7 nationally recognized.

8 DR. THOMPSON: So he's the only
9 person that you use?

10 MR. EASLEY: You know, I think
11 we've used other people that are known throughout
12 the city. Randy mentioned an individual who was a
13 TV personality. But we're always looking. And our
14 academy is expanding now even more so to do a
15 little more regional approach. I think we're
16 getting off the regional police departments...

17 MS. NAVATO: Mr. Jenkins.

18 MR. JENKINS: Let me ask one
19 question for the record. This morning we received
20 information on allegations that in the command
21 staff for the police department there are --
22 particularly minorities are treated disparately in
23 terms of records being released to the press,
24 things of that nature. And we want to get a
25 response from you concerning that.



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1 MR. EASLEY: What --

2 MR. JENKINS: What treatment for
3 minority at the command center.

4 MR. EASLEY: I'm very, very
5 sensitive to that. I think that in the last year
6 that I have promoted between 30 and 35 percent. We
7 recently went through an incident that became a
8 public incident. It was in the paper, it was in
9 the media. There was information that has leaked
10 out about the investigation. What I had done since
11 then is to try and take a look at that, see if I
12 can identify some ways to better maintain the
13 confidentiality of the information that flows
14 through the department from this investigation or
15 the internal investigations. I don't know. But if
16 you look back over the last year, anyway -- and I
17 can't -- I don't feel like I can be held
18 responsible for happened before then, but I think
19 that we have dealt, especially disciplinary action
20 wise as fair with minorities as we have
21 non-minorities. You are correct in whoever
22 mentioned it to you this morning about the issue
23 with the media or leaks to the media. That was
24 accurate. And I don't have necessarily an answer
25 for it, but we're going to try to do better.



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1 We're going to try to do some things internally
2 keep it from happening again.

3 MS. NAVATO: Mr. Rogers.

4 MR. ROGERS: I want to know if --
5 I know sometimes officers may say that they aren't
6 sure whether or not a crime committed was motivated
7 by some bias or another. I was wondering if you
8 had a relationship with the local human rights
9 department that you share information on bias
10 crimes. They may be able to help you to determine
11 whether base did occur.

12 MR. EASLEY: I don't know
13 specifically if there's a personal relationship. I
14 know we work very closely with Human Relations in
15 our city government and we're always willing to
16 open up to anybody that can help us in that area.
17 So I can't tell you if there's a specific
18 relationship between the officers in the field and
19 the element that you're talking about.

20 MS. NAVATO: Okay. One more
21 question from Mr. Nulton.

22 MR. NULTON: What is the specific
23 procedure for dealing with claims of improper
24 profiling? When I say "profiling," the DWB type
25 thing.



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1 MR. EASLEY: I guess if that issue
2 came up, we would thoroughly investigate it
3 internally. We would look at all the facts that
4 are available to us, and certainly if somebody was
5 found that they had been -- were doing that very
6 thing, they would be so disciplined.

7 MR. NULTON: I gather from your
8 response that you don't get that sort of complaint.

9 MR. EASLEY: We haven't had a
10 large number of complaints in that area. We do
11 have some new officers and complaints that we do
12 our best to investigate.

13 MS. NAVATO: Thank you very much,
14 Chief of Police, for coming here.

15 The committee will take a break
16 for lunch.

17 MR. EASLEY: I don't know if you
18 want to see our policies.

19 MS. NAVATO: Yeah, we could, if
20 you could get copies of those to us.

21 We'll take a lunch break for now,
22 and will convene at approximately 2:20.

23 (The luncheon recess was taken.)

24 MR. DELATORRE: Let's go ahead and
25 begin.



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1 Mr. Chasteen. Did I pronounce
2 that correctly?

3 MR. CHASTEEN: Yes, you did.

4 MR. DELATORRE: If you would,
5 please, for the record, state your full name,
6 address, and your occupation.

7 MR. CHASTEEN: Okay. My name is
8 Ed Chasteen and I live in Liberty, but our program
9 is headquartered in Kansas City, Kansas. It's
10 Central Baptist Seminary.

11 MR. DELATORRE: I have a brief
12 statement about you for the record.

13 Mr. Chasteen is the founder of
14 Hate Busters, an organization of clergy and church
15 against race violence. He will give information on
16 the purpose of clergy and church, and a progress
17 report of activities and goals for the future of
18 the group in combating hate crimes in the greater
19 Kansas City area.

20 MR. CHASTEEN: Okay. I'd like to
21 read what I've written here briefly.

22 "Maybe They'll Quit Burning
23 Crosses" is what I've called it. Maybe they will
24 quit burning crosses when they understand that
25 their dark deed will never be the final word. The



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1 rose will spring up whenever and wherever a burning
2 cross appears.

3 We've had six in greater Kansas
4 City since '91. That's the background for these
5 comments.

6 Our job as clergy and church
7 against race violence is to get more publicity for
8 the good guys than the bad guys get. We want to
9 get on TV and in the newspapers in response to what
10 they have done -- rapidly, soon after they have
11 gotten publicity for what they've done. Our job as
12 Clergy and Church Against Race Violence is to
13 prompt churches and synagogues and police and
14 federal authorities to work together to apprehend
15 and prosecute cross burners. When suspects are
16 tried, we will sit in court as friends of the
17 victim. When the verdict is returned, we will
18 announce to the community our assessment of what
19 has been done.

20 Clergy and Church Against Race
21 Violence was organized in 1998 when a cross was
22 burned in Kansas City, Kansas, and local clergy led
23 a successful community effort to secure a
24 conviction and eradicate the -- and educate the
25 community to the seriousness of cross burning.



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1 When crosses are burned, we get on
2 the telephone and on the internet. We contact
3 religious and political leaders in the town.
4 Like in Lansing just in February
5 there was a cross burned. I heard about it Sunday
6 evening after it happened Sunday morning at four
7 a.m., so I spent all day Monday on the internet, on
8 the telephone talking to -- first I called a local
9 Catholic clergyman, asked him if he knew anybody in
10 Lansing who might organize the community rapidly.
11 He did. He put me in touch with Mike Stubbs
12 (phonetics), who's a Catholic priest in Lansing. I
13 had called the FBI previously and asked for the
14 names of the victims. I called the TV station and
15 got some further information about them. So I told
16 Mike who the victims were. He went to their home,
17 told them we wanted to have a prayer vigil for them
18 at their home rapidly. Mike called me back. This
19 is Monday afternoon now. We decided about
20 Wednesday noon we could have a lot of people there
21 at the home. We could have the TV and newspapers
22 there to report our vigil. And at high noon on
23 Wednesday we had a showdown in the yard where the
24 cross was burned. About a hundred of us showed
25 up. We sang "Amazing Grace" to begin, "We Shall



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1 Overcome" to end, and afterward we went to lunch
2 with the victims. And we had various community
3 people there, and they promised that they would
4 look after the victims, take care of any problems
5 they might have until whoever did this is caught
6 and tried and dealt with.

7 So this is our major focus, to
8 make sure that we get rapid response anytime a
9 cross is burned or other hate violence occurs.

10 There was a man shot and killed at
11 KCI airport a few months back. It was racially
12 motivated. The victim was white; the perpetrator
13 was black, who later committed suicide. We also
14 met against racial violence. We are opposed to any
15 act of racial violence, and are dedicated to
16 standing up and announcing publicly that this will
17 not be tolerated here. And we will respond by
18 ministering to the victims, and pursuing with the
19 police and the other authorities until such time as
20 the victim (sic) is apprehended. We think this is
21 a needed function.

22 We also write love letters to the
23 victims. We've gotten thousands of letters from
24 all over the country. We get on the internet and
25 send out information about it. And we have letters



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1 sent to us at our headquarters which we then take
2 the family. These are letters of encouragement.
3 We've gotten thousands for the couple in Overland
4 Park and hundreds already for the couple in
5 Lansing.

6 We also collect money for them
7 when they need -- or when they have expenses that
8 they've incurred because of the cross burning, we
9 try to meet that need for them. So we see
10 ourselves as a community resource that is there to
11 make sure the community knows that the haters never
12 will have the final word, that good people can be
13 marshalled and brought together rapidly to respond.

14 And we have an award ceremony once
15 a year. We just had it two weeks ago tomorrow. We
16 gave awards to 37 people, rabbis, ministers, high
17 school students, all kinds of people all over the
18 area as Hate Buster heroes, meaning they had come
19 to our aid in some significant fashion and helped
20 us do all that we do.

21 We now have responded to six cross
22 burnings. We pledge that we will respond every
23 time it happens, and we will make sure that that
24 issue is kept open and alive by the authorities
25 until resolution is accomplished.



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1 That's basically us.

2 MR. SCROGGINS: Very good.

3 MR. DELATORRE: Very good.

4 Any questions?

5 MR. RUST: Those six cross
6 burnings in greater Kansas City are since when?

7 MR. CHASTEEN: 1991. The first
8 one in Liberty, my home town. And after that cross
9 burning, we did a number of things. We took a
10 shirt -- we had this shirt, we took one to the
11 victim. We wrote letters to the paper. We had a
12 march. We had hundreds of people come to a march
13 in Liberty. We marched from our campus, William
14 Jewell to the campus, singing "Up With People, Down
15 With Hate." The Kansas City Star the next morning
16 in the paper had a full-page editorial endorsing
17 what we had done. They said Dubuque, Iowa, has had
18 eight crosses burned in recent months. If they had
19 done what we had done, they wouldn't have had a
20 second.

21 MR. RUST: In the last three years
22 how many cross burnings?

23 MR. CHASTEEN: Here in Kansas
24 City, since 1991, we've had five more. The last
25 one in February of this year in Lansing.



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1 MR. PARKER: Where was that last
2 one at?

3 MR. CHASTEEN: Lansing, Kansas,
4 February 17th of this year.

5 Yes, sir.

6 MR. GUITTEREZ: Do you only focus
7 on cross burnings?

8 MR. CHASTEEN: No. Any act of
9 hate toward any targeted group for any
10 characteristic of theirs.

11 MR. GUITTEREZ: At the -- your
12 focus is to give solace to the victims --

13 MR. CHASTEEN: Yes.

14 MR. GUITTEREZ: -- not to
15 demonstrate?

16 MR. CHASTEEN: Both, actually.
17 Both.

18 MR. GUITTEREZ: You do that?

19 MR. CHASTEEN: We always try to
20 contact the one who's done it when they identify
21 them, and they hardly ever will do it. We think
22 there's something redemptive that we can do for
23 them, but we haven't been able to get them let
24 others do it. But we also want them pursued and
25 caught and punished. And they have inflicted what



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1 we think is a grievous wrong on all of us. But we
2 also realize that one day soon they'll be out and
3 back with us, so we can't just write them off.

4 MR. JENKINS: In your conversation
5 with the victims of hate crimes, what is their
6 reaction to the crime itself? What kind of promise
7 do you receive from them?

8 MR. CHASTEEN: They're devastated.
9 They can't believe it's happened to them. It's
10 like somebody has insulted you or abused you in a
11 way you can't even begin to understand. In
12 Overland Park, a woman, the mother, the wife in the
13 family, had to leave the state and go away for ten
14 days or so in order to recover her sanity. And in
15 the meantime she didn't have a job, she couldn't
16 work, and they had -- they missed a car payment and
17 fell behind in a number of areas, so we raised
18 money for them. And we continued to keep in touch
19 with them, even these months later, to see if
20 there's anything else that can be done for them.

21 MR. JENKINS: Outside of your
22 organization, is there a support system within
23 state government or within local government to
24 support victims of hate crimes? And if not, why
25 not?



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1 MR. CHASTEEN: Well, there was
2 nothing being done, we thought, in '98, when it
3 happened, so that's when we formed our group. We
4 had discovered a number of people who are available
5 individually if you contact them, but there seems
6 to be no organized effort to do what we're doing
7 now. So that's why we thought we ought to do it.

8 MR. DELATORRE: Mr. Chasteen, have
9 you or anybody who is part of your group, have you
10 experienced a lot of resistance to what you're
11 trying to do?

12 MR. CHASTEEN: No, none.

13 MR. DELATORRE: Criticisms,
14 intimidation, anything like that?

15 MR. CHASTEEN: No, hardly any.
16 Everybody is more than happy to help. I think
17 people just need some guidance to do things like
18 this. I think we overestimate how much resistance
19 there is to people doing good things. They really
20 want to, they need some help in doing it and
21 somebody to say, "This is what we need to do."

22 Like we are going to actually
23 -- last fall we wrote a statement condemning cross
24 burnings, and it's a one-page -- I've got a copy,
25 and I'll leave it with you. And we wanted 5,000



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1 people to sign it. And we asked the governor and
2 he signed it, and the Mayor of Kansas City, and
3 some senators and various mayors in the community,
4 and we put that in The Star last December. It's on
5 our web page now. We're trying to get 10,000 now,
6 signatures. And in schools. A North Kansas City
7 high school student got 120 signatures in one day
8 after I went to talk at their school. She said, "I
9 never felt so good about anything in my life." And
10 we gave her a medal as a Hate Buster hero.

11 MR. GUITTEREZ: Your organization
12 seems like it's very well connected with a lot of
13 the church communities that are out there; is that
14 true?

15 MR. CHASTEEN: Yeah, right.

16 MR. GUITTEREZ: Has your
17 organization taken a position on the practice of
18 profiling?

19 MR. CHASTEEN: No. No, we
20 haven't. That simply hasn't come up. If it does
21 -- what we try to do is respond to things that have
22 gotten in the news and that people have read about
23 and are scared of, like the cross burnings. And
24 there's -- the last image they've seen is the
25 burning cross. So we want to overimpose our prayer



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1 vigils and people doing good things, impose that
2 over that. So certainly we would do that, but we
3 haven't.

4 MR. BURKS: The six victims of the
5 cross burnings that you've referred to, have they
6 all been minorities, or have they been --

7 MR. CHASTEEN: Yes.

8 MR. DELATORRE: Yes.

9 MR. PARKER: You said you weren't
10 aware of any State aid for victims, and Mr. Jenkins
11 asked that about that. There is a Missouri law
12 that does that, but -- I don't know whether it
13 includes hate crimes or not, but I think we ought
14 to find out.

15 MS. THOMPSON: Yes, it does.

16 MR. PARKER: We do have a law.
17 I'm not familiar with it lately, but seems to me
18 like I read in the paper -- Jerry, did you read
19 this? Did they revise it or something in the last
20 year or two or had a proposal to revise it? That's
21 something we could check into.

22 MR. CHASTEEN: There is aid of
23 various sorts, but there is no organization, no
24 group of people that will quickly, immediately
25 within three days' time. That's our little



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1 province. Within three days, we've said to people,
2 we will respond publicly so that image is
3 overridden, and we hopefully erase it from the
4 public's mind. And then these other good programs
5 out there have to pick up all the other pieces.

6 MR. PARKER: That's commendable,
7 what you're doing.

8 MR. CHASTEEN: Thanks.

9 DR. NAVATO: I was wondering: How
10 would a person, then, who was involved in a hate
11 crime contact you or --

12 MR. CHASTEEN: We usually hear
13 about it on TV. But I did get a call in Kearney on
14 Martin Luther King's birthday two years ago.
15 Someone stuck a coat hanger cross in a garage door
16 of a black family and set it on fire. And I got a
17 call from the husband that morning, and then I went
18 up to see them.

19 DR. NAVATO: Is there a number you
20 can leave?

21 MR. CHASTEEN: Yes. It's on our
22 literature here. It's 913-371-5313, Extension 139.

23 DR. NAVATO: Extension what?

24 MR. CHASTEEN: Let me say it
25 again. 913-371-5313, Extension 139.



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1 MR. DELATORRE: Mr. Chasteen, have
2 you been in touch with people in other cities?

3 MR. CHASTEEN: Yes.

4 MR. DELATORRE: Have they followed
5 your example?

6 MR. CHASTEEN: Well, Lansing -- I
7 went to Warrensburg the other night. And we define
8 ourselves as part of greater Kansas City, by which
9 we mean anywhere from Columbia to Manhattan,
10 anywhere The Star is read or our TV is seen. So
11 it's a big area, and we're in touch. Our plan is
12 to have people in all these communities as part of
13 us within two years time. So we have a game plan
14 to do that.

15 MR. DELATORRE: I think it's a
16 terrific thing that you're doing, and I certainly
17 commend what you're doing.

18 MR. CHASTEEN: Thanks.

19 MR. RUST: I have to ask this
20 question.

21 MR. CHASTEEN: Yes, sir.

22 MR. RUST: Out of the six cross
23 burnings, how many people were either arrested, or
24 did they find out who actually burned it?

25 MR. CHASTEEN: Seven men are now



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1 imprisoned.

2 MR. RUST: Was there a commonality
3 of age?

4 MR. CHASTEEN: All young, white
5 men in their twenties.

6 MR. RUST: Are they affiliated
7 with any particular group or anything?

8 MR. CHASTEEN: No, not that anyone
9 ever pursued or demonstrated. Of course, they all
10 had read common literature, but we could find no
11 connection that they knew each or anything of that
12 sort.

13 MR. RUST: Are you including the
14 St. Joseph cross burnings in the six?

15 MR. CHASTEEN: Yes.

16 MR. RUST: They all did go to
17 jail. I know they all went to jail.

18 MR. CHASTEEN: Three men went to
19 prison in Kansas City, Kansas. Overland Park, one
20 went to prison. Kearney, they never did find out
21 who did it. In Liberty it was a juvenile. We
22 never knew his name, but he was treated in the
23 juvenile system. In Lansing, they're pursuing --
24 they think they know who did it, but don't yet have
25 proof enough to arrest him. But we will stay in



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1 touch to let them know that we haven't forgotten
2 them.

3 MR. DELATORRE: Anybody else?

4 (No response.)

5 MR. DELATORRE: We'll let you go.

6 Thank you.

7 MR. CHASTEEN: Where do I leave
8 this? Back here? Thank you, I appreciate the --

9 DR. NAVATO: Thank you.

10 MR. DELATORRE: Mr. Chasteen,
11 please do continue what you're doing.

12 MR. CHASTEEN: Okay. And you,
13 too.

14 MR. DELATORRE: Mr. Diuguid, have
15 a seat, please.

16 And first off, for the record,
17 please state your name, your address and your
18 occupation.

19 MR. DIUGUID: Into the microphone?

20 MR. DELATORRE: Yes.

21 MR. DIUGUID: First of all, I
22 apologize for being late. I can understand why you
23 guys are doing this here, because Take Our
24 Daughters to Work Day is happening there. In all
25 the places, we're using mine, and I had about a



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1 half a dozen -- no, about a dozen different ten-
2 and nine-year-old girls in my office wanting to
3 know about "What do you really do?" So I apologize
4 for the tardiness. Then there were accidents and
5 whatnot on 435, and that just complicates things
6 more.

7 My name is Lawrence Diuguid. I'm
8 Vice President for Community Resources at The
9 Kansas City Star. I've worked for the newspaper
10 since 1977 as a reporter, photographer, copy
11 editor, automotive editor, columnist, assist city
12 editor, associate editor, and now vice president.

13 MR. DELATORRE: The information I
14 have says that you also write a column that
15 features race relations issues. How often is your
16 column printed?

17 MR. DIUGUID: Twice a week now.
18 I had been up to three times a week and as few as
19 once a week when I first started in 1987 writing
20 the column.

21 MR. DELATORRE: And your focus for
22 us today is going to be on THE possible role that
23 the media could have on these issues?

24 MR. DIUGUID: I was told in the
25 letter that I received to prepare a statement. So



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1 part of what I was doing today was drafting
2 that, on deadline. So if I can just read this to
3 you, then we can do that.

4 MR. DELATORRE: That's fine.

5 MR. DIUGUID: We can do the
6 questions afterward.

7 Good afternoon, ladies and
8 gentlemen. The March 31st letter I received from
9 Mr. Melvin Jenkins asked that I have a written
10 statement to give to you, so here it is.

11 First, let me thank you for
12 conducting this session and for giving me the
13 opportunity to speak with you on the very serious
14 subject of hate crimes and racial profiling in
15 Kansas and Missouri. Some of you may know that I
16 sometimes include such subjects in the columns I
17 write for The Kansas City Star. I have told groups
18 I have addressed in the past that in the thirteen
19 years that I've written columns in the newspaper I
20 write on one and only one subject. That's
21 ignorance. Hate crimes and racial profiling just
22 happen to be their own solar systems in that
23 universe of ignorance.

24 To save time, I am going to jump
25 to some observations that I have noted in the 23



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1 years that I've worked as a reporter/photographer/
2 editor/columnist and now vice president at The
3 Kansas City Star.

4 In 1978 another reporter and I at
5 what then was called the Kansas City Times, sister
6 paper to the Star, went throughout Kansas City to
7 test whether we would be treated differently in
8 trying to gain admittance into area discotheques.
9 He was white, I am black. I'm sure you remember
10 what discos were back in that day.

11 What we found was I was made to
12 pay a cover charge and show three pieces of ID with
13 pictures to get in, compared with my colleague who
14 was admitted with no questions asked. That was a
15 new pattern in discrimination, despite public
16 accommodations laws that grew out of the civil
17 rights movement of the 1960s and 1970s. Before,
18 you will recall, signs or people just blatantly
19 just said then that colored people weren't
20 allowed. The game has changed.

21 My colleague and I wrote about the
22 disco situation in the pages of the morning
23 newspaper. I have to laugh about it because it
24 made history not only for what it disclosed, but
25 also for the fact that we got the word "booty" in



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1 the paper. You guys can laugh, you know, as in
2 "Shake your booty." That was for the first time.
3 We won a national award, accumulated praise from
4 our peers, and the practice of discrimination, once
5 exposed, ended.

6 That should have ended things
7 right there, but over the years, the Star has had
8 to revisit night clubs, delve into banking
9 practices, housing accessibility, look into the
10 courts' and cops' treatment of people of color and
11 education and job opportunities because the issue
12 of bigotry and discrimination in this City
13 continues to mutate faster than cockroaches after a
14 nuclear blast and rear its ugly head in different
15 ways.

16 Colorful, huh?

17 MR. THOMPSON: Very.

18 MR. DIUGUID: Here's another
19 example. I've written a lot of columns on
20 diversity and how public schools in the suburbs
21 have been traumatized by the increasing number of
22 black students transferring there from the Kansas
23 City and Kansas City, Kansas, School Districts.
24 These are the same school districts that fought
25 against being included in any metro-wide,



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1 court-imposed solution to the desegregation of the
2 urban school districts.

3 But as fate would have it, black
4 families seeking better schools for their children,
5 as any parents would, ended up moving to homes in
6 those same suburban districts and enrolling their
7 African-American children in those schools.

8 What they have shared with me --
9 and I have written about this, by the way -- you
10 can find those columns at www.kc.com -- is that
11 many of those kids are being psychologically abused
12 by other children, teachers and administrators who,
13 like the rest of society, harbor prejudices against
14 black people.

15 Now, when I write about this, my
16 voice mail, e-mail and regular mail become
17 overloaded with angry messages of hate from whites
18 who call me a racist for bringing such matters up.
19 And they say African-Americans should go back to
20 Africa as if neither we nor our ancestors were
21 born, were reared, paid taxes, earned privileges
22 and have helped to build these United States into
23 the superpower that it is today.

24 But there, again, is more of the
25 ignorance of which I spoke earlier. I set myself



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1 up as a lightening rod for this type of racial
2 harassment by continuing to write on these kinds of
3 subjects.

4 But I also wrote a column about
5 three years ago of a black family who encountered
6 great problems in trying to sell their home in
7 Overland Park, Kansas. First of all, they
8 encountered problems from their neighbors when
9 moving in. There were the stares and the racially
10 offensive things that were done to them that made
11 the six o'clock TV news. Then when they went to
12 sell their home after being in it for a few years,
13 they were told by a real estate agent to remove
14 everything in the house that told prospective
15 buyers that black people lived there. That meant
16 all of their family pictures had to come down, all
17 of their magazines and books about and for black
18 people had to disappear. Their children's toys had
19 to go, too.

20 This, ladies and gentlemen, is
21 abhorrent, and it speaks to the essence of racism.
22 Whites refuse to use anything that someone black
23 had touched. It's tainted. It's like the swimming
24 pools forty and fifty years ago that had to be
25 drained and cleaned after black or Hispanics had



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1 their day to use those facilities. We were treated
2 as if we were diseased people then just as we are
3 too many times now. But what was worse was that
4 the family reported the situation to the federal
5 agency responsible for investigating such
6 complaints and was told that they should have
7 removed the objects as they were told by the
8 realtor. The federal agency set up to prevent this
9 type of discrimination then did nothing about it.
10 I went out and met with the federal officials at
11 their urgings, too. Nothing happened afterward.
12 To me, it made it seem as if the family had been
13 victimized three times: Once by the real estate
14 agent, once by the interviewing federal
15 investigator, once when the agency does nothing.
16 The family ended up taking down everything black
17 and moving out before the house finally sold.

18 I wrote about that, too.

19 Let me give you another example,
20 and this one's personal. My wife and her mother
21 went to look for a house in south Kansas City for
22 my mother's -- or for my wife's mother. The real
23 estate agent was great on the telephone and made an
24 appointment with them. A car was parked outside
25 the place when my wife and her mother arrived, but



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1 no one answered the door when they repeatedly rang
2 the bell. They drove around the nice, up-scale
3 subdivision afterwards, but when driving back by
4 the house, they saw the real estate agent leave the
5 house, get into his car and drive off. The real
6 estate agent was there, he just didn't answer the
7 door when they saw the two -- that the two women
8 -- or when he saw that the two women he was to see
9 were black.

10 It's as if we are passing when we
11 talk with people on the phone, but as soon as they
12 realize that we're black, then all of the tricks
13 come out to bamboozle us, just as they bamboozled
14 our ancestors.

15 My wife called to report the
16 incident to officials charged with investigating
17 such complaints. Here's what happened. They
18 wanted her to sign a lot of legal papers bolting
19 her into their bureaucratic routine. She refused.
20 They insisted. She refused again. They didn't
21 know my wife. But because they had taken a report
22 over the telephone, they wanted her to sign another
23 legal form letting them out of their commitment to
24 do something. Again she refused.

25 Here's the problem: Civil rights



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1 investigations seem to put the burden of proof more
2 on the victim than the accused. You can call the
3 child abuse hotline here and get a better and more
4 rapid response than the complaint being
5 investigated without disclosure of who made the
6 call than you can in complaining about something
7 related to civil rights.

8 This is not responsive to the
9 needs of citizens who always thought they had
10 federal, state, county and local governments as
11 watchdogs over their civil rights. But it appears
12 that's clearly not the case. I don't think I have
13 to tell you that the people behind the forces out
14 there that are racist are very smart, very skilled,
15 and organized beyond what most people think is
16 possible. They're on the worldwide web and they
17 network.

18 I heard Rob Wolfson, director
19 of the Plain States Region of Office of the
20 Anti-Defamation League call these folks Ph.D.'s
21 with postdoctorate studies in hate. I don't
22 disagree. Let me give you one last example, and
23 this one is quite amazing to me.

24 In the early part of February,
25 a black, fifteen-year-old honor student at Shawnee



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1 Mission East High School found a noose made of
2 heavy-duty string on the floor by his desk in the
3 honors calculus class. He was the only black
4 student in the class before, after, or the one that
5 followed. He was outraged, and so was his mother.
6 They brought it to the school's attention. When it
7 looked as if school officials were going to do
8 nothing about it, they took their case to the
9 press. And I got the call. That's when I got
10 involved, too, writing two columns so far. More
11 will come soon. It ain't over.

12 But here's what's interesting.
13 People have wanted to believe that this was just
14 boys being boys with no racist intent. They wanted
15 to believe that this noose was just child's play.
16 With the African-Americans, it is always an
17 instrument of hate, lynchings, and this country's
18 racist past.

19 An investigation by the school and
20 police resulted in all of the students in the class
21 before the one in which the noose was found being
22 interviewed by authorities. No one knew anything.
23 But as the investigation continued, the culprit
24 finally admitted under pressure what he had done
25 when pressured into a confession. It also was an



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1 Asian-American student. Now, to many whites, that
2 seemed to clear the kid of any racist intent, and
3 it cleared the school, because this student was a
4 minority, too. But I've done columns in the past
5 on Asian-American students who told me that
6 their -- they felt pressured by their white peers
7 to avoid African-Americans and were viewed by
8 whites as another white person, too. Acceptance
9 into that group of privilege meant they also had to
10 do racist things as well.

11 But here's what's worse. The
12 young man's courage in coming forward to talk about
13 the noose, which some folks have put around
14 quotation marks, and they've called it -- and it
15 just happened to be formed into a loop. It was a
16 noose. But they said that the noose he received --
17 well, what people have told me was the noose he
18 received has prompted nearly a dozen
19 African-Americans to tell me of nooses they found
20 or that were given on their jobs or in other
21 schools.

22 This is a new instrument of hate,
23 ladies and gentlemen. It's different from the
24 crosses being burned on people's lawns because it
25 gives the perpetrator an easy out as being no big



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1 deal, just a joke, or the noose had no racist
2 intent. This is the way that prejudice and bigotry
3 are changing. But to African-Americans, the intent
4 remains as clear as racial profiling and stopping
5 and arresting blacks, and it's clear as the
6 mission -- like the bell curve, in criminalizing
7 African-Americans and making blacks seem
8 genetically inferior to whites.

9 Racial profiling is an ugly fact
10 of life in this country in traffic stops, airport
11 stops, and stops everywhere. It is one of the
12 burdens of being black, Latinos, Asian-American and
13 Native Americans. And I've written about that,
14 too.

15 It all says to people like me that
16 we are not wanted. Although this country takes our
17 taxes and our labor just as it did centuries ago,
18 and yet, America wants to give nothing or very
19 little in return.

20 So I've said all that to recommend
21 to you that the government watchdog agencies need
22 to change, too, so that they keep up with the
23 shifts and the methods of discrimination in this
24 new age of bigotry. Right now the way that such
25 agencies appear is they are paper titles. And the



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1 people who populate them also are part of the
2 bureaucracy designed to push paper, go through the
3 motions of appearing as if they're doing something,
4 but in essence, are holding their breath.

5 Ladies and gentlemen, thank you.

6 MR. DELATORRE: Any questions?

7 DR. SUH: You mentioned some Asian
8 minority here. Do you think Asian minorities face
9 the same thing Americans face today when numbers
10 increase?

11 MR. DIUGUID: Well, I know that in
12 other parts of the country in which the percentage
13 of Asian-Americans is as high as the percentage of
14 African-Americans here, that the discrimination is
15 just as intense on the Asian-Americans there as it
16 is on African-Americans here. And that's part of
17 the shifting and mutation that takes place with
18 folks going from one region to the other. And
19 you're okay in one part of the country, and you
20 come to another part of the country, and it's move
21 to the back of the bus, without a doubt.

22 Yes, sir.

23 MR. PARKER: I wanted to ask if
24 he had some ideas for solution and the way -- let
25 me say this: When we establish any public policy



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1 in our country, I think this is what's happens.
2 There's always a percentage of people who never
3 believed in the policy, maybe 25 percent or so.
4 We've got a few Ku Klux Klan guys that never
5 believe in a public policy of non-discrimination or
6 something. And you can think about any subject you
7 want and I think that's the case. But our country
8 has come a long way to pass the laws against
9 anti-discrimination and so on.

10 And so the question is: In view
11 of all this, given the nature of what human beings
12 are like, what do you think a solution for this
13 problem is? You know, we can say there's still
14 people stealing, and we can say, "Well, we're still
15 a national of stealers," but we've had laws against
16 stealing for hundreds of years. But there's still
17 a few people out there stealing. I don't know what
18 the percentage is, but -- so we've got people out
19 there that hate blacks, and I don't know whether
20 we're going to eliminate all of them or not, but
21 we've come a heck of a long way.

22 But I wonder. I've got a couple
23 of ideas myself of what I think to be a solution to
24 it. And I wonder if in your position and
25 experience and so forth, do you have some ideas you



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1 think as far as solving this thing?

2 MR. DIUGUID: Yes. I thought I
3 presented those. The press is so good at telling
4 you the problems that I guess the solutions just...

5 MR. PARKER: I recall you've done
6 a lot. You've been writing articles, so you've
7 done a lot doing that.

8 MR. DIUGUID: The laws that are
9 against discrimination are circa 1964, circa 1972,
10 circa 1970-whatever. And there have been some
11 changes, of course, to show there are problems.
12 But the system of discrimination is changing far
13 more rapidly than the laws are. We're talking
14 light years apart. And people who are working for
15 the federal government agencies are working with
16 the laws. So as the changes occur and
17 discrimination of these people out here, these
18 folks are just cut off and left to suffer.
19 The laws either have to change or the course has
20 to change in order to accommodate the shifts and
21 changes with discrimination that has really done
22 the damage to the people out here, or all progress
23 that has been made will be reversed.

24 Now, speaking from a purely
25 selfish standpoint, that's good for the media, that



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1 makes headlines. We love it. Let this continue to
2 occur.

3 But speaking as a person who is a
4 citizen of this country, this can't go on. The
5 media owns this problem just the same as the rest
6 of the public does, because we're way behind in
7 terms of hiring and promoting people of color and
8 women within our organizations, too. And that's
9 been noted in the press as well.

10 So we need to change to get up
11 here (indicating) so that we don't have just a
12 token few who are looking and writing about these
13 issues; but that these issues remain in the
14 forefront, because I think with exposure they will
15 force the laws to catch up to the situation up
16 here. But if there's no exposure, the laws are
17 going to stay back here thinking "We're doing our
18 job. We're doing everything we can possibly do."
19 But it's never enough.

20 MR. DELATORRE: Ms. Comache?

21 MS. COMACHE: You mentioned the
22 victim of civil rights abuses having to review
23 their cases for the government agencies are who in
24 charge of enforcement. Could you expand on that?

25 MR. DIUGUID: Golly, I think I



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1 went into that. I think there's a level of
2 frustration among people who have to make claims.
3 We've always been told if you just do your job, if
4 you just go and make a name for yourself, you will
5 receive your just desserts, your rewards. Well,
6 you go out into the world, get brutalized by a
7 system that is dead set against us, seek help as
8 you've been told you can from either the local,
9 city, county, state or federal government, all with
10 the expectation. And that expectation is huge,
11 getting justice in some way, and then it's dropped
12 yet again. And you end up where the situation is
13 worse than if you were to know from the start that
14 this is a hopeless thing to fight in the first
15 place. You give a person hope, then you take it
16 away, and that person's been damaged twice. And
17 that is unconscionable.

18 MR. DELATORRE: Yes, sir.

19 MR. ROGERS: I was wondering if
20 you thought that the press might have some role in
21 helping to educate the general public. Most cases,
22 what you're just taking about is burdens of proof,
23 and burdens of proof shift in civil rights cases,
24 like the little old lady from Pasadena. And a lot
25 of times the general public, for whatever reasons,



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1 won't go and get the information that tells them
2 about burdens of proof and how to do those cases
3 so...

4 MR. DIUGUID: Here's what happens
5 in the press. Say I'm a reporter -- you take away
6 all my titles, I'm a reporter. I'm coming to
7 interview you. You're the federal official. I'm
8 taking your word on this case that somebody had
9 told me about, and you say, "Well, we investigated
10 it and we found that there's nothing there."
11 That's what I write, because I have to report just
12 what you said is the truth.

13 At the same time, the person or
14 the family who is offended again is thinking,
15 knowing, feeling that what they've experienced is
16 the truth, too. And, in fact, it is. But if I, as
17 a journalist, go and give more weight to that
18 person's story when you said "That's BS," then I am
19 going to have to pay the price where I work. And a
20 lot of times the price is corporate capital
21 punishment.

22 So we depend on the federal
23 agencies, in the press, to tell us that this story
24 is believable or bogus. If you say it's bogus, I
25 mean, that's what you're saying and we found no



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1 credible evidence, blah-blah-blah-blah-blah, it's
2 bogus, then we've slammed the person a third time.
3 And the times that I've gone against the system and
4 said that the federal agency is wrong, the person
5 is right, I get the full weight of my supervisors
6 down on my head, plus the full weight of the public
7 saying they should fire you. That has happened
8 before, too many times, sir. And I don't think
9 it's right because I know that the situation that
10 the individual is trying to relay to me as being an
11 injustice is not inaccurate.

12 MR. DELATORRE: Mr. Jenkins has
13 a --

14 MR. DIUGUID: But the beauty of
15 being a columnist is there's only one rule, and
16 that's that there are no rules, and so I can tell
17 the story.

18 MR. DELATORRE: Mr. Jenkins.

19 MR. JENKINS: One of the reasons
20 that the advisory committee, or the committee as a
21 whole in this meeting, is one to educate the public
22 concerning filing the complaints. So often, we in
23 our United States, in our jurisdiction, will find
24 that citizens don't know, one, how to file a
25 complaint; two, the nuance of what transpires once



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1 a complaint gets filed. We've found over 23
2 federal agencies with enforcement authority, one
3 agency not knowing the other.

4 So the advisory committees have
5 held forums like this throughout the United States
6 to educate the public concerning what happens when
7 you file a complaint, what you can expect from a
8 federal agency, what type of support agencies are
9 in place, what are the remedies out there, because
10 the average citizen does not know where to turn and
11 how to go about filing a complaint.

12 One of the things that we have
13 often found is that the desirability and the role
14 of the media in advising the general public
15 concerning how to file complaints. When we held a
16 community forum in Dubuque, Iowa, the editor of the
17 newspaper there indicated the responsibility of the
18 press, one, is to take information from the general
19 public and federal agencies and provide them in a
20 form to citizens. The Kansas City Star and The
21 Call held a series of, I guess, race relation
22 forums some months ago. What were some of the
23 findings from the community concerning racism in
24 Kansas City?

25 MR. DIUGUID: Well, let me back



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1 up to your first point where you say that people
2 aren't aware of how to file complaints. We have a
3 saying in the press: We cannot tell you what libel
4 is until we are presented with it, and you know it
5 when you see it. Okay? And then you react to it.

6 And my take is that if you get
7 someone who's come to you with a situation that
8 looks like a duck, quacks like a duck, walks like a
9 duck, then by golly, it has to be a duck. And you
10 need to find a way to help that person through your
11 bureaucracy, your system, in order to get that
12 individual to make the complaint in a way that is
13 going to give you all the tools that you need to
14 act on that complaint. And it's easy to blame the
15 victim, but that's not going to solve the victim's
16 problem, and it will allow the discrimination to
17 continue. And so you have a festering thing in
18 society that goes on, because if the perpetrator
19 gets away with a crime once, you know, you hold up
20 a liquor store, felt pretty good, got a rush out of
21 it. Then you go to another liquor store, do it
22 again, get some money, get a rush. You're not
23 stopped. You know you can get easy cash that way.
24 It's better an ATM. And you're going to do it
25 again until you're stopped. And that's basically



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1 the element of what goes on in crime.

2 Now, in terms of the press, the
3 press is in business to make money. The press has
4 to compete with television and radio, and we have
5 to compete with all these entities and with each
6 other in getting a story across. If you're talking
7 about something that's bureaucratic and boring,
8 they're not going to touch it. It's just not going
9 to happen. You have a hearing like this, and
10 you're here all day, and the stuff is condensed
11 into what, ten inches, and you've gone through
12 reams and pages and pages of documents, I've got
13 sixty inches here. Nobody's going to print that.
14 There's no way. So you've got to make it and
15 condense it in a form that's going to be
16 transmittable to a public that doesn't give a
17 damn. They don't. And so it puts more weight on
18 your shoulders to do more.

19 And just going through the motions
20 isn't enough. I'm not saying that that's you, but
21 I'm saying that happens a lot.

22 MR. DELATORRE: Question from Mr.
23 Gutterez.

24 MR. GUITTEREZ: Just for
25 clarification, we've heard a lot of discussion this



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1 morning and today about the advisory boards and the
2 facet of local community. Do you have any thoughts
3 regarding that, and are you saying that local
4 accountability isn't necessarily going to cut it
5 unless there's federal backup?

6 MR. DIUGUID: Everyone that you've
7 heard from today, I'm sure, is very tied into the
8 public, very attuned to all of the issues that are
9 taking place, very accountable, very committed and
10 want to do the right thing. All you folks are up
11 there because you want to do the right thing. I'm
12 here because this is something I want to do, too.
13 I think it's right, I think it's just, I think it's
14 important.

15 I think that you have to have a
16 groundswell of people who are willing to take the
17 ropes and pull the train even though the engine
18 just won't go. And I think that you have to -- in
19 some cases if you've got a system that's not
20 working, throw the system out, work with the people
21 who know what's out there in the public, because
22 the system of what's changing out in the public is
23 changing faster than the rules can change to keep
24 up with the changes. So you have to really watch
25 that bouncing ball because it is dribbling all over



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1 the place. And I'm not saying that the federal
2 government is charged with doing this sort of
3 thing, because they have a role. Federal
4 government must be informed. There's so much
5 business, there's so much community, so much
6 politicians. It's everybody. It's none of us,
7 we're all hooked.

8 MR. DELATORRE: Mr. Rust.

9 MR. RUST: Without going into it,
10 at the end, you made a point of saying there is no
11 Kansas City Star reporter covering this event. To
12 my knowledge, there is no AP reporter here covering
13 events. I happen to be in the media, too.

14 MR. DIUGUID: Where are you from?

15 MR. RUST: Cape Gerardo, Missouri.
16 Terry Rust, Southeast Missouri and Rust
17 Communications. We have newspapers in Marshall and
18 eleven other dailies.

19 MR. DIUGUID: I saw a line in the
20 paper this big (indicating) saying you guys were
21 here.

22 MR. RUST: Yes. And I didn't see
23 a press release coming through an AP or anything
24 else. And that's a valid point. But the point I'm
25 making, The Kansas City Star covered all these



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1 cross burnings and everything. Seven people in six
2 cross burnings are all in jail. Do you think there
3 needs to be some variation, change in the hate
4 crime laws, or are the present laws sufficing?

5 MR. DIUGUID: I don't think that
6 the present laws are keeping up with changes.
7 That's what I thought I said.

8 MR. RUST: You say that, and I
9 disagree with you, incidentally, where you say
10 media likes these headlines. We don't like these
11 big headlines. We like to solve the problems and
12 put the information out. If you say specifically,
13 then, keeping up the laws, this is the way it ought
14 to be changed. The media do like the big
15 headlines.

16 MR. DIUGUID: I'm talking about
17 the media in a general. We're the good guys, and
18 The Star will say that, too, and -- but the maxim
19 in television is, "If it bleeds, it leads," and
20 that is not going to ever change. And cross
21 burnings are good pictures, that's good sound, you
22 have drama, it's good press. And I'm not going to
23 back away from this saying there's have been books
24 and papers and everything that have been written on
25 that, and all of that drama really filters into the



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1 public being fascinated by this train wreck that
2 has occurred, and yet it repulsed by it, too. And
3 I'm not going to back away from it. And you can
4 say you're the good guys, and I can say that The
5 Star is the good guy, and we cover all the issues
6 along the entire waterfront.

7 That's what our diversity
8 initiative structured to do. And I'm co-chair of
9 that diversity initiative at The Star. And so I
10 push that. But at the same time, we cannot ignore
11 the other.

12 MR. RUST: Still back to the --

13 MR. DIUGUID: You had many
14 points.

15 MR. RUST: You've been asked four
16 different ways. What would you do to change the
17 present laws to move it from here up to where they
18 should be? I mean, that's one of the things that
19 we deal with.

20 MR. DIUGUID: I think the laws
21 have to give the people within the agencies the
22 latitude -- more latitude to decide just what now,
23 under the changing dynamics within the public,
24 constitutes a hate crime. And right now we have
25 laws that are very rigid, written circa whenever



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1 that point in time, comes, decides to do something.
2 Instead, nothing happens. And at the same time, we
3 are faced with an ugly and the political
4 environment in which Congress is likely to do
5 nothing, just let it go. And something has to be
6 done in order to extend the latitude of those
7 regulators to say, "Okay. We can take this case.
8 We can pursue it and act on it."

9 The other thing is the courts are
10 tied up with too much waiting, posturing, paper
11 steps that, again, takes that point from the person
12 being victimized initially to the point in which
13 there is justice. Years of separation comes, so
14 there's never any justice. It's never something
15 that feels good, tastes good, is good.

16 MR. DELATORRE: Mr. Diuguid, we
17 very much appreciate your being with us today.

18 Mr. Kurtenbach, thank you for
19 coming. First of all, would you please state your
20 name and your address and your occupation.

21 MR. KURTENBACH: My name is Dick
22 Kurtenbach. I live at Kansas City, Missouri, at
23 6408 Main Street. I am the executive director of
24 the regional office of the American Civil Liberties
25 Union here in Kansas City.



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1 MR. DELATORRE: I have a little
2 bit of information on you that says you will
3 describe for us a study that the ACLU is currently
4 conducting in the Kansas City area on racial
5 profiling; is that correct?

6 MR. KURTENBACH: It's a little
7 exaggerated. We're not quite to the point where
8 the study's been analyzed, but I can tell you about
9 it, what it will entail, a little background up to
10 date.

11 My written statement is jammed in
12 my printer at the office, so I am going to talk
13 with you for a few minutes and then be happy to
14 respond to questions.

15 Modern technology. I'm helpless
16 in that area.

17 First, a little bit about the
18 ACLU. It's a private advocacy organization,
19 nonprofit entity. We advocate on behalf of the
20 civil rights and civil liberties. This office
21 handles all of Kansas and the western part of
22 Missouri. We pursue our mission in three ways: We
23 do have a full-time staff lawyer so we can provide
24 free legal assistance to individuals who have had
25 their rights violated. We also lobby before



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1 legislative bodies, and we do public education as
2 well.

3 Let me, first of all, touch on why
4 we, as an organization, are interested in this
5 issue, the so-called Driving While Black issue.
6 I've been with ACLU for twenty years. In my
7 position as executive director, it has been a
8 consistent complaint over those years -- I haven't
9 kept numbers on the number of these kinds of
10 complaints we get every year, but it has been a
11 consistent complaint nonetheless, so that has
12 spurred our interest. I think something else that
13 has spurred our interest recently in the issue are
14 some of the statistics -- and I'm sure all of you
15 are aware of them -- involving the impact of race
16 in the criminal justice system. I think those
17 statistics are startling.

18 I think if you look at the front
19 page article in The Star either today or yesterday,
20 involving the juvenile court system and some of the
21 incredible racial impact as to the unfairness of
22 that system, that seems as obvious as you and I
23 sitting here. Studies are just all over the place.
24 Where you look at studies, for example, thirty
25 percent of people that use drugs in this country



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1 are black. Thirty-seven percent of those arrested
2 are black. Fifty-five percent of those convicted
3 of black. Seventy-four percent of those
4 incarcerated are black. All of that stems from
5 thirteen percent of the users in this country that
6 are black. Yet it gets way out of whack and
7 increasingly out of whack as you can through the
8 system.

9 We all are inundated with those
10 statistics. I think most Americans -- I firmly
11 believe that most Americans accept that, understand
12 that, know that that's the case. I speak a lot in
13 schools about this -- these and other issues. I
14 often ask -- I pick students for hypotheticals. I
15 say follow with me, young men and women. Say
16 you're a black 17-year-old teenager, 17-year-old
17 young man in Alabama, and you shoot and kill the
18 clerk at a 7-11 Store who happens to be white,
19 blonde-haired, blue-eyed, 16-years-old, and you
20 kill that man. There's one situation.

21 Let's say, on the other hand,
22 you're white in Independence, Missouri, young man,
23 you do the same crime. This time the clerk is a
24 black seventeen-year-old man. Which person would
25 you rather be and face the death penalty in this



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1 country?

2 Every white and black student who
3 hears that, those two examples, is the answer you
4 and I would give. I would rather be the white kid
5 in Independence. The statistics back that up. So
6 I don't think there's any doubt that Americans, for
7 the most part, understand the impact of race in the
8 criminal justice system. And I think that that
9 starts with cops on the street. So that's what
10 spurs our interest.

11 Let me give you just two quick
12 anecdotal examples and then I'll describe the study
13 we're doing. This happened three or four years ago
14 in Kansas City. We received a call from the
15 manager of a country club in Kansas City -- one of
16 the country clubs in Kansas City -- and they were
17 having a tough time keeping their black employees
18 working because they were tired of being harassed
19 coming to and from work. And this was a big
20 problem.

21 And she said the board of
22 directors met and they discussed a possible
23 solution. The solution that they ran by us in this
24 meeting was, "We'd like to have stickers printed
25 that we could put on windshields of our black



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1 employees' cars that -- these aren't the words, but
2 something that would say 'These are good black
3 folks. Leave them alone. Let them get to work.'"
4 That's not the exact wording, but that's the point
5 of those stickers, to alert the police to leave
6 these people alone. Now, these are the pillars of
7 our society coming up with that kind of a solution
8 facing that kind of a problem, a very real problem
9 for that institution. We said, "That's not the
10 kind of solution that we want to participate in;
11 however, we would like to sit down and talk with
12 some of your employees and get some examples of
13 this type of harassment, and we'll do something
14 about it," which we did.

15 But the problem with these kinds
16 of cases, the reason litigation is not always the
17 best answer -- or even an answer in most
18 circumstances -- is that we found what we thought
19 was a great example to pursue in litigation
20 stemming from this conversation. We go to
21 municipal court to defend the black guy against the
22 traffic ticket. We wanted to get the officer on
23 the stand, and we had a court reporter there to
24 take his testimony. Well, as soon as the
25 municipality, Mission Hills, saw that it was us,



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1 they dropped the charges. End of story. Hard
2 cases to get to court, hard cases to win;
3 complicated, complex litigation these days with
4 some of the changes in the courts as we've
5 experienced in the last fifteen or twenty years.

6 Another example, more current,
7 we're working with a guy from Albuquerque, a black
8 guy that likes to drive to St. Louis to visit
9 relatives. And his route takes him on I-44 through
10 Joplin, Springfield, St. Louis. He likes to rent
11 luxury cars. Guess how often that older
12 gentleman's been stopped on I-44 between Joplin,
13 Springfield. Six out of sixteen times he made that
14 trip he's been stopped.

15 Now, the charges always are
16 speeding, and it could be from three to five miles
17 over the speed limit. The circumstance is he's
18 driving in the right lane, and a group of
19 automobiles inevitably, in keeping up with traffic
20 not passing, he's in the driving lane, he's singled
21 out. Well, you've got SY. He's singled out that
22 often. And I think the conclusion is one that most
23 reasonable people would say, it's because he's
24 black. There's no doubt about that. But, again,
25 that's a difficult case to pursue. Now, what we're



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1 going to do in that particular case is probably
2 introduce some statistical analysis on that stretch
3 of I-44.

4 So that brings me to what we're
5 doing in terms of the statistical analysis. We
6 have selected out three jurisdictions in the Kansas
7 City area based on where we've gotten the highest
8 number of complaints, Mission Hills, Prairie
9 Village, Leawood and Grandview. We are looking at
10 all of the tickets -- traffic tickets that resulted
11 in a disposition, that were disposed of -- because
12 that's what we have access to -- for the year
13 1998. It's about 20,000. This is not a small
14 undertaking. And we're going to take from the
15 tickets race, gender, automobile, place of the
16 stop, reason for the ticket and the officer,
17 because if this study is like other studies that
18 have been conducted, that is where you're really
19 going to see some patterns.

20 When you can look at all of the
21 stops made by Officer X in 1998, there may very
22 well be a pattern that that's a problem officer. I
23 think that's what's going on. These obviously
24 aren't departmentwide policies.

25 I've been on panels with several



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1 police chiefs from this area, and these are, for
2 the most part, reasonable individuals who
3 understand there's a problem. In fact, some of
4 them have endorsed the law in Kansas that was
5 pending on reporting it, and I'm sure you're aware
6 of. They don't like the fact this is happening,
7 they know it's happening. And I think they feel
8 somewhat hamstrung, though, in disciplining
9 individual officers. I think that's the kind of
10 solution that, in the end, might make some
11 difference.

12 So we're going to do that
13 statistical analysis. We're working with experts
14 on it. We'll probably have numbers in a report by
15 the end of May or the first part of June. And when
16 we have that, we'll be happy to share that with
17 you.

18 With regard to I-44, the kind of
19 study we're contemplating there is the kind of
20 study done by the Maryland ACLU on I-95 which has
21 gotten some notoriety, which you're familiar with.
22 I see you nodding your heads -- unless you're tired
23 and are...

24 Essentially, we'll simply develop
25 a baseline by having observers on that stretch of



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1 highway. We'll identify the race of the driver in
2 the automobile, we'll determine how many people are
3 breaking the law.

4 Incidentally, about seventy-five
5 percent of the people who drive on I-95 are
6 breaking the law, so they're likely to be stopped.
7 And that's an important statistic, because as you
8 get into it and you then see who is stopped, even
9 though seventy-five percent of the people are
10 breaking the law and you have a statistic about
11 what the race of the drivers, and then you even go
12 further and then you go into who's getting searched
13 of the people stopped. There's where the
14 statistics are just way out of whack, where the
15 racial impact is just dramatic.

16 The other thing we're
17 contemplating -- and this is a little bit further
18 down the road and following up the statistical
19 analysis is some testing. We'll have people go out
20 in automobiles; two white guys, two black guys,
21 same kind of automobile, some guys dress up and
22 guys dress down, and we'll test where we think the
23 problems are on these particular streets where we
24 find in our test the problems are. So this is a
25 comprehensive study, and it's a huge undertaking



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1 for an organization as small as we are. But I
2 think it's one of the most important things we're
3 currently involved in.

4 Let me just conclude, I really
5 believe that this issue of Driving While Black is
6 one of the most crucial civil rights issues facing
7 us in this period of our history.

8 I remember a friend of mine
9 telling me late one night -- he's black -- and he
10 was talking about the advice he received from his
11 parents as he was growing up -- and he grew up in
12 Kansas City. And the advice he received from his
13 mom and dad -- he was a middle-class kid -- was,
14 "When you're downtown, never under any
15 circumstances run." And I never had -- I was never
16 told that. Why? Because you're black, and if
17 you're seen running by the police it will be
18 assumed that you have done something wrong.

19 And I think in a democratic
20 society we give our police a lot of power. And
21 believe me, I'm not here to say they have an easy
22 job, and I know you share that. But one of the
23 most uncomfortable feelings, I think, that an
24 American citizen can have is to look in the
25 rear-view mirror and see a patrol car back there



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1 and be scared, be afraid. We shouldn't be. I'm
2 not, but that friend of mine is. And many folks
3 who are black in this society are, and they have
4 good reason to be.

5 And I think that we simply must be
6 serious about this problem, because as those
7 statistics I mentioned earlier about the impact of
8 the criminal justice system, our prisons are
9 increasingly full of black men, and that is no
10 small thing. It does harm to a culture, serious
11 harm to a culture. It's a major problem, and I
12 wish you luck in dealing with it.

13 MR. DELATORRE: Before we take
14 questions, Mr. Kurtenbach, I want to thank you for
15 waiting. We're behind schedule. I appreciate you
16 hanging in there.

17 Mr. Gutterez has a question.

18 MR. GUITTEREZ: Just a question.
19 Having been involved with a little bit of research
20 work in ticketing studies and such, I was wondering
21 if you were going to be delving into the impact of
22 this as it goes through the system, impacting into
23 the municipal administrative functions, into the
24 court systems, and how some of these things are
25 impacting the prosecutor's office.



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1 MR. KURTENBACH: No. We have made
2 a decision to go further in trying to make some
3 determinations about whether or not there are stops
4 being made for no other reason except, in this
5 case, the driver's race. That's the thing. We
6 don't intend to go any further than that with this
7 particular study.

8 MR. GUITTEREZ: Just to see, there
9 seems to have been a regular discussion here that
10 deals with culture that's in place, and I would
11 encourage your investigations to maybe expand as it
12 goes forward.

13 MR. KURTENBACH: I appreciate
14 that.

15 MR. DELATORRE: Dr. Navato?

16 DR. NAVATO: I would like to ask
17 just how your agency -- what period of time will
18 you take in your study, and could you get back with
19 the committee on the report, and how soon can we
20 have that?

21 MR. KURTENBACH: We certainly
22 will get you the report that we come up with.
23 We're looking at all of 1998 in those three -- four
24 jurisdictions, Prairie Village, Mission Hills,
25 Grandview and Leawood. Every stop that resulted in



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1 a ticket that was disposed of, not where charges
2 were dropped or that, but that's all we could get
3 access to. And the numbers are 20,000. So it's a
4 significant number to look at. We should have it
5 completed, I'm hoping, still in May; if not May,
6 the first part of June. And we'll make it
7 available.

8 DR. NAVATO: And will this also
9 now start to include -- you mentioned Highway
10 I-44. Would this also start including situations
11 where there were no tickets issued and just based
12 on stops alone?

13 MR. KURTENBACH: Well, the I-44
14 study is a little bit further down the road. This
15 is just sort of in the conceptual stage now. The
16 problem is that we don't have access to information
17 having to do with just stops. The Missouri law, I
18 think, is going to change for the better in that
19 regard, I think, in this session -- at least that's
20 my last information I had -- where police agencies
21 will be required to report that information. Very,
22 very important reform, I think. And I think that
23 it will serve as somewhat of a deterrent as well.

24 In Kansas, we weren't as
25 fortunate with that, and what we're going to get in



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1 Kansas is a -- is some funds for the State to do
2 their own studies, statistical analysis. That's
3 all. Not nearly as good as Missouri. But that
4 information is some time down the road yet, but
5 important information nonetheless; very important
6 information, because I think some of the most
7 serious abuses in this area are happening, and not
8 stops that result in tickets, but with stops where
9 there was no traffic violation at all where it was
10 only race, purely race.

11 MS. COMACHE: That was my
12 question, the stops that don't result in tickets,
13 and if the Kansas law would cover that or touch on
14 that at all.

15 MR. KURTENBACH: All it will do
16 is provide for some funds for a statistical
17 analysis of tickets in Kansas. And I don't even
18 know how many police agencies will be subject to
19 that. I think one of the real reforms -- and
20 hopefully not in the long run -- but will be some
21 federal action in this area to require some
22 reporting -- I mean, every police agency, I'm sure,
23 gets funds.

24 MR. ROBINSON: Question. You
25 cited one case that you're following dealing with



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1 the I-44 situation.

2 MR. KURTENBACH: Yeah.

3 MR. ROBINSON: I was wondering,
4 are you familiar with any other cases, or what's
5 your general sense about traveling I-44 and racial
6 profiling?

7 MR. KURTENBACH: We have gotten
8 other complaints, other individuals, over the
9 years. I always hesitate to draw much of a
10 conclusion about what that means, how many
11 complaints we're going to get. We're a pretty hard
12 agency to get ahold of. I mean, our phone number
13 is listed in Kansas City, and I-44 is quite a ways
14 from here. I'm always impressed when somebody can
15 track us down, really.

16 But no, it's a consistent kind of
17 complaint. And these complaints generally are at
18 the hands of the Missouri Highway Patrol. I think
19 they view I-44 as somewhat of a drug corridor. So
20 I think if you put all those pieces together, I
21 think the picture becomes clearer. I think the
22 study that we're contemplating, the one I
23 described, will go a long way toward giving us some
24 more concrete information.

25 MR. DELATORRE: Mr. Nulton.



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1 MR. NULTON: Yes. The release of
2 your report, is that going to be a -- I mean, this
3 involves four municipalities. They're going to see
4 the report before -- before it's released, like to
5 this committee?

6 MR. KURTENBACH: We've talked
7 about that, and that's a good point. I think we
8 always saw -- at least in the beginning, when we
9 started talking about the whole process, we started
10 talking about taking very neat little steps where
11 we would do this analysis, and then we'd sit down
12 with the mayor and the chief of police, and give
13 them a chance to respond and fix the problem, if we
14 find a problem, and really keep it to that sort of
15 level, not even make it public.

16 But we've been that route before.
17 The case I told you about involving the country
18 club, that was so outrageous that we sat down with
19 the chief of police in Prairie Village -- they
20 provide coverage for Mission Hills -- and the mayor
21 and we told them of this story. And even in the
22 face of that, they denied that there was a
23 problem. That's pretty strong anecdotal evidence.
24 And the evidence was strong enough that we took it
25 to municipal court.



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1 And as we went on -- we know what
2 they'll say. They're not going to admit the
3 problem. And I don't know that our study is going
4 to be really conclusive. I think what we're going
5 to find is some where officers -- where there's a
6 problem in some areas, but we will give them some
7 advance notice of the report, and they'll have a
8 chance to respond to the media if questions are
9 asked.

10 MR. DELATORRE: Mr. Kurtenbach, I
11 think it's time we let you go. Thank you for your
12 time.

13 MR. KURTENBACH: Thank you very
14 much.

15 (A presentation was given by Ms.
16 Beth Low, said presentation having been stricken
17 from the record pursuant to the instructions of Mr.
18 Jenkins.)

19 MR. JENKINS: Yes. I need to
20 make a statement for the record. Because of the
21 prohibition in the federal statute concerning
22 abortion, all references made by the speaker and
23 references to the material concerning abortion will
24 be stricken from the record because we do not have
25 the authority to take a look at abortions, which is



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1 directly stated in our Bill of Facts. So that
2 portion of the testimony will be stricken from the
3 record.

4 And move to strike his statement
5 from the record.

6 MR. DELATORRE: We will strike
7 from the record anything that pertains to the issue
8 of abortion.

9 Anybody else, questions?

10 (No response.)

11 MR. DELATORRE: Okay. I guess
12 that will do it.

13 Mr. Hamilton? Dr. Hamilton.

14 (No response.)

15 MR. DELATORRE: Let's take a
16 break.

17 (A recess was taken.)

18 DR. NAVATO: All right.

19 Chair would like to recognize Joan
20 Collins, also another member of the Missouri
21 Advisory Committee.

22 Donna Cavitte (pronouncing). Did
23 I pronounce that correctly?

24 MS. CAVITTE: Cavitte
25 (pronouncing).



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1 MR. DELATORRE: Thank you for
2 coming.

3 We need to, if you would please,
4 state your name, residence address and occupation.

5 MS. CAVITTE: My name is Donna
6 Noble Cavitte. I'm executive director of the
7 Missouri Commission on Human Rights.

8 MR. DELATORRE: And as I
9 understand it, your job today is to give us an
10 overview about how the agency works, and how
11 complaints are filed and so on, and sort of a State
12 of the Commission address type thing.

13 MS. CAVITTE: Yes. I have some
14 information I'd like to share about hate crimes and
15 racial profiling in the State of Missouri.

16 MR. DELATORRE: Thank you.

17 MS. CAVITTE: The Missouri
18 Commission on Human Rights is a State agency
19 charged with enforcing the Missouri Human Rights
20 Act. That law makes it illegal to discriminate in
21 the areas of employment, housing and public
22 accommodation on the basis of race, color,
23 religion, national origin, ancestry, sex,
24 disability and age, for age forty to seventy in
25 employment only, and from legal status, which is



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1 families with children, and housing.

2 The agency has four offices
3 located throughout the State of Missouri. Our
4 central office is in Jefferson City, Missouri. We
5 have an office in Kansas City, one in St. Louis,
6 and one in Sikeston, Missouri.

7 Our staff complement is 52.45
8 staff. Twenty-four of that staff have as their
9 responsibility the investigation of complaints of
10 discrimination. We also have public education and
11 outreach efforts. We are using the staff component
12 as trainers throughout the State, and we offer
13 training free of charge to businesses, employers
14 and to housing tenants, as well as housing industry
15 groups.

16 The Commission's procedure is that
17 any person who believes that they have been
18 discriminated against has a right to file a
19 discrimination complaint at either one of the
20 commission offices within 180 days from the latest
21 date of discrimination. The jurisdictional
22 requirements is that employers must have at least
23 six full- or part-time employees to be covered
24 under the employment portion of the law. We cover
25 every place or business offering services, goods,



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1 for the peace, comfort, health, welfare and safety
2 of the general public. Our housing jurisdiction
3 covers every dwelling in the state with the
4 exception of single-family homes.

5 The Commission on Human Rights has
6 supported testimony through the adaptation of the
7 Missouri Hate Crimes Act of 1999, which added
8 sexual orientation, disability and sex to that law.

9 However, there have been few calls
10 for education in our State about the sole nature of
11 bias hate crimes. In my view, this lack of
12 knowledge about hate crimes is reflected in the
13 following statistics. Does it present a clear view
14 of the incidences of hate in our State? Perhaps
15 your inquiry will answer that question.

16 In Missouri, the number of
17 participating agencies who were reporting to the
18 FBI, Federal Crimes Reporting Act, reported that in
19 Missouri there were 194 agencies who participated.
20 They covered a population of 3,958,650 people.
21 There were 33 of the 194 agencies who actually
22 submitted reports, and they reported 157 incidents
23 of hate crimes in the State of Missouri. In
24 comparison, the State of Alabama, with 282 agencies
25 participating, had none of them submitting reports



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1 and no incidents of hate reported.

2 One would assume that perhaps
3 incidence of hate are moving into our
4 neighborhoods, and because many of the victims --
5 neither the victims nor law enforcement understand
6 what signs to look for. Many incidents of hate are
7 reported as simple vandalism, battery or assault.
8 Unless people learn to recognize the bias crime
9 indicators, a program of United States Department
10 of Justice endorses and supports, the numbers we
11 are receiving are enigmas.

12 In January 2000, before one
13 hundred fifty public school administrators and
14 teachers, I presented a keynote address on the
15 subject of hate crimes. Clearly, they felt the
16 subject was of importance in their community.
17 Green County, as a suburban county, reported no
18 incidents, and neither did the City of
19 Springfield.

20 With eighteen complaints based on
21 race, two based on religion, and one based on
22 sexual orientation, Independence, Missouri, had the
23 highest number of reported incidents of hate crimes
24 for the State of Missouri according to the 1997 FBI
25 statistics. Kansas City follows with thirteen for



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1 race, one religion and two sexual orientation.
2 Columbia, Missouri, which rests in the center of
3 the state on Interstate 70 between Kansas City and
4 St. Louis, reported ten incidents based on race and
5 two on sexual orientation.

6 I was born in the City of
7 Columbia, and I know the college population brings
8 increasing numbers of diverse people into that
9 city. These people are either transient or stay to
10 live and work in what has been reported as
11 Missouri's fastest-growing city. When this happens
12 in any community not socially prepared for this
13 diversity, conflict seems to be the result.

14 There were only thirteen out of
15 101 other cities that reported in the State of
16 Missouri. Belton reported five race incidents and
17 one of ethnic origin; Cameron reported one ethnic
18 origin, car search, one race; Clayton, one race and
19 one religion; Crestwood, two race; Florissant, one
20 race and one religion; Gladstone, Missouri, one
21 sexual orientation incident of hate; Grandview, one
22 race complaint; Joplin, three race complaints;
23 Lee's Summit, one sexual orientation and one ethnic
24 origin; Liberty, three race and one religion;
25 Odessa, one race complaint; and Popular Bluff, two



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1 race complaints.

2 There is currently no in-state
3 reporting requirement under the Hate Crimes Act of
4 Missouri. Even those agencies that report these
5 crimes to the federal reporting agency do it on a
6 voluntary basis, and it is a belief shared by many
7 that hate crimes are severely underreported.

8 Increased internet access to hate
9 material is a causative factor for some to act out
10 their hate, but there is evidence in our state
11 that other forms of the media are also used. The
12 Winrod Letter, which is published monthly in
13 Gainesville, Missouri, said, and I quote, "The Jews
14 are the Satanists who lust to murder," end quote.
15 The Longview Current, a publication of Longview
16 Community College in Lee's Summit, ran a paid
17 advertisement that said, and I quote, "If students
18 express doubts about eyewitness testimony of the
19 holocaust, even if false, dishonorable or both,
20 they understand that they run the danger of being
21 accused of being hateful." The article ultimately
22 concludes that when information about the Holocaust
23 is taught as part of college studies, that is an
24 indication of spreading hate, and this letter, this
25 advertisement, urges students to contact them



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1 through their web site.

2 In Springfield, a report comes
3 that the Christian identity movement had an annual
4 conference in Branson, Missouri, on the subject of
5 racial profiling. Because of the increased media
6 and national attention focused on this subject,
7 many states are grappling with this problem.
8 There's currently a bill in that Senate Bill 1053
9 which has passed in the Missouri State Senate. It
10 was heard in the House committee and voted to pass
11 from that committee on April 18th, 2000. The House
12 of Representatives must now decide the bill, and
13 there has been no activity reported so far.

14 This law would require law
15 enforcement to track by minority group -- which has
16 been defined as African, Hispanic, American-Indian
17 or Asian decent -- the number of racial profiling
18 incidents of the common phrase DWB, or Driving
19 While Black or Brown. The bill stipulates each
20 agency will compile the data required and submit it
21 to the Attorney General of the State of Missouri.
22 The Attorney General shall analyze the reports and
23 submit the finding to the governor, the general
24 assembly, and each law enforcement agency by June 1
25 of each year. If there is a pattern, the law would



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1 require an investigation to determine whether any
2 police officers routinely stopped members of
3 minority groups and provide appropriate counseling
4 and training to the officer.

5 The language of Senate Bill 1053
6 does not say who will conduct the investigation,
7 however. This bill has until May 12th of 2000 to
8 be passed in this legislative year.

9 I canvassed several communities
10 and attended the hearing of the bill in the house
11 committee, and in quite a number of cities in the
12 state, there are individual accounts of
13 African-Americans who feel they, their families or
14 their friends are targeted for what appears to be
15 racial profiling.

16 An African-American beautician
17 in Jefferson City, leaving her business she owns
18 late one evening, was driving to her home twenty
19 miles away in California, Missouri. Moments
20 earlier a burglary was reported at the mall she was
21 driving past. A cruiser receiving the call that a
22 red Cherokee driven by a black male was suspected
23 of the crime, approached her at gunpoint, but would
24 not tell her why she was being stopped. When they
25 called back to the store and the victim changed his



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1 story about the type of vehicle, it was only then
2 that they let her go. Her car was searched, she
3 was detained, and it was later proven that the
4 entire incident was fraudulent. She felt further
5 traumatized when she was told that nothing would be
6 done about the incident, not even a charge of
7 failing to report a false crime. She believes this
8 was an incident of racial profiling and considers
9 herself fortunate that the type of vehicle was
10 changed.

11 My son reports that also in
12 Jefferson City, African-American young males are
13 routinely stopped. When told that he would not
14 have to submit to a body or car search, he
15 indicated to me, "Mom, I can't do it. If they
16 asked me can they search, and if I say no, they say
17 they have probable cause and they search anyway.
18 Then they taunt me the whole time. But it's not
19 just happening to me. It's happening to everybody
20 who is black or who are black and white together."
21 He has even been stopped and ordered to get off the
22 public streets when he was walking home. When he
23 refused, he spent a night in jail, even though he
24 was not charged for violating any laws.

25 A new family to the area reports



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1 that the husband and son were on their way to the
2 St. Louis airport to pick up the mother when a
3 Fulton police car followed them. The officer
4 followed them for approximately seven miles.
5 During this time the police officer was changing
6 lanes, driving alongside the car and following
7 them. The speed limit was seventy miles per hour.

8 And once the speed limit changed
9 to 55, the husband, as he said, touched the white
10 line. The police officer then turned on his siren
11 and lights, pulled him over, and asked to see his
12 driver's license and registration. After running a
13 license check, he gave him back his license and
14 asked if he owned the car and where he was going at
15 8:30 in the evening. Her husband answered him and
16 was allowed to proceed.

17 The American Civil Liberties Union
18 based in St. Louis has received numerous DWB
19 complaints in the past two months. Here are but a
20 few of some of those incidents that were prepared
21 for the House Committee testimony. Complainant is
22 a black male who was driving on I-44 near
23 Steelville en route to the Scott Air Force Base
24 from the Tinker Air Force Base when he was pulled
25 over by a state trooper for what he claimed was a



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1 broken brake light. Once the complainant showed
2 the trooper that the light was, in fact, working,
3 the trooper changed his story and said that the
4 real reason that he was pulled over was that he
5 swerved over the yellow line. Complainant states
6 that he feels he was pulled over because he was
7 alone, black male -- a black male and driving an
8 expensive car. The trooper detained him for some
9 time until confirming that he was a military
10 officer and then let him go.

11 Complainant, a black male from the
12 Caribbean, was pulled over near the exit of I-55
13 and Broadway in South St. Louis without
14 explanation. He was not told the reason for the
15 stop but ordered out of his car, when he was
16 handcuffed and made to sit on the grass while the
17 officers searched and destroyed his car. Another
18 officer arrived and the two demanded to interrogate
19 the man about where he was going and how long he
20 had been in the United States. The stop took about
21 45 minutes to an hour. He was then released and
22 still not given any explanation.

23 A complainant was stopped by New
24 Madrid police for speeding, but claims that she was
25 going the same speed as others on the road but that



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1 she was the only black person she saw on the road
2 and believes that is why she was stopped.

3 Complainant, a fifty-year-old
4 black woman who was a teacher and educational
5 coordinator for the Pattonville School District has
6 been a Florissant resident for over twenty years.
7 She was pulled over in Florissant near her home on
8 grounds that her plates were expired. She had the
9 renewal stickers in her car and produced them, and
10 the officer allowed her to place them on her tags.
11 He then ran a check on her and told her that there
12 was a warrant for her arrest for an unpaid bill,
13 which she claims to be false. He would not tell
14 her any other information and proceeded to handcuff
15 her in front of neighbors and onlookers. She was
16 taken to the station and booked and threatened with
17 additional charges if she didn't stop asking
18 questions. She was not afforded a phone call. She
19 was detained from 10:30 a.m. to 3:30 p.m., when she
20 was released and apologized to for being taken in.
21 Unfortunately, she and her husband had a 2:00 p.m.
22 plane ticket for a vacation in the gulf shores, and
23 they forced them to miss their flight.

24 Black citizens in Cape Girardeau
25 have been calling for public attention to this



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1 treatment and physical abuse by officers there.

2 The FBI is investigating.

3 And these are but a few of the
4 incidents that the American Civil Liberties Union
5 has reported.

6 The Commission on Human Rights
7 received 1,546 complaints last year with 29 percent
8 based on sex discrimination, 20 percent based on
9 race, 19 based on disability, and eleven percent
10 based on age. There have not been a sizeable
11 percentage of national origin complaints because
12 people new to these communities do not complain for
13 a number of reasons, and primarily that is because
14 of language barriers.

15 The Commission is working on ways
16 to overcome the resistance to report incidents of
17 housing, employment and public accommodation
18 discrimination through increased focus on education
19 and outreach in these areas. We have also received
20 indications that there are continued problems in
21 some of our communities as reports of unequal
22 discipline based on race is occurring in Kennett,
23 Missouri, and Jefferson City School District. In
24 Moberly, a school principal feels that his failure
25 to have his contract renewed has occurred because



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1 of his race. And these and an increasing number of
2 other incidents constitute what we believe are
3 problems as it relates to these two issues.

4 And I thank you for this
5 opportunity to speak with you.

6 MR. DELATORRE: Thank you.

7 The problem of profiling, let's
8 say by police, is that something that would be
9 within the jurisdiction of the Human Rights
10 Commission?

11 MS. CAVITTE: We are currently
12 looking into that matter and, in fact, are
13 anticipating -- we will ask for an attorney
14 general's formal opinion on that matter. There has
15 been an interpretation by one of our assistant
16 attorney generals that under the public
17 accommodations portion of our law, where it
18 indicates that it is illegal to discriminate in
19 places of public accommodations that offer services
20 for the peace, comfort and health of the general
21 public, that very well that incidents of racial
22 profiling could be interpreted as falling under the
23 jurisdiction of the Commission.

24 We did a survey of several state
25 and local agencies who also have similar laws



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1 guarding against public accommodations
2 discrimination, and none report that they interpret
3 the law to cover racial profiling. But we believe
4 from that basic and initial recommendation from the
5 assistant attorney general that it would warrant a
6 formal opinion from the attorney general's office.

7 MR. DELATORRE: That's a nice
8 argument by the assistant attorney general, and I
9 hope it works.

10 MS. CAVITTE: I do, too.

11 MR. ROGERS: I just want to know,
12 had there been any thought in the Missouri
13 legislature to make you privy to that report if the
14 law passes?

15 MS. CAVITTE: That is currently
16 not part of the legislation. It's either a portion
17 or an amendment. That, of course, would be helpful
18 if that were added as an amendment if it winds its
19 way to the House floor.

20 Since the legislature has less
21 than a month in session, we are not actually very
22 hopeful that that bill is going to be brought up and
23 heard on the floor this legislative session.

24 MR. DELATORRE: Mr. Rust.

25 MR. RUST: Since Cape Girardeau



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1 came up in the conversation, let me update you on
2 the FBI investigating a riot in Cape Girardeau.

3 The local police department and
4 local newspaper requested that the FBI be brought
5 in to investigate it and to have a third-party
6 investigation. They issued the report this week,
7 although it's intriguing to me that they won't make
8 the report public. But they have told the police,
9 they've told the mayor, and we've seen a copy of
10 the letter so we know what it is, that there was no
11 racial incident. There were three police officers
12 that were injured in a riot of about 150 people
13 that came out of a cafe about 1:30 in the morning
14 when an arrest was being made.

15 This past week there was a teen
16 summit there for the young people, basically in the
17 black community, but the entire community there
18 held in the southeast part of the area. Public
19 hearings have been held, and Cape Girardeau Police
20 take great pride in their community policing.

21 As of today we have Time magazine
22 which is running up and down the river. I will be
23 interested to see what they do. They are allegedly
24 doing a report on Hannibal, Cape Girardeau, Osceola
25 and probably stopped in St. Louis communities on



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1 the river. And the way they've contacted us, we
2 think they're looking for a story to blow it up off
3 of that.

4 You might not be aware that
5 southeast Missouri has the highest amount of meth
6 labs that have been confiscated in the state of
7 Missouri, and the state of Missouri ranks number
8 two in the entire nation, in back of California.
9 Meth is primarily a white crime, as you're probably
10 well aware. So I just want to bring you up to date
11 on that.

12 I would like to know what -- since
13 these are charges or allegations that people have
14 complained about it, I would like to know about the
15 complaint at Kennett -- we have a newspaper
16 there -- I'd like to hear what that is because
17 general racial relations in those areas, I think,
18 have been good, and they work on it.

19 The New Madrid incident, New
20 Madrid is a city on the Mississippi river. The
21 interstate runs through New Madrid County, so I
22 don't know if that lady was stopped on the
23 interstate, which would be my assumption, since
24 it's a corridor, like I-44, for drugs coming up
25 from Mexico, and then run into other areas. But



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1 that's just to upgrade you on Cape Girardeau,
2 unless you have some more information on that.

3 MS. CAVITTE: I was asked by the
4 chief of police in Cape Girardeau to come down and
5 speak -- it was last evening, as I understand --
6 and I had to give my regrets because of my need to
7 be here to testify before you.

8 I was in Cape Girardeau and
9 participated in a panel discussion at Southeast
10 Missouri State University last year. And I do
11 believe personally, that Cape Girardeau has made an
12 extra effort to try to find out what issues and
13 problems are concerning that community. I am in
14 the process of responding to some of those
15 complaints. They have not been formal complaints
16 filed against the Kennett School District; however,
17 I have a stack of complaints this big (indicating)
18 from incidents that at least occurred a little bit
19 more than a year ago, which makes them out of time
20 for our jurisdictional requirements. It's our hope
21 to go into these areas, to be a resource, to offer
22 our services for the purpose of educating
23 individuals about what their rights are, and also
24 providing a resource to the business community.

25 I was in Kennett last year and



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1 spoke before the Chamber of Commerce there about
2 the issue of discrimination and employment, and
3 particularly with focus on sexual harassment. And
4 I did share with them our goal to come back into
5 that area and provide information. So we do hope
6 that if it is nothing more than a perception of
7 disfair treatment based on race that we'll be able
8 to help dispel that, if we can do so.

9 MR. RUST: Let me ask one other
10 question, and it's a little bit oblique. It
11 bothers me that we had Ward Connolly in last week
12 to speak at Southwest Missouri State University.
13 There were only two black people in the audience.
14 There was no one from the university administrative
15 capacity, and they're very good friends of mine.

16 Normally, the political science
17 department mandates that their students go to these
18 kind of meetings and write reports. This was not
19 done. We've had other -- and so if there's to be a
20 dialogue that's to go on, I was very disappointed
21 that the black community didn't come out to hear a
22 person who was somewhat supportive. They just
23 didn't come out. I don't know how you have a
24 dialogue if you don't have people come out and
25 listen to the dialogue. Is that happening in other



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1 universities?

2 MS. CAVITTE: I'm not certain
3 about other universities, but that has proved to be
4 a problem in our efforts to get information to the
5 general public. And our approach is to try to
6 encourage employers to bring us in when they have
7 captive audiences during the eight-hour day and
8 take an hour out of the business, or half an hour
9 even, to provide this as a service to their
10 employees. Our premise is -- and I believe it's
11 an adequate one, based upon the fact that there was
12 public attention about sexual harassment. The
13 number of sexual harassment complaints dropped
14 markedly in St. Louis, Missouri; that, contrary to
15 popular belief, the more that people know, the less
16 likely they are to file complaints because they get
17 a clear understanding of what actually constitutes
18 illegal discrimination. So we've been trying to
19 encourage businesses to take the time to educate
20 their work forces, because it's very difficult to
21 get people out to public events.

22 It's the competition of what's on
23 television and what's going on in people's
24 individual lives and their school situations,
25 what's happening at the games. It's very visible



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1 to get people to come out to a public information
2 sessions.

3 I was in Marshall a couple of
4 weeks ago attempting to do a housing workshop. No
5 one showed up. Later that evening I was the
6 keynote speaker at the Freedom Fund banquet and
7 there were over fifty people there. So it almost
8 takes some type of special event, it appears, to
9 get that opportunity to have that dialogue or to
10 share information. And it is a very difficult
11 situation to deal with, and most communities
12 grapple with that.

13 MR. DELATORRE: We really
14 appreciate your coming today.

15 MS. CAVITTE: Thank you.

16 MR. DELATORRE: Robert Kelly.
17 Mr. Kelly, would you state your name and address
18 and your job for the record, please?

19 MR. KELLY: My name is Robert
20 Kelly. I'm the Chief, Fair Housing Employment
21 Division, Department of HUD. We're located at 400
22 State Avenue, Kansas City, Kansas.

23 I will be speaking specifically on
24 how does our department handle hate crimes.

25 The Fair Housing Act was amended



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1 in 1988. What has governed the Fair Housing Act is
2 that it is against the law to discriminate against
3 a person because of their race, national origin,
4 handicap or disability.

5 Section 901 is part of the Fair
6 Housing Act. Section 901 states whether or not
7 impact on color, using or attempting to use force
8 for the purpose of attempting or intentionally
9 injuring, intimidating or interfering with any
10 person's rights because of their race, color, sex,
11 nationality, or disability is prohibited under this
12 Act.

13 And joined with Section 901 is
14 Section 818 of the Fair Housing Act which prohibits
15 enforcement, harassment, intimidation for the
16 provisions that are provided under the Fair Housing
17 Act. Section 901 prohibits cross burnings as a
18 means of driving an individual specifically from
19 the property, scrawling of racial epithets, threats
20 of violence, violence or attempted violence. These
21 acts of violence violation are prohibited against
22 the person who is living in the home which has a
23 discriminatory motive as related to housing.

24 Section 901 is a criminal statute.
25 Once I receive a complaint involving a criminal



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1 offense, our policy is to refer the matter to the
2 Department of Justice, the criminal section, and
3 the FBI gets involved. Once that has occurred, the
4 person -- our department first, that person has
5 responded, becomes a defendant and the United
6 States becomes the prosecuting authority, which is
7 a little different under Section 818, which is a
8 civil offense. And in a civil defense, the
9 department can sanction injunctions, civil
10 penalties, damages, and compensatory damages to the
11 complainant.

12 Under the criminal section of 901,
13 a person can receive imprisonment. But, however,
14 under Section 818, a person cannot be imprisoned
15 for having a discriminatory act under Section 818.

16 We received a complaint two years
17 ago that was highly publicized in Missouri in which
18 a cross burning occurred. The particulars in that
19 particular case was that a Portuguese lady had
20 moved into the community at Rushville, Missouri.
21 While she was moving in, some of the Rushvillians
22 noticed that a black male -- who they had
23 mistakenly thought was black -- was helping this
24 lady move in. So they decided to teach these
25 people a lesson. What happened was is that this



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1 gentleman and her brother drove by for one peek to
2 make sure that this particular lady was living in
3 this area. Once it was determined that they were
4 living in this area, they got with his cousins and
5 they went to St. Joseph, Missouri, and decided to
6 construct a cross. They pieced together a cross
7 made out of metal, they strapped it with cloth,
8 tied it with wires, and then they came back to
9 Rushville to hold a town meeting in front of the
10 firehouse.

11 The minute the citizens showed up,
12 it indicated in our investigation that they thought
13 that it was a joke at first. However, when they
14 lit the cross and most of the people left, these
15 gentlemen went on to light the candle -- I'm sorry,
16 light the cross, and placed it in the lady's yard.
17 Once we found out about it, then we contacted the
18 FBI. And once the FBI get involved, our department
19 is under a provision that we cannot get involved
20 for fourteen days.

21 Once they had found out that they
22 had caught the gentlemen who were involved in this,
23 then they were prosecuted under the law. Our
24 department received -- in particular case received
25 a lot of national attention and the gentlemen now



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1 are in jail.

2 What happens is that once the FBI
3 has completed their investigation on the Section
4 901, then our department makes a charge under
5 Section 818, and that's what we have done. We have
6 made a charge under Section 818, that since the
7 person who has been wounded in this particular
8 incident can receive some type of damages.

9 We investigated it, and we
10 concurred that there was sufficient cause to
11 believe that this violent act did occur. Once this
12 occurred, we mail our charges out to the parties,
13 and once the parties received their notice of the
14 charges, then they have to go to federal district
15 court. So that's where we are now. And we're in a
16 federal district court with this matter, and it
17 will be tried, I'm pretty sure, later on this
18 year.

19 In our community, we cover this
20 four-state region: Missouri, Iowa, Nebraska and
21 Kansas. During the last three years, we have
22 received, I think, five complaints of cross
23 burnings in our state, in our region. We received
24 one in Iowa, two in the State of Kansas, and one in
25 Missouri.



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1 The one in Missouri that we
2 received is the one we were just talking about, the
3 Costa case, which has been settled.

4 The case in Kansas that was filed
5 against an individual in Overland Park, Kansas, was
6 prosecuted last year, and that individual is
7 spending jail time.

8 What we have tried to do in one of
9 the cases that was filed is that once the incident
10 was made known to us by the FBI, we attempted to
11 get an 818 complaint filed. We talked with the
12 parties involved, and they did not wish to pursue
13 the case any further. They felt as though that was
14 enough of jail time.

15 But the Department of HUD takes
16 seriously hate crimes, especially cross burnings.
17 We, as I stated, have the memorandum of
18 understanding with the FBI in which we cooperate
19 with them. Since they do Section 901 complaints,
20 or primarily criminal offenses. They are charged
21 with actually doing the investigation, and our
22 department takes care of the civil actions involved
23 in these cases.

24 I have brought copies of our
25 thirty-year housing report, and also -- I didn't



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1 know that there was going to be that many people
2 here, but I brought the articles about the case
3 that we investigated that made the national press
4 on the cases in Rushville.

5 MR. DELATORRE: Very good. Thank
6 you very much.

7 Mr. Scroggins?

8 MR. SCROGGINS: I had a couple of
9 questions, Robert. One is: What kind of
10 involvement, or do you get involved, or what kind
11 of a relationship do you have with the state
12 agencies as far as hate crimes are concerned under
13 the -- under the jurisdiction of HUD?

14 MR. KELLY: If a hate crime is
15 found with a state agency, we have HUD processing.
16 We accept that complaint, and that complaint would
17 be processed as a federal complaint. So if the
18 complaint is filed, our federal laws would take
19 over and the same process would take place.

20 MR. SCROGGINS: That's under what
21 law?

22 MR. KELLY: Fair Housing Act.

23 MR. SCROGGINS: Under the Fair
24 Housing Act?

25 MR. KELLY: Right. Section 901.



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1 MR. PARKER: What year is that
2 Act; do you know offhand?

3 MR. KELLY: 1988.

4 MR. PARKER: '88?

5 MR. KELLY: Uh-huh. A person has
6 one year to file of the alleged violations of the
7 Act.

8 MR. DELATORRE: Do you counsel
9 individuals when you go to these places on how to
10 respond to a hate crime, hate act of some kind?

11 MR. KELLY: Well, what we do, we
12 try to go out and explain the law. A lot of people
13 aren't aware that they can file a complaint
14 involving the cross burning under the Fair Housing
15 Act. Many times we keep in touch with the FBI so
16 that a person can also file a civil complaint under
17 the Fair Housing Act as stated you can get civil
18 penalties and monetary compensation; whereas under
19 Section 901, and penalties are assessed, and they
20 come under federal protection.

21 MR. DELATORRE: And all this is
22 done at no cost to the complainant?

23 MR. KELLY: At no cost to the
24 complainant. The United States becomes the
25 prosecuting authority.



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1 MR. ROGERS: Under 818 and 901,
2 can a complaint be filed on behalf of an individual
3 that -- let's say you have an immigrant who's not
4 aware of the law and something occurs, a hate crime
5 occurs. Can that hate crime or any other
6 violations of the Fair Housing Act be filed on
7 behalf of that individual without them signing the
8 complaint?

9 MR. KELLY: Yes. The Secretary
10 can initiate a complaint on his or her own motion,
11 hate crime or any act of violence under the Fair
12 Housing Act. That is permissible.

13 MR. DELATORRE: All this applies
14 even if it's not government housing; is that right?

15 MR. KELLY: That's right. All
16 housing is covered except for commercial property.

17 MR. DELATORRE: Can you describe
18 what some of the outreach programs involve?

19 MR. KELLY: Yeah. What we do is
20 that we try to use our ABC's. Ms. Cavitte is one
21 of the members of our staff. We have nineteen
22 regions in the states of Missouri, Kansas and
23 Nebraska. And we come to -- try to come to similar
24 -- as a matter of fact we had a seminar thing last
25 Friday and had a similar problem. There weren't a



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1 lot of people who showed up, there was not a large
2 number who participated. But we try to have
3 outreach seminars several times a year. However,
4 when our investigators go out in the field and do
5 investigations, they are mandated to contact these
6 organizations with our outreach programs.

7 MR. RUST: Just a brief
8 clarification. I wrote down under Section 901, the
9 U.S. government and FBI investigates. And they can
10 put people in jail?

11 MR. KELLY: Correct.

12 MR. RUST: And under 818, you can
13 only file suit, you can't put people in jail?

14 MR. KELLY: Correct.

15 MR. RUST: These two people that
16 are in jail. What law were they put in jail under?

17 MR. KELLY: Put in jail under
18 Section 901.

19 MR. RUST: Okay. So your 818
20 file, you're following up on that?

21 MR. KELLY: Correct. Because we
22 can assess civil penalties as well as get monetary
23 damages.

24 MR. RUST: Okay.

25 MR. SCROGGINS: Are all of your



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1 agencies under contract? Do they receive payment
2 for processing, enforcing Title 89?

3 MR. KELLY: Yes. We have, as I
4 stated, nineteen agencies and receive \$1800 per
5 case that they investigate under our law.

6 MR. DELATORRE: Mr. Kelly, we
7 appreciate your being here today very much.

8 I understand that Dr. Hamilton has
9 arrived.

10 Doctor, if you would please state
11 your name for the record, your address and your
12 occupation.

13 DR. HAMILTON: First, let me
14 apologize for making a wrong turn and being late.

15 My name is Chris Hamilton. I live
16 in Topeka, Kansas. My address is 724 Southwest
17 Morningside Road. I am the chairman of the
18 Department of Political Science at Washburn
19 University.

20 My interest here is to summarize
21 for you briefly the research and information that I
22 have. I am an independent researcher on hate
23 groups and intolerance groups. I do make some
24 presentations about this around the state to
25 different groups -- law enforcement groups, NAACP,



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1 and various human rights commissions.

2 My interest -- I have no law
3 enforcement background, I have no regulatory
4 authority. I am simply a researcher. I'm one of
5 the few independent researchers, I think. I may be
6 the only independent professor that researches this
7 case, scholar in Kansas, as far as I know. I
8 teach courses on hate groups and ethnic terrorists
9 at Washburn. And that's basically my background.

10 In the two years that I have been
11 doing active research here in the State, I have run
12 across -- in a variety of contacts with many
13 individuals, including law enforcement related, I
14 am of the opinion that no one in the state knows
15 the location or the appearance or activities of
16 individuals in involved in these various groups
17 that I'm going to talk about. I am aware that the
18 KBI has several agents that were involved on cases
19 that involve hate crimes. I have some contact with
20 the KBI about that. I'm referring some information
21 on one case right now.

22 But I guess I would say that I'm
23 not sure that anyone really has a clear picture of
24 the extent of all the groups that are active in the
25 State, to my knowledge. So I'll simply share what



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1 I know and give you my best, I guess you'd say,
2 guesstimate about the nature of the groups and
3 their activities and give you some examples of
4 them.

5 I have an outline of the various
6 groups. There's, like, seven different -- nine
7 different areas, and a number of different groups
8 that are active.

9 One kind of group are called
10 common law courts. These have been active in
11 western states and have been the kind of thing that
12 harasses law enforcement officials, brings liens to
13 property against the property and their person.
14 All throughout the western states there has been a
15 significant connection in the last eight years with
16 workshops that are known as the Militia of Montana,
17 the Militia of Montana have some pretty strong
18 connections with the Aryan Nations group or the
19 neo-Nazis.

20 I wish to draw this connection to
21 show you that these people, although they made an
22 appearance at the Kansas State Legislature a year
23 ago sort of made themselves known by declaring the
24 governor to be not the governor, that the Kansas
25 State government was illegitimate, that actually



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1 these people are a little bit more than quacks;
2 they're connected with a fairly large movement in
3 the western states for harassing law enforcement
4 officials on the basis of a false picture of common
5 law and towards local government. To my knowledge,
6 the strongest group in Kansas is in the Topeka
7 area. They have made threats against law
8 enforcement officials in the county, against the
9 attorney general, and against members of the
10 Concerned Citizens of Topeka, which is an
11 organization of individuals, such as Dr. Roy
12 Menninger, who attempt to generally get groups
13 together to promote tolerance, simply, in the
14 city. So I don't know how serious these threats
15 are, but, of course, I do believe that they have
16 been trained in the western states by these groups
17 that have connections to the radical groups of the
18 northwest.

19 Second type of thing, there is a
20 historic group in Kansas City, Kansas known as the
21 Posse Comatadas. It is a fairly old group that
22 goes back about twenty years ago that's connected
23 with tax protest and resistance. They aren't
24 particularly connected historically with some of
25 the other racist groups, like the KKK or the Aryan



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1 Nations or the neo-Nazi organizations, but they
2 have had a long history of violence against law
3 enforcement officials.

4 Now, it has sort of been the
5 picture that these guys disappeared. They were the
6 subject of an FBI campaign. They were arrested and
7 subject to prosecution. The most famous was Gordon
8 Hall of the of eighteen years ago.

9 I know that the posse is rather
10 latent but still active in a couple of areas that I
11 will name where I know they are, through my
12 sources. One is in and around Brown County, near
13 Hiawatha. I have very reliable sources that there
14 is approximately a half dozen members up there that
15 are still rather laid back and latent, but they do
16 not pose a danger. But I cannot say that that is
17 particularly true in a second area where I'm going
18 to tell you where they are. There are indications
19 that Posse members are active in Hiawatha and
20 Chapman and a small town called Navarre that is
21 near. Near Chapman is a recently vacated armed
22 training community that may be associated with the
23 Posse. Some of our sources are responsible parties
24 in leadership positions.

25 There is an incident that is a



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1 hate-related crime incident I think that I am
2 engaged in in Chapman right now. I'm not sure I
3 want to go into it, but it's a pretty heinous act.
4 It does involve a teenage girl, and I'm attempting
5 to facilitate the connection of the family with the
6 KBI, which I do have some contacts, to stimulate an
7 investigation into this incident. I am pretty
8 convinced that this is serious, and I am also
9 suspicious that it is connected to the Posse and
10 groups within the Chapman region. I say that
11 because I've heard that from several sources,
12 including law enforcement sources about that. I
13 don't quite feel free to talk about that right now
14 because it's the sort of thing that there's an
15 attempt to get an investigation started, and I
16 don't want to basically compromise that unless
17 there's some, really, reason that I need to do
18 that.

19 But that's the only other part of
20 the state where I found this particular group
21 active.

22 I have also sources from NAACP
23 that there are former active KKK members in the
24 region of Hutchinson and have been in frequent
25 contact in the last six months and late at night



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1 with individuals in vehicles that have Idaho
2 plates. Well, I'm pretty sure Idaho plates
3 indicates some kind of connection, again, with what
4 I believe to be the spreading of common law courts
5 and some other connections possibly with the Aryan
6 Nations groups up in Hayden Lake, Idaho.

7 I think this does reflect a
8 general trend where KKK members have been, for
9 instance, according to research by some, rather
10 than moving actively into some Aryan Nation
11 association and neo-Nazi associates across the
12 country -- I was particularly not happy to hear
13 about that -- down in Hutchinson there is a
14 frequent contact between, apparently, individuals
15 from Idaho late at night who have strong former
16 active KKK members.

17 I am aware that there is a very
18 strong presence of what I would term as an armed
19 survivalist movement. That is made up of a very
20 strong, a very wide blend ever different
21 adherents. Some of them are Christian identity
22 groups. I will describe those in a minute. But
23 the location is around St. Mary's, Kansas. Law
24 enforcement authorities have confirmed to me that
25 there are a number of armed compounds within the



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1 county similar to the one I just mentioned and
2 described near Chapman.

3 Personally, I don't quite have the
4 fear of those groups that I do of the Posse groups
5 because they tend to be retreatist types. They
6 believe either in the second coming of Jesus in
7 some odd way that there's going to be some sort of
8 race war, but they are not organized in the same
9 way as the aggressive groups either against law
10 enforcement or against race groups.

11 Now, I've heard nothing in my
12 contact with law enforcement and people in that
13 area that these groups, which are large and have a
14 lot of armed weapons, are responsible for any form
15 of race-related hate activities in the region.
16 Nevertheless, it is a concern when large elements
17 of our population may be dreaming that there's some
18 kind of Armageddon coming, and they have back yard
19 compounds built up with large weapons. But I am
20 not yet convinced that they are related to active
21 race incidents or religious incidents in the state.

22 I also am a frequenter of gun
23 shows, because historically across the United
24 States, the more radical and dangerous militias and
25 Aryan Nations groups, and those of race hatred will



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1 show up at gun shows periodically across the
2 country and fork over their wares. I can tell you
3 that in the gun shows that I have been in in Topeka
4 and in Kansas City area feature only the John Birch
5 Society. I've not seen the other associations
6 making their place. And the John Birch Society
7 are more southerners, although it has had a bend
8 toward anti-Semitism in recent years.

9 I am sorry to say that I think
10 there is a growing element -- this is my seventh of
11 a very, very covert organization that's a religious
12 organization called Christian Identity. I believe
13 it is growing and in the state. I personally did
14 some research at Winfield, Kansas, during the music
15 festival last fall, September, when I got wind from
16 a security officer in the Kansas City area that she
17 thought some of these people were going to be
18 making the rounds. I don't know how many you bring
19 with you, but they have a sort of like Woodstock
20 way or something. They go all night and they have
21 these amazing group tents where people play folk
22 music, blue grass. It is a wonderful experience,
23 but I kind of went down went down there to snoop
24 around in a lot areas that I thought these guys
25 might show up. And so I will tell you now that I



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1 observed three of these individuals making rounds
2 through the night tents spreading Christian
3 Identity doctrines, which is one of the more
4 virulent forms of racism in the world.

5 MR. GUITTEREZ: Professor, you
6 mentioned these night court meetings three or four
7 times already. Could you describe those in a
8 little more detail?

9 DR. HAMILTON: Okay. Down in
10 Winfield, for instance --

11 MR. GUITTEREZ: You mentioned down
12 in Winfield, and I think you mentioned a couple of
13 other ones.

14 MR. DELATORRE: Chapman.

15 DR. HAMILTON: Oh, I think you
16 were thinking of Hutchinson. Yeah. Well, I think
17 I can describe the ones that I've heard about from
18 the NAACP in Hutchinson. They're done, to be
19 closed. It is still alive and they have
20 conversations with known organizers of previously
21 members of the KKK. These take place at 2:00 and
22 2:30 in the morning. Not many people know this.
23 But I can assure you that several members of the
24 NAACP have made it a point at night to get out of
25 bed to go some distance to see who shows up at



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1 these. And it has been going on for I do
2 believe -- I believe monthly, bi-monthly visits in
3 Hutchinson.

4 Now, that is all that I know about
5 that because nobody knows exactly what's being
6 planned down there, except that my surmise about it
7 is that they are strongly involved with promoting
8 common law courts, and I wouldn't be surprised
9 that's one of the ingredients, trying to get that
10 around in rural communities. That's been one of
11 their main goals, whether it's terrorist attacks
12 robberies or anything like that. It's been spread
13 in the reports that there is a level that's going
14 on that some of them probably lost. In the recent
15 reports it's estimated that the number of hate
16 groups -- and there's a whole variety of different
17 ways of getting at this, but actually what's going
18 on is a merger of these organization. But the
19 number of sites on the internet are smaller, but
20 there's sort of a merging in these groups in some
21 common tactics, like in common law courts.

22 MR. ROGERS: Is there an effort
23 that you've observed or would indicate that they
24 are working toward infiltration of more established
25 groups?



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1 DR. HAMILTON: Well, I do have a
2 concern that there is some infiltration of ground
3 forces. I've heard this on more than one occasion
4 that some of these armed forces groups -- I've had
5 a few law enforcement officers tell me that some
6 armed force -- some law enforcement units that
7 there have been sympathizers with common law
8 doctrine in the state. This doesn't surprise me
9 because there has been, since 1992, a pretty strong
10 effort to develop common strategy in historically
11 divided groups. You can usually divide the plan
12 into survival organizations that sometimes go after
13 each other. But back in 1998 in Estes Park,
14 Colorado, was the birth of a major difference among
15 hate groups. I think it was connected with the
16 Weaver incident and Waco, Texas, where major
17 efforts were made to cooperate among these various
18 divided groups and share strategy and share
19 propaganda. And it's kind of a big topic,
20 basically, and I've been keeping an eye out for
21 this kind of thing in Kansas. And when I hear
22 reports from reliable members, as in Hutchinson,
23 that former KKK members are down there doing and
24 working with the Aryan Nations, I see this strategy
25 developing.



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1 MR. DELATORRE: If I can ask a
2 question: Do you have a sort of strategy in order
3 to situate this with the legislature handy? What
4 kind of proposal would you want to deal with these
5 groups?

6 DR. HAMILTON: Well, I haven't
7 formulated one yet. I have pieces of ideas. The
8 Southern Poverty Law Center has model legislation
9 that is -- that they promote around the states for
10 states to adopt against seditious groups, armed
11 militias that are basically not just country guys
12 shooting at cans on weekends, but they are planning
13 some kind of, you know, eventual move against the
14 government. I believe that the authorities would
15 do well -- state authorities would do well to
16 consult with expert organizations like Southern
17 Poverty to develop model legislation and fund those
18 programs and pursue them. But I am not an
19 individual who would have the macro strategy at the
20 moment.

21 MR. DELATORRE: Dr. Thompson has a
22 question.

23 DR. THOMPSON: Dr. Hamilton, do
24 you see any evidence of growth of the youth
25 organizations, like skinheads who were very active



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1 for a while, that seem to have gone underground?

2 Is there --

3 DR. HAMILTON: Yes, there is
4 some. The indications that I have is that skinhead
5 youth are active in the Alma area, in and around
6 Chapman, and recently in a north Kansas town I
7 learned about, oh, my gosh, a skinhead junior high
8 gang that is active in race hatred graffiti in the
9 area. So I am aware of these, but I am not sure
10 how much further it goes beyond these. I'm a
11 bit -- I would confess to say I don't know. I just
12 pick these things up, so I wanted to report these
13 things that I know of to you. And then it might be
14 broader than what we think. You know, the common
15 wisdom in the last year or so is oh, this is in
16 Wichita and that's all. But I don't think it's
17 that much.

18 DR. NAVATO: I have a question.

19 DR. HAMILTON: Yes.

20 DR. NAVATO: In your studies, have
21 you noted any similarities -- or what is the
22 sociology of new recruits, and what are the
23 starting agendas, what are their recruitment
24 methods that make them more popular?

25 DR. HAMILTON: Well,



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1 psychologists and sociologists have not developed a
2 very good theory about this as a form of
3 sociopathic behavior. I think you could take the
4 case of Bufort Furrow (phonetics) last December who
5 was the assassin at the Los Angeles Jewish Daycare
6 Center as an example. There does seem to be a
7 strategy that seems to be directed at neo-Nazi and
8 recruiting individuals that you can place out
9 front. He was a bodyguard with the Aryan Nations
10 compound. He was associated with them for two
11 years in the mid 1990s. The mass media didn't
12 quite pick up on that. He was a mental patient
13 that received treatment in Washington state. But
14 the mass media didn't pick up on that. They picked
15 up that he was a bodyguard, a security guard with
16 nation's -- the most evil compound of the neo-Nazi
17 organizations in the United States. One has to
18 wonder why they didn't pick up on that.

19 I guess I am pretty convinced that
20 there is an attempt by the strategists in those
21 organizations to seek out individuals that could be
22 rather unbalanced, indoctrinate them into the
23 ideology of the Common Law and Christian Identity,
24 because they were the two columns that have merged.
25 They might try to persuade someone that has had



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1 some trouble, maybe gone through a family
2 bankruptcy or farm problems, or persuade them along
3 the line of religious-based propaganda. And then
4 you sever your relationships with them. And they
5 don't know if you want to do something with them.
6 This is so covert, the strategies are known, and
7 they are known that these groups go underground.
8 This was known by the researchers and those
9 associated with Defense League, the Jewish Defense
10 League. And you occasionally have individuals who
11 come out and will reform themselves and write books
12 on this phenomenon. But it is a really dark,
13 covert world and you can't really know how that is
14 happening or not happening except by clues that you
15 get that these strategies are occurring. And I'm a
16 little bit concerned that that might be the case in
17 the Chapman area about the race case that I was
18 talking about shows signs of that.

19 DR. NAVATO: Could you expound on
20 the clues that you find?

21 DR. HAMILTON: Isolated young
22 people, similar to Columbine High School; those
23 guys out there who have sporadic connections with
24 adults that are out of these groups, and they're a
25 little bit edgy type personalities. And you don't



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1 have to have too much mentoring by adults. Forget
2 the message when you can click on with the internet
3 and get the message yourself, and then you're kind
4 of a loose cannon out there and without any trace
5 back.

6 MR. RUST: Two short questions.
7 In your resume, Dr. Hamilton, contrary to Missouri,
8 he has not observed network of hate groups in
9 Kansas. In your question here you made comment
10 that you thought there was a networking going on.
11 You mean national groups, the parties are
12 networking between the hate groups in Kansas?

13 DR. HAMILTON: I believe that.

14 MR. RUST: And the other question
15 is -- and I've heard it a couple of times today --
16 that I do not know the definition -- or your
17 definition of a Christian civility group, a
18 Christian identity group, a Christian identity
19 doctrine. Could you give me a short definition
20 of that?

21 DR. HAMILTON: All right. Well,
22 hang an to your hat, okay? Christian Identity is
23 one of the oddest religious groups to ever grow in
24 the United States. It has roots that are about
25 sixty years old. They have a false doctrine of the



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1 -- of race, basically.

2 MR. RUST: It's a specific group
3 that goes by that name?

4 DR. HAMILTON: Yes, it is. But it
5 is promoted essentially as the, semi-official
6 church of the Aryan Nations.

7 MR. ROBINSON: I have a question.
8 I know you testified somewhat in your earlier
9 comments, you basically were speaking about seven
10 distinct groups. Do you have any idea, rough idea,
11 as to numbers in the State of Kansas, total
12 numbers?

13 DR. HAMILTON: I've thought about
14 that a lot. I've looked back over Southern
15 Poverty's thing. They only they only make
16 estimates on the basis of groups. So I would say
17 that the only real source of an answer to that --
18 and I'm not sure that they would know -- would be
19 the KBI agents in Topeka, that there's really two
20 of them that I know that are active in hate crimes.
21 I'm not sure they know any more than anybody else
22 knows. But I can give you my estimate of things.
23 I believe Christian Identity probably is in the
24 range -- I would be surprised if it's around two
25 hundred or less range. The stuff that I saw at



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1 Winfield led me to believe that all the guys that
2 were there were doing that proselytizing were out
3 of the Shawnee Mission area. I wasn't happy too
4 hear about that. I anticipated that it would have
5 been connected more to the southeast counties, you
6 know, because there are some of these groups that
7 come out of Arkansas. But, not to my knowledge. I
8 think it's out of Kansas City region. So I'm not
9 sure how to estimate those, because they're
10 extremely covert. I really can't guess that.

11 Posse numbers, my number is
12 fifteen or so in the northern counties around
13 Hiawatha.

14 The survivalists are probably in
15 the low hundreds across the northern counties.

16 Sympathizers of the common law
17 courts I would say would largely be -- Southern
18 Poverty says Abilene has the common law courts, and
19 in Shawnee County, in Topeka. And from my
20 knowledge, that's where the courts are. And I
21 imagine those are less than thirty people.

22 Now, other groups I couldn't begin
23 to take a stab at. I don't know at all that KKK
24 sympathizers, what the numbers are. I was told by
25 a law enforcement authority that a grand national



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1 branch of the southern Klan, there's one. I don't
2 think there's a whole lot of those guys around.

3 MR. DELATORRE: Mr. Gutterez.

4 MR. GUITTEREZ: Mr. Hamilton,
5 would you characterize this as a basic two-agenda,
6 three-agenda, one of them being terrorist-oriented
7 by racial purity, religious purity? I'm trying to
8 nail it down a little bit.

9 DR. HAMILTON: Well, it is hard,
10 and there's a couple of ways to divide this. And I
11 divided it into the ultra rights, who desire some
12 kind of overthrow of the United States Government,
13 the issue of the law enforcement authority and who
14 also have a sort of a ruling order theory that they
15 desire as to everybody except white people.
16 They're race purists. The ultra right is a pretty
17 valid category to categorize various extremist
18 groups. They include extreme religious churches,
19 they include the Aryan Nation, they include the
20 National Alliance, which is the most pure form of
21 Hitler organization that I've seen. Some
22 skinheads; maybe ten percent of skinheads are
23 frequenters of the Aryan Nation followers.
24 You know Timothy McVey, right, was connected to
25 Christian survivalists and Aryan Nations. That's



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1 known to some of us.

2 But as an example, while the
3 military is somewhat concerned -- although less
4 than I think they used to be -- on penetration into
5 the militants, I think that the goal is to reach
6 out to farmers in Kansas, to reach out to the rural
7 community. I believe their strategy is to dose
8 them up on an anti-tax, anti-local government
9 ideology. The Posse used to sell pretty well. Now
10 they have a very sophisticated half-page
11 constitutional law theory. You can invoke it that
12 way because they don't like taxes and legislatures
13 that don't respond to farm bankruptcies. And then
14 you can sneak onto the racist theory. And then you
15 do see the rise in the hate groups. And when you
16 find these groups that I've talked about, you do
17 see the great hate groups in our society.

18 MR. DELATORRE: Dr. Hamilton, we
19 appreciate your being here today.

20 MR. DELATORRE: Mr. Alvin Sykes?
21 Mr. Sykes, if you would state for
22 the record your name, address and occupation.

23 MR. SYKES: Yes. My name is Alvin
24 Sykes. My address is 5216 Northwest 82nd Terrace,
25 Kansas City, Missouri. I am the victim advocate



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1 and president of the Justice Campaign for America.

2 MR. DELATORRE: And would you
3 describe for us what that organization is what its
4 purpose is?

5 MR. SYKES: Yes, the Justice
6 Campaign for America is a national human rights
7 victims advocacy organization. By way of my
8 presentation, I will give a description as to what
9 our organization does. It is a nonprofit organize
10 composed of private citizens who work in the
11 advocacy field.

12 MR. DELATORRE: Please proceed
13 with your presentation.

14 MR. SYKES: Thank you, sir. First
15 I would like to thank you for the opportunity to
16 speak before this body, the U.S. Commission on
17 Civil Rights. It is my first opportunity and I
18 will try and do the best I can to be of assistance
19 to you in your task.

20 The beginning of our organization
21 started November 5th, 1980. The words that were
22 first spoken were, "You can't do this to me. I'm a
23 musician." These words were spoken by Steven
24 Harvey as Raymond Bledsoe beat him to death with a
25 baseball bat in Liberty Memorial Park. After this



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1 beating there was a state investigation of Steve
2 Harvey's death that resulted in a first degree
3 murder trial arraigning Bledsoe. He was acquitted
4 by an all-white jury August 12th of 1981.

5 The following day Rea Harvey, who
6 is here today, the widow of Steve Harvey, and
7 myself and countless others in Kansas City decided
8 that we were not going to let Bledsoe's acquittal
9 be the end of that story as it is so many times
10 around the country in similar situations. So we
11 started to contact the Civil Rights Division of the
12 Justice Department in Washington in pursuing a
13 civil rights investigation into his death.

14 After first being told by the
15 Justice Department that they couldn't do anything,
16 we conducted our own research, Rea Harvey and
17 myself, at the public library. There we found the
18 statute, the protected activity statute, 18-245.
19 We then recontacted the Justice Department told
20 them we knew they could do something and brought to
21 them how the facts of this case fit the criteria of
22 that statute.

23 We then were passed to a
24 supervisor who ultimately initiated by the name of
25 Richard Roberts, who initiated an eighteen-month



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1 investigation and prosecution that resulted in the
2 successful prosecution and conviction of Raymond
3 Bledsoe in federal court on April 15th, 1983. At
4 the time of his conviction, he was only the third
5 or fourth conviction under this statute under the
6 federal protected activity statute across the
7 country.

8 The next day -- on May 6th of that
9 same year was when we decided that we'd had a
10 responsibility beyond the pursuit of justice in
11 Steve Harvey's case, to come together and give
12 assistance around the country, and that's how we
13 started the Justice Campaign of America.

14 We have, since that time when we
15 first became informed by the Justice Department
16 that this was just a rare type of prosecution,
17 under this statute, many people looked at that as a
18 sign of pride that here was something that was
19 accomplished that hadn't been done. I myself found
20 more as a matter of shame than a problem, because
21 this law came into existence in 1968 with the Civil
22 Rights Act, and you are going to tell us that since
23 1968 to 1983 there was only four cases that had
24 been successfully prosecuted. He was telling us
25 there was a problem with this law. Sine that time



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1 we have worked with prosecutors across America,
2 across the country, in terms of helping victims
3 that have problems with racial-motivated acts,
4 crimes, as well as other types of crimes. However,
5 for the purposes of my presentation here today, I
6 want to deal with the issues both from the problem
7 and few recommendations that we're pursuing that we
8 think will be of benefit to all.

9 The centerpiece of our effort is
10 what we call the justice-seeking atmosphere. And
11 we believe that with a justice-seeking atmosphere
12 that it is composed of victims, families, people in
13 the community and law enforcement working together
14 with one goal, and that's to pursue truth and
15 justice. We have found that over the seventeen
16 years that that has been a very successful
17 mechanism to use, because what is most important,
18 we believe, is that while we can gather statistics,
19 we can come up with other reasons as to why, in a
20 technical way, the issue of hate crime. But what's
21 most important is if the citizens and the victims
22 are do not cooperate with law enforcement, the
23 solution is not there and will not be effective
24 prosecution, it will not be effective justice.

25 So the two points that I would



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1 like to bring before this body is that there is
2 now, after so many years, the federal bill that is
3 before congress right now.

4 In this bill is used to expand the
5 provisions of the federally protected activity
6 statute. We found, and the federal government has
7 found along with us, that the problem of this
8 statute and why it was so rarely used was because
9 the crimes were very strict. You not only had to
10 commit a hate crime, or have hate as the
11 motivation, but the victim had be engaged in a
12 federally protected activity, or the federal
13 government could not do anything.

14 In this instance, in Steve
15 Harvey's case, while there was a lot of public
16 outrage and petitions and other actions that were
17 taken to pursue this, the bottom line is under the
18 federal statute if this Steve Harvey had not been
19 in that park and had not been utilizing the rest
20 room in that park, the federal government could not
21 have been able to have jurisdiction because it had
22 to be a federally-protected activity and use of
23 that public park constituted federally-protected
24 activity.

25 Secondly, on appeal of this -- of



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1 this case, Bledsoe, through his attorney, stated
2 that, without admitting that he killed Steve
3 Harvey, his lawyer said but if he did, he killed
4 him because Bledsoe thought that he was gay, not
5 because of his racial motivation.

6 Now, the reason why the lawyer
7 used that -- used that route is because under the
8 federally-protected activities statute sexual
9 orientation is not protected. So you could, in
10 fact, have killed Steve Harvey and done it because
11 of your perception that he was gay, and it would
12 not have given the federal government jurisdiction
13 to prosecute. This statute, this bill that's being
14 considered now, would expand the areas of
15 jurisdiction under this statute to include sexual
16 orientation, to include origin and disability among
17 the categories. Disability -- areas that were not
18 in the bill previously. We wholeheartedly support
19 this provision and hope that others will, in fact,
20 be in support of this legislation.

21 Secondly, the major problem that
22 we also detected is that internally there is called
23 a dual prosecution policy. This policy is a policy
24 of the U.S. Justice Department that says whenever
25 an act is committed that violates both federal and



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1 state law, while both may have jurisdiction, the
2 federal government will wait to see whether the
3 state action vindicates the federal interest in the
4 case. That, in and of itself, needs to allow
5 problems as to why a more stringent and stronger
6 statute and more resources of the federal
7 government are not brought to bear on cases of hate
8 crimes as it does, and the states do not have the
9 resources and ability to be able to prosecute these
10 kinds of cases successfully as the federal
11 government does have available, at its disposal.
12 So we have been pursuing modifying the dual
13 prosecution policy of the federal government of the
14 Justice Department so that they can, in fact, use
15 the federal resources to prosecute the cases along
16 with, or in addition to, the state prosecution.

17 For instance, the Joseph L.
18 Finekin (phonetics) case in Utah, is a case where
19 there was a prosecution on the federal level and he
20 was given life terms on the federal level, and then
21 the state came back and prosecuted him on the state
22 level and then two more life sentences. We think
23 this is a more effective approach in terms of the
24 enforcement of the federal prosecution as well as
25 state prosecution of hate crimes. But before any



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1 of these technical type of changes will work,
2 before we have a diminishing of hate crimes in this
3 country, we have to stand up to provide victim
4 rights assistance, because bottom line is if the
5 victim does not know that they can come to a
6 grievance of the perpetrator that has committed the
7 crime against them, they are less likely to
8 cooperate. We must pass the federal victim
9 Constitutional amendment for victim rights
10 compensation. This gives victims the right to
11 proceed to be entitled to restitution, would
12 entitle them to be notified of the proceedings as
13 they occur, will give you the right to be notified
14 when the perpetrator is coming up for parole, such
15 as Mr. Bledsoe, who will not come up for parole
16 September of 2001, next year, from Leavenworth
17 Penitentiary.

18 Victims, once they are tracked
19 with the federal and state and local governments
20 and civil rights agencies, do not support them and
21 educate them and let them know that you're there to
22 help them, then the victim in emergencies are not
23 going to come forward. And you can have all the
24 fancy laws and different criteria, but without the
25 victim and without the witnesses, you will not have



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1 a successful prosecution.

2 Now, to bring things closer to the
3 end of my presentation, I want to point to a
4 current incident. You may have heard recently of
5 Reginald Timmons in Ransom, Kansas, he had a cross
6 burning in his yard not too long ago. There was a
7 lot of publicity, there was a lot of prayers and
8 these type of activities that were very helpful to
9 the victim initially. But, however, someone
10 started messing with this victim, really wanted
11 it. People spoke about this how good it was to be
12 out there with the prayers. But this man had
13 children who were terrorized by his -- in his home,
14 in his mobile home, and he had terror or something
15 happen to him. And while everyone else was
16 speaking of the concerns and the agenda of hate
17 crime fighting, he wound up fencing around that
18 mobile home. He wanted a light so that he could
19 see if the perpetrator was coming to him. He
20 doesn't feel good about cooperating and
21 participating. This man is saying, "I want
22 security for my home." Others are saying don't
23 move from your home because it gives in to the
24 perpetrator. The agenda seems to be more important
25 than the victim.



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1 Now, hopefully as you go through
2 your deliberations, the Equal Rights Commissioner
3 Timmons whose voice is being lost, came and looked
4 and find ways that we can provide those securities,
5 those things that the victim needs to be able to
6 feel comfortable participating in this process and
7 to feel that someone cares about what happens to
8 their kids and can educated that you can get
9 restitution for all that money that you're putting
10 out for your child to be in another city or to give
11 you a fence around your place; that you have a more
12 effective atmosphere to where the perpetrator will
13 be able to understand that the victim in the
14 community and law enforcement work together. They
15 will not be able to continue on their activities
16 with a sense of remunity because they feel that
17 people are not going to support them and support
18 the victims.

19 So in conclusion, I would say that
20 we need to support the previous legislation, we do
21 neat to have the technical types of analysis,
22 because that's what, in the end, the laws have to
23 be changed and modified so that they're more
24 effective.

25 Last month I sat before the United



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1 States Supreme Court as they heard a case of a hate
2 crime involving the state of New Jersey, where they
3 debated the issue of whether a judge or a jury
4 should decide what the motivation is for the
5 commission of a crime. I think that we need to
6 focus more on the victim. By focusing more on the
7 victims and the plight of the victims, we will be
8 able to generate that type of army that is really
9 needed to deal with the issues of hate crime in
10 this country. We need to have state hate crime
11 bills, such as the one that we had introduced in
12 Kansas, that is currently in the legislature. And
13 more importantly and finally we need to have a
14 justice-seeking atmosphere. We need to have people
15 who are in positions that have the knowledge to be
16 able to educate the people that are out here that
17 only have the painting. They don't know the other
18 niceties and legalities of it, but they do know
19 they are hurting, and they need to get that pain
20 away.

21 And I certainly thank you for the
22 opportunity to be able to give this presentation to
23 you. And if I can be of any help, I will always --
24 always have and I always will be available to be
25 able to help you. And we do have an extensive



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1 paper documentation that will be provided to you so
2 that you can have it in more detail that I'll try
3 to present to you at some time.

4 MR. DELATORRE: Thank you.

5 MR. ROGERS: Alvin, I don't know
6 about the State of Kansas, but I know that in
7 Missouri there is a victim's assistance fund. The
8 only essence I know it is really used is if
9 somebody is killed and they can't afford to pay for
10 a funeral, the State will pay \$5,000, I think, for
11 a funeral. Have you been successful in trying to
12 get the state of Missouri or the state of Kansas to
13 use some of that victim assistance money in aiding
14 individuals who are victim of hate crimes, or any
15 crimes?

16 MR. SYKES: It's a major problem,
17 and the reason why it is a major problem is, again,
18 there's too many restrictions on the victim
19 compensation funds. The first thing that the
20 problem is, if you're a victim and you -- you're
21 only entitled to receive compensation in certain
22 circumstances. If you have insurance, you're not
23 able to be able to get compensation from them
24 because if you engage in a lawsuit or such you have
25 to pay this money back. There are restrictions on



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1 what types of use of the money, such as
2 Mr. Timmons, if he was in Missouri, it still would
3 not be any help to him in terms of getting a fence
4 or destruction of property, because it does not
5 deal with the property, replacing property. So --
6 it's not even well known that victims can have
7 access to the fund. It's in a division that you
8 think this is where you go for victim
9 compensation. So, no, that -- that is another
10 issue that definitely has to be dealt with, the
11 liberalization of the victim compensation fund,
12 because people just don't know. And when they do
13 know, they can't use the fund to their advantage.

14 If I may just give a quick example
15 of the problem with that -- on that issue by way of
16 an example that I utilized several years ago.
17 There was a man that was a victim who was a
18 hit-and-run victim. He died. No one knew who his
19 family was. I seen in the news where there was
20 this hit-and-run victim and nobody way going to do
21 anything and they were going to give him a pauper's
22 burial. So I contacted the prosecutor at that time
23 and the victim compensation fund at that time and
24 asked them, Is there funds to bury this guy with
25 dignity? He's the victim of a crime. I then took



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1 it on myself to stand behind his burial and arrange
2 with a funeral home to, in fact, bury this guy
3 on -- in supplant my family to be family during
4 this funeral. We understood at the time that I did
5 that, after talking to the prosecutor, that the
6 victim compensation would pay for this because he's
7 a victim. Well, what ended up happening was they
8 said in order to use the fund -- and I hope it has
9 changed by now -- but in order to use the fund, the
10 person who is applying for compensation must be
11 financially dependent on the victim, and since he
12 didn't have anyone that was financially dependent
13 isn't on him, they were saying, No, we wouldn't be
14 able to do this. Luckily for me I had brought in
15 the mayor and the prosecutor that was ahead of me
16 so I wasn't going to get stuck, you know, with the
17 situation. But someone else, it would have.

18 So there are a lot of fundamental
19 changes that need to be done. And that's important
20 no matter what type of fund -- of crime -- of
21 category of crime you use. You have to have,
22 particularly in hate crimes, you definitely have to
23 have all of those readings.

24 MR. DELATORRE: Okay. Mr. Sykes,
25 thank you very much for the information.



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1 Donald Lang?

2 Dr. Lang, if you would please
3 state your name, your address and occupation for
4 the record.

5 DR. LANG: I am Dr. Donald Lang,
6 Swope Parkway Health Center, 4609 East 29th Street,
7 Independence, Missouri.

8 MR. DELATORRE: It's nice to have
9 you here.

10 MR. LANG: I want to thank my
11 friend, Joe Ann Collins, who is my real model in
12 city government, and my cohort in arms
13 Dr. Thompson. And I'd like to thank you each of
14 you for inviting me, especially Melvin Jenkins.

15 I am happy to follow Mr. Sykes,
16 because he has referred many of his victims to
17 Swope Parkway for assistance. So I can attest to
18 the fact that, yes, treatment at Mental Health is
19 what is needed when a person is victimized by
20 racism, and there's not an option as to how to deal
21 with that. Even those who get compensation for it,
22 all they have left is the pain.

23 Racism, racial profiling, DWB,
24 JLWB, just living while black. Several weeks ago I
25 experienced an extremely good day at work. My



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1 clients had all shown for therapy and I felt that I
2 had been of some help in making their lives a
3 little better. I had attended a budget meeting
4 that day. The budget officer was in a good mood.
5 Revenues were strong and no complaints. I had a
6 good day that day. On my way home I began a
7 dialogue of private introspection. I said to
8 myself, "Don Lang -- no, correction, Dr. Donald G.
9 Lang, Doctor of Philosophy, the first
10 African-American male to receive his Ph.D. in
11 counseling psychology from the University of
12 Missouri, Kansas City. Yeah, Dr. Lang. I have a
13 good job. I have a few dollars in the bank. I
14 drive a nice car, BMW -- black man working. Yeah,
15 I saw myself as having it made. Possessing all the
16 professional trappings: Two mobile phones, one in
17 the car, one in my pocket; a pager with all the
18 latest technology gadgetry." I was on a
19 self-induced ego trip.

20 So I said to myself, "Self, you
21 deserve something special tonight. You know, you
22 deserve a steak. No McDonald's tonight. A real
23 steak will do. I'll stop and pick up a delicious
24 steak on the way home." So I, in my BMW, drove to
25 a suburban shopping market. I was in my business



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1 suit, I'm wear a very nice tie. I stepped out of
2 my BMW -- black man working. I began the style and
3 profile into the store. You see the term profiling
4 has been in the black community for years. Watch
5 out, Don Lang is coming. Dr. Don Lang is coming.
6 I stroll assertively down the aisle, styling and
7 profiling, looking for the ideal combination to go
8 with my ideal steak. Should I have a nice potato?
9 Maybe some green beans. Maybe a nice apple pie for
10 dessert. Money, no problem." While profiling, I
11 saw a man who appeared to be shopping with his
12 daughter. She must have been about six years of
13 age. As I approached, the little girl looked my
14 way and pulled eagerly on her father's arm.
15 Looking at me, she hollered, "Daddy, there's a
16 nigger, there's a nigger." Did I really hear what
17 I thought I heard? No way. As I approached the
18 checkout stand, the little girl saw me again. "Is
19 it a nigger?", she asked her father. I looked at
20 the little girl and at her father. He gave me a
21 long stair. He looked at me, finding it difficult
22 to make eye contact. His expression was one of
23 embarrassment, not for me but for himself. The
24 daughter was only repeating what she had been
25 taught. He didn't correct her but moved her



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1 quickly from the store.

2 Thank you, little girl for
3 bringing me back to reality. Thank you for shaking
4 my false sense of security. Thank you for
5 dismantling my self-indulgent narcissistic fantasy.
6 Thank you for putting my ego trip back in check,
7 reminding me that in America a black man will
8 always be judged and characterized by the color of
9 his skin. The little girl had no idea who I was,
10 she didn't know my name, she didn't know my
11 occupation, where I lived or what church I
12 attended. All she could recognize was the color of
13 my skin that triggered in her mind the word
14 "nigger." She had been taught at a very young age
15 to profile an individual by the color of her their
16 skin. And you, Dad? Your daughter was only
17 expressing what she had been taught, expressing
18 verbally what possibly a collective white society
19 things secretly. Why didn't you correct her,
20 admonish her with a strict reprimand, explain to
21 her that what she had done was wrong? But like
22 society, you perpetuate the stigma of the past by
23 ignoring the realities of the present, infecting
24 your daughter with a psychological pathogen that
25 would deny her of the joy of a life of accepting



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1 others for who they are and not what they are. I
2 was targeted. SWB, Shopping While Black.
3 Driving While Black. Just another manifestational
4 metaphor in an ever increasing lexicon of words in
5 the face of racism.

6 In psychology and psychiatry there
7 is a chemical diagnosis called schizophrenia. It's
8 characterized as one who suffers extreme paranoia,
9 thoughts of persecution, extreme suspicion of
10 others. At times an individual may see, feel or
11 hear things that are not actually there. A false
12 sensory perception. Given the MMPI, the Minnesota
13 Multiphasic Personality Inventory, a person with
14 this disorder scores high on what's called a
15 paranoid trait scale. But when African-Americans
16 are given the test, the instruction book cautions
17 the elevated scores on this measure are different
18 for African-Americans and whites. A high score for
19 African-Americans at times reflect the reality of
20 their existence. A missed diagnosis is very often
21 possible. People being classified with this
22 disorder when no disorder exists. A noted black
23 psychologist, Dr. Richard Parham of the University
24 of California at Irvine has coined the term
25 paranormal. He asserts that it is normal for



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1 blacks to feel paranoid. Quote, "Minority groups
2 who have consistently been victims of
3 discrimination and oppression in a culture that is
4 full of racism have good reason to be suspicious
5 and mistrustful of white society. In her Black
6 Rage, Merriam Cobbs points out, "In order to
7 survive in a white society and develop a highly
8 functional survival mechanism to protect them
9 against possible physical and psychological harm,"
10 they describe it as cultural paranoia. I describe
11 I would as JLB, Just Living Black.

12 Black psychologists Boyd and
13 Franklin write in a book, Back Families and
14 Therapists, that white society's fears about black
15 men contribute to an overt form of discrimination
16 which lead to further fear, distrust, avoidance,
17 adding for the anger many black men feel about this
18 form of treatment. This negative message can
19 influence a black man's feelings about himself and
20 his ability to function in his role in the
21 workplace, his role as a lover or a spouse, and his
22 role as a father.

23 In my practice what I try to do
24 when I counsel black men, because historically
25 black men have had difficulties expressing their



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1 feelings verbally, I give them homework tasks. And
2 I gave one of my clients this homework task. He's
3 given me permission to read this letter. I won't
4 mention his name because of confidentiality, but he
5 gave me permission to read his letter at this
6 meeting. And he entitles it "A Black Man's
7 Personal Letter." "Let me introduce myself. I am
8 a 32-year-old black man. I've been diagnosed with
9 a depressive disorder. I didn't know that you
10 could be depressed and angry at the same time. I'm
11 on medication. It helps me sleep. I've been on
12 paper. I'll be off paper this year. Yes, I've
13 served time. I know how it feels to lose your
14 joys, to lose your hope, to be disappointed, to
15 have a broken spirit. I've been there. In my
16 hopelessness there's an urge to survive, a
17 possibility of peace, shalom, a family, children,
18 money. It has been difficult for me to get help.
19 I thought mental illness was a weakness, abnormal.
20 You see, sharing your feelings and emotions is
21 normal possibly for white people. Whites see
22 sharing feelings as a strength. But for blacks,
23 sometimes it's seen as a weakness. But I had no
24 choice. I was scare that I would hurt myself. I
25 had to destroy my fear. Success, not failure. I



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1 believe I can make it. I must trust myself before
2 I can trust others. I must respect myself before I
3 can respect others. What happened to love, oneness
4 and sharing? We must return to the way we were."
5 End of letter.

6 In social and psychological of
7 blacks, especially the black male are becoming big
8 business. He is described as incredibly proud of
9 white America. Our present industry is built
10 around him. Our black children are now experiments
11 of the drug and pharmaceutical industry. Billions
12 of dollars are being made from drugs like Ritalin
13 for the treatment of attention deficit disorder,
14 bipolar disorders and even schizophrenia, and by
15 children. Disorders in all probability are
16 childhood emotional responses to unstable, hostile,
17 dysfunctional environments in the home and on the
18 street.

19 Racism in America is that
20 malignant force which supplies the negative energy
21 to the magnetic floor upon which all black people
22 stand. The brass ring does not apply to us.
23 Racism is a chronic psychosis, pathology of the
24 heart and mind that ultimately destroys the
25 organism in which it resides. Like AIDS, there is



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1 no cure. It can only be monitored and hopefully
2 controlled. Its effects on black people may cause
3 severe depression, but more accurately a
4 disturbance of the spirit. But with the right
5 cure, recovery is lasting, making the victim a
6 survivor. Look at black history. We have always
7 been survivors.

8 Thank you very much. I give that
9 presentation because what I am are responding to is
10 the pain I see in my practice regarding racism. I
11 spoke to anger control groups at Swope Parkway. I
12 started the groups five years ago because what I
13 was seeing in the community is that the issues
14 around black America have become so profitable for
15 white therapists. If a black man is referred from
16 the courts for anger control groups, the white
17 therapist will charge that black man or that
18 unemployed white man \$40 an hour for being in
19 groups. Now, if you're unemployed, you're on
20 paper, an ex parte against you, you got a PO
21 telling you to find a job, you can't find a job
22 because of your criminal background, then how in
23 the world can you afford to pay \$40 for anger
24 control groups. That makes you even more pissed
25 off. So what I decided five years ago is that I



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1 would start a group that would be free. And I tell
2 my group members, "Look. This time around is free.
3 If you don't learn what I've taught you, if you
4 don't incorporate it into your way of living, then
5 the next time you're going to get busted." But
6 what is so interesting for me is that I've been
7 doing the groups for five years, and 99.9999999999
8 of the group members are African-American males.
9 It's phenomenal. I said to myself, "Don't white
10 people get mad, too?" But it's the system. It's
11 the system that's perpetuating something that
12 really needs to be looked at.

13 I don't know what the cure is. I
14 don't have an answer. Because it's big business
15 now. And the business is being perpetuated by
16 pharmaceutical companies. Our children at Swope
17 Parkway are being referred for medication
18 management as early as at the age of six being put
19 on Ritalin. That's horrendous.

20 There was an article not to long
21 ago about a young man who had been on Ritalin and
22 had been on Ritalin for twelve years. He
23 ultimately had a fatal hard attack. What is
24 addiction? That is starting on medication before
25 your body can become adjusted. And at that age,



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1 your system does become adjusted. How do you wean
2 something off of something that has been in his or
3 her system at the age of six? And let me tell you
4 we can not medicate away the problems children
5 suffer because of their environment and the way
6 kids are suffering today, the absence of a family
7 structure, the absence of the village, the extended
8 family, the church. All of these elements need to
9 be put back in place before you see a cure. Not so
10 much a cure for racism, because racism has been
11 around for ages. But there was a time when blacks
12 could deal with racism because of that collective
13 consciousness of saying, We can still make it. And
14 I think young people are having that type of
15 mentality now.

16 Thank you again. And that
17 concludes my presentation.

18 Are there any questions?

19 DR. NAVATO: I have a question.

20 In your clinical practice, have you often asked --
21 or asked somebody in the interview process have any
22 of your patients been victims of racial profiling,
23 or at least, in part, hate crimes or some form of
24 intimidation?

25 DR. LANG: (Nodded



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1 affirmatively.)

2 DR. NAVATO: How prevalent is it
3 in your clinical practice that you see?

4 DR. LANG: As part of our
5 psychosocial profile, we do ask that question. And
6 I'd say maybe 25 percent of them refer to some
7 racial experience that they've had.

8 DR. NAVATO: And of those 25
9 percent, have any of those brought that to the
10 attention of law enforcement agents or public
11 officials?

12 DR. LANG: It gets back to what
13 Mr. Sykes was saying is that when a person becomes
14 a victim, he really doesn't have a sense of
15 empowerment, but that suppression, that anxiety,
16 that anger, formulates into a sense of depression
17 to the point where they come in to see us. And the
18 genesis of the depression is never dealt with. And
19 that's what's so sad about the whole process, that
20 if, after the incident were to have happened that
21 they could have gone to a place where they could
22 have been validated for their pain.

23 DR. NAVATO: And the members that
24 have been victimized, has the proposal of -- or
25 introduction of where they can go to as far as help



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1 or, say, the Human Rights Commission, have those
2 officials been given also a referral or steps taken
3 to try to include reporting on those things?

4 DR. LANG: We do refer. I have --
5 our follow-up is not that good, but we do refer out
6 to organizations that may help them.

7 DR. NAVATO: What would you see or
8 would you like to improve on that relation or those
9 relations? Would you see that as a method of
10 improving -- a way to improve relations between law
11 enforcement officials and reduce the incidence of
12 more youths getting more involved in things that
13 their fathers have suffered?

14 DR. LANG: I think the resources
15 to resolve some type of compensation issues, these
16 things take a toll. Mental health deals with the
17 affect, the thought disorder. That's our focus.
18 But again, mental health should be holistic, so if
19 we had a resource such as Mr. Sykes' organization
20 to refer them to -- but sometimes I think we've
21 been overwhelmed.

22 DR. NAVATO: If the committee
23 would provide a list of such resources, would that
24 be helpful?

25 DR. LANG: Yes, it would be. Yes,



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1 it would be.

2 DR. NAVATO: And I understand that
3 there is, I know, limitations in public funding.
4 So as far as Mr. Sykes was concerned, does he
5 receive or do you receive any public funding or
6 generation of grant to help your causes?

7 DR. LANG: If Mr. Sykes refers a
8 person to us, if they're indigent and we have
9 federal funding to provide psychotherapy. But as
10 far as compensating Mr. Sykes for his services,
11 no. Again, the referral has to be in the context
12 of mental health.

13 MR. GUITTEREZ: Would you ever
14 characterize the level of victimization as rising
15 to the level of it being a disabling condition?

16 DR. LANG: Oh, sure.

17 MR. GUITTEREZ: Are you
18 involved -- is your center connected with the
19 committee on --

20 DR. LANG: Yes, we are. Very
21 much so.

22 MR. DELATORRE: Mr. Scroggins.

23 MR. SCROGGINS: I know you are
24 probably familiar with the old axiom once uttered
25 by James Ball that it is almost impossible to live



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1 as a black man in American society from day to
2 day. I think what you have said here today gives a
3 lot of validity to that. It is almost impossible.

4 DR. LANG: There's a report out
5 now -- I haven't got a copy -- that statistically
6 proves what you're saying. It's based on cognitive
7 and empirical. We have to be prove reality. It
8 seems like the only time we listen is when we have
9 statistics, and statistics are proving that.

10 MR. DELATORRE: Dr. Lang, thank
11 you very much.

12 DR. NAVATO: Thank you, Dr. Lang.

13 MR. DELATORRE: Ms. Hershberger.

14 For the record, would you please
15 state your name, address and occupation.

16 MS. HERSHBERGER: My name is Diane
17 Hershberger. I'm the Executive Director, Kansas
18 City Harmony. The address for Harmony is 2700 East
19 18th street, Kansas City, Missouri 64127.

20 MR. DELATORRE: Can you tell us
21 real quickly a little bit about Harmony?

22 MS. HERSHBERGER: Harmony is a
23 not-for-profit organization with a mission of
24 improving race relations and reducing intolerance
25 and prejudice of all types. The organization has



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1 been in existence since 1989 and is commonly
2 known -- in the metro area is commonly known as
3 Harmony in a World of Difference.

4 Since 1989, Kansas City Harmony
5 has been working to open people's eyes to the power
6 of differences throughout the metro area.
7 Harmony's mission is to be a resource and catalyst
8 to improving relation race relations, increase
9 appreciation for cultural diversity and to
10 eliminate intolerances of all types. Harmony does
11 not suggest that people view the world through
12 rose-colored glasses; instead, Harmony challenges
13 people to think critically, seek out more than one
14 perspective, and consider looking at life through
15 another set of lenses. Harmony helps individuals
16 and organizations discover the many opportunities
17 and many challenges that human differences offer in
18 an effort to increase understanding, tolerance and
19 ultimately improve the quality of life for all
20 citizens of the metro area.

21 The former mayor of Kansas City,
22 Emmanuel Cleaver, was one of Harmony's founders;
23 has said, "Harmony works in sometimes quiet but
24 powerful ways in the hearts, minds and offices of
25 Kansas Citians. Many, many attitudes have changed



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1 for the better as a result of Harmony's efforts.

2 Changed attitudes result in changed behaviors,
3 economic progress and improved quality of life."

4 And I add that changed attitude results in the
5 elimination of racial profiling and hate crimes.

6 As you know, there are both
7 institutional and individual personal factors that
8 allow racial profiling and hate crimes to exist.
9 However, I believe that one of the most single
10 important factors allowing the continuance of the
11 discriminatory acts of racial profiling and hate
12 crimes is the level of tolerance for discrimination
13 expressed through silence, apathy, and
14 insensitivity of persons not seemingly or directly
15 impacted by these types of discrimination.

16 Survey after survey in the United
17 States indicates that the average dollar figure
18 needed to persuade Caucasian persons to exchange
19 skin, if that were possible, with persons of color
20 is in the millions. Like it or not, if a majority
21 of people really cared about racism and
22 discrimination, they would do something about it.
23 Like it or not, an overarching norm of our American
24 culture today is, "What's in it for me?"

25 Harmony's work is exactly about



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1 helping people understand why discrimination in any
2 form against another human hurts them as well. At
3 the core of all of Harmony's programming is
4 education addressing the "What's in it for me?"
5 question. Sometimes that question is answered
6 quietly, simply and indirectly. Other times
7 everything is on the table. One size does not
8 fitted all. We meet people where they are at, in
9 the workplace, in a civic club, in a congregation,
10 at a nature center, in their school, at a
11 professional organization, in a government agency,
12 in the media. We have workshops, dinners and
13 dialogue; dinners for eight, nine and ten, youth
14 summits, multi-cultural curriculum, a resource
15 lending library, business roundtables, mediation
16 services, congregational efforts which you'll hear
17 more about, a school exchange program and community
18 facilitation services such as supporting the
19 Harmony and Independence program -- which I need to
20 be at at seven o'clock -- and the Westport task
21 force addressing a potentially racially charged
22 situation involving African-American youth and
23 adults.

24 Since 1989 over 65,000 people
25 throughout Kansas City have made personal



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1 commitments through Harmony to change their daily
2 behaviors regarding individual differences. More
3 than 30,000 adults have participated in Harmony
4 workshops and events and over 300,000 students have
5 been touched by crosscultural problem-solving and
6 conflict resolution skills in the Harmony and
7 multicultural curriculum.

8 However large these numbers may
9 sound, over a twelve-year period in a metropolitan
10 area the size of Kansas City Harmony has made only
11 a dent. While the examination of specific
12 institutional factors which cause and/or allow
13 racial profiling proceeds, for your deliberation,
14 much, much more community energy and resources
15 needs to be expended and raised in what I call the
16 ambient attitudes for intolerance of
17 discrimination. More community energy and
18 resources are needed for raise the ambient
19 understanding of what constitutes racial
20 discrimination in this new century in America, and
21 more community energy and resources are needed to
22 lower the ambient apathy level when it comes to
23 understanding why racial discrimination is in the
24 interest of those who perpetrate it, but not in the
25 interest of social, economic or moral interests of



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1 the of the majority of the American regardless of
2 their skin color.

3 So I leave you with this request:
4 That along with addressing the issue of racial
5 profiling and hate crimes with tangible changes to
6 policies, procedures and practices in bi-state
7 institutions. I encourage you to also address the
8 need for greater community focus on broader ambient
9 factors which are intertwined with the two specific
10 acts of racial discrimination which you're
11 examining today.

12 Thank you very much.

13 MR. DELATORRE: Thank you. Any
14 questions?

15 (No response.)

16 MR. DELATORRE: Ms. Hershberger,
17 we really appreciate your being here. Thank you
18 very much.

19 We're ready for Janet Brown Moss
20 and Connie Jones.

21 Ms. Moss and Ms. Jones, I would
22 please ask first that you state your name, address
23 and occupation for the record.

24 MS. JONES: My name is Connie
25 Jones. I'm coordinator of the Counsel of



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1 Congregations to End Racism. My address is 1900
2 East 60th Street, Kansas City, Missouri, 64134.

3 MS. MOSS: And my name is Janet
4 Brown Moss, and I am the program coordinator of
5 Congregational Partners, the Harmony -- it's a
6 program of Kansas City Harmony, and that address is
7 2700 East 18th Street, Kansas City, Missouri,
8 64111 -- no, no, it's not. 64127. I'm sorry.

9 MR. DELATORRE: Before you begin,
10 if I might ask, just so I can keep the different
11 players straight, you do have a relationship with
12 Ms. Hershberger. Can you explain how that is?

13 MS. MOSS: Okay. Connie will go
14 first.

15 MS. JONES: The Counsel of
16 Congregations is a program of Kansas City Harmony.
17 It's sponsored by Harmony and the National Counsel
18 --

19 THE COURT REPORTER: I'm sorry.
20 Keep your voice up, please.

21 MS. JONES: Hate crimes and
22 racial profiling are symptoms of a cancer of racism
23 which plague our society.

24 The Seventh Assembly of the World
25 Counsel of Churches issued a report in 1991 which



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1 stated that today in many parts of the world
2 religion is used as a force of division and
3 conflict. That religious language and symbols have
4 been used to exacerbate conflict, makes us more
5 urgently aware of our need for dialogue as a means
6 of reconciliation. There are many variances of
7 this reconciliation. However, too frequently we
8 are too ignorant of one another and unwittingly
9 bear false witness or become intolerant, yet the
10 difficulty of dialogue must not deter us from
11 recognizing the urgency of dialogue in situations
12 throughout the world where religious communities
13 are divided by fear and mistrust.

14 In an effort to address the issue
15 of racism from a faith perspective, the concept of
16 the Counsel of Congregations to end racism was
17 developed by former Mayor Emmanuel Cleaver's task
18 force on race relations to facilitate interstate
19 communication and activity that would heal the
20 divisions that separate us. The Counsel of
21 Congregations to End Racism currently consisting of
22 forty congregations in the greater Kansas City
23 area, is committed to bringing diverse religious
24 groups together to serve as examples of
25 reconciliation and unity and to build bridges of



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1 trust across racial and religious communities. The
2 Counsel of Congregations strives to increase
3 education, provide resources and create networks
4 regarding the elimination of racism in our
5 community. One of the first steps to addressing
6 the issue of racism is mutual encounter, where
7 people come to know and trust one another, telling
8 their stories of faith and sharing their concerns
9 and service to the world. Racism is a sin that
10 divides us into groups who think of themselves as
11 superior or inferior. The Counsel of Congregations
12 encourages persons of fame to acknowledge the
13 dignity and uniqueness of all people.

14 MS. MOSS: I'll go ahead now.

15 Congregational Partners is another
16 program of Kansas City Harmony that was a
17 recommendation of the same race relations task
18 force, and so Congregational Partners is a specific
19 way to address some of the things that the Counsel
20 of Congregations addresses in a more general way.

21 I am going to read part and then
22 speak.

23 When first asked to speak at this
24 hearing, I wondered how what I have learned from
25 the work that I have done for the past sixteen



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1 years in the field of race relations can be helpful
2 to individuals gathering information about hate
3 crimes and racial profiling. I don't deal with
4 gathering of facts and figures about injustice. I
5 work primarily helping folks learn from and
6 communicating with one another across lines of
7 difference.

8 As I sat for a time this morning
9 and listened to a few folks, I heard several
10 comments, such as "The issue is bigger than
11 profiling." I heard someone else say, "We all
12 profile." While I want us as people to create
13 policies that support elimination of hate crimes
14 and racial profiling, I also have learned that
15 there are attitudes and views of the world that
16 lead to such actions which, if not addressed, lead
17 to such destructive behaviors. So my words deal
18 with ways to deal with profile prevention, so to
19 speak.

20 I've learned that there is a
21 denial and a logic disability among even the most
22 well-meaning of we European Americans in regard to
23 racial injustice and the importance of making it a
24 high priority in our lives. That logic disability
25 and denial is perpetuated by the fact that our skin



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1 color gives us privilege enough to physically
2 separate ourselves when we become too uncomfortable
3 with racial difference and to categorize other
4 human beings, a form of profiling into our
5 either/or view of life. Either one fits the
6 category profile of wrong, bad, someone to be
7 feared, or one fits the category profile of right
8 and good possessing power to eliminate the other
9 group.

10 For over ten years whenever the
11 opportunity has risen, I have talked with and
12 attended workshops of Dr. Edward Nichols. He
13 teaches that we European Americans function in our
14 countries of origin and brought to the United
15 States with us a logic that says is either this is
16 right or that is right; it must be one or the
17 other. Individuals coming from most other parts of
18 the globe and people indigenous to the United
19 States function with a logic that can see a union
20 of opposites, a kind of both/and way to function,
21 according to Dr. Nichols. The either/or approach
22 to life coupled with white privilege has translated
23 to Eurocentric policies and procedures, rules of
24 how we are expected to use time, physical space,
25 and information. Now, if I am in a position of



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1 authority, a supervisor, leader, police chief, and
2 I view the world as either/or, there can only be
3 one right way to behave and function, and, of
4 course, that is the way I and my group do so.
5 Something is wrong with the other group. If I have
6 to deal with that, I can't accept the dif- -- if I
7 have to deal with that difference, that group, I
8 can't accept the difference with ease. I become
9 uncomfortable and fearful. I think they are wrong
10 and treat them as such. I become afraid of
11 whatever is different from the way I function.

12 If, on the other hand, I would
13 hold a both/and view of the world, it might allow
14 me to see me more value in groups different than
15 mine, more comfort with difference, less fearful of
16 difference, less profile.

17 This brochure is on Congregational
18 Partners. There are current five partnerships
19 active in Kansas City, Missouri, and in the
20 metropolitan area. One partnership is between Ward
21 Chapel AME Church and All Souls Unitarian. Those
22 are both on the Missouri side. Another partnership
23 is between Cure of Ars Catholic Church in Johnson
24 County, Shawnee Mission, and Metropolitan
25 Missionary Baptist at 23rd and East Linwood on the



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1 Missouri side. Another partnership is with the
2 Greater Inspirational Church of God and Christ and
3 Country Club United Methodist. The last
4 partnership formed is -- spans the Missouri River,
5 which is a geographic barrier in this city, as is
6 the state line, and it's between Park Hill
7 Christian and -- oh, I my goodness -- Mount
8 Pleasant Baptist.

9 There are twenty -- about 25 or 26
10 congregations that I'm working actively with who
11 have either made a decision to partner or are close
12 to doing that. These are partnerships. They are
13 not mission efforts, one of a white congregation
14 for a congregation of color. People have stated up
15 front, "We've come together to learn."

16 Why are these things like this and
17 the Counsel of Congregational Partners, how can
18 they help human beings profile less? I see it that
19 we need to. I've been working in this area for
20 sixteen years. I have seen the same 250 people
21 around the table talking about race relations all
22 these years. That number needs to be increased.
23 And we can increase it if we spread into
24 congregations such as we heard the hate groups have
25 gone into -- created religious little things, you



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1 know. We can do that. We can create love groups
2 or something if we want to call it that, and we can
3 increase the number. We must increase the number
4 of white people who become aware and face the
5 reality of racism and such things as hate crime and
6 racial profiling, where they can hear stories of
7 inequity with which people of color have to deal
8 with every day, such as we've heard in this room.
9 Ideally such individuals, if they can be supported
10 and kept connected with one another through e-mails
11 -- and e-mails are a new way of spreading hate
12 through these, too, if you'll notice that.

13 We need to spread some other stuff
14 among people who will do something about it and
15 maybe take action and speak out to their families,
16 their friends, their neighborhood. This kind of
17 stuff provides avenues for white people to go to
18 areas of the city that they would not otherwise
19 go. Hopefully that might increase their comfort
20 there, to begin to see all neighborhoods in the
21 metropolitan areas as part of our community. It
22 increases the number of individuals who feel truly
23 connectioned to another human being across lines of
24 faith and ethnicity and perhaps less likely to
25 categorize, profile file and stereotype, and



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1 hopefully it can expand the thinking of
2 European-Americans to move from an either/or to a
3 both/and view of the world to help us move beyond
4 our disability and learn there is more than our way
5 to use time, design space, to share information, to
6 accomplish one's spiritual mission, to relate with
7 one another, serve one's community and in general
8 get things done.

9 I hope we choose to expend funds
10 in these United States on programs that help us all
11 expand our thinking along these lines. It gives us
12 more opportunities to get up close and personal
13 with one another, to learn that profiling and
14 categorizing is valuable only for sorting out forks
15 and knives and spoons and it's destructive to human
16 beings.

17 Thank you very much.

18 MR. DELATORRE: Thank you very
19 much. And I appreciate the spirit and enthusiasm
20 that you have for your cause. I appreciate that.

21 Any questions?

22 MR. RUST: Real quick comment.
23 There must be 200 churches in the Kansas City area;
24 you have ten that are partnered, five partnerships.
25 You have 23 -- what is the -- is it the ministers,



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1 is the congregation. What's your problem on
2 getting the partnerships?

3 MS. MOSS: There is no problem.
4 There's 1200 congregations in the Kansas City area.
5 This is a baby program that began three years ago.
6 This is very hard work. I commend the partnerships
7 that have been doing this, and they keep on keeping
8 on. We don't know how to get along with one
9 another. We don't how to talk with one another.
10 We don't know how to respect one another. We have
11 to learn it, and it's slow, and people in this
12 society want outcomes tomorrow, because that's part
13 of the construct of it all. We need to solve
14 problems today, even though we've been having them
15 for years. We need to get outcomes that will put
16 our money where we can see progress here. Who
17 wants to put money on relationship-building which
18 takes a long time? If we could have some funds for
19 a staff of fifty, we could have a lot of churches
20 tomorrow. There's quite a lot of interest.

21 MR. RUST: You started three
22 years. I thought you started sixteen years ago.

23 MS. MOSS: Oh, no. I'm sorry.

24 MR. RUST: I appreciate your
25 answer.



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1 MR. DELATORRE: Anybody else?

2 (No response.)

3 MR. DELATORRE: Thank you very
4 much.

5 MS. MOSS: Thank you very much.

6 MR. DELATORRE: That concludes the
7 portion of our meeting where we have invited
8 speakers.

9 Now it's time for the open
10 session. I understand we have three people who
11 would like to speak. Our ground rules are going to
12 be that you're going to have three minutes to make
13 your comments. I would ask that you come up to
14 the front here and use the microphone, if you
15 wish.

16 First of all, Douglas McGowen.

17 Mr. McGowen, if you would please
18 state your name and address for the record.

19 MR. MCGOWEN: Douglas McGowen, and
20 my address is 421 South Topping.

21 MR. DELATORRE: Here in Kansas
22 City, Missouri?

23 MR. MCGOWEN: Yes. I'm just your
24 average white guy and I think hate crimes are not
25 always simple, such as black-on-white or



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1 white-on-black. I want to bring attention to hate
2 crimes by trickery and deceit.

3 At this moment, I happen to be in
4 the middle of one in progress. My house, in the
5 last couple of weeks, recently has been broken into
6 and sit on fire and firebombed once and has been
7 burglarized repeatedly. And then some stolen
8 security cameras have been taken, but not the tape.
9 I have the tape here. The police detectives have
10 been looking for a black juvenile male that was
11 positively identified by a white juvenile girl that
12 lives two doors down; and also the white juvenile
13 boys that live next door, they identified that it
14 was a black male. The detectives are looking for
15 him for this black juvenile. But to me it really
16 didn't make sense because there was a club left
17 behind that they traced my house with it. It has
18 the "F" word on it and the "N" word and "KKK" and
19 Nazi signs on my house. So that doesn't really
20 sound like black involvement to me. So I installed
21 eight security cameras and taped with high security
22 detail videotape, white juvenile boys swinging out
23 of my upstairs window on a rope.

24 And I've given that tape to the
25 police, but I haven't heard back from the law



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1 enforcement. They seem to be -- you know, they are
2 busy, I realize that, and they're overworked and
3 underpaid in Kansas City. I don't know about the
4 other cities; I'm sure they are as well.

5 But the point that I'm trying to
6 make here is that hate crimes are not always
7 cut-and-dried. Sometimes they're carried out with
8 trickery and deceit, such as white-on-white and
9 what have you, you know. So -- there's been no
10 arrests made yet, and I guess the police are still
11 looking for a black juvenile, which is not
12 involved. And did I apologize to the black people
13 that live next door to me for being blamed for
14 this. So that's it.

15 MR. DELATORRE: Mr. McGowen,
16 thank you very much.

17 MR. MCGOWEN: Thank you very much.

18 MR. DELATORRE: Cheryl Fisher.

19 MS. FISCHER: My name is
20 C-h-e-r-y-l, Fischer, F-i-s-c-h-e-r. My address is
21 743 East Edgewood Street, Springfield, Missouri,
22 65807. And I volunteer with the Springfield NAACP.
23 And I'm just going to talk a little bit about
24 racial profiling, hate crimes and so observations.

25 You know, we have racism in



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1 Springfield, and if Dr. Thomas would like to ask me
2 why I think that there are seventeen white
3 supremacy groups in southwest Missouri, I'll be
4 happy to give her my answer.

5 Anyway, I also hope that hate
6 crimes will include what I see as discriminatory
7 disenfranchisement and discriminatory
8 impoverishment of people of color, particularly
9 African-Americans in the Springfield area.

10 A racial profiling incident, a
11 black Puerto Rican young man reported to the NAACP
12 that when he was picked up by the police he was
13 beaten, kicked and choked with some sort of harness
14 type device that the police had, until he vomited.
15 A hate crime that happened in December of 1997, a
16 young black man was stomped, beaten and had to go
17 to the hospital. He was beaten by three skinheads.
18 We have fought that. Two of the skinhead got
19 caught, only got five years probation. I ask you
20 to imagine if three black men had beaten a white
21 man, who would have had to have been hospitalized,
22 would they have gotten five years probation.

23 We also think that blacks pay more
24 bail than whites. And looking at a record where
25 young black man with a Class A misdemeanor first



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1 had zero bail, then was changed to 20,000, then to
2 50,000, which means he had to pay 5,000. And we
3 noticed that one of the skinheads -- we looked up
4 this court record -- a Class D felony, only 2,500
5 bail.

6 We get weekly complaints, mainly
7 from young African men, about being stopped by the
8 police mainly because, like you've heard it before,
9 you know, a light on the license plate is not
10 working, or you look like someone suspicious or you
11 fit the description. Some young men told me they
12 was sitting on their own property and a police
13 officer on a bike came by and said, "Okay, you sit
14 here, you sit here, and you sit there," own their
15 own property, on there own porch. They did it
16 because they're afraid. They're afraid if they
17 don't do it, then the man will trump up some sort
18 of charge and drag them in.

19 A young woman told me last year,
20 March 1998, that she was arrested, handcuffs were
21 too tight. She complained about it. The police
22 arrested her, grabbed her by the brace and just
23 slammed her on the floor of the jail house. She
24 sustained bruises to her ribs and face. She was a
25 former student of mine. We were going to go out to



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1 lunch. She called me and said, "I can't go out for
2 lunch." She told me about the incident. The NACP
3 would like to document more incidents which we feel
4 is definitely not reported in Springfield due to
5 the climate in Springfield, Missouri, but we're
6 know not allowed access to records. So if somebody
7 has any suggestions of what we can do, because we
8 would really like to see what kind of compliance
9 review from the Justice Department or whatever
10 appropriate agency or department take place as far
11 as the juvenile justice services, the county and
12 city jail and the police department. We just
13 get -- I'm not the only one who gets complaints.
14 What we really probably should do move out and send
15 it to each of you.

16 Recently we had complaints from
17 parents -- actually four months ago -- about their
18 children being taken away by the Division of Family
19 Services, an investigator from the Office of Civil
20 Rights, Department of Human Services did come down,
21 and it was worse than I thought. Some of the
22 children who were institutionalized in Nevada were
23 put on Mellaril, a ten-year-old girl was on
24 Triabold; she takes four tablets a day. I talked
25 to an older lady I know whose husband was a



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1 psychologist. The woman got very upset saying, "My
2 God, he's on Mellaril. Why? Is he psychotic?"
3 And I said no. And not only that, the boy had not
4 been checked. In other words, when we asked him,
5 you know, have you had your blood pressure checked,
6 were you -- did a doctor take his stethoscope and
7 check your heart and stuff, he said, "Oh, no," the
8 doctor's never checked him. So this boy's been
9 there for almost a year.

10 I know my time is limited.

11 But the thing is we feel that a
12 lot of bi-racial and African descent children are
13 being warehoused in rural areas, similar to what's
14 going on with the jail system with black men being
15 warehoused in prisons. They're taken away from
16 their families on a pretextural basis. Some of
17 these children have been warehoused for two and a
18 half years and need to be reunited with their
19 families. But we cannot fight the power of the
20 Division of Family Services and the juvenile
21 justice system.

22 Let's see. I guess that's about
23 it, I have actually more, but maybe I'd better
24 stop. If you have any questions.

25 MR. RUST: I've got to ask the



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1 question you asked. You said something about the
2 seventeen extremist groups down around Springfield.

3 MS. FISCHER: Well, I've lived in
4 Springfield since 1980. I have found Springfield
5 to be a very difficult place for African-Americans
6 to live in. I'll just go through this little thing
7 really quickly. I don't know if anybody knows
8 about the 1906 lynching that took place in
9 Springfield. Recently somebody found some old
10 coins, "Negroes burned on the Easter offering in
11 Springfield, Missouri," and another one which says
12 "A Souvenir of the hanging of three niggers,
13 Springfield, Missouri, 1906." I hear these still
14 circulate.

15 This is from the Springfield phone
16 book. It's a bug next to -- it's actually a
17 no-bug. It's a bug with a "no" sign. It's next to
18 Immigration and Naturalization Service. So I was
19 traveling a lot in the fall. I made a point to
20 look at every other city's phone book. Why does
21 Springfield have a bug? Okay? The Hispanic
22 community, people Latino-Americanos are very upset
23 about it.

24 This is a letter from Lisa Moore,
25 about an article, April 1998, about the Ozarks.



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1 One of the things she said was, "I was startled by
2 the blatantly prejudicial comment I heard during my
3 six weeks of travel throughout the Ozarks. In
4 1994, young African-American male Linwood John
5 Hallwit (phonetics) was found hanged to death
6 thirty miles north of Springfield in Dallas
7 County. It was ruled a suicide.

8 We felt it wasn't a suicide.

9 This is from -- this is an old
10 Final Call article from August 1996.
11 For -- November, NAACP got a call from a sheriff up
12 in that area, white sheriff. He said, I'm moving
13 to Colorado. I'm retiring, but I want to let you
14 know that that hanging death wasn't no suicide. We
15 doubt if we could get any one to come back and
16 investigate it. And I could get you a tape of it.
17 My husband still has it. This is an Ozarks Voice,
18 I guess, "April is Confederate Awareness Month, and
19 Missouri a rich southern history. We should all
20 know our forefathers fought and died on this soil,"
21 and on and on. "Our forefathers sought freedom and
22 independence for us. We cannot allow their dream
23 to die." I could send you a copy of that. And
24 this is something that came out in the Springfield
25 News Leader July 12th, 1999. "Hate groups find



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1 homes in the heartland."

2 And I wasn't even aware of this
3 until this article came out. "Dorothy Hill, a
4 black woman, had a cross burned on her lawn
5 somewhere outside of Springfield. She moved to
6 Springfield and basically she says, 'When I talk
7 about this, a lot of people don't even know this
8 sort of stuff happens around here.' Hill, an
9 African-American, said, 'My attitude about attitude
10 about people isn't what it should be in a job where
11 I'm ever supposed to be caring for them.' Hill
12 said, 'I'm still angry.'" I understand Hill has
13 moved back to Kentucky or Tennessee, where she's
14 from.

15 This is a letter from black woman
16 married to a white man. It was printed in the
17 newspaper a few years ago. And she said, "After
18 hearing how African-American and bi-racial students
19 are treated" --

20 THE COURT REPORTER: I'm sorry.
21 You're going to have to slow down.

22 MR. DELATORRE: Ms. Fischer,
23 we're going to have to --

24 MS. FISCHER: I'm
25 sorry.



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1 Basically there's just a climate
2 of intolerance. Only if the system wants a black
3 person to get a job a black person can get a job.
4 Let me give some statistics and I'll leave.
5 Housing, 35 percent of black people live in
6 substandard housing; roughly 33 percent of
7 Hispanics live in substandard housing. But if you
8 look under delapidated, 4.7 percent of blacks live
9 in delapidated housing and as for whites, 0.5, and
10 for the other groups, 0.0. So four percent of
11 black people live in delapidated houses.
12 Twenty-two percent of black people have incomes of
13 \$10,000 and below, 24 percent of have incomes from
14 10,000 to 15,000, 24 have incomes from 15,000 to
15 20,000; therefore seventy percent of have incomes
16 of 20,000 and below. No black people in
17 Springfield in Springfield have incomes over
18 60,000. It is institutionalized racism, and that
19 is a very subtle type of hate crime. I could say
20 it's with all deliberate speed.

21 MR. DELATORRE: Ms. Fischer, thank
22 you very much.

23 I have one more speaker. It's
24 Atino Comacho (phonetics).

25 MR. COMACHO: My name is Atino



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1 Comacho, Jr. I reside at 2801 North 55th Street,
2 Kansas City, Kansas 66104.

3 I'm here today after hearing all
4 these people, and I can believe -- see the
5 overwhelming job that you have. But this is a
6 group that has not been represented.

7 I've been here for ten years. I
8 chose to live in Wyandotte County. I moved here
9 from San Antonio, Texas. I thought that racism and
10 making people feel less than they are was over with
11 in the '60s. I've always been involved; I've been
12 involved for the last ten years. Our Hispanic
13 people do not have a voice in the system. The new
14 Immigrants that are coming in today are being
15 targeted.

16 And every time a new group comes
17 in, society finds a way to get a plan to make them
18 move away, get mad or get so scared that they do
19 nothing.

20 I give you all a letter of some of
21 the things that happened last month. I went to the
22 bank to make a deposit for the organizations I
23 belong to, happened to be the League of Latin
24 United American Citizens, which I've been a member
25 for the last four years. I went to make the



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1 deposit. I never get a newsletter. In the bank I
2 got this newsletter that I passed out to you, and I
3 started reading it. I could not believe it. I
4 want to read just part of it. It says, "For those
5 who are illegal aliens -- and there are many -- I
6 can imagine the reaction when they got the census
7 form in the mail." If I were illegal for being in
8 the country without proper papers or illegal
9 because I stole something or illegal because I
10 killed someone or illegal because I raped someone,
11 I, too, would be afraid to open my door or to read
12 my mail, if I could. I don't think I would put
13 myself in that position. But forced to leave than
14 not, it's better than I had, but not as good as I
15 could.

16 In this article, he's saying that
17 if you are illegal, you are, in essence, a
18 criminal, and you would do these things. At the
19 bottom end by saying, "But to condone illegal
20 activity because it is politically correct or
21 because it gets us a buck is wrong. There's always
22 a solution to every problem, but I cannot say
23 counting illegals is one of them." And he is
24 talking about the census. "There is a
25 Congressional mandate that every person has to be



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1 counted," and he is saying that he is against that.

2 One of the things that came out, I
3 faxed to it a lot of people, because a lot of
4 people always say, "You know, you're just too
5 sensitive." I fax this to over twenty people in
6 positions, like the church. And everyone called
7 back and told me that this was racist use. Not one
8 of them told me different.

9 I wanted to let you know that this
10 week we went to the courthouse. A lady that just
11 had been here in the United States for three years
12 was fined \$152 for having a sofa on her porch for
13 company when they come over -- that's the custom,
14 to sit on the porch and have some refreshments.
15 She was fined \$152. A lady that cannot afford
16 this; a lady that's a single mom with a family was
17 forced to pay this amount. And one of the reasons
18 is the language barrier.

19 The other reasons, we have 130
20 groups called neighborhood groups in Kansas City
21 today. The idea that the Mayor Carol had was a
22 beautiful idea in theory. That is, if you see a
23 crime, if you see a drug dealer, if you see
24 anything, get involved. Get the police involved.
25 But it's turning out to be that certain groups



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1 don't want a certain type of people in their area.
2 How do you combat it? Code enforcement. Pick up
3 the phone. "They have a sofa on the porch." The
4 guy from Code Enforcement comes over, gives them a
5 ticket, send them a letter in thirty days. They
6 cannot read it. It's in English. I have told them
7 write it in English and Spanish so the people will
8 know what's going on. They refuse to do that. And
9 then the people have to go and get somebody to
10 interpret the letter and then pay the fine.

11 I went to a group last week for a
12 breakfast. They were proud of the record that they
13 had. They had -- I don't know if it was the whole
14 group -- but they took credit for it -- 400 code
15 violations were given to the code enforcement
16 agency in Kansas City, Kansas. And this is nothing
17 but racism, using the law to get certain type of
18 people that are moving into the area that are here
19 for the American dream.

20 I am from San Antonio, Texas. I
21 lived in Larado, Texas. I was born there. Last
22 year alone 1200 people died coming to the United
23 States for the American dream. And they get here
24 and they're treated like dirt. One lady died last
25 year was vibrant. And I don't know why the



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1 American dream to have a better life for their
2 families. If you could go to Mexico and see what
3 those people have. The water where I used to go
4 swimming as a little boy is contaminated with the
5 waste products because of the American companies
6 that are down there. They're getting paid ten
7 dollars a week. That's why they're here, because
8 of the American dream. It is a nightmare, and a
9 lot of people that I know this month alone, ten
10 have already moved back.

11 We need to get involved. We need
12 to get serious, and we need to do something about
13 this, because our people are suffering. And we're
14 not people that complain, but it's about time
15 somebody started speaking. A lot of our people do
16 not have a voice in the system, and we need you to
17 be that voice for us. And I thank you for your
18 time.

19 MR. DELATORRE: Thank you, Mr.
20 Comache.

21 We have one more speaker, Donald
22 Berger.

23 MR. BERGER: Thank you for your
24 time. And I'll make this very brief. I'm Donald
25 Berger. I live at 5516 Northwest 82nd Terrace,



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1 Kansas City, Missouri. I'm the secretary of the
2 National Association of Human Relations Workers,
3 which has a good number of members in Kansas and
4 Missouri. I am also on the board of directors of
5 the Kansas Black Farmers Association.

6 I want to, first of all, speak to
7 the fact that I was one of those who testified in
8 support of the racial profiling legislation that
9 Representative Haley introduced. He has advised us
10 that it did get out of committee this afternoon or
11 this morning, so there's some progress being made
12 in that regard.

13 I also wanted to make a note, just
14 for your information, that there are very serious
15 problems with racial profiling in state of Kansas.
16 Among the members of the Kansas Black Farmers --
17 and believe it or not there are a goodly number of
18 black Kansas farmers. There are 35 or more in the
19 organization -- every one of them to a man has
20 indicated that they've had existence of racial
21 profiling problems among their family members.

22 Also, I want to indicate that I
23 have been working with Mr. Sykes regarding the hate
24 crime incident that did occur in Lansing. We've
25 also got another one that I'm currently working on



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1 with respect to a reported hate crime incident that
2 occurred in Atchison County Community High School,
3 which is, again, receiving attention.

4 And with that, I'll conclude my
5 remarks, and thank you very much.

6 MR. DELATORRE: Thank you very
7 much. Any closing?

8 (No response.)

9 MR. DELATORRE: We stand
10 adjourned.

11 (The hearing adjourned at 6:55
12 p.m.)

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I, LINDA R. BURT, a Certified Shorthand Reporter, do hereby certify:

That the foregoing proceedings were taken down by me in shorthand at the time and place hereinbefore stated to the best of my ability and was thereafter reduced to typewriting under my direction;

That the foregoing transcript is a true record of the testimony given by said witnesses;

That I am not a relative or employee or attorney or counsel of any of the parties or a relative or employee of such attorney or counsel or financially interested in the action.

WITNESS my hand and seal this _____ day of _____, 2000.

LINDA R. BURT, C.S.R.
Certified Shorthand Reporter
State of Kansas



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