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# RACE RELATIONS IN TOLEDO:


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A SUMMARY REPORT OF A

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COMMUNITY FORUM

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OHIO ADVISORY COMMITTEE

TO THE UNITED STATES

COMMISSION ON CIVIL RIGHTS

*This summary report of the Ohio Advisory Committee to the United States Commission on Civil Rights was prepared for the information and consideration of the Commission. Statements and viewpoints in the report should not be attributed to the Commission or to the Advisory Committee, but only to individual participants in the community forum where the information was gathered.*

## THE UNITED STATES COMMISSION ON CIVIL RIGHTS

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

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An Advisory Committee to the United States Commission on Civil Rights has been established in each of the 50 States and the District of Columbia pursuant to section 105(c) of the Civil Rights Act of 1957 and section 6(c) of the United States Commission on Civil Rights Act of 1983. The Advisory Committees are made up of responsible persons who serve without compensation. Their functions under their mandate from the Commission are to advise the Commission of all relevant information concerning their respective States on matters within the jurisdiction of the Commission; advise the Commission on matters of mutual concern in the preparation of reports of the Commission to the President and the Congress; receive reports, suggestions, and recommendations from individuals, public and private organizations, and public officials upon matters pertinent to inquiries conducted by the State Advisory Committee; initiate and forward advice and recommendations to the Commission upon matters in which the Commission shall request the assistance of the State Advisory Committee; and attend, as observers, any open hearing or conference which the Commission may hold within the State.

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LETTER OF TRANSMITTAL

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

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Attached for Commission review and action is a summary report of a 2-day community forum conducted in Toledo on December 12-13, 1988, to obtain information on the status of race relations in Toledo. The Advisory Committee voted 11 to 0 to approve submission of this report to you.

The report summarizes information received during background preparations and the community forum convened by the Advisory Committee. Every effort was made to include a diversity of viewpoints on the issues by inviting participation from city government officials, the business community, the clergy, civil rights agencies, and community groups with opposing views on the nature and extent of race-related problems in Toledo. The Committee considers the views expressed as important and believes they should be shared with appropriate State and local officials and the general public.

The information provided does not result from exhaustive review of race relation issues in Toledo, but does identify certain issues and concerns which the Advisory Committee may decide merit further investigation and analysis.

Respectfully,

/s/

DONALD G. PROCK, Chairperson  
Ohio Advisory Committee

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ACKNOWLEDGMENTS: The Ohio Advisory Committee wishes to thank the staff of the Commission's Central Regional Division for its help in the preparation of this summary report. The summary report was the principal assignment of Farella E. Robinson, with support from Corrine Sanders.

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## INTRODUCTION

This report summarizes the Ohio Advisory Committee community forum on the status of race relations, held in Toledo on December 12-13, 1988. It includes background information on the circumstances leading to recent racial tensions in Toledo; views and opinions of representatives of city government, the clergy, business, community-based groups, and local civil rights agencies on the nature and extent of race-related problems; the efforts being made to improve race relations; and the future goals toward which the community should strive to foster racial harmony.

In July 1988 the news media reported a rise in tension between some black leaders and white city officials which was precipitated by the suspension and firing of several black officials in the Toledo Community Development Department for alleged mismanagement of city housing programs.<sup>1</sup> Other reported incidents involved alleged attempts to demean and discredit black leaders through investigations meant to create the appearance that serious crimes had been committed.<sup>2</sup> Alleging a conspiracy against black officials by white city officials and a local newspaper, the Ministers' Coalition of the Interdenominational Ministerial Alliance and the Baptist Ministers' Conference of Northwest Ohio (Ministerial Alliance) planned an economic boycott of white businesses.<sup>3</sup> This was subsequently called off when talks were arranged with influential business leaders.<sup>4</sup> During the previous month members of the Ministerial Alliance were arrested and jailed for occupying city council seats in protest of what they termed lack of response by the city to longstanding problems between the city and the black community.<sup>5</sup>

A review of local newspaper articles for the past 3 years indicated a steady increase in the number of race-based incidents during that period. These included racial slurs and graffiti, cross burnings, and vandalism against black churches and black families who moved into white neighborhoods.<sup>6</sup> In 1986 four white males were arrested and convicted for shotgun attacks on the homes of two black families.<sup>7</sup> In April 1988 a white man was shot by a gang of black youths<sup>8</sup>, and in July there were reports of black youths assaulting white residents in an integrated neighborhood called the Old West End. The incidents in the Old West End resulted in a controversial police policy to stop, identify, and question black youths at random in the neighborhood.<sup>9</sup> This policy was rescinded following meetings of the chief of police with the NAACP, city officials, and neighborhood residents.<sup>10</sup>

To establish further indications of possible continuing race relations problems, during an on-site visit to Toledo in August 1988, staff conferred with approximately 15 persons. These included city officials and representatives from a variety of private industry and community organizations. Information provided confirmed reports in the media of race-based incidents and continuing tensions between black and white citizens which date back several years. It was reported that some of the discontent on the part of the black and Hispanic communities stems from perceptions that the city does not provide equal opportunity for minorities in its hiring and promotion practices.

The city first adopted an affirmative action plan in 1973. It was updated in 1976 and most recently in February 1988. Since that time, the affirmative action plan has been the source of much controversy in the city's efforts to improve race relations. At the time of the forum the plan was still under review by city officials.



Bureau of the Census statistics for 1980 show that the city of Toledo has a population of 354,635. At that time blacks numbered 61,750 or 17.4 percent of the population. Hispanics numbered 10,667 or 3.0 percent; and all other minorities totaled 8,965 or 2.5 percent.<sup>10</sup> Statistics furnished by the Ohio Bureau of Employment Services using 1980 U.S. Census Bureau data indicated that 19 percent of city employees are black. This figure exceeds blacks' representation of 15.1 percent in Toledo's work force.<sup>11</sup> Similarly, 3 percent of city employees are Hispanic, which exceeds their representation of 2.6 percent in the work force.<sup>12</sup>

#### TOLEDO FORUM

The community forum brought together 16 participants from different perspectives to share their perceptions of the status of race relations and the degree to which race-related problems exist in Toledo. The Committee invited participation from all segments of the Toledo community. The following segments of the community made formal presentations at the forum: 1) city government, 2) community-based organizations and advocacy groups, 3) clergy and religious organizations, 4) business community, and 5) civil rights agencies. Remarks made during the open session also provided information on the extent of race-related problems in Toledo which will be noted in this report.

#### CITY GOVERNMENT PERSPECTIVES

City officials who represented the city's perspective on race relations in Toledo included the Honorable Donna Owens, Mayor of Toledo; Phillip Hawkey, city manager; Jack Ford, city councilman; Tony Reames, assistant city manager and acting director, community development department; Samuel Hancock, director of community relations board and office of affirmative action; Pearlean Griffith, affirmative action coordinator; Marti Felker, police chief; and William Winkle, fire chief.

Presentations provided by city officials indicated a consensus that the city of Toledo has some race relations problems which transcend the boundaries of municipal government and should be addressed by the "total community."<sup>13</sup> However, the city administration believed that Toledo is now on the move toward solving longstanding inequities in minority representation in city government.<sup>14</sup>

The Honorable Donna Owens, Mayor of Toledo, said that for the past 1 1/2 years racial incidents have occurred in the community. They include cross burnings, a shotgun fired into a black family's house, racial slurs, and, most recently, the taking over of city council chambers by a group of ministers. These events have heightened racial tensions. However, she stated that these incidents are symptomatic of a much greater problem. There is a lack of minority and female representation in decisionmaking positions in the private as well as the public sector in Toledo. Mayor Owens has encountered some resistance from members of the port authority and the Committee of 100 in her efforts to appoint blacks and females to these boards.<sup>15</sup>

Mayor Owens stated that a meeting had been set up with the top chief executive officers in Toledo to discuss issues facing the city in 1989, one of which will be race relations.<sup>16</sup> Mayor Owens also reported that the city council has redefined areas of responsibility for implementing the city's affirmative action plan because of its ineffectiveness under the jurisdiction of the board of community relations and affirmative action (BCR).<sup>17</sup> The city manager's office will now be responsible for implementing affirmative action programming and BCR will monitor these efforts.

Phillip Hawkey, city manager of Toledo, reported that the city government in recent months has been accused of racial bias and

discrimination regarding the hiring, promotion, and treatment of minorities. He contended that these allegations are the result of miscommunication and misunderstanding. Minorities represent approximately 19.9 percent of the city of Toledo's labor force, yet approximately 22 percent of the city's employees are minorities. However, he pointed out that the major controversy in the area of city employment of minorities is related to the top managerial positions that include administrator, commissioner, and director levels. When Mr. Hawkey came to the city in May 1986, there were 13.8 percent minorities in top managerial positions compared to 23.7 percent at the time of the forum. However, Mr. Hawkey said that more work needed to be done in recruiting minorities and females for managerial positions.

Mr. Hawkey indicated that the city has communicated poorly its efforts to make city government more accessible to minorities. Although his efforts to reach out to the local NAACP were not supported by some segments of the community, efforts will be made to work with the leadership of that organization. Mr. Hawkey stated that the current race relation problems were incited when he suspended with pay and then fired the black commissioner of renewal operations and demoted the black director of the community development department (CD) for gross mismanagement of housing and rehabilitation funds. He contended that there was more than enough evidence to support the actions taken in this situation, but the black community associated this with a lack of commitment to affirmative action.

Mr. Hawkey reported that changes have been made in recruitment, hiring, and promotion to ensure selection based upon valid and objective job-related criteria. He indicated that the bargaining union for city employees

has been very cooperative in making significant changes in the collective-bargaining agreement to create job opportunities based on merit rather than seniority. Aggressive efforts are being made in the personnel/human resources area specifically to expand middle management job opportunities for minorities and females.

Mr. Hawkey reported that the city of Toledo adopted an affirmative action plan in 1976; however, an economic recession led to massive layoffs of city employees in the late seventies and early eighties, effectively defeating any affirmative action efforts. In addition, cutbacks forced the merger of the city's office of affirmative action and BCR. In the fall of 1987 Mr. Hawkey appointed an affirmative action task force to develop an updated and expanded plan. Also, a separate office under the city manager's supervision was created to implement the city's affirmative action efforts. Currently the plan is still under review and revision, but will be submitted to the city council for adoption once the city has received input from all interested persons in the community.<sup>18</sup>

Jack Ford, a member of the Toledo City Council, stated his belief that measures to ensure fair employment practices have never been a priority of the city. In the past, the city council did not receive much information on affirmative action efforts. Real debate on this issue did not emerge until March 1988 when the chairperson of the BCR denounced the city for its lack of commitment to affirmative action.

He pointed out that minorities and women had not been selected for permanent director-level positions in several years. However, Mr. Ford alleged that the city manager had an opportunity to appoint minorities to at

least seven director-level positions, but they were all filled by white males. Mr. Ford indicated that blacks who have held top positions have been concentrated in the CD.

Mr. Ford contended that entry level employment in certain departments primarily results from word of mouth networks. He stated that hiring for positions at the director level are the result of the "good old boy" network. In addition, in the city's efforts to ensure fair employment, the Human Resources Department (HRD) failed to use EEO data to track applicant flow or movement of people through departments to ensure hiring opportunities for minorities.

Mr. Ford alleged that the city administration lacked a good understanding of affirmative action. He reported that information in the draft affirmative action plan was not current and, in some instances, was a recapitulation of data gathered 14 years ago.

Mr. Ford believed the race relation problems in Toledo are the result of an underlying problem created by longstanding disparities in minority and female representation in leadership roles. The underutilization of Hispanics in both leadership and nonleadership positions is also a problem.

Samuel Hancock, executive director of BCR, stated that the problems in CD, the unrest in the Old West End neighborhood, and the arrest of the black ministers in city council chambers created a tremendous amount of racial tension in Toledo. Mr. Hancock said that the BCR held community forums throughout the city in September and October 1988 in response to the racial tensions. Information gathered during these forums revealed that the

minority community does not believe the city is committed to affirmative action; that the police department is insensitive to the needs of the minority community; that HRD needs to be more committed to removing barriers that hinder minority employment; and that the underrepresentation of Hispanics employed by the city should be addressed in a very comprehensive way. In September 1988 Mr. Hancock reported to the Ohio Civil Rights Commission that the city had made some progress in providing equal employment to all of its citizens. However, many issues still needed to be addressed, such as the lack of sufficient support of affirmative action at all levels of municipal government; a serious underutilization of women in management positions; and a disproportionate number of blacks in city government who are placed in low-level, labor-oriented jobs.

Mr. Hancock said that in the early 1980s BCR was given responsibility for affirmative action programming but was not given the authority to implement a program effectively. He indicated that the city manager's office is now taking positive steps to address affirmative action issues.

Mr. Hancock said that BCR will be monitoring the city's affirmative action plan and its implementation, as well as the activities of the HRD. The BCR is developing teen groups in the schools to address racial violence; human relations and cultural awareness workshops will be provided to residents of the Old West End and other neighborhoods; and a program has been established with the Interdenominational Religious Coalition to help counsel victims of racial violence. Finally, Mr. Hancock reported that the BCR has developed a proposal for comprehensive human relations and cultural awareness training for city administrators. The proposal was reviewed by the U.S. Department of Justice, Community Relations Division, which has

offered to provide the city technical assistance in this area.<sup>19</sup> He said the first of a series of meetings has taken place between the Mayor and the Ministerial Alliance to improve race relations in the city. He believed that these meetings represent the new agenda for improving race relations.

Pearlean Griffin, coordinator of affirmative action and contract compliance for the city, stated that she had held her position for approximately 5 months and received no staff or adequate office space until November 1988. Based upon these circumstances, she believed it would be unrealistic to expect a completed affirmative action plan at the time of the forum. Ms. Griffin contended that a draft plan was submitted in December 1988 for review and comments with the understanding that goals and timetables would be submitted within the first year of implementation. She said that it would take most of 1989 to create goals because of the time required to consult with staff and survey the personnel structures of every department.

She reported that only one city council member, Jack Ford, had requested review of the plan. She believed that it would take considerable time to gain the support needed throughout government to finalize the affirmative action plan.

Police Chief Marti Felker stated that he has been police chief for only 1 1/2 years. He indicated that since 1974 the police department has operated under court order to recruit, hire, and promote blacks and Hispanics. In 1982 that case was settled with a consent decree that set up a program for eliminating any vestiges of past discrimination. The consent decree required the city to validate all employment examinations in accordance with equal employment opportunity goals and to provide validation

procedures that are a reasonable prediction of job performance rather than discriminatory selection practices that have an adverse impact upon blacks and Hispanics. Chief Felker indicated that the goal imposed by the consent decree was to achieve at least 14 percent black and 3 percent Hispanic representation within the department. However, he stated that in 1983, the court modified the order based upon the 1980 census, increasing the percentage goals to 17.4 percent for blacks. In January 1984 the department reached 17.3 percent black representation and 3.8 percent Hispanic representation and maintained these levels through 1985. But in 1986 black representation dropped to 15.8 percent while Hispanic representation remained at 3.8 percent. As of January 1988 blacks represented 15.8 percent and Hispanics represented 3.7 percent. The department has projected hiring 122 blacks, 28 Hispanics, and 98 women by January 1, 1989 to meet the goal percentages.<sup>20</sup> At the command level, he reported that 12.7 percent of the sergeants are black; 2.9 percent are Hispanic; 8.3 percent of the lieutenants are black; and one of his four deputy chiefs is black. By the end of the year Chief Felker expected to appoint a Hispanic to a lieutenant position.

Chief Felker stated that there had been some resentment within the ranks regarding the consent decree. In addition, the union had initially been resistant to the court mandate, particularly in the area of promotions, but that has changed.

Chief Felker believed that the minority community mistrusts the police department, but he contended that this was changing. He said that general sensitivity training is provided. However, the department has been criticized by some community groups for not providing officers specific training on race relations.



Chief Felker contended that the incidents in the Old West End neighborhood in which police were directed to stop, identify, and question black youth about reported assaults on residents was a proper directive. This directive was not used to discriminate against black youth but used to maintain control of the situation and ultimately to apprehend suspects.

Chief Felker admitted that the department has not always utilized minority leadership in assisting the department in community relations. Recently, he contacted the president of the local NAACP to receive input on concerns in the black community, and steps are now underway to identify persons whom the department can call on to provide information on Hispanic concerns.

Chief Winkle stated that the fire department was also ordered by the courts to meet minority hiring goals that reflected the percentage of blacks and Hispanics living in Toledo, and these goals were met in 1982. Currently the fire department is 17.7 percent black and 3.2 percent Hispanic. Chief Winkle pointed out that although the department is no longer under that court order, it is still committed to fair employment of blacks and Hispanics. He stated that significant strides have been made in recruiting blacks and Hispanics into the department's work force. Although Chief Winkle believed that overall race relations within the department have improved, in September of 1988 the Advocates for Basic Legal Equality, Inc. (ABLE), which is responsible for monitoring the department's compliance with the court order of 1974, found irregularities in the department's hiring procedures. He said that this caused racial tension to the degree that he transferred an entire unit at one fire station because white firefighters and black firefighters refused to talk to one another. He believed that race and sex is not a factor in placement of firefighters at firehouses,

even though there are fire houses that are devoid of minorities and others that are almost completely minority. He stated that this is due to the union contract, in which bids for firehouses are based upon seniority.

Tony Reames, assistant city manager and acting director of the community development department<sup>21</sup> contended that past city administrations had been lax in their efforts to recruit and hire minorities, but the current administration is now making progress in this area. He believed one of the problems in recruiting qualified minorities for top management positions is that the city's salaries are not competitive with salaries in other industries.

Mr. Reames pointed out that there is lack of leadership regarding affirmative action in Toledo. Similarly, he said, there is not active and forceful support for affirmative action on the city council. Once the affirmative action plan becomes final, full commitment must be obtained from city directors and managers. Mr. Reames explained that to facilitate that process it has been proposed that each director's or manager's performance evaluation be tied to his or her efforts to meet affirmative action goals. However, he expected resistance by staff to affirmative action accountability.

Although a representative from the bargaining union for the city of Toledo did not speak before the Committee, James Burkhart, chief of bargaining and representation, submitted a written statement. The statement indicated his support of the efforts and personnel decisions made by the city manager's office. Mr. Burkhart reaffirmed the city administration's commitment to equal employment opportunity and affirmative action. He

reported that a new comprehensive affirmative action plan had been drafted and that the city manager's office and the local NAACP had made a moral commitment through the Fair Share Pact to maintain the availability of opportunities for minorities. The Fair Share Pact is an agreement between the city and the NAACP which covers minority employment and upward mobility in the work force, business development, and appointments to city boards and commissions. Mr. Burkhardt indicated that, contrary to some reports, the city has followed structured recruitment and promotion procedures to ensure selection based upon merit and to create equal employment opportunities for minorities. He said that black directors and commissioners had not been unfairly disciplined or treated differently than other administrators. He pointed out that in recent years several white directors and commissioners had been dismissed or demoted.

#### COMMUNITY-BASED ORGANIZATIONS AND ADVOCACY GROUPS' PERSPECTIVES

Community-based organizations and advocacy groups were represented at the forum by Leroy Williams, president of the Toledo chapter of the National Association for the Advancement of Colored People (NAACP); Margarita DeLeon, president of International Mexican American Government Employees (IMAGE) of Northwest Ohio; Conception Eason, founder of the Chicana Advocacy Resource Center; Willie Woods and Doris Greer of Health Coalition for At Risk Communities and the Toledo Council of Black Nurses; and Randall Marshall, a lawyer representing Advocates for Basic Legal Equality, Inc.

Mr. Williams, of the local chapter of the NAACP, stated that the city's poor response to minority concerns in Toledo are longstanding. He emphasized that the racial turmoil in Toledo is due to the lack of full participation by the minority community in the areas of governance and prosperity. Mr. Williams believed that the city council shares considerable

blame for the state of affairs in Toledo because it is indifferent to the black and Hispanic communities and has not provided support needed by the city manager to make government accessible to all segments of the community. He said the city's form of government, council at large, does not provide for equitable representation from the minority communities. He indicated that there is only one minority council member, and he is black. Mr. Williams stated that the national NAACP is assisting the local chapter in filing a discrimination suit against the city regarding the manner in which council persons are selected at large.

Mr. Williams reported that the city manager has made some good faith efforts to address concerns in the black community. In 1986, when racial violence broke out in South Toledo, the city manager worked with the police department and black leaders to resolve the situation. Further, he stated, on June 8, 1988, the NAACP and the city manager's office signed the Fair Share Pact to provide employment opportunities for minorities.

Margarita DeLeon, president of IMAGE of Northwest Ohio, stated that IMAGE is an advocacy group for the advancement of Hispanics in the areas of education and employment. Ms. DeLeon also serves as chairperson of the Hispanic Advisory Committee to the University of Toledo.

Ms. DeLeon reported that the city has grossly neglected the Hispanic community. She said that Hispanics represent 3 percent of the city's population, yet with the exception of the police and fire departments, there is either no representation or underrepresentation of Hispanics in city government. The situation also exists in other city industries such as the school district and the universities. Ms. DeLeon pointed out that

opportunities for minorities in the city were never created voluntarily but only through court orders.

In addition to the underrepresentation of Hispanics in employment, Ms. DeLeon stated that there is a general distrust of city officials within the Hispanic community. Ms. DeLeon described an example of what she believed to represent the city's negligence when it failed to respond to several Hispanic groups' proposals for redevelopment in the Hispanic community that would have created jobs.

Conception Eason, founder of the Chicana Advocacy Resource Center, stated that one of the major problems for Hispanics in Toledo is language and cultural barriers between the city and the Hispanic community. She said the city is not sensitive to Hispanic culture and the many barriers they face because of language differences. Within the last year and a half, the Hispanic community has united to address its concerns to city officials, and at least six Hispanic organizations have been formed. Ms. Eason noted that charges of discrimination against the city by Hispanics have increased. For example, a complaint was filed against the clerk of court's office for instituting English-only policies. Ms. Eason reported that Hispanics have also complained about the city's employment practices. Allegations have been made that Hispanics have been denied employment applications, or requests for additional information have been made of them that are not normally required of other applicants. Ms. Eason alleged that there are situations whereby Hispanics have worked as seasonal workers for as long as 20 years but have not been given an opportunity for permanent employment.

Ms. Eason also reported that recently the Midwest Hispanic Think Tank met to discuss recommendations that were submitted to the city by Hispanic community leaders. The recommendations included: the city administration and a coalition of Hispanic organizations should establish a process for the recruitment, hiring, promotion, and retention of Hispanics at all levels of city government; Hispanic organizations should be allowed to review the city's affirmative action plan to ensure Hispanics are adequately represented; the affirmative action plan should include a Hispanic employment statement to address Hispanic representation in city government; the city should appoint a Hispanic to serve as a paid liaison to coordinate Hispanic concerns between the city and the community; the city should form a Hispanic advisory board; and financial compensation should be paid to employees asked to provide translation services.

Representatives of the Toledo Health Coalition for at Risk Communities (Coalition) report that there is either no representation or underrepresentation of blacks in the city's health department. For the last 8 years, there have been no black physicians on staff in the clinical area, and only one black physician has ever held such a position. The Coalition also reported that there are no blacks represented in administrative or policymaking positions in the department.

Randall Marshall, a lawyer representing Advocates for Basic Legal Equality, Inc. (ABLE), an organization that monitors the police and fire departments' compliance with the U.S. district court orders to hire blacks and Hispanics, provided background information on the orders. Mr. Marshall said that in 1972 and 1973 three lawsuits were filed against the city regarding hiring and promotion practices in the fire and police departments.

The court ruled that the city had intentionally discriminated against blacks and Hispanics. He said that it was only after a finding of intentional discrimination that consent decrees were entered into. Quoting the sixth circuit court's ruling in 1981, he stated:

The record reveals the long tortuous path which minorities have had to tread to achieve equality in Toledo.<sup>22</sup>

Mr. Marshall described what ABLE found in its recent review of the fire department's hiring practices:

As part of its obligation as class counsel, ABLE had the opportunity to review records for the proposed hiring of a fire department class. During that routine investigation of applicant files, ABLE discovered that the criteria on the background investigation for imposing negative points was not being applied consistently to all applicants. White applicants had been afforded an opportunity to explain adverse information or supplement their files while similarly situated black and Hispanic applicants had not been given that opportunity. ABLE also identified several instances in which it believes that black or Hispanic applicants were assessed points differently than similarly situated white applicants. Finally, in the process of reviewing files, ABLE discovered that some applicants' negative scores were changed without proper documentation<sup>23</sup> and some documents were removed and destroyed.

Mr. Marshall noted that ABLE immediately filed a status report with the Federal district court, and the fire department is now under an injunction not to hire any fire classes until the problems are resolved.

Dr. Cornel Morton is assistant to the president and director of affirmative action at the University of Toledo. He also serves on the BCR and the Hispanic Advisory Committee to the University of Toledo. He has observed a lack of shared leadership within the community and reluctance to address issues aggressively. He pointed out that the white community has little understanding or experience with solving problems associated with

institutional or organizational racism. He reported that the Toledo school district is one of the few districts in the State that initiated a voluntary plan, thereby avoiding any court-ordered desegregation plan. However, he contended that the school district is very much de facto segregated.

Dr. Morton indicated that racial barriers also exist at the University of Toledo. Some strides in the area of faculty recruitment have been made within the last 3 years, but much still needs to be done. The university recruited five to six new black faculty members in 1987. He said there are also still too few Hispanic and Native American students and faculty.

To begin to resolve Toledo's race relations problems, Dr. Morton said that fundamental changes need to occur in the city, some of which are a change to a strong mayoral form of government which will provide accountability to the constituencies within the different communities; shared leadership in the area of city policy development; support of cultural diversity by the city administration; resources to support affirmative action programs; and development of an affirmative action plan that includes goals, target dates, and management staff accountability.

#### CLERGY AND RELIGIOUS ORGANIZATIONS' PERSPECTIVES

Members of the clergy and local religious groups at the forum included Reverend Floyd Rose, pastor of the Family Baptist Church and member of the Ministerial Alliance; Chester Chambers, coordinator of Metropolitan Ministries for Toledo District United Methodist Church and staff member with Toledo Metropolitan Mission; Reverend Franklin Freeman, member of the Ministerial Alliance; Reverend Larry Clark, chairman of the board of directors of the Metropolitan Mission; and Brian O'Malley, secretary of Social Ministries for the Catholic Diocese of Toledo. Mr. O'Malley



presented a statement on behalf of Bishop James Hoffman, Catholic Diocese of Toledo, Marla Levine, president of the Jewish Federation of Greater Toledo, and Reverend C. Eugene Pearson, board chairman of Metro-Toledo Churches United.

Reverend Floyd Rose alleged that the city's employment practices are biased against blacks, particularly in the area of job assignment and wages.

He said:

In the word processing unit of the city government there are seven employees, one is black. Until 3 weeks ago, no blacks were in that department. In the health department there are 68 employees; 47 whites, 16 black, and only one black at the administrative level. In the Plan Commission there are 24 blacks, none are at the administrative level. In the engineering and construction departments, there are nine directors, one of which is a black acting director. We have 18 commissioners, of these there are three blacks and one is acting. Then we have what is called a coordinator for affirmative action. I don't know why she is not a director unless they don't want to pay her the director's salary. She earns \$7,000 less than the directors. One black director does not report to the city manager, only to the Mayor and a board of community representatives. His salary is also less than the other directors. Does that mean the city puts less emphasis or respect to those positions than it does to the others?<sup>24</sup>

Reverend Rose believed that not only are blacks faced with bias in hiring, promotion, and salary but they are treated differently in the area of discipline. He contended that three black managers in the CD department were disciplined more harshly than white managers who had been accused of similar wrongdoing. The racial problem in Toledo, he said, is the result of failed moral leadership at the municipal level. Reverend Rose indicated that he supports the city manager's recent commitment to affirmative action but the city manager must put his full support behind the affirmative action plan to ensure that it is supported throughout city government.

Chester Chambers represented the Toledo Metropolitan Mission and Toledo District United Methodist Church, the ecumenical social action arm of seven Christian denominations in Toledo. He reported that the board of the Toledo Metropolitan Mission (TMM) has closely followed a series of incidents that has occurred since June 6, 1988, when three black employees of the CD department were relieved of their duties. After researching the problems in the department, TMM concluded that the city and the media had distorted and provided incomplete information regarding problems in the department.

Mr. Chambers said:

The city demonstrated unequal treatment in removing three black employees from their positions. It has not been the practice of the city to suspend employees during investigations. There have been six previous incidents of problems within the city's administration and in none of these cases, all of which involved white administrators, were supervisors removed while the investigation of the matter was proceeding.<sup>25</sup>

Mr. Chambers said that the membership of the Interracial Religious Coalition and TMM called for an investigation of the city's use of Federal Urban Development Grants, Urban Renewal and Community Development Block Grant funds, and Small Business Assistance Corporation funds, which they believe were not used for their intended purposes, but these funds were not subject to the same scrutiny as the CD funds because the information could have been damaging to white administrators and community leaders.

Mr. Chambers stated that there is a need for more minority representation in city policy development and decisionmaking.

Reverend Franklin Freeman contended that the racial tensions in Toledo are the result of injustices and racial and cultural abuse which are found

in perceptions, attitudes, and feeling by the larger community. He believed that the city government is an extension of that racial and cultural insensitivity. He further alleged that city government operates in a manner so as to specifically exclude participation by racial and cultural minorities. He described what he called the systemic nature of racial prejudice in Toledo:

It is a matter of deeply embedded historical feelings regarding racial prejudice which through the years have kindled the imagination of an entire community, yet have crushed the spirit and the aspirations of a goodly number of these who were either born in this city or who have lived here over a number of years. We need the assistance of enforcement to remind persons of our city that with respect to law and government, that all people in this city are created equal, that all persons have the right to equal access and due process of law.<sup>26</sup>

Reverend Larry Clark, chairman of the board of directors of the Metropolitan Mission and a member of the Interracial Religious Coalition (the Coalition), stated that the religious community is trying to address problems related to race relations in Toledo.<sup>27</sup> Reverend Clark said one of the major problems identified by the Coalition regarding race relations is the lack of sensitivity displayed by the police department. In his work with victims of racial harrassment, he has found that their major complaint was the insensitivity of the police. The victims complained that the police do not take their charges seriously. The Coalition has met with the Mayor and the police chief regarding race-related sensitivity training for the police, but police officials do not believe specific training in this area is needed.

Brian O'Malley, secretary of Social Ministries for the Catholic Diocese of Toledo, stated that for the past 15 to 20 years the city of Toledo has experienced both calm and unrest in the area of race relations. However,

just beneath the surface there is always tension and dissatisfaction. Mr. O'Malley indicated that tension, at times, has erupted into incidents of more blatant and focused racism, such as the outbreak of racially motivated vandalism against black homes and churches, or more recently the allegations of racial bias made against the city administration. Mr. O'Malley explained that responses to these incidents are usually short term, reactive, and often undertaken by one element in the community rather than the outcome of dialogue among various groups. Mr. O'Malley cited the following barriers to racial unity: (1) no history of sustained constructive dialogue between the leadership of the black community and other minority groups and the city government's elected and administrative leadership; (2) inadequate structures in place to address both incidents of racial confrontation and the underlying day-to-day issue of race relations; (3) a perceived lack of opportunity and skills contribute to a sense of alienation for minority citizens; and (4) community dialogue never reaches a sustained and substantial conversation.

#### BUSINESS COMMUNITY PERSPECTIVES

The business community's perspective on race relations in Toledo was reported to the committee by Michael Porter, president and corporate secretary of the Toledo Area Chamber of Commerce. Also, James Mitchell, a minority bricklayer, and Sandra Bibbs, a minority electrical contractor, provided information on the barriers they have encountered in obtaining employment in the construction and business industry.

Mr. Porter said incidents of the past few months have strained racial relations in Toledo. He said that these frustrations are real and unless properly addressed will have a significant impact on the business climate of

Northwest Ohio. He believed that it is fair to conclude that Toledo has race relations problems. Mr. Porter pointed out that from a business perspective, one of the overriding concerns is that there are not many minority-owned and operated businesses. Of the 3,400 individual members of the chamber of commerce, approximately 15 are minority members.<sup>28</sup> Mr. Porter stated that access is the major problem for minority businesses. He reported that minority businesses are primarily service orientated, serving only the minority community. Another problem, he pointed out, is that minority businesses do not have a good networking system within the community. He believed that the minority businesses must seek access to the larger community.

He said the chamber of commerce has tried to encourage minority participation in the business community. He indicated that the Small Business Development Center has started a program for large businesses to adopt a small business, paying half the cost of a business planning program. In addition, there is a trade fair in which there are opportunities for minority businesses to meet and coordinate purchasing needs with larger businesses. Finally, Mr. Porter stated that the chamber is working on a plan to fund a minority relations and assistance program. Mr. Porter emphasized that the chamber of commerce does recognize the need and will continue to seek a way to provide better access for minority entrepreneurs.

James Mitchell, a black bricklayer, is a member of the Bricklayers Union No. 500 and has been in the trade for 20 years. For the last 8 years he has been fighting for jobs for black bricklayers. He is especially concerned about the federally funded construction jobs where blacks do not get hired. Mr. Mitchell stated his belief that the union has not been helpful in assisting the black bricklayers in their efforts to gain employment. In 1983 he filed a class action lawsuit against several major

contractors in Toledo and the Bricklayers Union, Local No. 3. The lawsuit was still pending before the sixth circuit court of appeal at time of the forum.

Mr. Mitchell reported that the number of black bricklayers is declining in Toledo. Mr. Mitchell said a good example of the undue hardship placed upon black bricklayers to find work is evident by his situation; he commutes to Michigan for work. He also pointed out that, in Toledo, there are no black foremen in a skilled trade in the construction industry, and of the 17 major contractors in the area, only two are black. Mr. Mitchell cited the following barriers to black bricklayers: the process for hiring in the construction business is by word of mouth, the word is never passed on to black workers, effectively excluding them from job hirings; and black bricklayers are not provided adequate representation by the union in obtaining jobs.

Mr. Mitchell reported that he has talked to union officials, community groups such as the local NAACP, and the current Mayor, Donna Owens, but nothing has been done about the problem.

Sandra Bibbs has been an electrical contractor for over 10 years, and 90 percent of the work that her business does is outside of the Toledo area. She believed this situation was due to the construction and business industry's failure to hire minority contractors. She pointed out that the only exception to this practice occurs when a white contractor establishes a minority in business as a decoy for minority participation on government jobs. She indicated that currently in Toledo there is a Housing and Urban Development construction job of over \$4 million with no minority contractors. She suggested that there be an investigation of the treatment of minorities in the construction industry in Toledo.

CIVIL RIGHTS AGENCIES' PERSPECTIVES

Officials of civil rights agencies at the forum included Shanna Smith, executive director of the Toledo Fair Housing Center; and Darlene McCoy, executive director of the Ohio Commission on Civil Rights.

Ms. Smith pointed out that housing in Toledo, like most cities, is segregated along racial and ethnic lines. She reported that since 1980 the number of complaints received by her agency has tripled. There has been a significant increase in complaints of racial harassment and violence. For example, in 1985 a black minister and his family moved into a predominantly white area in West Toledo. Their home was fired into and the family threatened. In August 1986 another black family's home was fired into and vandalized after the family moved into a white neighborhood.

Ms. Smith said that one of the major problems she has observed in race relations is the police department's lack of sensitivity to reports of racial harassment and violence. The police attempt to discount the racial aspects of such incidents and treat them as interpersonal problems between neighbors or citizens. She recommended that police officers receive sensitivity training in race relations.

Ms. Smith reported that in order to disperse subsidized housing in areas other than the black community, ABLE took the city to court. She said that the city's homeownership program was ordered by the court to disperse Section 8 housing throughout the city.

Ms. Smith indicated that even private businesses have to be taken to court. She cited the situation of a local retail business, which charged black customers from 150 to 200 percent more than whites for automobile parts. The store closed after a court settlement, but there was no discussion or outrage from the corporate community about this situation.

Ms. Smith observed disparities in the discipline imposed upon black versus white employees who have been accused of mismanagement of city programs. Specifically, she indicated that white city officials responsible for the acquisition of land were not suspended or punished when they failed to test the land for toxics before purchase, even though it is going to cost the city \$5 million to clean up the site. The Environmental Protection Agency closed the city's garbage dumps because white city officials responsible for the soil and waste division failed to file timely reports. White officials in the finance department have grossly miscalculated the city's budget, but no adverse actions were taken against them.

She said that the lack of support by the Mayor, the administration, and the city council on issues of civil rights feeds the frustrations that exist in the black, Hispanic, and integrated neighborhoods of this city.

Darlene McCoy, of the Ohio Commission on Civil Rights, reported that in September 1988, it came to her agency's attention, by information presented in the Toledo Blade, that there could be disparate treatment in the discipline imposed upon black officials employed by the city of Toledo. She stated that, based upon this information, the commissioners of the Ohio Commission on Civil Rights decided to have a public forum on September 14, 1988, to receive information from concerned citizens regarding the city's employment practices. Based upon the information presented at the forum, the commissioners decided to initiate an investigation to gather specific information on the city's employment practices. Ms. McCoy indicated that the investigation was still pending, therefore, she was unable to make comments on specific findings of the investigation. She explained that a finding or conciliation agreement as a result of that investigation would be made on or before September 27, 1989.



SUMMARY

The Committee hopes that the information received during the 2-day forum has heightened community awareness regarding race relations, encouraged ongoing and constructive dialogue on the issues, and provided an ameliorating effect on existing problems. This report does not purport to be an exhaustive study of race relations in Toledo. The information primarily focused on the nature and extent of issues and problems related to race relations; city government and equal employment opportunity and affirmative action policies and practices and their effectiveness with respect to race relations; policies and procedures of the city police in responding to race-related crime; avenues of communications and procedures available in the resolution of complaints concerning race-based discrimination or unequal treatment; and perceptions of the citizenry concerning race relations. Perspectives on these issues were provided by city government officials, community-based organizations, clergy and religious groups, the business community, civil rights agencies, and other concerned citizens.

The Ohio Advisory Committee acknowledges that the nature of race relation concerns is complex. The Advisory Committee found that there is substantial agreement within the community that improvement of race relations and expansion of equal opportunities for minorities are some of the major challenges that the city and the community at large are now facing. The information provided during the forum indicates a lack of organization in the community to address its composite problems in city employment, housing, policing and racial incidents as it relates to the black and Hispanic communities. The current state of race relations in Toledo can be attributed to a number of factors that go beyond the firing of

black city officials in July 1988 that precipitated the current heightened racial tensions and polarization. According to media reports and the Toledo Fair Housing Center, for the last 3 years there has been a steady increase in reports of race-based incidents, such as: racial slurs and graffiti, cross burnings, vandalism against black churches and black families who moved to white neighborhoods, and assaults on white residents by black youth in an integrated neighborhood and a controversial police policy to stop, identify, and question black youths at random.

Information provided during the forum indicates a strong perception that there is a leadership vacuum in the areas of race relations and equal opportunity. The views and opinions of presenters also suggest that no individual or institution enjoys the confidence of both the minority and majority community in addressing race relation issues. There are city agencies and community-based organizations established to support equal opportunity and foster improved race relations; however, numerous complaints were made about the lack of leadership in race relations.

There was a general consensus among community groups that longstanding deficiencies exist in the city's efforts to recruit, hire, and promote blacks and Hispanics at all levels of city government. The minority communities perceive different treatment of minorities in all areas of employment. This failure to voluntarily implement equal employment opportunity policy in the past has resulted in court-ordered consent decrees to recruit and hire blacks and Hispanics in the police and fire departments.

The city first adopted an affirmative action plan in 1973. An updated plan was prepared in 1976 and again in February 1988. To date, the most recent revised plan is still under review by the city and the Ohio Civil Rights Commission.

The city manager promised a new commitment to the expansion of minority employment opportunities, in spite of the minority communities' doubts of the city's sincerity in making this promise. A representative from the bargaining union expressed his support of the city's efforts to provide equal employment opportunity.

Some of the city efforts to address equal employment opportunity effectively are changes in the areas of recruitment, hiring, and promotion to ensure selection based upon valid and objective job-related criteria. The collective-bargaining unit has made policy changes to create job opportunities based upon merit rather than seniority; efforts are being made specifically to expand middle management job opportunities for minorities; responsibilities for affirmative action planning and implementation have been reassigned from the BCR to the city manager's office to ensure effective implementation; and efforts have been made to ensure that all groups in the community have an opportunity comment upon the city's affirmative action plan.

The black and Hispanic community do not perceive themselves as enjoying positions of responsibility and leadership in the political, economic, and social spheres of the community. This perception is based upon the fact that there is not adequate black and Hispanic representation on the city council, as well as city boards and executive committees, such as the Toledo Port Authority and the Committee of 100. Currently there is only one black and no Hispanic on the city council. The Mayor also acknowledged that she has encountered resistance in her efforts to appoint minorities and women to civic executive committees and boards.

The police are viewed with some mistrust by both the black and Hispanic community. This sense of mistrust was acknowledged by the police chief.

He believed, however, that this is changing. Representatives from the religious community and a local civil rights agency indicated that a major complaint of minorities is the police department's lack of sensitivity to reports of crime in their communities and reports of racial harassment and violence.

The information presented during this forum would suggest that significant growth in and improvement of race relations and equal opportunity efforts in Toledo require immediate and ongoing attention by city and community leaders.

Notes

1. "Commission Considers Hearings To Probe Alleged Conspiracy," The Times Recorder, July 30, 1988, at 1, on file at CRD.
2. Ministers' Coalition of the Interdenominational Ministerial Alliance and the Baptist Ministers' Conference of Northwest Ohio (Ministerial Alliance), letter to the U.S. Justice Department, July 10, 1988, on file at CRD.
3. "Commission Considers Hearings to Probe Alleged Conspiracy," The Times Recorder, July 30, 1988, at 1, on file at CRD.
4. Ibid.
5. Interview with representatives of the Ministerial Alliance, Aug. 9, 1988.
6. "Racial Epithets Painted on Home in Near South End," Toledo Blade, Dec. 31, 1987, on file at CRD; "Three Youths Charged in Racial Incident," Toledo Blade, Sept. 8, 1986, on file at CRD; and "NAACP Head Faults Response to Attacks," Toledo Blade, Sept. 8, 1986, on file at CRD; "Toledo Man Convicted in Racial Violence Spree," Toledo Blade, Dec. 10, 1986, on file at CRD; "Black Minister's Fence, Driveway Painted KKK," Toledo Blade, Nov. 1, 1987, on file at CRD; and ("Four Toledo Whites Held After Shotgun Attacks,") The Oregonian, Aug. 29, 1986, on file at CRD.
7. The Oregonian, Aug. 29, 1989, on file at CRD.
8. "North Toledo Man Shot in Face During Racial Incident, Police Say," Toledo Blade, Apr. 18, 1988, on file at CRD.
9. "Old West End Split on Police Stop Order," Toledo Blade, Aug. 9, 1988, on file at CRD; "ACLU Considering Suit Against Police Policy on Blacks," Toledo Blade, Aug. 10, 1988, at 15, and "Toledo Police Department Violates Constitutional Rights of Black Youth," Toledo Journal, Aug. 10, 1988, p.6.

10. "Toledo Employment Practices to be Probed," The Plain Dealer, Sept. 23, 1988, on file at CRD.
11. Documentation by the city of Toledo for the United States Civil Rights Commission, submitted by Phillip Hawkey, city manager, Dec. 12, 1988, on file at CRD.
12. Ibid.
13. Transcript of Toledo community forum, pp. 10-14, 25-36, on file at CRD.
14. Ibid.
15. The Committee of 100, a civic group, was formed three years ago by the Mayor. This group is composed of a broad section of the city's top leadership in the areas of business, education, health, housing and government. Its purpose is to address quality of life issues in the greater Toledo area. Members are nominated to the Committee by the Mayor, city council or other members of the Committee. LeRoy Williams, president of the Toledo Chapter on the NAACP, telephone interview, June 22, 1989.
16. This year the mayor and city manager have held on-going meetings with the leadership of the Toledo Chapter of the NAACP and the Ministerial Alliance to discuss race relations. To date, there have been no on-going contacts with the Hispanic community. Mayor Donna Owens, telephone interview, June 7, 1989.
17. The Board of Community Relations and Affirmative Action (BCR) is responsible for conducting investigations, studies and surveys that will help promote amicable relations among racial and cultural groups in the city of Toledo. This responsibility includes the development of any program that enhances equal employment opportunities within municipal government and the community at large. BCR is also responsible for monitoring the city's

affirmative action plan and its implementation. BCR staff reports directly to the mayor and city council. Transcript of Toledo community forum on file at CRD, Volume 2 pp. 82-83, 93-94.

18. Pursuant to conciliation efforts with the Ohio Civil Rights Commission in May 1989, the city submitted its revised affirmative action plan to the Commission for review and remarks. The city expects a response from the Commission by August 1989. The city recently hired a black female as director of the community development department. Pearlean Griffin, affirmative action coordinator, telephone interview, June 6, 1989.

19. The city has approved spending \$20,000 to hire Aaron Lower & Associates of Southfield, Michigan (referred by the U.S. Justice Department, Community Relations Division) to provide cultural and human relations training for the fire department. This action was taken in response to allegations that Fire Chief Winkle demonstrated sexual and racial bias. "Consultant Hired to End Fire Force Bias," Toledo Blade, May 3, 1989, on file at CRD.

20. There have been no new police hires in the department as of June 7, 1989. Currently the department's police force is comprised of 17 percent black, 4 percent Hispanic, and 13 percent female. Police Chief Marti Felker, telephone interview, June 6, 1989.

21. In May 1989 the city hired Dianne Hairston as director of the community development department. "Toledo Names New Housing Director," Toledo Blade, May 18, 1989, p. 17.

22. Transcript of Toledo community forum on file at CRD, Volume 2 p. 168.

23. Transcript of Toledo community forum on file at CRD, Volume 2 p. 168-169.

24. Transcript of Toledo community forum on file at CRD, Volume 1 p. 90.

25. Transcript of Toledo community forum on file at CRD, Volume 1 p. 69-70.

26. Transcript of Toledo community forum on file at CRD, Volume 1 pp. 159-161.

27. The Interracial Religious Coalition was formed several years ago to address race relations in the city. The Coalition is composed of whites, blacks, Jews, Christians and Islamic religious groups. Transcript of Toledo community forum on file at CRD, p. 199-200.

28. Michael Porter, president of the Toledo Area Chamber of Commerce, telephone interview, Apr. 3, 1989.