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INDIANA ADVISORY COMMITTEE
TO THE U.S. COMMISSION ON CIVIL RIGHTS
BRIEFING FORUM
THE RISE OF HATE CRIME IN INDIANA

ORIGINAL

The hearing before the Indiana Advisory
Committee to the U.S. Commission on Civil Rights
was reported by me, Marjorie A. Addington, Notary
Public in and for the County of Hamilton, State of
Indiana, RPR/CP, CM, CSR: KS, OK, CA, on the 8th
day of August, 1991, in Indianapolis, Indiana, at
9:00 a.m.

ACCURATE REPORTING OF INDIANA
William F. Daniels, Prop., RPR/CP, CM
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COMMITTEE MEMBERS:

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Chairman Hollis Hughes

Ms. Doris Parker

Mr. Michael Gradison

Ms. Julie Schmitt

Mr. Irwin Rose

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1 CHAIRMAN HUGHES: Good morning. s
2 is the meeting of the Indiana Advisory Committee.
3 We'd like to call our meeting to order. For the
4 benefit of our audience, I will introduce myself
5 and my colleagues. My name is Hollis Hughes, Jr.,
6 and I preside in South Bend, Indiana. I am
7 chairman of the Indiana Advisory Committee to the
8 U.S. Commission on Civil Rights.

9 With me today are some members of the
10 advisory committee. To my far right is Ms. Doris
11 Parker of Indianapolis, Mr. Michael Gradison of
12 Indianapolis. To my left, to my immediate left,
13 Julie Schmitt of Indianapolis, and to my far left
14 Mr. Irwin Rose, also of Indianapolis. Not present
15 today are two additional members of this committee,
16 Ms. Judith Hawley of Indianapolis and Ms. Katherine
17 Blanks of Fort Wayne, Indiana.

18 We are honored by the presence of
19 Ms. Constance Davis, the director of the Midwest
20 Region of the U.S. Civil Rights Commission, and she
21 is located here in the audience today.

22 Members of the advisory committee serve
23 without compensation and serve as the eyes and ears

1 of the Commission in Indiana. Our reports and
2 recommendations are submitted to the Commission for
3 its consideration in preparing recommendations for
4 the President and Congress. We are here in
5 Indianapolis to review the extent of hate crimes in
6 Indiana and efforts to combat it.

7 At the outset I want to remind everyone
8 present of the ground rules and we'll do this
9 periodically through the day; that this is a public
10 meeting open to the media and the general public,
11 but we have a very full schedule of people who will
12 be making presentations.

13 We will be able to hear brief
14 presentations from persons who have not been
15 invited at the end of the session, but before I
16 recognize anyone they will have to meet with Pete
17 Minarik, the gentleman who is in the back of the
18 room, our staff analyst, to review their proposed
19 statement.

20 .Written statements may be submitted
21 either while we are here or by mail to the U.S.
22 Commission on Civil Rights, 175 West Jackson, Suite
23 A-1332, Chicago, Illinois 60604. The record of

1 this meeting will be closed on August 31st, 1991

2 Our staff has sought to ensure that all
3 invited guests do not defame or denigrate anyone or
4 any organization, but of necessity some statements
5 may be controversial. We have sought to ensure
6 that all sides of controversial issues have been
7 invited to state their positions.

8 Any person or any organization that
9 feels defamed or degraded by any statement made in
10 these proceedings should contact our staff during
11 the meeting so that we can provide a chance for
12 public response. Alternatively, such persons or
13 organizations can file written statements for
14 inclusion in the proceedings. I urge all persons
15 making presentations to be judicious in their
16 statements.

17 An agenda of today's proceedings is
18 available at the back of the room. The open
19 session for the public to address the committee is
20 scheduled to begin at 4:15.

21 I hope the City of Indianapolis will
22 accept my thanks for its hospitality. I
23 particularly want to thank all of those who have

1 assisted our staff in making preparations for this
2 meeting.

3 Our topic for this morning's forum is
4 hate crimes in Indiana. Hate crimes are defined as
5 an incident of violence or intimidation motivated
6 by bias, hatred, or prejudice, based upon some
7 characteristic of the victim.

8 During the proceedings we'd like all
9 parties to keep in mind that the scope of this
10 forum is statewide. The forum is not necessarily
11 limited to hate crimes committed by whites, and
12 that the purpose of the forum is for information --
13 to receive information to be -- that in order for
14 information to be extremely useful, we need
15 specific incidents, not general statements; we need
16 specific reasons for the increases and
17 recommendations as to how to alleviate or prevent
18 hate crimes.

19 Each speaker has been asked to limit
20 their comments to 10 to 15 minutes max, allowing
21 some time by members of this committee for
22 follow-up questions, approximately 10 to 15
23 minutes.

1 At this point we would like to call upon
2 our first speaker, Mr. Dave Arland, executive
3 assistant to Mayor Hudnut, City of Indianapolis.

4 MR. ARLAND: Mr. Chairman, members of
5 the Indiana Advisory Committee to the U.S. Civil
6 Rights Commission, thank you for the opportunity to
7 offer the Indianapolis perspective on a growing
8 number of hate crimes committed in the state of
9 Indiana and in our state's capital city.

10 This morning I will share remarks by
11 Indianapolis Mayor Bill Hudnut, who, because of a
12 personal family tragedy, is unable to speak in
13 person to the advisory committee's forum.

14 My name is Dave Arland and I'm an
15 executive assistant to the Mayor. Although it is
16 too early to document percentage increases in local
17 hate crimes because statistics have only been kept
18 for a few months by hate crime category, the
19 concern and attention about several local
20 incidents, from police shootings, gang attacks, and
21 vandalism to cross burnings, indicates that hate
22 crime is definitely on the rise.

23 Just last week a near-westside shelter

1 for the homeless was the scene of a terrifying
2 cross burning. Gunfire has also erupted at the
3 McCormick Place Shelter, and the Indiana Civil
4 Rights Commission and Marion County Prosecutor are
5 trying to determine the best course of action.

6 One of the problems they're facing is
7 apparent ambiguity in Indiana law, a shortfall that
8 does not permit criminal charges to be filed for
9 these incidents solely on the basis of racial
10 bias.

11 Another high-profile case involves an
12 Indianapolis police officer who allegedly has some
13 ties to the American Nazi movement. A shoplifting
14 suspect is dead, the family is grieving, and many
15 of us are left asking if racial prejudice is
16 somehow involved. Investigations of both incidents
17 are ongoing, but the questions raised by these
18 cases bring us together this morning.

19 In April of last year you'll recall that
20 the President of the United States signed into law
21 the Hate Crime Statistics Act, and the FBI has been
22 assigned the duty of collecting information on hate
23 crimes as part of its uniform crime report

1 activities.

2 Hate crimes, as has been mentioned, are
3 acts ranging from harassment to homicide. They
4 include arson, rape, vandalism, bombing, robbery,
5 cemetery desecrations, assault, and intimidation.

6 Indianapolis is complying with FBI
7 requests and we are developing a policy to handle
8 tabulation of crimes on the basis of type of
9 offense and type of bias motivation, and although a
10 comprehensive system to record hate crimes is still
11 in process, we have compiled a list of more than 20
12 incidents that could be considered crimes of hate
13 so far this year.

14 They include cases of church vandalism,
15 threats based on national origin, harassment of
16 women by men, harassment of homosexuals by
17 heterosexuals, and a number of incidents between
18 blacks and whites based in whole or in part on
19 racial conflict, and those are only the reported
20 complaints and only the complaints by individuals
21 against other individuals.

22 One must wonder if this rise in this
23 type of crime is linked to other trends.

1 Charitable giving is dropping in some areas. Voter
2 turnout slipped to only 36 percent in last year's
3 congressional elections. The national response
4 rate on the 1990 census dropped from 75 percent ten
5 years ago to only 63 percent last year. Everyone
6 notices a decline in common courtesy and that you
7 just can't get good service anymore. Students
8 admit that cheating on exams is up. Murder rates
9 are climbing, and so is crime in general.

10 It seems that the opposite of love is
11 not hate. It's indifference. Not caring, just
12 looking the other way, pretending the problem does
13 not exist. Professor Robert Johnston of Earlham
14 College speaking on the decline of civic virtue put
15 it this way: "If we as a people are so devoted to
16 private gain and personal gratification that we
17 fail to accept an obligation to the public good and
18 lose our capacity for equality, decency, and fair
19 play, then our public life will be impoverished."

20 The concern for the individual, what's
21 best for me instead of what's best for all,
22 triggers enrollment in organizations that thrive on
23 prejudice. In Indianapolis, an Indianapolis police

1 investigator who tallies hate crime statistics
2 believes that virtually anyone who has ever been
3 offended by some person or some group can find the
4 support of others who are anxious to comfort the
5 offended person, congratulate him on his
6 perceptiveness in being able to identify the enemy,
7 and sign him up in the group's ongoing effort to
8 oppose the oppressor.

9 Indianapolis, and in turn Indiana, both,
10 have street gangs and skinheads. There are local
11 citizens who belong to the Ku Klux Klan or other
12 organizations that sort and judge people by race.
13 According to the Anti-Defamation League,
14 Indianapolis was home to a group of 40 or so
15 neo-Nazi skinheads in 1990. Indiana membership in
16 the KKK, while dropping, is still a concern.
17 Indiana's hooded racists appear to have splintered
18 from their national organization.

19 Tolerance of radical racist ideas,
20 thankfully, is not strong. An IUPUI professor was
21 dismissed in 1990 for revising history to suit his
22 view of the Holocaust. Teachers are benefiting
23 from meetings like "The children in a

1 Multi-Cultural World Conference" that brought
2 together some 200 educators.

3 And so we are left asking what can be
4 done? What steps can local communities take to
5 counteract these noxious forms of racism and
6 violence? Can a message be sent out that in a free
7 society hate crimes are not going to be regarded as
8 mere pranks?

9 The answer is yes. We can establish a
10 comprehensive hate crime reporting system, teaching
11 investigators to recognize hate crimes and report
12 them as such. This work has already started in the
13 Indianapolis Police Department and will continue in
14 consultation with the FBI.

15 Dedicated hate crime units could be set
16 up in our police stations and sheriffs' departments
17 to investigate crimes motivated by bias. These
18 units can make use of resources available through
19 community-based groups to reduce the traumatic
20 impact of these crimes on our neighborhoods.

21 We can initiate training programs to
22 help police respond effectively and sensitively to
23 incidents of violence based on bigotry so that

1 police action does not exacerbate a situation or
2 invite additional acts of violence by appearing to
3 condone what has occurred, and if police misconduct
4 is detected, it must be vigorously investigated and
5 prosecuted to the fullest extent of the law.

6 We must continue to screen our officers
7 carefully and monitor the performance of our men
8 and women in blue. We do charge them with the
9 protection of our city's residents and we should
10 also support them in their work.

11 It is my understanding that 49 states
12 now have some form of statute on the books dealing
13 with hate crimes, but very few cities have
14 ordinances on this subject. Could they be
15 initiated to supplement what's already law at the
16 federal and state levels?

17 We can introduce curriculum subjects
18 that teach against prejudice from kindergarten
19 through college, using pamphlets, handbooks,
20 textbooks, videos, posters, seminars, conferences,
21 sermons, lectures, and statements by community
22 leaders and public officials to help teach the
23 importance of understanding and respecting our

1 diverse society.

2 Even the news media can help by exposing
3 incidents of hate crime and appealing to viewers
4 and readers to travel a higher path. American
5 society has become more profane and uncivil in the
6 last 30 years. People are more self-centered and
7 greedy. That's the bad news.

8 But the good news is that our American
9 dream is not dead. Our dream is a society that is
10 open to all, free from prejudice, with equal
11 opportunity, where people are respected simply
12 because they are human beings and not because they
13 have power or money or merit or because they belong
14 to a certain group, and we can all do our part to
15 keep that dream alive. Thank you.

16 CHAIRMAN HUGHES: Thank you,
17 Mr. Arland. Now we'll entertain questions from the
18 committee, and I'd like to start by asking you,
19 Mr. Arland, you mentioned a number of activities
20 that you felt communities and cities could do in
21 order to address the problem. Are you in
22 Indianapolis doing any of these types of
23 activities? And if so, which ones do you have the

1 most hope for in terms of its effectiveness?

2 MR. ARLAND: I've mentioned that
3 we've already started the hate crimes reporting
4 process in our Indianapolis Police Department.
5 This is a new venue for us. Yes, the federal law
6 was signed in last year by the President, but the
7 police are not equipped currently to compile these
8 statistics on a crime-by-crime basis, and that
9 process is underway. We're hopeful that within the
10 year we'll be able to delineate those by category.

11 Currently what's done -- I mentioned the
12 20 or so incidents that have been forwarded that
13 are hate-crime oriented involving skinheads or
14 church desecrations. Those are just pulled out as
15 the police runs come in, as reports are filed, and
16 our investigators look through those and pull those
17 out. That's a very rough estimate, and we don't
18 have the ability currently to pull those out by
19 hate crime category. We hope to shortly.

20 Certainly the idea of a local ordinance
21 is something that could be pursued. An idea might
22 be to take this suggestion to the national
23 organizations that represent cities, the National

1 League of Cities, the United States Conference of
2 Mayors, where I'm certain that you would have a
3 sympathetic audience, or we would have a
4 sympathetic audience to develop a model statute
5 that could be shared in cities across the country.
6 That's currently done on a number of topics.

7 MS. PARKER: Is the Mayor planning to
8 initiate a city ordinance of that nature as a
9 model?

10 MR. ARLAND: We have talked about it.
11 but there's not been a decision reached. Certainly
12 we would look to you, if you think it would be
13 helpful. Many of you are Indianapolis residents,
14 and it's going to depend on getting the support, of
15 course, of a city council that is diverse and
16 enormous in size, and that's a political reality.
17 Politics is the art of the possible and one would
18 hope that this would be possible.

19 Certainly we have done everything we can
20 to expand equal opportunity in the city of
21 Indianapolis, and I think this would certainly fit
22 in that vein. Our Indianapolis Police and Fire
23 Departments have more minority and women

1 representation now than they did 16 years ago when
2 the Mayor came in and said "This might be a fitting
3 cap to the administration."

4 MR. GRADISON: I went to a -- this is
5 really a compliment to the Mayor. I was --
6 happened to spend two hours Tuesday -- Monday or
7 Tuesday of this week with the new recruit class at
8 the Indianapolis Police Department Academy out
9 there on Post Road. I was really struck about what
10 a diverse group it was. You can see, I mean, the
11 reflections of all of the ethnic groups, and it was
12 really a marvelous experience, and they had
13 terrific questions.

14 One of the issues we dealt with was -- I
15 was concerned about police action and so on -- was
16 primary leadership from the African-American
17 community in Indianapolis was there, and I was
18 terribly impressed with that.

19 Quick question, though. What kind of a
20 definition has been forwarded to IPD for the hate
21 crime statistics? Do you have a set definition?
22 Do you have a copy of that or something that you
23 can show us what that is?

1 MR. ARLAND: Yes. I don't have it
2 with me, and you will have someone from IPD who is
3 testifying this afternoon. But the FBI has put
4 forth a document that outlines what they consider
5 to be hate crimes based on the statute.

6 I might also mention, Mike, on that
7 subject of diversity, I am pleased to announce to
8 you today that over 40 percent of our new recruits
9 in the Fire Department, the people that we've gone
10 out and asked to apply -- we've been working at
11 this for sometime. This week we got -- the
12 deadline came up and we got those applications in,
13 and over 40 percent of the applications were
14 minority, which we think is tremendous considering
15 how far that department has come, as well as the
16 Police Department.

17 MR. GRADISON: We owe the Mayor an
18 applause for it. It was challenged, of course, by
19 the Reagan Administration a few years ago, and
20 obviously we're all very proud of you for doing
21 that, but it shows up. I mean, I was really
22 delighted to see this new recruit class in IPD on
23 Tuesday. The level of intelligence, the level of

1 questions that were asked of us were terrific.

2 MS. PARKER: May I ask another
3 question?

4 CHAIRMAN HUGHES: Sure.

5 MS. PARKER: There've been some
6 writings and other speeches as it relates to the
7 level of how much political campaigns can
8 contribute to the climate that produce hate
9 crimes. I notice that that was absent.

10 I know that the Mayor talked about
11 sermons and all of this, but no mention was made of
12 recognizing that if we are going to call for a
13 higher order of behavior, the people who campaign
14 for public office must not use that whole forum as
15 an opportunity to cause a greater division. Is
16 that something that he has not considered or is
17 that just --

18 MR. ARLAND: Well, certainly it's
19 been talked about, but you have to remember that
20 this is a very delicate balance because in politics
21 frequently a consultant will play to the emotions,
22 and certainly hate crimes are an emotional issue.
23 I don't think it should be treated outside the

1 bounds of politics, but it needs to be treated very
2 delicately if it's going to be addressed.

3 People need to let the folks who are
4 running, whether it's for Mayor or city council, or
5 whatever, know that they're concerned about this
6 issue or it won't get addressed. That much is
7 certain.

8 MR. GRADISON: Certainly not by this
9 public safety committee, something which David
10 referred earlier.

11 MR. ROSE: I commend the Mayor for
12 his statement, and his reputation is well known. I
13 remember many years ago when he almost alone
14 founded out a member of the Nazi party who was a
15 Fire Department person and dismissed that person
16 without a lot of input or pressure from many other
17 groups. He recognized then and said so in a public
18 statement that being a member of the Nazi party is
19 not the same as being a member of the Democratic or
20 Republican party and on that any straight-thinking
21 person has to agree.

22 As I understand the federal law that's
23 on the books, the Hate Crime Statistics Act

1 mandates but doesn't punish or there's no penal
2 for not doing the statistical work that the new
3 federal law requires, is that correct?

4 MR. ARLAND: I'm not a lawyer.

5 MR. ROSE: I know, I'm not either, so
6 please --

7 MR. ARLAND: Yes. Well, it is -- I
8 can say that it is our intention to comply with the
9 Act and to do everything we can to help
10 organizations like yours, the advisory committee,
11 as well as the ADL, on this issue because it's only
12 by having good statistical information that you can
13 begin to address the problem. It's only that we
14 know the statistics that are included here that we
15 can begin to work on this issue.

16 MR. ROSE: Are you satisfied that the
17 department understands the difference of what a
18 hate crime is as compared to another, different
19 type of offense?

20 MR. ARLAND: I'm satisfied that the
21 statisticians who will be making the -- compiling
22 the statistics understand. I'm not sure the rank
23 and file officer or the deputy chief or the

1 administration fully comprehend this, and certainly
2 that was touched on here and that there needs to be
3 more training as to what is a hate crime, how do
4 you deal with that, and how can you be sensitive
5 when you run across one in a patrol situation?

6 MR. ROSE: I think the definition
7 that the Commission put out speaks for itself and
8 could be the guide that's followed.

9 The next question I have, and I don't
10 presume you can speak for the Mayor, there's one
11 paragraph in his statement about one must wonder if
12 this type of hate crime rise is linked to other
13 trends in our society such as the decline in
14 charitable giving or voter turnout. In laymen's
15 language, what the hell has that got to do with
16 hate crimes? And I wonder if that's really the
17 Mayor's position or whether he really questions why
18 this type of thing has increased, if indeed it has
19 increased, which is one of the things we're trying
20 to find out in these forums, and if so, how it can
21 be attributed to these possibilities as in his
22 statement.

23 MR. ARLAND: I think that he sees --

1 those are his words. I think that he sees these
2 examples of how there's been an erosion of civic
3 virtue, of people's concern for their city, for
4 their county or their state or their government,
5 people's concern for the public servants who
6 work -- not only those in the administration, but
7 also those public servants who have to respond to
8 calls for help.

9 And certainly we are seeing that with
10 the Rodney King beating videotape and I know our
11 officers are seeing a lot more people videotaping
12 them and there's even more friction; not that
13 that's all bad. I think it's important that people
14 who are public servants know that they're being
15 watched by those, but in the same breath I think
16 you have to say there should be some respect for
17 that and there should be some respect for the
18 voting process and for the census and for other
19 things.

20 I might say just on the matter of the
21 census, Indianapolis had the highest return rate of
22 any city in the country due in large part to the
23 work of Amos Brown at WTLC, who will speak to you

1 later today. We have no complaints about our
 2 turnout and the distribution of dollars that will
 3 come in the next decade because we worked real hard
 4 to make sure that happened. But on the broad
 5 scale, across the country, the numbers were down.

6 MR. GRADISON: It would seem to me --
 7 I would suggest that the remark to which Irwin is
 8 referring is as to those things as lack of
 9 sensitivity, lack of compassion, as demonstrated by
 10 people not getting involved in many of these
 11 activities, although at the same time I think -- I
 12 think volunteerism is in pretty good shape.

13 I'm in an organization that's based very
 14 heavily on volunteers, and I'm on the boards of
 15 several other groups, the arts and other things,
 16 that are very heavily on volunteerism -- depend
 17 very heavily on volunteerism. At the same time you
 18 pointed out things like giving and so on seem to be
 19 declining and I think it manifests on lack of
 20 sensitivity or concern for our fellow people in the
 21 city and on the planet. So I think I understand
 22 why you would say that, and it's probably true.

23 MR. ARLAND: And perhaps it's not

1 really a declining concern but just indifference
2 just not caring, which can have an effect.

3 CHAIRMAN HUGHES: Mr. Arland, on the
4 second page of your statement you make reference to
5 20 incidents, and I know that the city is fairly
6 new in terms of initiating the new reporting
7 requirements. Specifically when did they start and
8 how long a time period do these 20 incidents
9 cover?

10 MR. ARLAND: As I mentioned, these
11 are only those that are reported, these are only
12 those that get written up by police officers in the
13 police reports and are culled through by
14 statisticians, and if they see the word "skinhead,"
15 they pull it out, or they see black and white
16 problems, they pull it out, or they see a church
17 desecration, they pull it out, and that's since
18 January of this year and it's the term of January
19 1st through June 30th I believe.

20 I would suspect that there are many more
21 such incidents that either are not reported or are
22 reported and don't show up because those key words
23 aren't out there. That's what we hope to address

1 with the new policies and the Hate Crime Statistics
2 Act.

3 MR. GRADISON: And educating officers
4 the way they write these kinds of reports.

5 MR. ARLAND: That's right.

6 CHAIRMAN HUGHES: Since this is
7 essentially baseline data, does the Mayor feel that
8 this -- and recognizing that since we didn't keep
9 the statistics last year, that we can only
10 speculate, does this seem like an increase over
11 what may have existed last year, recognizing that
12 we don't have any hard numbers to look at? Does
13 there seem to be an escalation and is that what is
14 implied by the quick 20 you just pulled off?

15 MR. ARLAND: Yes, I think so. I
16 think an escalation can be measured in terms of
17 community concern, in terms of what happens when
18 there's a police action shooting in this community,
19 what happens when there's a cross burning, what
20 happens when there are other incidents that
21 happen. There's a rising tide, and we think that
22 we need to do more to turn it back.

23 CHAIRMAN HUGHES: Are there other

1 questions that we have for Mr. Arland? We
2 certainly want to thank you for delivering this
3 message on behalf of the Mayor. Thank you very
4 much.

5 We would like to call on Representative
6 Bill Crawford, if he is in the building.

7 MR. CRAWFORD: Thank you,
8 Mr. Chairman, members of the Indiana Advisory
9 Committee to the United States Civil Rights
10 Commission. Let me at the outset apologize for my
11 dress, there is no disrespect to members of this
12 committee.

13 MR. GRADISON: That's our first
14 question.

15 MR. CRAWFORD: Mike, I'm going to
16 exercise the prerogative for the first time in a
17 few weeks to take a day off and go out and enjoy
18 myself, and I did not feel like going back home and
19 changing clothes.

20 I want to thank you for your invitation
21 to give testimony during your Indianapolis briefing
22 on the rise of hate crimes in Indiana. You are to
23 be commended for focusing attention on this

1 critical area of community concern that has
 2 consistently and persistently been kept in the
 3 shadows by public and private officials who are
 4 more concerned with the community image than the
 5 well-being of all segments of the community.

6 Although I cannot factually verify it, I
 7 sincerely believe that incidents of crimes
 8 motivated by hatred of a person, a group, or a
 9 class of persons, based on their race, creed,
 10 color, handicap, sex, or sexual orientation, is
 11 definitely on the rise.

12 I can state, however, without fear of
 13 contradiction from anyone, that there is no central
 14 data repository in existence anywhere in this state
 15 that could provide empirically-based quantitative
 16 data on the incidence of hate crimes in Indiana.
 17 Tragically there is no state statute, local
 18 ordinance, or state or local administrative rule
 19 requiring the collection of data on hate crimes.

20 There is also no statutory definition of
 21 what in fact constitutes a hate crime. It is
 22 generally left to local law enforcement officers to
 23 interpret a given situation, and absent publicity,

1 they generally decide that the crime is not
2 motivated by hatred or they downplay the
3 seriousness of the incident.

4 A recent event in Indianapolis serves as
5 a good example. A neighbor near a shelter which
6 provided temporary housing for the homeless, whose
7 residents were predominantly black, was accused of
8 firing a weapon into the air while shouting racial
9 epithets. A cross was also burned on the property
10 of the shelter.

11 This was obviously a racially motivated
12 act which would fit any reasonable definition of a
13 hate crime; yet even though the identity of the
14 person firing the shots was known, and it is
15 unlawful to fire a gun within the limits of the
16 Consolidated City of Indianapolis, no arrest was
17 made until August the 6th, twelve days after the
18 shooting.

19 Such a response by local law enforcement
20 to this incident, along with recent revelations
21 from Milwaukee that alleges that a young man and
22 subsequently others lost his life because law
23 enforcement officers failed to properly investigate

1 due to the alleged sexual orientation of the
2 persons involved, only serve to fuel the perception
3 that the protection of vulnerable minorities is not
4 as important as protecting the image of the
5 community.

6 Let me state parenthetically I had a
7 conversation with the Marion County Prosecutor
8 yesterday, and the Marion County Prosecutor is --
9 the person that has been -- that did the shooting
10 has now been arrested and will face the charge of
11 criminal recklessness. The person that now has
12 been identified as burning the cross will only face
13 a charge of trespass because that is the only
14 statute that the prosecutor would be allowed to
15 bring to them.

16 In talking with community people there
17 is the perception and recognition and a feeling
18 that if they or I as African-Americans was to go
19 into a white neighborhood and shoot a gun while
20 hurling racial epithets, we would be arrested
21 immediately or possibly shot.

22 Even more tragically, as I back to my
23 statement, we view this as a direct result of the

1 lack of strong and unambiguous leadership on the
2 part of elected officials and private sector
3 leadership. Legislators must come to understand
4 that there is a definite need to measure hate by
5 the numbers and enact legislation mandating the
6 reporting of hate crimes.

7 Legislators must understand the
8 necessity of statutorily defining hate crimes,
9 providing penalties for those crimes, or sentence
10 enhancement under existing criminal statutes.
11 Prosecutors must come to understand that vigorous
12 enforcement of laws designed to protect vulnerable
13 minorities will serve to increase their confidence
14 in and support for the criminal justice system.
15 Elected and appointed officials, along with private
16 sector leadership, must come to understand that
17 peace in the absence of justice is an unattainable
18 goal.

19 Everyone must understand that strong
20 moral leadership that proactively states that those
21 who will act on their bigotry, racism, and sexism,
22 by acts of violence against a person, group of
23 persons, class of persons, or their property, will

1 be swiftly arrested and brought before the bar of
2 justice. There should be no doubt in anyone's mind
3 that these persons are not wanted and will not be
4 tolerated in any community.

5 Finally, I would be remiss if I did not
6 point out that civil rights and religious
7 organizations have also failed to adequately
8 address this problem. There is nothing that stops
9 us from developing an effective network for
10 information gathering and sharing of hate crime
11 data through our statewide and local organizational
12 contacts.

13 For whatever reason, we do not
14 collectively and cooperatively raise this issue to
15 the level of attention and scrutiny it deserves.
16 This inaction on our part directly contributes to
17 the high degree of neglect on the part of public
18 and private officials.

19 In the absence of leadership from that
20 sector, we cannot be satisfied with could've,
21 should've, might've. We can, we should, we must
22 either demand or provide leadership in the
23 furtherance of these legitimate community and

1 public policy objectives to ensure the safety and
2 well-being of all of our citizens.

3 CHAIRMAN HUGHES: Thank you,
4 Mr. Crawford. You sponsored House Bill No. 1842 in
5 the last session of the Legislature I believe.

6 MR. CRAWFORD: Yes, I did.

7 CHAIRMAN HUGHES: And unfortunately
8 that piece of legislation was not approved.

9 MR. CRAWFORD: Correct.

10 CHAIRMAN HUGHES: At the time that
11 you chose to sponsor it, did constituent groups
12 provide you with documentation of crimes that you
13 might be able to share with us?

14 MR. CRAWFORD: Yes, I will be able to
15 make available to you the specific incidents that
16 led to my initiative in the Indiana General
17 Assembly.

18 Let me state that the genesis was not
19 House Bill 1842. In the 1990 session of the
20 Indiana General Assembly, I believe the bill number
21 was 1542, there was a bill being proposed that I
22 offered a second reading amendment on that for the
23 first time raised the issue legislatively, and that

1 amendment was adopted by the Indiana House of
2 Representatives 96 to 1.

3 We had a hearing and debate in the
4 Senate. We reached an agreement on compromised
5 language. There was an extensive second reading
6 amendment prepared to be offered in the Senate that
7 the majority of the Senate Judiciary Committee
8 members had agreed to, and unfortunately, because
9 of the legislative crunch, we were not able to move
10 that through the '90 session.

11 I returned in the '91 session with House
12 Bill 1842, and again we were able to pass it out of
13 the House of Representatives and it got stalled in
14 the Senate, and that is where we're going to focus
15 our attention in the '92 session in terms of trying
16 to get that legislation passed.

17 I will share with you the data that was
18 given to me and the very poignant and moving
19 testimony given by persons who were victimized by
20 these crimes, and I want to state that my
21 perception again -- which is not empirically
22 based -- my perception is that the greatest tragedy
23 is not so much the racial or religious motivated

1 incidents but those incidents perpetrated against
2 persons based upon their sexual orientation.

3 MR. GRADISON: We will hear from
4 those people later on those kinds of issues. But I
5 think -- again, you think you can attribute it to
6 the fact of the end of the session legislative
7 crunch that happens all the time as the reason the
8 Senate did not adopt it. Do you think there's
9 broad support in the Indiana Senate last year and
10 this year with regard to this kind of legislation?

11 MR. CRAWFORD: Well, again, the
12 Senate Judiciary Committee -- it has never been
13 addressed on the floor of the Senate. I would
14 suspect, however, based on discussions with members
15 of the Senate that there would be enough support to
16 enact the legislation and move it to the Governor's
17 desk.

18 MR. GRADISON: But the legislative
19 crunch then, that's the only reason it's not become
20 law?

21 MR. CRAWFORD: That is my
22 perception.

23 MR. ROSE: Mr. Crawford, for those of

1 us -- for the record, can you give us just a
2 synopsis of what's in your bill, what it proposes?

3 MR. CRAWFORD: Yeah. What we
4 initially proposed to establish was a whole new set
5 of criteria and definitions of hate crimes. The
6 compromise that we arrived at was a process of
7 sentence enhancement.

8 The bill would do two things. The first
9 would be able to require mandatorily that
10 prosecutors would report to the State Police, the
11 State Police being the central data repository, any
12 crime that a prosecutor feels was motivated by
13 hatred.

14 If a person was charged with a crime,
15 there is the whole question of culpability, and the
16 prosecutor would look at that, and if the
17 prosecutor felt that that crime was motivated by
18 hatred -- we're not putting the onus on the law
19 enforcement officer; we're putting the onus on the
20 prosecutor to make that report then to the State
21 Police.

22 Then we would've allowed a trier of
23 fact, a judge, to determine whether or not -- and

1 hold a hearing to determine whether the crime was
2 motivated by hatred, and if so, to allow
3 enhancement of penalties, and it's not -- it's
4 precedentially over 70 percent of most of the
5 criminal code provides for some form of sentence
6 enhancement, so it was not anything new that we
7 were doing.

8 The Senate felt that we needed to tie
9 into the existing criminal code through the
10 enhancement process. My personal feeling is I'd
11 like to see a whole new set of laws established and
12 crimes defined, but in the spirit of compromise I
13 will accept the Senate's version.

14 MR. ROSE: Does your bill follow any
15 legislation on the books in any other states? And
16 if so, how has it been working?

17 MR. CRAWFORD: The information that I
18 obtained, naturally, would indicate contrary to
19 what I heard earlier; that there were only 13
20 states that had hate crime statutes and we sort of
21 tracked them. I don't know what their experience
22 has been.

23 One of the things -- our national

1 convention of the National Conference of State
2 Legislators is next week, and I intend to go to
3 some of the committee hearings and try to find out
4 from other states and from NCSL staff exactly what
5 that is, but right now the information is so
6 sketchy that it's impossible to draw any
7 knowledgeable and quantitative or qualitative
8 analysis of what's happened.

9 MS. SCHMITT: I'm curious. In your
10 bill, let's assume that someone's convicted of -- I
11 don't know -- burglary or rape, or whatever, but
12 then the prosecutor would turn them over that this
13 was hate motivated, which is what you're saying is
14 how your bill works, and he's found guilty of,
15 okay, it was a hate crime, you know, black versus
16 white, for example. If it had been a white person
17 it wouldn't have happened, for example, or a black
18 person. What are the additional penalties under
19 your bill that you want to impose because it was
20 hate motivated as opposed to just a crime?

21 MR. CRAWFORD: The existing sentence
22 enhancement provides in most instances where you --
23 and during the sentencing process the judge can go

1 plus or minus two years or plus or minus four
2 years, whether or not it's a mitigating
3 circumstance or an aggravating circumstance, and
4 that's generally what we would tie into.

5 MS. SCHMITT: So what you want to
6 do is make a hate crime an aggravating
7 circumstance, --

8 MR. CRAWFORD: Right.

9 MS. SCHMITT: -- that's the bottom
10 line of what you want to do?

11 MR. CRAWFORD: That's correct.

12 MS. SCHMITT: Okay.

13 MR. ROSE: That determination would
14 be made before by the prosecutor before trial or
15 after the crime itself has been proven?

16 MR. CRAWFORD: The prosecutor would
17 make the determination in the charge that the crime
18 was motivated by hate. Again, it would have to be
19 proven. The burden of proof is still on the
20 prosecution. If the person is convicted and the
21 judge accepts that the crime was motivated by hate,
22 it becomes then an aggravating circumstance that
23 the judge can -- it is not a mandate -- can take

1 into consideration during the sentencing process.

2 MS. SCHMITT: So you're not trying to
3 make what you have in 1842, for example, an
4 additional charge; you're just trying to make that
5 an aggravating circumstance?

6 MR. CRAWFORD: That as an
7 aggravating -- that is correct.

8 CHAIRMAN HUGHES: Mr. Crawford, my
9 assumption is that there is an organization for
10 almost everything. Do the prosecutors have a state
11 organization? And if so, did they testify on your
12 bill?

13 MR. CRAWFORD: Yes, there is an
14 Indiana Prosecutors Council. It receives state
15 funds. They testified and worked with the chairman
16 of the -- Larry Landis -- the Public Defenders
17 Council to arrive at some acceptable language. So
18 there was no opposition from that group, and the
19 Marion County Prosecutor is very supportive and has
20 taken on -- because of these recent revelations has
21 taken -- he indicated to me that he's going to
22 become personally involved in trying to move this
23 through the next session so that prosecutors and

1 judges have more tools to effectively deal with
2 these types of actions.

3 MR. GRADISON: He's generally a key
4 supporter of it, too.

5 MS. PARKER: Mr. Crawford, I just
6 want to ask the question that's causing a lot of
7 people to back away from what they call new things
8 and that is the money. What kind of budgetary
9 concerns would have to be addressed if you were to
10 get this bill enacted?

11 MR. CRAWFORD: Absolutely none,
12 fortunately. The State Police have testified that
13 it would not create any problems with them
14 logistically to handle the input of statistical
15 data, and we already go through -- if a person is
16 charged with a crime, even a person that is going
17 to be charged with trespass in the incident of the
18 cross burning, or the criminal recklessness with
19 the shooting at the westside shelter, there is
20 going to be a trial anyway and it only involves
21 certain verbiage and discussion, so there is no
22 additional cost that would be attached to this
23 process.

1 MS. SCHMITT: I'm just curious. Whe:
2 you say an aggravating circumstance, there's often,
3 you know, or always, probably, some fact-sensitive
4 issue, you know, was it hate related or not hate
5 related. Are you going to define what you would
6 consider as perimeters that they can go -- that
7 they can at least consider as hate related versus
8 not hate related? What do you consider hate
9 related, I guess is what I'm saying?

10 MR. CRAWFORD: Well, I would suspect
11 that -- the incident where the man shot the gun in
12 the air while hurling racial epithets I could
13 classify that as hate related and incidents of,
14 quote unquote, Gay-bashing, where, you know, it's
15 clear, the intentions are clear.

16 In incidents where the one young lady
17 whose home was vandalized really caused me to bring
18 this issue forward, and they broke in and "KKK" was
19 written, painted on her fireplace. Those are
20 obvious situations that we could construe.

21 Others would probably be less clear, and
22 one of the problems that we've been wrastling with
23 is a definition that would satisfy everybody, but,

1 you know, it's an evolutionary process. Let's
2 start, like we do a lot of things, and look to
3 improve and make it better, but at least let's -- I
4 think we can develop a consensus around a
5 foundation to build on.

6 MR. GRADISON: You've, of course,
7 been made full aware of our concerns, --

8 MR. CRAWFORD: I'm aware of your --

9 MR. GRADISON: -- whether we have
10 some First Amendment transgressions and so forth.

11 MR. CRAWFORD: I understand that.

12 MR. GRADISON: But at the same time I
13 think we work with you very constructively and also
14 maybe satisfactory, but it still leaves some real
15 meat on the issue and that there is a way to pass
16 such a law that will satisfy the kinds of concerns
17 that we have in terms of the First Amendment, and
18 of course we very much appreciate your willingness
19 to hear us.

20 MR. ROSE: Since this has been before
21 the Legislature twice and you've had hearings, have
22 you had any opposition, strong opposition, or even
23 minor opposition from individuals or groups? And

1 if so, without violating our rules, could you tell
2 us where the opposition is coming from?

3 MR. CRAWFORD: I cannot tell you on
4 an organizational basis. There has been
5 opposition. As a matter of fact, the last hearing
6 that we held -- I serve on the Courts and Criminal
7 Codes Committee, and when we heard the bill in that
8 committee it was assigned to a subcommittee and I
9 was assigned to chair that subcommittee, and I had
10 a hearing where I was the only legislator that
11 showed up.

12 It was during the crunch of the session,
13 and there were a number of persons who came to
14 speak in opposition, and one man from southern
15 Indiana brought a chart to show me that my bill was
16 supportive of the process that Hitler used to --
17 and that I was the real racist by bringing that
18 legislation forth. I don't know how you define
19 those persons.

20 There was an attorney from here in
21 Indianapolis who spoke against the legislation, and
22 they are generally representatives of groups we
23 call, quote unquote, right-wing conservatives, if

1 that's a good analogy. Their opposition is very
2 illogical, and fortunately the majority of the
3 members of the Indiana General Assembly saw it as
4 such and have been -- whenever we've gone on record
5 with a recorded vote, it's just been an
6 overwhelming majority in support of it.

7 MR. ROSE: So far as you know, no
8 groups have identified themselves as being in
9 opposition of your bill, is that right?

10 MR. CRAWFORD: No, not --

11 MR. ROSE: That's -- thank you.

12 MR. GRADISON: If it was the attorney
13 that I think it was, he represents an
14 organization.

15 MR. CRAWFORD: Right, but I'm --

16 MR. GRADISON: I mean, but he does.
17 I mean, I don't think it's a very deep organization
18 either, but he has an office over at the Merchants
19 Bank Building and so on, and so he did probably
20 speak --

21 MR. ROSE: Well, we acknowledge
22 there's opposition to everything and always will
23 be. I mean, nothing is without controversy.

1 MR. GRADISON: Who shall remain
2 nameless.

3 CHAIRMAN HUGHES: Are there any other
4 questions for Mr. Crawford? We want to thank you.
5 You had mentioned that you would provide us with
6 some specific information, and we would appreciate
7 that. Thank you very much for taking the time out
8 of your well-deserved vacation.

9 MR. GRADISON: Thanks, Bill.

10 CHAIRMAN HUGHES: At this point we'd
11 like to call on Ms. Karen Freeman-Wilson, director
12 of the Indiana Civil Rights Commission. We'd
13 certainly like to extend a warm welcome. It's good
14 to see you again.

15 MS. FREEMAN-WILSON: Good morning.
16 It's good to see all of you. Chairman Hughes,
17 members of the Advisory Committee to the U.S.
18 Commission on Civil Rights, first of all let me
19 thank you for the opportunity to address you this
20 morning on what we at the Indiana Civil Rights
21 Commission feel to be a very, very pressing issue
22 in the state of Indiana at this time.

23 Whether you hear about the young man,

1 the young black student down at Franklin College
2 who is the constant victim of harassment because
3 his race by local white residents, whether you hear
4 of the cross burning which Representative Crawford
5 alluded to earlier that occurred last week at
6 McCormick Place Shelter, or whether you hear about
7 the unfortunate case of Donita Hoskins, which
8 Representative Crawford also alluded to, wherein
9 her house was trashed with other racial epithets
10 and just totally destroyed after she worked a total
11 of two to three months to refurbish a dollar house
12 that she had received from the City of
13 Indianapolis, it's very clear that there are some
14 horror stories and I'm sure that you will continue
15 to hear them throughout the course of the day.

16 But when you begin to look at hard
17 figures, and we have attempted to do so at the
18 Commission in the last few years, we find that in
19 1989 that there were two reported incidents, in
20 1990 there were four reported incidents of hate
21 crimes, and in 1991 thus far there have been six.

22 And what those statistics, as small as
23 they are, say to us is that not that hate crime

1 does not exist, because it's very clear that it
2 does, but it tells us about the phantom nature of
3 hate violence, violence motivated by race, by sex,
4 by sexual preference, by religion, and thus it
5 tells us that there are certain elements and
6 certain aspects of hate crime and the reporting of
7 hate crimes that create statistics that are almost
8 intangible.

9 For instance, the police reporting
10 procedures. You heard earlier that the
11 statisticians are aware of what constitutes a hate
12 crime but the rank and file officers are not. By
13 the time that report gets to the statistician,
14 there may have -- there may be substantial evidence
15 that is left out of the report that would lead the
16 statistician to the result that it is a hate
17 crime. There may be facts that are left out of
18 that report; they may never be picked up by the
19 statistician to the extent that we then lose the
20 ability to determine yet another hate crime.

21 In addition to that there are inadequate
22 criminal and civil statutes. Representative
23 Crawford alluded to earlier the Marion County

1 Prosecutor's recent experience with McCormick
2 Place. He talked to them and he talked about the
3 legislation that he proposed, and my conversations,
4 as with his with the prosecutor's office, it was
5 very clear to them that the best that they could do
6 in both the charge with the shooter, as well as the
7 charge with the cross burner, is to charge those
8 individuals with a low-class felony in the case of
9 the shooter and a very low-class misdemeanor in the
10 case of the cross burner.

11 The reality of that is that you are
12 dealing with people who have little or no records
13 and who will ultimately get probation, and so there
14 is really no deterrent for them not to behave in
15 that unsocial way, and so I really believe from the
16 experience that we've observed that the local laws,
17 the state laws, are very inadequate, not only for
18 reporting, but for addressing the real issue of
19 hate crimes.

20 The difficulty that we have found on
21 occasion, or time after time I should say, is that
22 it's difficult to identify the perpetrators. Only
23 in instances where the perpetrators are stupid

1 enough to leave their names in addition to the
2 racial epithets that they wrote in the woman's
3 house, or in addition where they really don't care
4 and are arrogant enough to hang around, that when
5 we find out who they are, and in those instances
6 that's when we're able to identify them.

7 But by and large, people don't know who
8 the perpetrators are, they don't know who to
9 report, they don't know who to accuse, and thus we
10 in turn at the Civil Rights Commission and the
11 prosecutors and other authorities cannot really
12 address the crimes that occur.

13 And then we have to recognize the very
14 close -- the very close relationship between the
15 crime that is created throughout the state, the
16 environment that is created, and the crimes of hate
17 that occur, what allows an individual to think that
18 they can vandalize another person's property
19 because of their race, because of their sex,
20 because of their sexual preference, or even attack
21 the person because of their religion and not have
22 any consequences to pay.

23 Notwithstanding those quantification

1 difficulties, I think that it's very important that
2 we look to very tangible and very real solutions.
3 I think that it is very important that we look to
4 the legislative process.

5 We worked with Representative Crawford
6 when they came up with the compromised legislation
7 to enhance the sentence and enhance the aggravating
8 factor for the sentences, but I think that the
9 McCormick Place incident sort of illustrates the
10 fact that we may very well need a separate offense
11 to be charged because of the fact that the
12 prosecutor's hands are tied.

13 Our experience has been -- because in
14 those instances where we have been able to identify
15 the perpetrators, the Civil Rights Commission has
16 filed charges, has assessed damages, but when you
17 think about the mentality of people that perpetrate
18 these types of crimes, you have to realize that
19 ultimately the persons that you're dealing with
20 will be judgment-proof.

21 And so Ms. Hoskins, the woman whose
22 house was trashed, has an 80,000 judgment, \$80,000
23 judgment that she may very well never collect on

1 because the three individuals that trashed her
2 house are unemployed.

3 And so McCormick Place, where the
4 individual sat outside next-door and shot, and who
5 has since been charged with criminal recklessness,
6 and who will ultimately be charged with the
7 violation of housing race -- housing civil rights
8 law, that individual, even though fines may be
9 assessed, may never pay those fines because he in
10 fact may also be judgment-proof.

11 So in looking at that we need a criminal
12 statute that can serve as a clear deterrent,
13 because we know that economics is a deterrent, but
14 we also know that criminal punishment can also be a
15 deterrent to people that are not necessarily
16 accustomed to dealing with the law on a regular
17 basis.

18 But we can't emphasize enough the
19 importance of legislation that requires all of the
20 departments not only to keep the statistics but to
21 identify a mechanism so that they can know -- so
22 that the rank and file officers will know and
23 identify those crimes that are in fact hate crimes;

1 that when they find that there is simply a case of
2 vandalism, that it's not a random vandalism, but it
3 may very well be motivated by an individual's
4 religion, by their sexual preference, by their sex
5 or race, and I think it's very important to train
6 rank and file officers to understand that fact.

7 I think that these issues are -- and
8 ultimately and lastly I would say that we need to
9 address the climates; that government officials,
10 that public officials, have a responsibility to
11 create a climate in their municipalities, in the
12 state, and in the communities throughout the state
13 where individuals don't feel comfortable in that
14 type of anti-social behavior, and I think it's
15 incumbent upon all of us not only to address the
16 issues but to speak out on a consistent basis so
17 that individuals will not feel comfortable in that
18 activity.

19 At this time I will entertain any
20 questions.

21 MS. SCHMITT: I have a question --

22 MS. FREEMAN-WILSON: Sure.

23 MS. SCHMITT: -- only because this is

1 a new topic for me, please understand that.

2 MS. FREEMAN-WILSON: Sure, sure.

3 MS. SCHMITT: But you're, from what
4 I'm gathering, advocating a separate statute that
5 would impose greater criminal offenses if it's a
6 hate related or racially related crime.

7 Are you saying -- just so I can be
8 clear, let's say that you use the example that
9 somebody comes in and spraypaints "KKK" on a black
10 person's, if you will, wall. Let's say somebody --
11 and they're charged with vandalism, right now
12 that's the charge. Somebody runs into my home and
13 writes on the wall with spraypaint "I hate
14 lawyers," or somebody runs into Mr. Rose's home and
15 says "I hate real estate developers."

16 Are you saying that the person that
17 wrote -- the person that wrote "KKK" should be
18 punished more than the person who came into my home
19 or Mr. Rose's home?

20 MS. FREEMAN-WILSON: Yes, because --
21 and I will tell you why.

22 MS. SCHMITT: That's my question.

23 MS. FREEMAN-WILSON: Because in those

1 instances the person that is -- will run into the
2 house and spraypaint "KKK" is more prone to
3 escalate that activity to violence against the
4 person that it may -- there's a large chance that
5 it will rise above that level.

6 MR. GRADISON: What if -- what if
7 indeed this was some variety of hatred for
8 attorneys, and I'm sure there's those people out
9 there, and that it may escalate, all right? I
10 mean, I'm not sure that necessarily that act of
11 spraypainting inside of an attorney's house "Well,
12 I hate attorneys" will not necessarily even do some
13 bolder and do even more things and get away with
14 that.

15 In essence, we've been all talking about
16 the definition of a hate crime and a hatred of an
17 individual. This person did me wrong, stole my
18 girlfriend, or something like that, and I decide to
19 engage in these acts of vandalism and so on and
20 perhaps escalate them as well, shoot their tires
21 out when they're parked in the middle of the street
22 in front of their homes or something.

23 So I'm not sure why that isn't a hate

1 crime also that should have enhanced penalties
2 because what motivated that person was hate for a
3 class of lawyers.

4 MS. FREEMAN-WILSON: Yeah, but, see,
5 you're talking about a class of -- when you talk
6 about sex, when you talk about sexual preference,
7 when you talk about race, you're talking about --
8 when you talk about religion, you're talking about
9 individuals who are in classes that have
10 traditionally been victimized by discrimination,
11 and so when you talk about hate crimes, you're
12 talking about yet another form of discrimination.

13 MR. GRADISON: Attorneys have never
14 been victimized to that degree.

15 MS. FREEMAN-WILSON: Not to that
16 degree.

17 MR. ROSE: I don't want to start a
18 debate here among the members, but I have to agree
19 with you that the practicalities are with your
20 issue and not with the theoretical one. The old
21 adage that we know it works in practice but it
22 doesn't work in theory shouldn't be applied here.

23 Hate crimes motivated by people who are

1 zeroed in on a person or a group because of who
2 they -- not because of an individual dispute with
3 that person or that group, but because of what they
4 are, their race, religion, are real and have always
5 been real, and those that belong to those groups
6 know how real they are; whereas the other
7 theoretical complaints about people attacking
8 someone because they're a lawyer or a real estate
9 developer I think are farfetched and are not in the
10 realm of reality and they may be individuals --
11 there's plenty of attacks on lawyers but it's
12 usually a disgruntled client and in fact doesn't
13 like that particular person, or even attacks on
14 judges, but not -- it's not considered an attack on
15 the judiciary. So you can apply a lot of theory,
16 which I don't think addresses the issue.

17 I feel I understand the difference, and
18 I think the law -- as far as a separate crime, I'm
19 not prepared to state a position on that as to
20 whether the bill that was introduced in the
21 Legislature by Representative Crawford is adequate
22 and whether a separate -- I'm not a lawyer --
23 whether a separate crime statute would hold up

1 under constitutional scrutiny or not and how you
2 can differentiate.

3 I think the important thing is to get
4 legislation on the books that would hold up and
5 that has some teeth and not that addresses a lot of
6 theories.

7 MS. FREEMAN-WILSON: Absolutely.

8 MR. ROSE: And I hope that that's
9 what you would support, and I hope that that's what
10 this Commission would wind up recommending.

11 MS. FREEMAN-WILSON: Absolutely, and
12 even with the legislation that Representative
13 Crawford did propose, the compromised legislation,
14 in the case of McCormick Place where criminal
15 trespass and the recklessness has been charged, if
16 that legislation were on the books now, there would
17 be something more to look to other than probation
18 in those instances.

19 MS. SCHMITT: And my question was
20 geared, I understand, toward theory, but the point
21 was are you supporting -- you said you were
22 supporting a separate crime as opposed to an
23 aggravating circumstance?

1 MS. FREEMAN-WILSON: I would advocate
2 it, but I would support the aggravating, and we
3 have supported that, we have supported that.

4 CHAIRMAN HUGHES: Ms. Freeman-Wilson,
5 you mentioned that your numbers were very small and
6 the notion of the phantom nature kind of intrigued
7 me. How do you interpret your numbers? The two,
8 four, six, are they the same kinds of incidents?
9 Are they minor incidents? Have they grown in
10 importance? How do you interpret those very small
11 numbers?

12 MS. FREEMAN-WILSON: One of the
13 things is that in those cases, even though the
14 numbers are small, we're talking about egregious
15 cases. In the Hoskins' case we're talking about
16 \$80,000. A large amount of that was punitive
17 damages, but a lot of that had to do with the fact
18 that here is a person who has refurbished this
19 house and the house was totally destroyed.

20 In the case with the young man down in
21 Franklin College, he was constantly harassed.
22 Whenever he would walk out -- and it's a community
23 where there aren't many blacks there anyway. He

1 was attending school, and whenever he would go out
2 in public on the street, or many times when he
3 would go out, individuals would not only follow him
4 but they would chase him down and, you know, just
5 constantly harass him, calling out racial epithets
6 and threatening to do physical harm.

7 On the college campuses where -- other
8 college campuses where we have been able to
9 quantify events, again individuals have been harmed
10 or have come close to being harmed, so the nature
11 of our business is that you see a lot of cases and
12 there are a lot of allegations, and even when
13 they're substantiated, there is almost a reasonable
14 form of discrimination to the extent that a person
15 just merely deprives someone of something because
16 of their race or sex or religion or national
17 origin.

18 But in the cases that we find -- that we
19 have identified as hate crimes, it goes beyond
20 that, and for lack of a better word, reasonable
21 form of discrimination, to the point of being very
22 egregious and to the point that many of the
23 individuals are threatened with bodily harm.

1 CHAIRMAN HUGHES: And is that a
2 significant difference between the two that you
3 found in '89 as compared to the six cases that
4 you've had so far this year?

5 MS. FREEMAN-WILSON: Sure, sure. The
6 two in '89 actually involved vandalism on an
7 automobile. "KKK" was scratched on an automobile,
8 and the other incident was merely a calling out in
9 a threatening manner, but more and more we're
10 getting the threats, the clear threats to do bodily
11 harm and the physical harm. The '91 cases are more
12 of that nature.

13 MR. GRADISON: But the nature of
14 those incidents with "KKK" scratched -- scratched
15 on a car and the interior of a house and so on
16 doesn't necessarily mean there's an active KKK in
17 Indiana. I mean, I think it's probably a
18 manifestation that this person's full of hate and
19 there's no way of registering the hate because it's
20 so commonly associated with bigotry and racism and
21 an organization like the KKK or the Nazis or cross
22 burning.

23 I mean, do you think that that

1 necessarily means there's an active KKK presence
2 out there that is focused on the McCormick Place at
3 this time or it's just people using those, you
4 know, those manifestations and showing the symbolic
5 nature of a cross burning or a --

6 MS. FREEMAN-WILSON: At McCormick
7 Place I think that it was just the sentiment in the
8 neighborhood that black people had no place in a
9 predominantly white neighborhood. They were very
10 clear. They were clear because they gave
11 statements to the media to that effect.

12 In the case of Donita Hoskins it was a
13 group -- a young group who described themselves as
14 white supremacists, teen-agers largely between the
15 ages of 17 and 21, who said that they were fighting
16 for the minority group, and when questioned during
17 the damage hearing who they determined the minority
18 group to be they said white males, and so that was,
19 you know, more of an organized gang situation.

20 MR. GRADISON: Obviously you don't
21 attach either one of these incidents to a Ku Klux
22 Klan cell in some basement in Indianapolis?

23 MS. FREEMAN-WILSON: No.

1 MR. GRADISON: It's maybe a group of
2 young kids and so on who have those racist views,
3 probably from their parents. So it's basically
4 kind of individual incidents and they're being
5 provoked by hatred.

6 MS. FREEMAN-WILSON: Although we are
7 aware and you may very well be aware of a group
8 pocket in St. Joe County, which is -- well, you
9 know where St. Joe County is, where they broadcast
10 "Race and Reason" and apparently have a toll-free
11 number that individuals can call to talk about
12 neo-Nazi, Klan type activities.

13 MR. GRADISON: That's something you
14 would report to the FCC I would take it?

15 MS. FREEMAN-WILSON: Yes, yes. In
16 fact, the FCC, we have had communication with
17 them.

18 CHAIRMAN HUGHES: Other questions for
19 Ms. Freeman-Wilson? Again we want to thank you. I
20 would like to ask you if you could perhaps at some
21 point send us just kind of a synopsis of the
22 incidents that you have recorded.

23 MS. FREEMAN-WILSON: Absolutely.

1 Thank you.

2 CHAIRMAN HUGHES: Thank you. At this
3 point our agenda calls for a 15-minute break, so we
4 will take a 15-minute break and then reconvene.

5 (A brief recess was taken.)

6 CHAIRMAN HUGHES: We'd like to call
7 our meeting back to order. We appreciate your
8 patience and indulgence with us through the break.

9 At this point we'd like to call upon
10 Mr. Phil Hoy, the executive director of the
11 Tri-State Food Bank.

12 And while Mr. Hoy is coming to the
13 front, I would like to ask those of you that will
14 be making presentations to us this morning -- the
15 ventilation is a little bit loud, so we need to
16 have you speak a little louder for the benefit of
17 people that are seated in the back of the room that
18 can hardly hear. I understand that the only
19 alternative we have is a rather unpleasant one and
20 that's to suffocate.

21 (Off the record discussion.)

22 MR. HOY: I'm Phil Hoy. I'm the
23 executive director of the Tri-State Food Bank in

1 Evansville, Indiana. I'm also an ordained
2 clergyman from United Church of Christ, and for
3 almost ten years I have been on the Human Relations
4 Commission as a commissioner for the City of
5 Evansville and the County of Vanderburgh.

6 I was going to start my testimony a
7 different way, but I understand that there was a
8 bit of difficulty in getting someone from our area
9 to come here and testify and the word was out that
10 we had no problems in Evansville.

11 I would refer you to an incident that
12 happened last week, which I do have down here in my
13 notes someplace, but I think I shall start with
14 that. A white young lady had some black friends.
15 Her parents objected to this friendship. The young
16 man involved who was injured in the accident that
17 followed was not her boyfriend. His girlfriend was
18 with him. They were at a public swimming pool.

19 Her brother, a white male, 18 years old,
20 tracked them down and eventually, because his
21 sister was with this group of blacks, took his
22 automobile and ran down a young man by the name
23 of -- I believe it's Robell Givens. I know his

1 last name is Givens.

2 And he is being treated at a hospital I
3 believe in Louisville, Kentucky, with serious
4 injuries, perhaps will be crippled for life as a
5 result of this accident. After the accident the 18
6 year-old young man simply said he did it because he
7 wanted to stop his sister from hanging around with
8 blacks.

9 So I use that as my introduction to let
10 you know we have no problems in southwestern
11 Indiana, and if you believe that, we have some
12 wetlands to sell you.

13 I am coming at this meeting from I guess
14 somewhat of an anecdotal posture. That's what I
15 was asked to do. I do have something of an opening
16 statement. I'm old enough to have experienced the
17 gains in civil rights for a lot of people, in
18 addition to African-Americans, in the 1960s and in
19 the 1970s.

20 There are some who say those gains were
21 not deep and real. Perhaps they weren't, or
22 perhaps we simply in the ensuing years,
23 particularly since 1980, have forgotten a quotation

1 from our history that is almost a cliché, perhaps
2 it is a cliché, and that is eternal vigilance is
3 the price of freedom and is also the price of civil
4 rights for endangered human beings.

5 There is no question in my mind that
6 civil rights for many groups of people are in worse
7 shape than they were in 1980. We've almost done an
8 about-face. Certainly hate groups were always
9 there, but the law, the leadership of our nation,
10 the leadership of states and cities, was much more
11 committed to leadership prior to 1980 than that
12 leadership is today.

13 As a clergyman I have to confess -- in
14 the reformed tradition which I commonly do every
15 Sunday anyhow -- I have to confess that the
16 commitment of the churches is much less today than
17 it was prior to 1980, and as I speak with young
18 seminarians, and I've had the privilege of doing
19 that, I'm not seeing the kind of commitment to
20 civil rights for a number of groups that were
21 present in my graduate school days and in the 20
22 plus years following my graduation.

23 One of the things that I observe and

1 have seen today is that the victims of abuse and
2 hate crimes are more likely to be blamed than the
3 perpetrators of the crime. I go back to the
4 illustration, and it's more than an illustration,
5 it's a true story that I just gave you, and that is
6 that after this occurrence happened I was speaking
7 with a friend of mine who said "Well, there's got
8 to be more to the story because this young black
9 man must have done something." He was with his
10 girlfriend walking down the street being tracked by
11 a driver who said "I was out to get him."

12 But "he must have done something," I
13 think that gives you an indication of how in our
14 society the victims of abuse are likely to be
15 blamed, women certainly are. A member of my own
16 family went through the tragic crime of rape at
17 gunpoint and for a while had to keep very silent
18 about it. Finally has worked through it and has
19 been able to speak to groups, but she was always
20 blamed for what happened, even though she was
21 robbed of her jewelry, et cetera, et cetera. I
22 guess she's to be blamed because she is a beautiful
23 young lady.

1 The other thing I see in my opening
 2 statement I'd like to mention is something that we
 3 talked a lot about, about 20, 30 years ago, and
 4 that's systemic violence. It's my belief that
 5 violence that's built into the system, which is
 6 usually very nice on the surface, is deeper than
 7 ever.

8 I will tell you right out that I am a
 9 political candidate for our city council, and in
 10 running for that city council I've had much
 11 discussion about enterprise zones, which I feel
 12 promise more than they deliver. I said that in a
 13 speech and got a phone call from a white
 14 businessman who informed me that he's created ten
 15 more jobs but he could not find one
 16 African-American in the City of Evansville who
 17 qualified for one of his ten new jobs.

18 I responded by saying "Gee, you should
 19 have called me first because I just hired an
 20 African-American on my staff." I was a bit cha --
 21 chagrinned, if I can get that word out, to learn
 22 that my social agency starts people at a higher
 23 salary than his private business does, which was

1 supposed to create some wonderful jobs, but I use
2 that illustration to point to what I call systemic
3 violence, violence against the race, "I simply
4 won't hire African-Americans."

5 Moving from that particular concern, and
6 I could go on a long time about that sort of
7 violent crime that we see, I would like to say a
8 few personal things from my own experience. I am
9 the parent of an adopted biracial son. His birth
10 certificate reads that he is white. His father was
11 Mexican-American, his mother was white, one of
12 those westside German folk in the city of
13 Evansville. We adopted him 21 years ago.

14 I can tell you that with this young man
15 growing up -- we lived in Evansville, we lived in
16 Fort Wayne, and we lived in southwest Georgia, and
17 he and I and my late wife were just as comfortable
18 in southwest Georgia as we were in Fort Wayne or
19 southwest Indiana. In fact, I have to tell you we
20 were more comfortable, we were more accepted in
21 what's supposed to be the hotbed of racism than we
22 were in this state that is supposed to be a
23 progressive northern state.

1 Let me give you a couple stories of hi
2 life to illustrate what I'm saying. He was in a
3 middle school and a white young man called him a
4 nigger, and my son does have a short temper and he
5 slugged the white boy, he took the first shot. He
6 was a Golden Gloves boxer, boxed here in
7 Indianapolis, and I hate boxing, but I was kind of
8 proud of what he accomplished because it was an
9 area where he accomplished much as an athlete.

10 So he decked this kid, and I got called
11 out to the school, went into the principal's
12 office, and the principal said -- he was white.
13 The teacher was there. The principal said to me
14 "Reverend Hoy, I had a talk with your son and I
15 told him about the real world," and I said to this
16 gentleman "What do you mean the real world?"

17 He said "Well, I told your son that
18 since he is black" -- which he is not, but
19 nonetheless this is the assumption -- "Since he is
20 black, he must understand that there's a lot of
21 prejudice out there." I looked at the principal
22 and I said "May I ask you a question?" He said
23 "Yes." I said "Did you talk to the white boy?" He

1 said "What about?"

2 I said "Did you tell the white boy about
3 the real world out there, that there are
4 interracial marriages, there are children such as
5 my son who are real human beings? Did you tell him
6 that that's the real world?" and to that he said
7 "No, I never thought about it."

8 I'm not going to tell you my son is an
9 angel. He's been in some trouble with the law. He
10 and other young men broke into a car wash, and that
11 ties in with the discrimination we see in the
12 justice system. My son is white but people assume
13 that he is at least partially black because he does
14 have some black features.

15 The second boy, or young man, was black,
16 African-American. The third was white. All three
17 committed the same crime. All three came to court
18 without any previous record. All three faced the
19 same judge, not in Vanderburgh County, but this is
20 in Gibson County just north of Vanderburgh where
21 they have one of Indiana's more famous hanging
22 judges. First crime. The white boy was sent home
23 to home arrest. Branchville was where my son went

1 and where the black young man went.

2 I have worked in the justice system for
3 three years at the Youth Service Bureau in
4 Evansville, so I can tell you that that story is
5 replicated many times yet today.

6 If I can get back to my place, I will.
7 Moving to another group that I think are a group
8 highly discriminated against, this is the Gay and
9 Lesbian persons. I called Mr. James Moore, who is
10 willing to be questioned and has given me
11 permission to use his name and his own story. He
12 is a member of the AIDS Resource Group in
13 Evansville, ARG. I have known James for some time
14 and I see him quite often because their agency is a
15 member of our food bank and they come and draw food
16 from us.

17 James has been threatened on the phone.
18 He and his mother were almost run down by a friend
19 in a pickup truck because he had just come out of
20 the closet. I live in a downtown neighborhood,
21 which is a neighborhood where a number of Gay and
22 Lesbian people choose to live. When they call 911
23 they are often quizzed as to their sexual

1 orientation rather than to the nature of the crime
2 that is being perpetrated on them.

3 The leaders of ARG in Evansville that
4 Mr. Moore could tell you about have also had their
5 lives threatened. I called the local rabbi -
6 remember, we have no hate crimes in Evansville -
7 and he related to me a recent event there where a
8 swastika was painted on the only Jewish synagogue
9 we have.

10 At Sabbath service on a Friday night
11 they had two skinhead visitors in their service.
12 Tensions are so high that B'Nai B'rith, and they
13 agree, have advised them that for all High Holy Day
14 services they must hire security to protect the
15 people who are there to worship.

16 One of the organizations that's very
17 active in southwestern Indiana is the Klan. I have
18 a tape here which I had dubbed for a friend of mine
19 here in Evansville, Reverend Taylor, and I'm
20 borrowing it again to redub, but it was produced by
21 I believe it's WTHR-Channel 13 in Indianapolis on
22 the activities of the Klan.

23 And in this footage you can see footage

1 of a secret Klan training center in southwestern
2 Indiana where the leader unashamedly and
3 unabashedly is showing how to create poison darts.
4 He is demonstrating how you can take your finger
5 and dig it into one eyeball, go around the nose,
6 the bone here in the nose, and pull the sinuses out
7 if you attack someone, but yet we have no problems
8 in southwestern Indiana.

9 I would move to violence against woman.
10 We have two shelters there. I was on the building
11 committee of the Albion Fellows Vacant Center, and
12 my only regret is, and I regret this with sadness,
13 that we didn't build it large enough.

14 On the way up here I was listening -- I
15 have four children who try to keep the old man in
16 touch, and so my daughter, who is a professional
17 dancer and is teaching dance in some housing
18 developments in Evansville and two of the public
19 elementary schools, has decided to use some rap
20 music. I was appalled. She said "Dad, listen to
21 this, but I don't think you can listen to all of
22 it."

23 The denigration of women, the proposed

1 violence against women on this tape is just
2 appalling. I am very strongly in support of the
3 First Amendment and the freedom of speech. These
4 ears of mine have heard a lot. I've been around
5 the block a number of times.

6 I was not prepared for what I had heard,
7 and I was absolutely appalled that a company for
8 which I for years had great respect, RCA Victor,
9 you know, who produced red label records which were
10 the finest in classical music, you know,
11 representing the highest of human aspirations, is
12 the producer of this kind of violent trash.

13 I suggest to you that our society is at
14 this point permeated with violence. Recent crime
15 statistics demonstrate that we expect the murder
16 rate to be higher now than it was in those awful
17 '60s. It was much lower in the '60s, friends, than
18 it was in the '70s, '80s, or '90s. Something to
19 ponder, I think.

20 I've told you about the experience of my
21 son. I've had a lot of experience with men from a
22 halfway house, which has since been closed, called
23 Second Chance, and now from Safe House, which is a

1 criminal justice program in Evansville, both of
2 them. Second Chance was, Safe House is. Those men
3 can tell you that in the justice system if you are
4 black or African-American, if you are poor, you
5 will spend some time in Safe House, Branchville, or
6 God knows where, and if you have money and are
7 white, you will not.

8 Racism is pervasive, the racist names,
9 the dehumanizing labels for race, ethnic groups,
10 women, Gay and Lesbian persons, the humor that is
11 cut lose. I hate to confess this to you, but the
12 racist language got so bad in my own office that
13 about a month ago or two months ago I had to issue
14 a stern memo, the sternest memo I've issued to my
15 staff, who I think are pretty good people, and I
16 hate to admit to you that this was issued after I
17 had hired an African-American.

18 We've had African-Americans on our staff
19 before but we hadn't for a while, and I had to
20 remind them -- these are people who know me, know
21 me well, worked with me for years. I had to remind
22 them that I am personally hurt and insulted by
23 those racist remarks.

1 I think I'm going to close out with a
2 quote. I was going to use this first. I'll use it
3 last. What concerns me is that there is very
4 little human pride being raised. Our current
5 President is arguing against I think a very fine
6 civil rights bill by saying "Well, it calls for
7 quotas."

8 Well, from my standpoint the quota is
9 almost all white and all male at this time. That's
10 who gets the first shot in any job, and I think we
11 all know that. But I'm worried that something
12 deeper is going on. The skinheads with neo-Nazi
13 groups and with other hate groups seem to have
14 carte blanche in our society.

15 I go back to the words of Martin
16 Niemoeller. Pastor Niemoeller was put in prison in
17 Nazi, Germany. "First they came for the Jews, and
18 I did not speak out because I was not a Jew. Then
19 they came for the Socialists, and I did not speak
20 out because I was not a socialist. Then they came
21 for the trade unionists, and I did not speak out
22 because I was not a trade unionist. Then they came
23 for me, and there was no one left to speak for

1 me."

2 I in my mind added some lines. "Then
3 they came for the African-Americans, I was not an
4 African-American, so I didn't say anything, I did
5 not speak. Then they came for the Gays and
6 Lesbians, and I was not Gay or Lesbian, so I did
7 not speak. Then they came for the women, and I'm
8 not a woman, so I did not speak," and on and on.
9 Thank you very much.

10 CHAIRMAN HUGHES: We appreciate the
11 distance that you have traveled to be with us this
12 morning. Could you perhaps share with us some
13 information concerning recommendations for
14 preventing or activities designed to prevent some
15 of the crimes -- some of the problems you have
16 addressed in southwest Indiana?

17 MR. HOY: Yes. I think the first
18 thing I would like to see is some national
19 leadership again on some decent civil rights
20 legislation. I think we have a right to look to
21 the Federal Government for leadership.

22 Secondly -- my first proposal would be
23 political. I would like to look at the leadership

1 of our state. I do not see much leadership coming
2 out of our state in terms of civil rights for any
3 group, and frankly, I would like to see it in my
4 own city local leadership, which I am not seeing
5 from a number of people, not just politicians, but
6 from business people, so I would say legislation is
7 important.

8 You can't legislate feelings, and I know
9 that, but justice is not a matter of feelings.
10 Justice is a matter of law, and then that law must
11 be of course enforced. There are some laws on the
12 books, but I think that we need another look at
13 that national civil rights law.

14 I live on the borderline. I'm director
15 of a food bank that serves three states, and so
16 those lines are only imaginary lines that somebody
17 drew, or a river formed, such as the Ohio River, so
18 that's why I think we need something national
19 rather than just, you know, something in the city
20 of Evansville and the County of Vanderburgh and
21 things like that. So that would answer your
22 question.

23 The second thing, I think that I would

1 call upon the leadership, and I have called upon
2 the leadership of my own church. I think the
3 churches and the synagogues and the religious
4 community are key to this. I don't see tremendous
5 leadership emerging in the church asking for civil
6 rights for the groups I've mentioned, and there are
7 other groups. I'm speaking of southwestern Indiana
8 where I see suffering there. That's for the change
9 of attitudes. If the religious community cannot
10 take this on, then there's something wrong with our
11 religion.

12 I would also like to see the school
13 systems take a more active role. That's another
14 institution that could take a more active role in
15 influencing public opinion. I don't know how you
16 change the minds of those guys who buy their ink by
17 the barrel that head the newspapers.

18 I write. I don't write now because I'm
19 running for office. I write every five weeks and I
20 can write what I please, but basically our two
21 papers, which I don't know where they are on the
22 liberal/conservative scale, I don't even know if
23 those words mean anything anymore in our society,

1 but I would like to see a change of heart there in
2 terms of how they approach crime, reporting of
3 crime.

4 I would like to see some changes in the
5 judicial system. I think it's -- so I would ask
6 for -- you know, I ask for a lot.

7 CHAIRMAN HUGHES: Are there questions
8 from other members?

9 MR. ROSE: Yes. Reverend Hoy,
10 although we're interested in all forms of
11 discrimination and we are a civil rights advisory
12 committee, this meeting today is focused on hate
13 crimes and you've told us of two specific incidents
14 in Evansville where you have firsthand knowledge.

15 There is a new federal law on the books
16 that the President signed in April of last year
17 called the Hate Crime Statistics Act which mandates
18 local law enforcement agencies to report hate
19 crimes as a specific category of crime to the FBI
20 in a specific way. To your knowledge is that being
21 done in Evansville, in Vanderburgh County, or in
22 southwest Indiana?

23 MR. HOY: The crimes that I mentioned

1 have been reported. I think a lot of crimes aren'
2 reported. We have in Vanderburgh County what's
3 called enhanced 911, which is a very -- as you
4 probably well know -- very sophisticated 911
5 system. I have a son that's a policeman also, and
6 he's told me about this.

7 If you call from certain sections of the
8 city, the caller will be grilled as to their race,
9 as to -- yes, the color of their eyes, any number
10 of personal questions, while their lives are being
11 threatened, and I think we -- you know, I'm
12 chaplain -- in fact, I'm chaplain for the Fraternal
13 Order of Police, and I have a son that's a
14 policeman, but I have to tell you that he feels and
15 I feel that there's a great deal of discrimination
16 there.

17 Our police in Evansville now have
18 reached the point where they've all gone through
19 the Plainfield Academy, which is one of the top
20 academies in the nation, but I do not feel that law
21 enforcement is addressing this kind of attitude,
22 and therefore it's very difficult to get
23 African-American males or females to join the

1 police force, and I'm, you know, tying a whole
2 bundle together, but that leads me to believe that
3 there's a lot of crime that's not reported because,
4 folks, we, you know, think "Well, the victim's
5 going to be blamed."

6 The rape I mentioned was reported
7 because my family and I have made some commitments,
8 but we are very strong people, we are a very strong
9 family. We've had threats, too, over the years and
10 that goes with the territory. If you're going to
11 take some stands I think that's the way life is.

12 I don't think the law is -- I don't
13 think the law is being honored as much as it should
14 because people are afraid to report. They feel
15 like they will be hurt.

16 MR. ROSE: Are you getting any hate
17 crime cooperation from the city officials or from
18 the county prosecutor, and these two crimes which
19 you've noted, have they been vigorously pursued in
20 your opinion or not?

21 MR. HOY: I think the accident crime
22 with the prosecutor we now have will be vigorously
23 prosecuted. I view him as a welcomed addition to

1 the criminal justice system because I think he is a
2 man who understands, and I think we'll see some
3 improvement there.

4 MR. ROSE: Good.

5 MS. PARKER: Mr. Hoy, based on some
6 of the things you've said, it appears to me that
7 what you described in your community and in the
8 county which you reside is a climate of
9 indifference and also a climate of comfort on the
10 part of some people.

11 How could -- and since we are asking for
12 recommendations, what would you recommend as a
13 remedy for trying to at least heighten a response
14 to the community to create at least a caring
15 concern about some of the issues that you've
16 discussed with us today?

17 MR. HOY: I wish I had an easy answer
18 to that. I mentioned justice, you know, which I
19 think is a matter of law. Then you have to enforce
20 it. You need a prosecutor, which we now have, who
21 will, a man who has been a victim of
22 discrimination. He's Jewish-American, so he has
23 experienced some of the things. I think that makes

1 a difference with this man.

2 I think local leaders, whether they're
3 political leaders or leaders in the school system,
4 or whatever, could help by putting some key people
5 in top-flight positions where they could have some
6 influence. I would like to see our school system
7 address this situation in a better way.

8 Those are generalizations, and the
9 problem is, you know, that when it works down to
10 the classroom teacher, you may not get results, but
11 it's my belief if the leadership isn't at the top,
12 you're not going to get results anyplace else if
13 there's not some pressure. I don't know what to
14 do. Some days I just want to walk out.

15 MS. PARKER: Because it appeared to
16 me that there should have been -- could be a
17 culling together of people of good will or
18 something to talk about a concern and try to create
19 an understanding.

20 I appreciate your illustration about the
21 principal of the school who never thought that the
22 white kid should have been talked to. You know,
23 those kinds of things say that there is a complete,

1 in my mind, lack of understanding of the impact of
2 anything that's going on, except seeing it from one
3 side only. How do you bring these two together?

4 MR. HOY: I'm not sure. One thing we
5 do in Evansville -- and it's hard to document this,
6 but you can talk to African-Americans who have
7 left. We have a real brain-drain with
8 African-Americans because in Evansville the place
9 where an African-American can get a job usually is
10 with the City, usually in a token position
11 sometimes, as in the case of Ira Neal.

12 He is an official in the school system,
13 but he is the only -- to my knowledge at this
14 point -- the only African-American who is downtown
15 in what we affectionately call the education box,
16 the Evansville-Vanderburgh County School System
17 Building, but we systematically make sure they
18 leave town by not having jobs.

19 Now the hopeful change that we see is
20 with national corporations who have come in and
21 made some changes. Bristol-Myers Squibb would be a
22 good example of a company that I believe is really
23 trying to be an equal opportunity employer.

1 Cargill is another one. I'm thinking of companies
2 I deal with, but there are few of them. You see,
3 when you have an African-American, just to speak of
4 that particular group of people, in a City
5 position, you get intimidation.

6 I didn't mention that in my testimony,
7 but on the Human Relations Commission I was
8 chairman of a committee to investigate what had
9 happened and not happened in the Enterprise Zone
10 and Walnut Center. Walnut Center preceded the
11 Enterprise Zone, but a large section of the central
12 city was cleared out and I would say 90 to 95
13 percent of those residents there were
14 African-Americans.

15 Jobs were promised, jobs were not
16 delivered. We were simply doing a simple survey to
17 see what had happened, and we got shut down by the
18 powers that be. Now I cannot prove that to you,
19 except I know that the former director simply came
20 into our meeting and said "The committee's work has
21 to be over because the Mayor doesn't want us to go
22 any further, he's getting too many complaints."
23 Our letter was simply asking "How many new jobs do

1 you have? Are you hiring any neighborhood
2 people?" So there's a lot of intimidation.

3 One of those corporate entities, and I
4 have that letter in my file, wrote us a letter and
5 they said "We're going to have a job's fair for
6 African-Americans primarily," and the Human
7 Relations Commission was going to be a co-sponsor
8 and this corporation was going to be a co-sponsor,
9 and they let us know in no uncertain terms that if
10 HRC was going to be a co-sponsor they were pulling
11 their money out.

12 That's intimidation, that's systemic
13 violence in my opinion, and it's hard to pin down,
14 you see, because it's not a knife in the back, it's
15 not a bullet in the brain, it's not being run down
16 by a car, but all of that builds then to where an
17 18-year-old young man very freely admits that --
18 you know, if you'll pardon my foul language -- he
19 felt he had every right to run down this nigger,
20 you know. Now if he'd said "son of a bitch," that
21 wouldn't have been printed in the newspaper, think
22 about that. But we have a family newspaper.

23 CHAIRMAN HUGHES: We have time for

1 one more question. Well, Reverend Hoy, we
2 certainly want to thank you for your participation
3 this morning. Thank you.

4 The next presenter we would like to call
5 on is Mr. Arthur Jordan, chairman of the
6 Indianapolis Education Committee of the NAACP.

7 (Off the record discussion.)

8 MR. JORDAN: Good morning to the
9 advisory council, and my name's Arthur Jordan and
10 I'm here representing the NAACP, Indiana State
11 Conference of Branches. I chair the education
12 committee.

13 It's been I guess a year or two since I
14 saw you last, and at that point I was here talking
15 to you about a grave concern of our state
16 conference, and that was the issue of racism and
17 violence on our college campuses.

18 And at that point I indicated to you
19 that we had commissioned a committee to do a very
20 extensive investigation of our state universities
21 and to make our findings known to not only our
22 state conference but also State Government,
23 presidents of various universities, and also the

1 U.S. Civil Rights Commission. To date we have not
 2 yet completed our investigation, but I would like
 3 to bring you up to date about where we are and to
 4 at least tell you some of our partial
 5 recommendations.

6 When we met with you previously, we
 7 had -- it had come to our attention that a number
 8 of very severe things had happened, and if you
 9 could bear with me, I want to bring you up to date
 10 about what we talked about and that was at Purdue
 11 University we had been told of cross burnings at
 12 the black culture center.

13 At Indiana University we had been given
 14 information with regards to a number of black
 15 students being accosted and physically attacked
 16 while jogging on campus. At DePauw University we
 17 had been advised of a number white fraternities
 18 having ghetto parties in which they auctioned off
 19 and decorated walls with racial slurs.

20 At Indiana State University we had been
 21 told about a number of students who were physically
 22 attacked in the dormitories while they were
 23 sleeping in the night. As I indicated earlier, we

1 became very concerned about that and as I indicated
2 commissioned a study to look at what had happened.

3 We conducted some very extensive
4 hearings with almost 30 to 40 hours of testimony
5 given by students, faculty members, university
6 officials, and a number of other people, and those
7 tapes, as I said, are still being reviewed and
8 still being compiled.

9 Where are we today? Well, we have not
10 as of late witnessed any of those kinds of
11 activities, at least we have not been told of them,
12 but I guess our concern at this point is not only
13 those situations, but now we're really looking at
14 some things that I think the previous speaker
15 talked about, the systemic kinds of issues.

16 And I want to address those issues with
17 you this morning because those are the things that
18 are subtle, those are the things that although they
19 may not be race hate types of crimes, they are just
20 as negative, just as harmful to our minority
21 students as the cross burnings.

22 The issues I want to spend a few moments
23 talking about are issues that we also ask questions

1 about, and one of those issues is academic racism
 2 with regards to grades. In our discussion with
 3 students, there were many students who came to us
 4 who mentioned to us that they felt they were being
 5 discriminated against with regards to grades they
 6 had gotten in classrooms with the amount of work
 7 they were being required to do and also with white
 8 students who seemed to have done less work and had
 9 gotten higher grades.

10 So we're very concerned about that issue
 11 in terms of how students are graded and how our --
 12 or, is there any fairness with regards to how
 13 minority students, Hispanic students, and
 14 African-American students are treated?

15 We're also concerned about staffing.
 16 Many of the students indicated to us that there
 17 just seemed a tremendous lack of African-American
 18 professors, counselors, advisors, staff members,
 19 people that they could go talk with, people they
 20 could go to with problems and concerns, and
 21 universities seemed not to be responsive to that
 22 area, so we're very concerned about staffing.

23 We know that -- and plus the retort by

1 the universities that "We can't find
2 African-American professors," we know they're out
3 there, and we'll talk about some recommendations.
4 We know that the competition for getting
5 African-American professors is very, very key and
6 you have to come with a package which is
7 attractive.

8 We're also concerned about campus police
9 activities. We've been told in our research and
10 studies that whenever -- particularly with IU down
11 in Bloomington -- that whenever there's more than
12 three or four young men walking on campus, they
13 seem to be harassed by campus security, stopped and
14 searched, whereas white young men on campus, people
15 are able to walk and never get stopped by the
16 campus police, so we're very concerned about the
17 treatment of our young African-American college
18 students with regards to campus security.

19 We're concerned about student-student
20 relationships. I think I told you last time I was
21 here that at Purdue University it was not uncommon
22 to be told by those that we interviewed to be
23 called nigger at least 25 times a day going from

1 one fraternity to the -- or, one dormitory to the
2 other dormitory.

3 And when I posed that question to the
4 university president, his retort was, you know, "We
5 can't legislate" -- "We have all kinds of students
6 here, and we can't make students not call each
7 other niggers on campus," and I was very concerned
8 that the university did not have a policy and does
9 not have policies with regards to what happens when
10 you make racial slurs, whether you be a student,
11 whether you be a faculty member, or whether you be
12 staff members, what happens to them.

13 We indicated to the president at Purdue
14 at that time that there ought to be a strong
15 statement coming out of the university president's
16 office with regards to what will happen to you,
17 that "We're running a no-nonsense university here
18 and will not tolerate in 1990 students being
19 addressed with racial slurs."

20 We're concerned also with the whole
21 financial situation. As we look at the situation,
22 it seems that the issue of how funding, how money's
23 being spent with regards to minority programming,

1 are funds being adequately spent? Is there fair
2 distribution of funds with regards to recruitment,
3 retention of African-American and Hispanic
4 students? We have not yet come to a determination,
5 but from the outset it looks like the monies are
6 not being spent in a fair fashion.

7 We're concerned about curriculum. One
8 of the things that we're looking at right now in K
9 through 12 is the whole issue about diversity with
10 regards to academia, curriculum, and are programs
11 being addressed with diversity in mind. I would
12 say to you that I don't think that's true.

13 I think that our universities generally
14 run from a Eurocentric perspective and that they do
15 not have an African center -- Afrocentric
16 curriculum programmatically, that it does not have
17 an Afrocentric component, and I say this to you
18 because as late as a couple months ago I've
19 perceived this, and as I say we're still
20 investigating.

21 Even at Ball State, one of the
22 universities I thought was doing a fairly decent
23 job, there was a discussion on racism on campus

1 sponsored by the National Association for Black
2 Journalists and over 400 students attended it, and
3 the kind of comments that they were raising were
4 not so much cross burnings, but were things like
5 not having the adequate number of black faculty
6 members, not having anyone sensitive to what it
7 means to be black and on campus.

8 They were saying things like we think
9 everybody ought to be required to go through an
10 African-American course, that new freshmen coming
11 in ought to be required and mandated to take a
12 class in diversity so that they don't feel as if
13 there's -- if there's some people on campus --
14 there's sensitivity that if we have a student
15 coming in from Mount Vernon, Indiana or Booneville,
16 Indiana, that he or she understands that there's
17 diversity in the world and not act in racist ways
18 towards them.

19 Then we're concerned about having
20 adequate housing, and as indicated earlier I
21 thought Ball State of all the universities was
22 doing a fairly decent job, but after reading the
23 article and hearing from the students themselves

1 that seems not to be the case.

2 So although we're not talking as much
3 about the cross burnings and the physical attacks,
4 we're talking about systemic issues that seem to be
5 very, very engrained in universities, a lack of
6 sensitivity, a lack of diversity with regards to
7 staffing, with regards to how African-American,
8 Hispanic-Americans, students are being treated at
9 universities.

10 What can we do? Well, there are a
11 number of things and as I indicated we are still in
12 the process. A number of general recommendations
13 that we're going to be looking at. No. 1, we
14 propose an ongoing long-range plan to eliminate
15 racism on all Indiana campuses. We want to develop
16 a set of specific requirements and expectations for
17 all schools, divisions, and all department heads.

18 What I mean by that is that anyone who
19 works at a university that is state-supported needs
20 to be required to go through diversity training so
21 that when they teach history or when they teach
22 math, that they're able to emerge an Afrocentric or
23 Hispaniccentric philosophy into that Eurocentric

1 program that they're dealing with.

2 Implement an intensive comprehensive
3 orientation program for culture diversity for all
4 people who work at the university, whether they be
5 cooks, maintenance people, staff members,
6 professors, coaches, vice presidents, everybody
7 who's connected be mandated to go through an
8 intensive orientation towards diversity.

9 Develop and implement a flexible hiring
10 program. We were told that because of the
11 schedules, because of the agreements, that
12 university people can't go out of the mandated
13 hiring program. Well, as I said earlier, in order
14 to attract sharp African-American,
15 Hispanic-American professors, we think we need a
16 more flexible program in order to get those people
17 to Indiana, because, you know, how many folks want
18 to come to Indiana when they can go to California
19 to teach or to New York?

20 And as I say, it's a very competitive
21 process attracting strong academic individuals, and
22 that's one of the issues that we were missing in
23 all of the campuses we visited, the lack of having

1 people of color in positions where they could
2 counsel, provide our young college students with
3 good information, would counsel especially when
4 they're having difficulty.

5 We think there ought to be a strategic
6 plan to fully implement a statewide affirmative
7 action program, a policy, and that plan be the
8 responsibility of the board of trustees. We think
9 there ought to be an overall oversight committee
10 that looks at all of the universities in terms of
11 staffing, in terms of what happens, so that each
12 university is accountable to someone about what's
13 going on with regards to staffing.

14 There ought to be a better program to
15 report racial incidents and also a response plan.
16 We found a lot of different programs and also there
17 was nothing in most of those plans that said "This
18 is what will happen to you if you are caught" --
19 "if it is determined that you acted in a racist
20 way." So there ought to be a better program to
21 report incidents, and also what would happen to you
22 with regards to individual staff members, students,
23 or professors, if we find out in fact that you

1 acted in a racist or sexist way.

2 We think there ought to be a program
3 implemented that creates a campus atmosphere that
4 causes mutual respect, sensitivity, tolerance, and
5 understanding. There seems to be just, even in
6 1990, a great deal of intolerance towards people
7 who are different, and we would think at a
8 university, which is I would hope the mecca --
9 supposed to be the mecca where we have people who
10 are sensitive, who are there to learn, to grow, to
11 develop, that would be the one place I would think
12 that you would not find racism or sexism, and it's
13 kind of hard to really imagine that in 1990 that
14 still exists.

15 We think there ought to be a program to
16 develop curriculum modifications so that, as I said
17 earlier, that curriculum is diverse, it has an
18 Africancentric perspective, it has Hispaniccentric
19 perspective, it gives our students a chance to
20 understand the real world, that it's not just
21 Eurocentric, it's not just white oriented, that it
22 includes everybody, it's emerged.

23 We think that the government, the state

1 legislators, must issue a very strong policy with
2 regards to campus racism, spelling out the
3 penalties for violation of this policy, and that
4 has not been the process.

5 I think universities have been allowed
6 to deal with things on their own rather than state
7 governments saying, even from the Governor's
8 Office, that we expect us to run a university with
9 no nonsense or racism; that if you come from
10 wherever, that you're going to be okay here,
11 everybody's going to be safe here; that nobody has
12 to ever worry about being -- getting negative
13 treatment from anybody, and that has not been the
14 case with our state legislators, and also the
15 Governor has not really said to our university
16 officials emphatically that "We will not tolerate
17 racism in 1990, '91."

18 We think that we ought to encourage
19 minority faculty members to become more involved in
20 minority recruiting and retention efforts. It's my
21 understanding that in talking to many of the
22 minority professors that they're not even a part of
23 the recruitment team. We think that to attract

1 strong minority faculty members, that minority
2 faculty members ought to be part of that team that
3 goes to wherever, Florida, or to the South to
4 recruit.

5 The other part, I think, is that what
6 happens once you get students there, how do you
7 retain them there? I've talked to many students
8 during our investigation who were very unhappy.
9 They said "We're just here." So if there's a
10 strong effort to recruit students, there ought to
11 be a strong effort to come up with programs to make
12 sure they stay there, whether it be housing,
13 whether it be academic programs, after-school
14 programs, counseling programs, that make sure that
15 students are going to stay there.

16 So what I'm really sharing with you is
17 that although we're not -- we're equally concerned
18 about the incidents I reported earlier about the
19 cross burnings and the physical attacks, but this
20 thing around -- the systemic things are so subtle,
21 that are really harder to get to, and those are the
22 things that I think are equally important, is to
23 make sure that when students are at our campuses,

1 they stay there, they're retained, they're able to
2 get their BA Degree or BS degree.

3 And it would be my hope that once we put
4 this comprehensive report together and the
5 recommendations, that the state officials, our
6 Governor, state legislators, are going to
7 understand that we're running universities that
8 will not condone people that are mistreated,
9 violated in any way, and that we run a program
10 that's culturally diverse, that people are
11 culturally competent, culturally sensitive to
12 differences, so that people -- whether we're
13 talking about a math program or the dormitory life,
14 or just being on campus, that we won't have people
15 who fear and are concerned about people hurling
16 racial slurs as they walk from one dorm to the
17 cafeteria or from one dorm to the classroom,
18 because we think that being at school is difficult
19 enough and not to have to deal with any racial
20 harassment while on campus.

21 CHAIRMAN HUGHES: Thank you,
22 Mr. Jordan. Perhaps you could respond to some
23 questions at this point. You mentioned that you

1 are close to wrapping up the report. Obviously for
2 the purpose of today's meeting we're more
3 interested in the more criminal aspect of what your
4 study involves. When might that data be
5 available?

6 MR. JORDAN: We hope that by the end
7 of September that we'll have something ready to go
8 to the press because we have to run it through our
9 own system first. Hopefully by the end of
10 September.

11 CHAIRMAN HUGHES: Okay. Will it deal
12 with specific incidents?

13 MR. JORDAN: Yes, it will. It will
14 be -- as a matter of fact, I have just read through
15 it very quickly and it will be something like
16 this.

17 CHAIRMAN HUGHES: Okay. Since you
18 have -- since you reported to us about a year ago,
19 have there been additional reports of physical
20 confrontations or hate crimes on campuses reported
21 to your committee and your task force?

22 MR. JORDAN: Not to my knowledge. As
23 I said earlier, we have not gotten reports -- there

1 seemed to be a rash of those things happening in
2 '89 and '90, but to date we have not been advised
3 of any other things like that happening, and we're
4 not sure if -- but maybe -- we hope that our
5 presence on campus, we're hoping, at least got the
6 message to someone that things are being looked at
7 very carefully, this is being investigated, so we
8 have not as of today.

9 CHAIRMAN HUGHES: So it is your
10 opinion that there has been a decrease in these
11 types of activities on campus since your visits?

12 MR. JORDAN: No, I'm not going to say
13 that, I'm not going to say there's been a
14 decrease. As I said, we just have not been made
15 aware of any increase. Are they the same? And I
16 probably -- at this point I'm just going to say
17 that things are probably status quo at this point.
18 We've not heard of any additional harassment things
19 and we've not heard of it being decreased. I've
20 not heard anybody tell me that we've had -- less
21 reports was happening.

22 MS. SCHMITT: I'm just curious. As
23 you know today, our focus is hate crimes, crimes

1 that will be occurring. At the universities, for
2 example, IU, Purdue, particularly the state
3 universities, if something like that occurs, do
4 they merely turn it over to the Bloomington
5 Prosecutor, the Bloomington Police, for example, or
6 do the campuses or the universities themselves have
7 a group or a mechanism by which they look to the
8 student council and they're trying to combat racial
9 things on campus, or if there's a hate crime, do
10 they just turn it over to the public officials if
11 the person wasn't a student?

12 MR. JORDAN: My understanding is it's
13 usually handled by both. The universities have
14 their own internal mechanism for looking at it and
15 usually calls the racial incident report committees
16 or task force and they then also, because of the
17 nature of the crimes or situations at the
18 universities, get the local community police office
19 involved, so it's being handled by campus security,
20 by the response incident committee, as well as the
21 community police department, so we have three
22 groups looking at it.

23 MR. ROSE: When you testified here

1 the last time about the same specific incidents on
2 college campuses, your testimony, along with that
3 of a number of other people, was one of the reasons
4 this commission decided to focus on hate crimes in
5 Indiana to try to make recommendations to the
6 national administration.

7 In your testimony, if I recall it
8 correctly, you indicated that the college
9 authorities, the administrators, were not very
10 cooperative and did not -- and took sort of an
11 ostrich attitude that "this really isn't happening
12 here" or "it's not of importance," or "they're not
13 hate crimes."

14 We even discussed, if I remember, the
15 fact that the state-supported institutions were
16 the -- were in fact state property, and those
17 people, staff and faculty and administrators, who
18 work there were, in essence, employees of the
19 state, subject to the laws of anti-discrimination
20 and so forth that all other state employees and
21 agencies are subject to.

22 Could you tell us if there's been any
23 change in attitude, if there's been any change in

1 administrative attitude in the universities as far
2 as their handling of hate crime incidents, and can
3 you tell us specifically about the incidents you
4 testified to the last time and again today as to
5 whether any prosecution has gone forward and any
6 punishment meted out?

7 MR. JORDAN: Let me say at the top
8 you asked me several questions.

9 MR. ROSE: Sorry. I didn't mean to
10 confuse you.

11 MR. JORDAN: We never said that
12 people were not cooperating. We said they were
13 defensive.

14 MR. ROSE: All right.

15 MR. JORDAN: We had great cooperation
16 from university officials on our investigations.
17 They were more than willing to help, and provided
18 all information we needed and made sure that the
19 rooms were there and everybody who was to testify
20 was there, so they were very cooperative.

21 With regards to how -- were there any --
22 in the case of the Indiana State situation where
23 the young man was beaten up, I understand that the

1 individuals involved were kicked out of school, and
2 we were very -- like I said, this is the young man
3 that had his eye injured in the middle of the
4 night. It's my understanding that those
5 individuals were processed out of school and were
6 processed very rapidly out of school.

7 MR. ROSE: No criminal prosecution
8 that you know of?

9 MR. JORDAN: Not to my knowledge, but
10 they were in fact, as I said, put out of school.
11 In the other situations, because of the cross
12 burnings, no, they weren't, and what we were told
13 is that we don't know who did it, you know, because
14 no names were left or cards dropped that this was
15 done by X, so the universities were almost as we
16 were. We know this happened and they admitted that
17 it did happen, but in terms of bringing people to
18 justice who in fact were the cause of those things,
19 no, that never happened.

20 MR. ROSE: Were the local
21 authorities, police authorities, or the FBI called
22 into those cases, to your knowledge?

23 MR. JORDAN: Local authorities were

1 called in.

2 MR. ROSE: And their investigation
3 came to zero?

4 MR. JORDAN: Right. In terms of any,
5 as I said, additional things, like cross burnings
6 and beatings, we have not been advised of those
7 yet, but I think at this point that at least with
8 the investigation and our coming to the
9 universities and spending the hours, at least the
10 university people, I think, were put on notice that
11 this is serious stuff, and even internally with
12 their own people I think the word has gone out to
13 be vigilant with regards to those kind of
14 activities. So even at this point we're -- so I'm
15 somewhat pleased and at least sense that the
16 universities are taking us very serious about
17 this.

18 And once again, not being a part of
19 their discussions or cabinet meetings, but it's my
20 thought, my feeling, and also from the committee,
21 that people have gone back and said to the staff
22 members that "We've got to get a handle on this to
23 make sure we'll be more vigilant; let the word go

1 out that we're not going to have our university be
2 labeled as someone who is tolerating." That's at
3 least my feeling on this one.

4 Another thing that's happened is that at
5 least Purdue University has actually put on -- an
6 African-American male has been put on the board of
7 trustees, and when we were there that was not the
8 case, no one. So at least I think that there's
9 some movement. Once again, if we have people of
10 color sitting in positions of leadership making
11 policies, I think that those things are going to be
12 at least addressed in a more aggressive way.

13 MR. ROSE: You don't find an attitude
14 among the administrators or the local law
15 enforcement officials that these are college pranks
16 and these are just college kids, and they have to
17 take it with a grain of salt?

18 MR. JORDAN: I think that's -- I
19 think that's -- well, at least at Purdue -- and we
20 have a number of articles and in my position now
21 where things I think that have a racial connotation
22 because university -- at least my understanding
23 that police officials say "Well, that's" -- you

1 know, "That's a university issue and it's not our
2 concern." That's the feeling I got, and of course
3 when things happen off campus, the university
4 people are telling me "Well, it didn't happen on
5 campus, so therefore it's the city's concern."

6 So really getting both of those groups
7 to understand that if something happens off campus
8 that has racial connotations to it, both groups
9 have responsibility for it, and one says "Well, it
10 did happen on campus, so therefore it's a city
11 issue," and the city people say "Well, it happened
12 on campus, and it's not our issue." That's what we
13 picked up in talking to individuals in our
14 investigation.

15 So we're trying to get them to
16 understand that if it happened in Lafayette,
17 whether it be on campus or off campus, both of you
18 have responsibility for it, and so we're getting
19 both of those powers to understand that if they
20 said it was racial in nature, whether it happened
21 on campus or off campus, that both have
22 responsibility for investigating and bringing the
23 culprits to justice.

1 MR. ROSE: Has the university to your
2 knowledge made it a part of student orientation at
3 universities that hate crimes either against
4 persons or property are not only violations of the
5 university rules but are criminal offenses and will
6 be prosecuted?

7 MR. JORDAN: I couldn't respond to
8 that at this time in terms of whether or not that
9 is part of the orientation package for all incoming
10 freshmen, I don't know that right now.

11 MR. ROSE: Have you asked for
12 anything like that to be made a part of orientation
13 packages?

14 MR. JORDAN: In our -- in our -- no,
15 I guess it's not. It's not part of our general
16 recommendations at this point, but once again, as I
17 said, when we finally put this whole piece
18 together, it will be something that probably should
19 be included, and I'll make a note of that. I think
20 Mike had a question.

21 MR. GRADISON: No.

22 CHAIRMAN HUGHES: Thank you very
23 much, Mr. Jordan. We look forward to your report.

1 MR. ROSE: Thank you.

2 MR. GRADISON: Thanks.

3 CHAIRMAN HUGHES: At this time we'd
4 like to ask Mr. Sam Jones, executive director of
5 the Indianapolis Urban League, to be available.
6 For the record let me correct my introduction,
7 Mr. President.

8 MR. JONES: It doesn't matter, I've
9 been called worse. You know that. I'm from
10 Heidelberg, Mississippi, so you know I've been
11 called worse.

12 CHAIRMAN HUGHES: President of the
13 Indianapolis Urban League.

14 (Off the record discussion.)

15 MR. JONES: Thank you, Chairman
16 Hollis. My name is Sam H. Jones and I'm President
17 of the Indianapolis Urban League, as you've
18 indicated. The Urban League is a nonpartisan,
19 interracial, non-profit community service
20 organization, and our mission is aimed at the
21 elimination of racial discrimination, increasing
22 economic and political empowerment of
23 African-Americans and other minorities, and in

1 short, helping those minorities to enter the
2 mainstream of American life or community life,
3 depending upon how you want to look at it.

4 Let me say that I'm pleased to be here
5 because one of my former bosses, Mrs. Parker, who
6 is chairperson of our board, is on this Commission,
7 and my partner and co-chairperson of the
8 Indianapolis Law Enforcement Coalition, Mike
9 Gradison, is a member of that Commission, and your
10 chairperson and I serve on the board of the Indiana
11 Academy, which is located on the campus at Ball
12 State University, which is an unusual high school
13 that's looking for unusual students, so if you have
14 unusual students that you'd like to see get an
15 unusual education, let us know and we'll take care
16 of them. I do not know the other two members, but
17 my pleasure to meet you for the first time and to
18 share with you today.

19 We all know that race, color, however
20 you want to look at it, is a serious problem in
21 Indianapolis, the state of Indiana, and indeed
22 America. What was started -- and I only use 1960.
23 I could go back to 1619, but I just began for our

1 own discussion here what started in the 1960s has
2 not been finished, obviously, not by a long shot.

3 The racial flareups in Indiana on
4 Indiana college campuses about which you've heard
5 already during the years of 1988, '89, and '90, and
6 sporadically in Indianapolis over the past 25 years
7 and in our high schools last year and in prior
8 years is our evidence that much work needs to be
9 done before we can experience racial and ethnic
10 harmony, at least in my view, in our city, in our
11 state, and in our nation.

12 In many ways the black-white situation
13 is worse today than in the 1960s. According to the
14 1988 Committee of Cities Report, which is a very
15 good report, by the way, the polarization between
16 the black and white communities is much more
17 pronounced now than in the 1960s.

18 The conclusion that can be reached, at
19 least from my vantage point, is that we've made
20 very little progress in eliminating race and racism
21 from our daily lives locally and nationally. We've
22 failed to get to the root of the problem, again in
23 my opinion.

1 Many people thought that through the
2 long-needed legislation, and I guess I was one of
3 those also at the time, passed in the 1960s that we
4 had solved the problem. We can hastily and proudly
5 cite, for example, as a result of much of that
6 legislation gains made by some blacks in politics,
7 in education, in economics, business, military,
8 legal and corporate arenas.

9 And as I said to a bar -- a publication
10 for the National Bar Association that's meeting
11 here currently, for those of us who stayed in
12 school and got ourselves prepared, we're doing
13 reasonably well, but for the masses of us, for a
14 whole variety of reasons, some of which relates to
15 racial segregation and discrimination, others to
16 economics, are not doing very well, so there's a
17 paradox in the black community in that regard.

18 The problem persists because we've not
19 addressed it for what it really is, a social
20 disease. Civil rights laws did not curb the growth
21 of the cancer racial hatred and racism because they
22 dealt only with two symptoms of the disease in my
23 view, segregation and discrimination, not the

1 disease itself.

2 Growing up on a street in a neighborhood
3 in a city that is infected by the most subtle
4 racial hatred, or racism if you want to call it
5 that, promotes an adversarial attitude of, quote,
6 us and them, end of quote, mentality, that is often
7 acted out on the job, in school, law enforcement,
8 on the playground, and even in church.

9 And my one major point about church is
10 at 11:00 on Sunday morning is the most segregated
11 hour in Indianapolis in the state of Indiana and
12 the nation and so on, and our media friends locally
13 probably get tired of hearing me say that, but I
14 say it all of the time.

15 What we need more than anything else,
16 again from my vantage point, is a coming together,
17 quote unquote, the achievement of unity, a sense of
18 oneness, for example, like we had around Desert
19 Storm with reference to this whole business of
20 racial hatred and racism and so on.

21 The resulting unity, it seems to me,
22 does not mean or imply uniformity. We're not
23 taking away from any ethnic group or racial group

1 but the coming together as a oneness mentally, but
2 a celebration of diversity, because one of the
3 realities of oneness -- once the reality of oneness
4 is understood, diversity becomes an asset, rather
5 than an obstacle.

6 My late boss, Whitney Young, who died in
7 an untimely swimming accident in Nigeria in 1979,
8 often reminded us that there is beauty in
9 diversity. What then is the current status of
10 racial hatred and racial acts in a crime in
11 Indianapolis and central Indiana?

12 Well, within the past months, as I'm
13 sure you've already heard, we've witnessed another
14 police action shooting that implies hatred for
15 black men on the part of the officer, given his
16 neo-Nazi activities and his history of shooting
17 black men in Indianapolis over the past 10 to 15
18 years, and I have a folder back there with
19 newspaper clippings if anyone would like to see
20 them and I can share with you.

21 The second incident was that of the
22 burning of a crude cross in front of a halfway
23 house on the southwest side of the city, along with

1 the firing of a weapon in the air several times and
2 the yelling of racial slurs. Now the police
3 department went down to this incident, and as I
4 understand it they confiscated four weapons from
5 the gentleman who fired the weapons, but he was not
6 arrested until several days later and charged with
7 a criminal act, and there's a problem with that.

8 The second incident -- the third
9 incident took place within the last two weeks. The
10 second incident took place during the last two
11 weeks, excuse me. The third incident was a
12 shooting into a crowd of angry blacks allegedly
13 protesting the calling of police over a
14 neighborhood dispute involving a dog. Five persons
15 received varying degrees of injury, one of them I
16 believe serious, and there's newspaper evidence to
17 this in my folder in the back.

18 The fourth incident relates to the fact
19 that a father called me on Monday of this week to
20 report to me an alleged hate incident directed at
21 his son and two other black students in the town of
22 Vincennes, Indiana, where Vincennes University is
23 located, and I can elaborate on that later.

1 Finally, numerous persons have reported
2 to me within the last several months the shouting
3 of racial slurs from passing cars by white
4 occupants. Let me give you a more personal
5 incident.

6 My daughter, who now lives in her own
7 place, was visiting our home on Sunday. My wife is
8 gone and I'm the chief cook and bottle washer,
9 along with the dog, and so she came to make sure
10 that I had Sunday dinner, and then she dismounted
11 her car to come into the yard. A car loaded with
12 young white males traveling from north to south was
13 passing, and the gentleman -- a gentleman from the
14 car or the group yelled "Hey, Nigger, what the hell
15 are you doing in this neighborhood? You'd better
16 get your ass off these streets."

17 Now my daughter is a Harvard-trained
18 undergrad and an IU-trained lawyer, and she was
19 scared to death, and I said "Well, did you get a
20 license plate number? Did you get a description of
21 the car?" She said "Dad, it was so subtle and so
22 quick, and I was so stunned by it, it didn't occur
23 to me to do anything but get the hell in the house

1 because I was scared to death."

2 Now coming on the heels of these other
3 incidents there's fear in our community. Obviously
4 there may be fear in the other community, but
5 there's also fear in our community not just among
6 the masses of folk but for those of us who
7 represent the talented tenth of the black
8 community.

9 Now I told her the next time "I don't
10 give a damn what happens, how afraid you are, get a
11 description of the car, get a license plate
12 number," and if she had gotten a description of the
13 car, I was going to chase the car. I wasn't going
14 to shoot anybody or anything, but I would have got
15 the license plate number and reported it to the
16 police department. That's the thing that does not
17 happen always, so these things do happen but they
18 don't always get reported.

19 And then I want to tell you about
20 reporting in just a few minutes. What will it take
21 then to overcome racial hatred in our city and in
22 our state and in our nation, at least in the Sam
23 Jones' version? Two things must happen in my

1 view.

2 First we need to have what I call a
3 relocation of the heart built upon mutual trust and
4 respect, following a terrible situation we had in
5 this community some two or three years ago where a
6 young man ended up dead in the back of a police car
7 with his hands cuffed behind his back. This
8 community was torn of asunder, and of course the
9 conclusion was that the young man took his own
10 life.

11 Dr. Benjamin and a group led a community
12 task force and one of the things that they called
13 for was a program designed to build community
14 respect, mutual respect and understanding between
15 and among citizens. Well, needless to tell you
16 that that effort fell on deaf ears and went under
17 very quickly.

18 Secondly, in my view we must witness
19 what I call a long and constant pattern of
20 funerals, and you heard me correctly. We must
21 witness what I call a long and constant pattern of
22 funerals. Now why do I come to this conclusion?
23 Well, I grew up in the South, as I told you

1 earlier, and I don't know about you, but I know a
 2 little bit about grass, and I know a little bit
 3 about Johnson Grass, which grows under any
 4 circumstances. It's tough, it grows through
 5 concrete, through asphalt. You put it out over
 6 here with pesticide, it comes up over here
 7 someplace else. It's hard to kill.

8 Well, in my view racism and racial
 9 hatred are like Johnson Grass, and I don't care how
 10 many programs we have, we're not going to totally
 11 eliminate it. Gunnar Myrdal told us that in the
 12 1940s when we brought him here to do an analysis of
 13 the racial climate of America in his book "An
 14 American Dilemma," and he said what we are calling
 15 a race problem is not a black problem, but it's a
 16 white problem, and until white attitudes change
 17 towards black, we're always going to have racial
 18 problems in this country, many of which will border
 19 on hate or will end up being hate-like situations.

20 And so you see, we've got a lot of work
 21 to do, folks, and we've got a lot of time to await
 22 before we eliminate racial hatred and racism.
 23 Hatred has no mercy for those who refuse to fight

1 it. It kills any person or group who will not try
2 to disarm it, and I heard the gentleman tell the
3 story about Germany as I was coming in, and he's
4 right.

5 So parents must teach their children
6 that to hate is to mutilate their own future. If
7 you've seen the play "South Pacific," there's a
8 line in that play that says one has to be taught,
9 one has to be taught to love or to hate, and all
10 too frequently too many people are being taught to
11 hate, and until that situation changes, we still
12 will have problems on our hands.

13 Teachers must also teach their pupils
14 that hatred is a negation of every triumph that
15 cultured civilization may accomplish. To hate,
16 then, is to opt for the easiest and most
17 mind-reducing way out of digging a ditch into which
18 the hater and the victim will both fall like broken
19 puppets.

20 Religious hatred makes the face of God
21 invisible, and that's why I keep lifting up the
22 fact that we've got to deal with this whole
23 business of 11:00 on Sunday morning being the most

1 segregated hour. The church has a tremendous role
2 to play in turning around this mentality.

3 Political hatred wipes out people's
4 liberties, and the field of science -- and just
5 yesterday the coroner in this community said that
6 he could not make a definitive decision relative to
7 shooting. I was always taught in high school and
8 college that science was exact. Well, he can make
9 one of two decisions, either it didn't happen or it
10 did happen. No, Mister, in between, it seems to
11 me.

12 And then in literature -- well, let me
13 go back. Let me go -- hatred wipes out liberties
14 and in the field of science hatred inevitably puts
15 itself in what I call death's service. In
16 literature and in history and others it destroys
17 truth, perverts the meaning of the story, hides
18 beauty itself under a thin layer of what I call
19 blood and grime.

20 And so today, then, we're at the
21 threshold of the 21st Century, and this is what we
22 must tell, it seems to me, all men and women for
23 whom we wish a future as bright as the smiling

1 faces of our children. If we do nothing, hate will
2 come sneaking in perniciously and slyly into their
3 mouths and into their eyes, destroying the mutual
4 relations between people, cities, towns, the state
5 and the nation.

6 If we do nothing, then, we will be
7 passing on to the coming century what I call the
8 message of hatred known to us as racism, as
9 fanaticism, as anti-Semitism, along with all of the
10 other arenas of hatred known to humankind.
11 Therefore, that is why I'm pleased that you are
12 here today convening this hearing on hate crime
13 activity in Indianapolis and in central Indiana.

14 I'm hopeful that not only will your
15 report generate greater efforts at legislation,
16 such as the legislative effort undertaken by
17 Representative Crawford during the last legislative
18 session but which did not even get out of
19 committee, as I remember it, but must be continued
20 because we've got to have that kind of legislation
21 at the local level, but greater efforts at
22 community education, which includes work by the
23 Urban League, work by churches, work by schools,

1 work by all of us, it seems to me, in terms of
2 trying to be preventive as opposed to being
3 reactive to situations that occur, and to head off
4 the wave of hatred that still stalks the streets,
5 the roads, the highways, the hamlets, the cities
6 and towns of this great state and of this great
7 nation of ours.

8 Thank you for giving me that
9 opportunity, and I will answer some questions.
10 Before I do, let me just comment. You asked my
11 predecessor who was here at the table about
12 colleges and what they're doing. I just completed
13 a stint on the Board of Visitors at DePauw
14 University, and I know about the ghetto party thing
15 and we went through that, and that required a lot
16 of healing down there as well, and I think that
17 healing is still going on.

18 But one of the things that the president
19 pushed for and some of us supported was that in the
20 first year of academic work at DePauw, which began
21 I think last year, or maybe it was this past school
22 year, that all freshman would now be required to
23 live in a single freshman dorm and not scattered

1 about in fraternity houses and in sorority houses
2 as they were before.

3 And part of the rationale was to be able
4 to provide a consensus community as closely
5 consensus as one could come around a lot issues,
6 some relating to the importance of studying and
7 others relating to building a positive climate of
8 race and human relations.

9 And it seems to me that this is a
10 positive effort designed to help rid that
11 particular campus because it's indigenous to that
12 campus of some of those prior problems and issues
13 that almost tore that college, that university,
14 apart, and I think we're on a positive trail down
15 there trying to deal with that issue, and I would
16 hope that other colleges and universities might
17 take note of that model, particularly a lot of the
18 private schools. It's probably easier to do among
19 private schools than state schools because of their
20 vastness and the dormitory shortages, and so we
21 built a brand-new dormitory at DePauw expressly for
22 that purpose, and I think in time it's going to pay
23 off in terms of attitudinal changes and the ability

1 to recognize the beauty of diversity by all
2 students on that campus. I'll take questions. I'm
3 sorry, Mike.

4 MR. GRADISON: No, that's fine. Do
5 you think -- I know you've talked about it several
6 times and we've had a lot of discussion today in
7 the questions coming to the people who've testified
8 as to the level of so-called hate-generated crimes,
9 and it's been suggested by some of us here that it
10 had probably always been there, maybe along that
11 same level, but we've never tracked that.

12 MR. JONES: Right.

13 MR. GRADISON: So what's your feeling
14 about that?

15 MR. JONES: Well, yeah. You see, I
16 feel the same thing about racism. People talk
17 about the resurgence of racism. There's no
18 resurgence, it's always been there. Racial hatred
19 has always been there, but maybe for various
20 reasons it only surfaced on a sporadic basis and in
21 certain segments of the country; for example, the
22 stalking of Vernon Jordan in Fort Wayne or the
23 stalking of the black male in Missouri, and many

1 others that could be named around the country, and
2 the continuous efforts of the Klan.

3 I think reporting has a great deal to do
4 with it. For example, in Indianapolis when a cross
5 is burned you ask for a person to be prosecuted.
6 We don't have an ordinance with reference to a
7 cross burning. We have an ordinance that deals
8 with arson.

9 And so when a cross is burned and it's
10 investigated, that situation is viewed and counted
11 or tabulated under the label of arson, if you will,
12 and/or vandalism, and so we've got to go back and
13 ensure that local police departments, local law
14 enforcement agencies like police departments and
15 sheriffs' departments, establish a category labeled
16 hate crimes and count those crimes as such.

17 And sometimes they may not want to count
18 those crimes because if you look at the one
19 incident in Indianapolis where we had an alleged
20 member who was -- an alleged officer who was a
21 neo-Nazi, quote unquote, maybe they don't want to
22 count them because maybe you're counting yourself,
23 you see.

1 So maybe what we have to do is ask law
2 enforcement agencies to first of all purge
3 themselves and prepare themselves mainly for the
4 counting of hate crimes, because we know they do
5 exist, and then that way then we begin to build a
6 trail.

7 I don't think we have very much of a
8 paper trail on hate crimes except in the more
9 obvious instances of hate crimes. But many, many
10 more small hate crimes take place in our
11 communities and they don't get counted because we
12 count them under another heading, as I said.

13 MR. GRADISON: I've got a quick
14 follow-up in that regard.

15 MR. JONES: And could I just say one
16 other thing, too? From a public policy standpoint
17 it may be difficult to do that because you've got
18 to go through the local legislative body. The
19 Mayor had somebody here before him this morning, as
20 I understand it.

21 I'm a Rotarian, and at my Rotary Club
22 every other year the Mayor gives what he calls The
23 State of the City Address. During this past

1 January the Mayor gave his State of the City
2 Address and listed, among the many issues that
3 remain to be dealt with in this community, race and
4 racism and problems relating to race.

5 Two members of the city council called a
6 press conference a day later and said -- they
7 questioned whether or not the Mayor and they live
8 in the same town. Now if you've got those kinds of
9 people making public policy --

10 MR. GRADISON: And they don't.

11 MR. JONES: And of course they
12 don't. You're right, they don't. Well, but they
13 live in the same metropolitan area, but that's for
14 sure, they do that, but they don't live in the same
15 town, you're right, but they live in the same
16 metropolitan area.

17 But the point being, that they still
18 make public policy for Indianapolis and the
19 metropolitan area, but if you've got people making
20 public policy for the city and the county who have
21 that mentality, then can't you see the difficulty
22 that you may encounter just simply trying to get a
23 mere ordinance to create counting of hate crimes?

1 See? So there's a lot of work to be done, as I
2 said, in all sectors of our community on this whole
3 business of racism and hate and the hate crime area
4 particularly because that's what you're dealing
5 with here today.

6 MR. GRADISON: Media obviously plays
7 a very important role. This is my follow-up.
8 Media plays a very important role.

9 MR. JONES: Well, I had that as one
10 of my other points, that media is very important
11 and they can do an awful lot to lift up, heighten
12 the awareness of not only the existence of hate
13 crimes but the importance of building bridges of
14 understanding between and among racial and ethnic
15 groups, but they argue that they can't do this at
16 prime time because, you know, it costs money and
17 sponsors won't pay for it and so on, and so what
18 we've been doing is seeing more public radio and
19 public television running more of these special
20 programs and projects.

21 But I think our major media outlets,
22 particularly on the television because it's been
23 proved that people do watch television more than

1 they read and so on, and they still listen to radio
2 to a great extent, so those two media sources can
3 play a tremendous role in education on the one hand
4 and on the other hand in digging out facts and
5 helping us garner facts to identify and verify many
6 more hate situations than perhaps --

7 MR. GRADISON: Sam, my question was a
8 little bit different than that.

9 MR. JONES: That's okay.

10 MR. GRADISON: I think the media in
11 some ways, you know, they play up one incident.
12 Rodney King is an obvious example, and so on. One
13 of the things -- and they're running wild all over
14 the United States. There's obviously a very
15 serious police problem with regard to racist issues
16 and so on, but I think especially because of that
17 peculiar phenomenon that occurred out there it of
18 course attracted some extraordinary national
19 notoriety and so on. In fact, I think the media --
20 or, let me ask you that.

21 Do you think the media basically is not
22 doing a very good job because they're doing this
23 hit-and-miss type of thing and that you're having

1 individual singular incidents that have been going
 2 on for years and years and years, they're now --
 3 because of the marvels of technology, these
 4 portable cameras and so on, they explode in the
 5 public view on the evening newscast?

6 MR. JONES: Well, yeah, I really
 7 think in terms of the media, my answer is that
 8 they're in our best efforts are not enough and I
 9 say because I could be accused of being a media
 10 person too. I do a weekly radio program at a local
 11 radio station and I deal with issues. I think we
 12 have not done the best possible job that we could
 13 do with issues.

14 And let's face it, the media, whether
 15 it's print medium or electronic medium,
 16 sensationalism is a great part of what helps
 17 generate ratings and sells newspapers and magazines
 18 and so on, and so yeah, there is a tendency to
 19 focus on those high-profile situations, and once
 20 they have abated, then you don't get an awful lot
 21 of consistency until another high-profile situation
 22 comes along.

23 I think that the media can do more, just

1 as well as the Urban League could do more, the
2 NAACP could do more, ADL could do more, citizens
3 can do more, politicians can do more, educators, we
4 all can do more. We're all guilty as far as I'm
5 concerned in this whole process, and we can do more
6 in this whole area as far as that goes.

7 CHAIRMAN HUGHES: Sam, an extremely
8 important part about what we're about today is not
9 only just hearing incidents or gathering facts
10 about incidents around the state but also hearing
11 recommendations for preventing hate crimes, and in
12 your testimony you called for a coming together,
13 the achievement of unity. Could you be more
14 specific about what you meant and what specific
15 kinds of things?

16 MR. JONES: Well, you know, my view
17 is that leaders like the President of the United
18 States, governors of states, and mayors of cities
19 are what I call cheerleaders, and if cheerleaders
20 buy into a problem or an issue and call for
21 citizens groups to come together to deal with
22 issues, and in this case hate crimes, I think that
23 we could move much faster down the road in terms of

1 a lot of efforts that should take place.

2 For example, specific efforts like if
3 the Governor were to call a forum or create a task
4 force and have a statewide forum and public
5 hearings and get recommendations and suggestions,
6 or a conference on hate and hate crimes in Indiana,
7 for example, and then resulting from that a laundry
8 list of recommendations, like work in the schools
9 with children or in calling on churches to speak
10 out more against hate crimes, or calling for
11 legislation, as I said the Crawford bill, and/or
12 let it be known from his chair that the state of
13 Indiana will not tolerate hate crimes within the
14 state of Indiana no matter where they take place.

15 I think these kinds of efforts will go a
16 long ways toward helping to get citizens -- to
17 heighten the awareness of the issue, No. 1, and
18 secondly to get citizens turned on and to begin to
19 do their own things.

20 For example, I think, again, issues like
21 in Indianapolis we have what we call a black-
22 Jewish dialogue. I'd like to see that expanded to
23 become a black-Jewish-gentile dialogue so that

1 local citizens will come together and deal with
2 hate crimes across the board, but those are the
3 kinds of things that can be done even without the
4 cheerleader calling for it together. I think it
5 helps when the cheerleader sets the pace.

6 When Bill Hudnut made that speech in
7 January and lifted up race and racism as one of the
8 issues in this community, for many of us in the
9 community that was a plus because that was one of
10 the first times in my 25 years in this community
11 that a political leader has stood before 800 or
12 more people and talked about race and racism as
13 being a problem in this community and that this
14 community ought to rise up in righteous indignation
15 and do something about it.

16 Now we haven't done an awful lot about
17 it since January 1991, but at least the Mayor did
18 take that posture, and I think in a small way in
19 little vacuums around the community some programs
20 and some projects have begun to take on this
21 issue.

22 For example, in our law enforcement task
23 force, we're not only concerned about police action

1 shootings, we're also concerned about hate crimes
2 The black-Jewish dialogue came about because we are
3 concerned about hate crimes directed at blacks and
4 Jews, and I'm saying we should expand that.

5 So you see, things are happening,
6 Mr. Hughes, but I don't think that we're getting
7 our direction, our signals, our directions of
8 leadership from our cheerleaders with the strength
9 that I think we got say from Desert -- the
10 President and Desert Storm.

11 We rallied this nation as this nation
12 has never been rallied before, and you see, if we
13 take that kind of concerted effort, we can do it,
14 or in the case of Kennedy when Kennedy was
15 President, remember Russia had just sent up sputnik
16 and we were crying in our beer that Russia beat us
17 into outer space, and Kennedy came along and said
18 in 15 years we're going to have, in this case,
19 quote unquote, a man on the moon, and then in less
20 than 15 years we pull together money, we pull
21 together the brightest minds, and we had the
22 commitment of the President's office behind that
23 effort, and, dammit, the issue -- the project got

1 implemented in less than the 10 to 15 years that
2 was projected.

3 And I think if we had that kind of
4 commitment from leadership, political leadership,
5 from clergy leadership, religious leaders, the
6 judicatory leaders, particularly the bishops and so
7 on of the major judicatories, whether Protestant or
8 Catholic, and the Jewish leadership with the
9 synagogues and temples and so on, I think that we
10 could rally people together and begin to deal with
11 this.

12 But remember now that even if we do
13 that, racism and hatred and hate crimes are like
14 Johnson Grass, they're going to be a long time
15 being eliminated, but we should try, we should not
16 sit back and say "let somebody else do it," we
17 should do it ourselves, and I think the time is now
18 for that to happen.

19 MR. GRADISON: Does that mean we
20 should make wars to pull the country, and get rich,
21 up on a regular basis?

22 MR. JONES: I think maybe we should
23 do something, you know, and I think also -- you

1 know, I'm not being facetious when I suggest that
2 we have to have a lot of funerals. I think a lot
3 of people have been so ingrained and so entrenched
4 negatively about blacks, about Hispanics, about
5 Jews, about women, and others in the minority
6 communities.

7 But I'd stick to right now race and
8 gender because most of the hate situations tend to
9 take place around race and gender, although
10 increasingly we see from the Gay community more
11 hate situations taking place from that vantage
12 point, and I think that people are -- that hatred
13 is so entrenched and so ingrained that an awful lot
14 of funerals have got to take place.

15 Undertakers are not going to go out of
16 business for a while, and until that happens, we're
17 always going to be faced with some form of hate
18 crime or hatred in our community. But I appreciate
19 what you're doing and I think we're on the right
20 track in doing what you're doing. Thank you so
21 much. Call on the Urban League to help where we
22 can.

23 CHAIRMAN HUGHES: Thank you.

1 MS. PARKER: And, Sam, the next time
2 you come, please do not make your commercials about
3 Ball State and DePauw unless you're going to give
4 other institutions equal time. You've done a good
5 job of recruiting today.

6 MR. JONES: Thank you, Ms. Parker.
7 Thank you. Your point's well taken.

8 MS. PARKER: No, you see I'm from
9 another institution.

10 MR. JONES: Well, you're okay, you're
11 all right.

12 CHAIRMAN HUGHES: At this time we'd
13 like to invite Mr. Amos Brown, the station manager
14 from WTLC, to join us. We'd like to start by
15 offering our appreciation of your patience. I know
16 we're running a little behind schedule. Hopefully
17 we haven't thrown you too off.

18 (Off the record discussion.)

19 MR. BROWN: Chairperson and members
20 of the committee, I thank you for the opportunity
21 to address you on the subject of the rise of hate
22 crimes here in Indiana, and I speak to you today
23 from two perspectives, that as the station manager

1 and the management of WTLC radio station, which is
2 the radio station that serves and services the
3 African-American communities of Indianapolis and
4 throughout central Indiana. I also speak to you as
5 the institution in the Indianapolis black community
6 that is the repository of facts, information and
7 data on our black community.

8 There has been -- ever since our radio
9 station has been in existence in Indianapolis some
10 23 years, there have been reported hate crimes here
11 in our community. While we have not had many cross
12 burnings, while we've not had white neighborhoods
13 in turmoil or in riot when blacks move in, as they
14 have in other cities, we here in the central part
15 of the state have had problems.

16 They've tended to be under the surface,
17 under the veneer. They've tended to be subtle.
18 They've tended to be isolated. Yet when you look
19 at it cumulatively, they add up.

20 For example, in the mid '70s and early
21 '80s there were serious problems of public access
22 and public accommodation in Indianapolis night
23 spots. Several bars and nightclubs in this city

1 were civilly sued and cited by the state Civil
2 Rights Commission and by the state Alcoholic
3 Beverage Commission over racism and illegally
4 denying blacks access.

5 At our radio station we average at least
6 two complaints a month of discrimination. These
7 are people who feel aggrieved enough that they
8 don't know who to call, so they call us, and it's
9 usually in the area of employment. Usually I end
10 up talking to these individuals, and in many cases
11 in talking to them it's clear that there was no
12 overt illegal discrimination, but that there was
13 harassment and a feeling that, quote, you don't
14 belong occur, and perhaps a subtle hate crime was
15 actually committed.

16 Just the past three months we have
17 received an above-average number of calls
18 concerning neighborhood racial harassment in just
19 two Indianapolis changing neighborhoods. Part of
20 the problem of hate crimes in the city is city
21 leadership, they don't know where the changing
22 neighborhoods are.

23 To give you an example, two of these

1 neighborhoods are the near-eastside, or as it's
 2 commonly known, the Tech High School/Brookside Park
 3 area, and out in the city of Lawrence. We at WTLC
 4 anticipated that problems would occur in these two
 5 areas because of our intimate knowledge of the
 6 demography of Indianapolis, both black and white.
 7 City and civic leadership didn't because they still
 8 don't understand the changing nature of the city
 9 because there are some contradictions and paradoxes
 10 of the Indianapolis African-American community.

11 One reason in our opinion that hate
 12 crimes may be on the rise in this state are that
 13 blacks are moving towards the center of Indiana.
 14 Dr. Jerry McKibbon, who's the demographer at
 15 Indiana University, cites results from the 1990
 16 census indicating that blacks are moving out of
 17 Lake County, out of the smaller cities of the
 18 state, and coming here to Indianapolis.

19 Newly-released census data for the city
 20 show huge increases in black population during the
 21 1980s, increases of 30, 40, and 50 percent or more
 22 among black men and women age 30 to 44. This is
 23 partly a result of strong migration, in-migration

1 to Indianapolis from the rest of the state or from
2 other areas of the country.

3 There's another paradox. According to
4 1990 census data used for redistricting, fully
5 one-third of the Indianapolis black population
6 lives in white-majority neighborhoods or
7 precincts. It's an increase of 20 percent from
8 1980 and an increase of 114 percent from 1970.

9 In the past 30 years the Indianapolis
10 black community, which used to be in a tightly
11 segregated, small geographic area, has broken out
12 and spread in all directions of Marion County,
13 especially to the northeast, north, and northwest.

14 Let me go back to these neighborhoods
15 where just recently we've heard examples of hate
16 crimes. The near-eastside/Brookside Park area ten
17 years ago was less than 5 percent black. It is one
18 of the poorest areas of our city, consisting of
19 underclass whites and poor working class whites, a
20 few middle-class white suburban homesteaders.

21 Sometime in 1987 or 1988, as available
22 housing for low income people or the black working
23 poor became unavailable in black areas, and as the

1 crime rate in the neighboring Brightwood area to
2 the north increased, blacks slowly began to move
3 south of Interstate 70 and Massachusetts Avenue and
4 into the near-eastside/Brookside Park area.

5 The turnover was very gradual. Our
6 staff discovered it in mid-1989, and first we sort
7 of dismissed it. We knew that blacks in
8 Indianapolis were moving into middle-class and
9 affluent white areas, but we did not know they were
10 moving into lower-income neighborhoods, and usually
11 when lower-income blacks move into lower-income
12 white neighborhoods, trouble will start.

13 When we received the census results thi
14 February, we saw that this was a neighborhood now
15 that some of the areas were as much as 20 to 25
16 percent black, and it was just after this that we
17 began to receive reports of racial harassment in
18 these areas.

19 Another example, even though
20 Indianapolis is a consolidated city, there are
21 three towns that have their own Mayor and police
22 force, Speedway, Beech Grove, and Lawrence. 20
23 years ago the city of Lawrence was virtually all

1 white. Today it is 10 percent black. In fact, the
2 black population inside the city of Lawrence grew
3 by 34 percent in just ten years.

4 A week ago a woman called me about a
5 racial harassment problem she had in Lawrence
6 city. Neighbors were harassing her about her dog.
7 She got rid of the dog, but the neighbors were
8 white, still hassling her. She called the Lawrence
9 Police but they would do nothing, yet there are no
10 minorities in the Lawrence Police or the city
11 administration, and since it's a part but not a
12 part of Indianapolis, there isn't much the Mayor's
13 office downtown could do.

14 The city of Lawrence doesn't even have a
15 civil rights or Human Rights Commission, yet the
16 black population in the city of Lawrence will
17 continue to increase during this decade, but
18 there's no infrastructure in city government or in
19 that community that can protect black citizens of
20 Lawrence with problems of racial harassment or hate
21 crimes.

22 And when a neighborhood had a problem
23 like the near-eastside, or the recent incident

1 which you heard about with a cross burning at the
2 homeless shelter, we currently have no interracial
3 task force or group of church or community workers
4 ready to go into that neighborhood and attempt to
5 work things out. So what happens is people call
6 the police. The presence from the police can
7 sometimes tend to make the problems worse even if
8 the police are professionally doing their job.

9 I mentioned before a lack of civic and
10 city awareness of the minority community, and this
11 I think is the biggest problem we as a city face in
12 solving the problem of hate crimes in this city and
13 statewide.

14 The majority community has been
15 brainwashed by their own media and from a lack of
16 direct knowledge or understanding that Indianapolis
17 is a major American city with complex demography,
18 and as a result many of the majority community,
19 including political and civic leaders, still feel
20 that the black community is predominantly poor and
21 that we all live in the so-called inner-city.

22 Our city, political and civic
23 leadership, for example, don't realize that the

1 black community of Indianapolis is the 16th largest
2 in the country; that more blacks live in
3 Indianapolis than live in Newark or Oakland or
4 Birmingham, Alabama, or even Gary.

5 Local media, newspapers and television,
6 view the black community as a cipher. It is
7 covered when there's crime or controversy but never
8 to explain changing demography, changing
9 life-styles, or changing patterns in the community.

10 Indianapolis is unique among midwestern
11 cities. Other than Detroit, Indianapolis has the
12 highest percentage of black homeownership of any
13 midwestern city, and we have the highest percentage
14 of living in a home, owned or rent, than any city.
15 Indianapolis has the highest percentage of black
16 married couple families than any midwestern city;
17 in some cases 40 percent higher than cities like
18 Chicago, Detroit, or Milwaukee.

19 We have the lowest percentage of black
20 single female headed families than in any
21 midwestern city, and as I mentioned earlier, a
22 third of the black community lives in majority
23 white areas, while just 57 percent of the community

1 lives in segregated, 70 percent or more, black
2 areas.

3 Part of the problem also is that in some
4 industries and employment categories black
5 employment is declining, not increasing. Even in
6 my own industry, broadcasting, which has strong EEO
7 guidelines, black employment is flat and
8 advancement is nil. So in this context of a
9 complex black community, yet with no understanding
10 and appreciation of this complexity by whites, that
11 causes a fertile breeding ground in our opinion for
12 hate crimes.

13 So what can you do? We offer these
14 concrete steps for you to recommend. That the
15 Governor of Indiana should convene a special state
16 commission to investigate this problem, a
17 commission consisting of blacks and whites and
18 Hispanics from across the Hoosier state, and that
19 the commission should be empowered to prepare
20 specific recommendations and legislation to curb
21 hate crimes and begin to foster racial
22 understanding and harmony in the state.

23 In Indianapolis we are constantly

1 forming special committees and task forces to deal
2 with everything from let's have a golf tournament
3 to let's fix up downtown, to let's help literacy.
4 We have no special committee or task force dealing
5 with race relations.

6 We would hope that this committee and
7 commission will strongly recommend to the next
8 Mayor of Indianapolis, as well as to the
9 Indianapolis Chamber of Commerce, and to the civic
10 and religious leadership of this community that a
11 blue-ribbon citywide task force be formed
12 immediately to look at and deal with the issue of
13 race relations in this community.

14 On balance, we still have an opportunity
15 to nip these problems in the bud, but until we
16 recognize that there is a problem in Indianapolis,
17 it's not going to get done. Thank you for your
18 time. I'll answer any questions that you may
19 have.

20 CHAIRMAN HUGHES: Thank you for your
21 presentation. Questions?

22 MS. PARKER: I just was thinking the
23 demographics --

1 MR. BROWN: Well, that's why we
2 wanted the opportunity because sometimes people
3 have perceptions of a community and I think that is
4 part of the problem. This community, black
5 community, is growing at a rate over ten years of 9
6 percent faster than the white community, people
7 moving in all areas.

8 And as I was telling somebody at one of
9 the television stations earlier, a lot of the
10 problems that precipitate hate crimes in our
11 opinion are the normal problems of living with
12 other people and then you just overlay race and
13 negative perceptions on top of that.

14 Somebody calls and says "My neighbors
15 are complaining about my dog." Well, that could
16 happen in any neighborhood, or it's the typical
17 Hoosiers don't like change, and when a new neighbor
18 comes in a neighborhood, I don't care whether it is
19 a white in Elwood or a black on the near-eastside,
20 you're going to be a little suspicious; is this new
21 neighbor going to be one of the girls and the boys?

22 And then all of sudden cultures clash or
23 lack of understanding, then the chicken comes home

1 to roost and you have a problem, but if you don't
2 have any mechanism to go into that neighborhood and
3 calm them down, or when the police come they're all
4 one to a car, they're just there trying to keep a
5 riot from starting instead of sitting down and
6 trying to counsel them.

7 It's almost like the television show
8 last week that talked about police in London where
9 they spent most of their time separating both
10 parties to calm them down and talk to them, not
11 wanting to arrest them, to just find out what the
12 situation is. We don't have that kind of
13 infrastructure here.

14 CHAIRMAN HUGHES: Mr. Brown, in the
15 data that you presented you suggest that there may
16 be some evidence that income and violence may be
17 closely related in the areas -- and I'm sorry, I'm
18 not that familiar with Indianapolis, but you
19 suggest that there are a couple of areas where
20 there is significant black mobility and low-income
21 white areas, I think it was the eastside.

22 MR. BROWN: Eastside.

23 CHAIRMAN HUGHES: Okay. Do you feel

1 that the number of incidents are more predominant
2 in lower-class blue-collar neighborhoods than in
3 suburban middle-class?

4 MR. BROWN: We rarely get those kind
5 of, quote unquote, hate crime complaints or hearing
6 that kind of feedback from a middle-class apartment
7 complex, or from a person who bought a 70 or
8 \$75,000 home in a subdivision. They tend to happen
9 in either at the workplace or they happen in these
10 lower/middle-class neighborhoods.

11 We used to colloquially call the
12 near-eastside area Kentucky, that was the kind of
13 local -- some would say it's a derogatory term, or
14 Tobacco Row. That's what the neighborhood's
15 called, and we knew if a black folk ever moved into
16 that neighborhood, you going to have a problem, and
17 it just happened very slowly.

18 It wasn't like one day thousands of
19 families or several hundred moved in there, it was
20 a slowly evolving thing, and now it has reached a
21 point where it's not one family on a block, it may
22 be two, three, or four, and I think downtown just
23 hasn't recognized that yet. Yes, sir?

1 MR. ROSE: My question is not
 2 directly related to hate crimes, but it's
 3 directed -- relates to your testimony, and I'm just
 4 interested, very interested in the statistics, none
 5 of which I knew. The rapid growth of the black
 6 community in Indianapolis, to what do you ascribe
 7 it? You know, are we doing something right or are
 8 conditions so terrible elsewhere that they're
 9 taking a lesser of two evils? Is there more or
 10 less economic opportunity here? What brings these
 11 people to Indianapolis?

12 MR. BROWN: I think, one, it is the
 13 lack of -- for those that are from Indiana it's the
 14 lack of opportunity in the Muncies and the Kokomos
 15 and the Terre Hautes and the Andersons, and
 16 Indianapolis is where the jobs are. The same could
 17 be true from the northwestern part of the state,
 18 and then as the economy -- as industries have come
 19 here to town, they have imported minorities from
 20 other cities.

21 So in the '80s there was a sharp
 22 increase in African-Americans, whether they were
 23 single, whether they were young married couples,

1 moving to Indianapolis from other parts of the
 2 country and other parts of the state. We kind of
 3 felt it, we kind of knew it. We just are now
 4 seeing the manifestations of it in the census.

5 So on one level that's good. On another
 6 level and what we're also looking at is there is
 7 declining population among 18 to 24-year-olds, and
 8 we're not sure whether these are negative and again
 9 lack of opportunity or perceived opportunity are
 10 causing them to move elsewhere, but there has been
 11 sharp what we call in-migration coming into the
 12 marketplace and these are smaller households, so
 13 they're not bringing families of three or four or
 14 five, and the nature of the large black family of
 15 six or seven people is not the case anymore. It's
 16 very complex.

17 MR. ROSE: Would you ascribe the
 18 in-migration to economic factors or --

19 MR. BROWN: Yes.

20 MR. ROSE: -- some other factors?

21 MR. BROWN: It's lack of available --
 22 lack -- those that are from Indiana, lack of
 23 something where you lived, so you come to

1 Indianapolis, and this is also true for whites
 2 because there has been a huge increase in the same
 3 age ranges, about 25 to 44, who have moved to
 4 Indianapolis, and I didn't realize it. IU had to
 5 tell me that.

6 And then what has surprised Indiana
 7 University is that the pattern is similar for
 8 blacks, so they are expecting and I'm expecting
 9 when the income data is released that there's going
 10 to be a sharp increase in middle-income
 11 African-American households somewhere between 20
 12 and \$50,000.

13 MR. ROSE: Second factor, although I
 14 don't have any data, but the outflow of young
 15 single blacks I think would hold true for the white
 16 community equally the same. Most of the parents I
 17 know, their children who are white, children
 18 educated here and live elsewhere.

19 MR. BROWN: The strangest thing --
 20 and I just finished a graph before I came down
 21 here. The same age groups that gained and lost
 22 during the decade are identical for white and
 23 black. That is highly unusual.

1 MR. ROSE: Any explanation?

2 MR. BROWN: Don't know yet. As soon
3 as I find out, we'll let you know. It's like a
4 mystery puzzle.

5 MS. SCHMITT: I'm curious because you
6 seem to be knowing a lot of statistics. As you
7 know, our focus today is hate crimes.

8 MR. BROWN: Yes, ma'am.

9 MS. SCHMITT: And we've heard all
10 morning -- you haven't been here all morning I
11 guess -- but about three or four instances over and
12 over and over again, this cross burning, and I keep
13 hearing about these three or four and I --

14 MR. GRADISON: Because it's the most
15 recent I think is what it is.

16 MS. SCHMITT: But I keep thinking,
17 you know, the Johnson Grass example; you're never
18 going to get rid of all of the bad apples in the
19 barrel. Do you think -- are hate crimes a real,
20 real problem in Indianapolis?

21 MR. BROWN: I think that hate crime
22 is not yet a real problem. I think there is a lot
23 of subsurface racism and then overlay on that,

1 similar to the Mayor's remarks, lack of civility
2 under the surface.

3 You know, we've heard of incidences
4 where, you know, whites will lean out of the car
5 "Hey, Nigger," this kind of stuff, so there's a lot
6 of that still on the surface. I think a lot of
7 people forget there's a lot of southern in
8 Indianapolis as opposed to northern.

9 What happens is because this is still
10 under the surface and an actual hate crime is still
11 rare, when a cross is burned on a slow news day,
12 "God, a cross burn, that's news," you see what I'm
13 saying?

14 MS. SCHMITT: Yes.

15 MR. BROWN: Or "neighbor harassed,
16 that's news," and then the media tends to blow it
17 up.

18 MR. GRADISON: That's what we just
19 talked about.

20 MR. BROWN: But there's no
21 countervailing, there's no "Let's look at the
22 demography. Is there a growing middle-class?"
23 There's no counter-balance.

1 MR. GRADISON: You don't see behind
2 you.

3 MR. BROWN: Yeah. So what happens is
4 peoples' top-of-mind awareness, but I would say
5 that unless some things are put in place to nip it
6 in the bud, what will happen is if it's not
7 arrested and people feel I can burn a cross and get
8 away with it, that perhaps because they found the
9 alleged person, you know, that may send a signal
10 you don't do that here.

11 MR. ROSE: Exactly. I can testify to
12 that. The fact that hate crimes are relatively
13 rare here and as you say should be nipped in the
14 bud, I'm spending a great deal of my time in other
15 cities that I won't name where racial polarization
16 has really become an issue, political and
17 otherwise, and the hate crime situation is so much
18 more prevalent, such as murders, drive-by shootings
19 of unknown parties.

20 MR. BROWN: It still -- it still
21 looks --

22 MR. ROSE: And we have a lot to be
23 thankful for and a lot to protect and a lot to try

1 to prevent, and I think that should be our focus.

2 CHAIRMAN HUGHES: Thank you very
3 much. We are going to take a lunch break. We are
4 scheduled to come back at 1:15. I'm going to
5 suggest that we come back and try to start at
6 1:30. We'll be 15 minutes late, and that will give
7 us a chance to swallow something quickly. I'd ask
8 you to try to get back about 1:25 so that we can
9 try to start promptly at 1:30. Thank you.

10 (A lunch recess was taken.)

11 CHAIRMAN HUGHES: Good afternoon.
12 We'd like to reconvene the Advisory Committee to
13 the U.S. Commission on Civil Rights. Before
14 picking up again for our afternoon session, I would
15 again like to remind everyone of the ground rules;
16 that this is a public meeting open to the media and
17 the general public. We have a full schedule of
18 people who will be making presentations.

19 We will be able to hear brief
20 presentations from persons who have not been
21 invited at the end of the session. Before I
22 recognize anyone, if there is anyone who would like
23 to address the body but has not -- we've not

1 contacted you, we ask that you meet with Pete
2 Minarik, our staff person, who just stepped out of
3 the room and will be back, the guy that was running
4 around the back of the room, if you would meet with
5 Pete to review your proposed statements.

6 Written statements may be submitted
7 either while we are here or by mail to the U.S.
8 Commission on Civil Rights, 175 West Jackson, Suite
9 A-1332, Chicago, Illinois 60604. The record for
10 this meeting will be closed on August 31st, 1991.

11 The topic which we are -- which is under
12 consideration for our forum is hate crimes in
13 Indiana. We've defined hate crimes as the incident
14 of violence or intimidation motivated by bias,
15 hatred, or prejudice, based on some characteristic
16 of the victim.

17 During these proceedings we'd like
18 everyone to keep in mind that the scope of this
19 forum is statewide; that the forum is not
20 necessarily limited to hate crimes committed by
21 whites; and that we are attempting to gather
22 information of specific incidents wherever
23 possible, specific reasons for the increase, as

1 well as motivations as to how to alleviate or
2 prevent hate crimes.

3 We are going to deviate just slightly
4 from our agenda, and at this time we would like to
5 invite Mr. Robert Epstein, chairman of the Ohio,
6 Indiana, Kentucky Regional Advisory Board to the
7 Anti-Defamation League.

8 MR. EPSTEIN: Thank you,
9 Mr. Chairman, and I also appreciate the indulgence
10 of --

11 MR. ROSE: Bob, would you use that
12 microphone so the people in the back can hear you?

13 MR. EPSTEIN: This?

14 MR. ROSE: I think so, yeah.

15 MR. EPSTEIN: Okay. Is that better?

16 MR. ROSE: I hope so.

17 MR. EPSTEIN: Usually my voice is
18 loud enough that it can be heard, but if you can't
19 hear in the back, I'll try to refocus the
20 microphone.

21 Mr. Chairman and members of the
22 committee, my name's Robert Epstein, Bob Epstein,
23 chairman of the Civil Rights Committee of the Ohio,

1 Indiana, Kentucky Regional Advisory Board to the
2 Anti-Defamation League for B'nai B'rith.

3 For those that are not familiar with the
4 ADL, we are the second largest civil rights
5 organization in the United States, and we do
6 monitor hate crimes both nationally and of course
7 in the state of Indiana, which is part of what we
8 do.

9 We also have an international section
10 who do a great deal in the area of education. We
11 have a major program underway right now called The
12 World Indifference, which addresses prejudice,
13 hate, in a positive way to try to break down those
14 stereotypes.

15 We at the Anti-Defamation League
16 appreciate this opportunity to address the Indiana
17 Advisory Committee. I want to, for purposes of my
18 address, speak mostly about anti-Semitic incidents,
19 but there will be of course opportunity to address
20 hate crimes in general as well.

21 In recent years our agency has witnessed
22 an upsurge in the number of acts of ethnic threats,
23 harassment, and battery. For the last twelve years

1 the league has been collecting and reporting
 2 statistics on the number of anti-Semitic incidents
 3 that are reported to our regional offices around
 4 the country.

5 During 1990 the number of anti-Semitic
 6 incidents, in particular in the United States,
 7 climbed to a record of 1685 episodes. These
 8 incidents were reported to the ADL from 40 states
 9 and the District of Columbia. The overall total
 10 represents an 18 percent increase over 1432 such
 11 incidents reported in the year of 1989, and this
 12 represents the highest total ever reported since
 13 ADL began collecting this information.

14 Of the total 1685 incidents reported,
 15 927 were acts of vandalism, the second highest ever
 16 in this category, which were directed at Jewish
 17 institutions, Jewish-owned property, and other
 18 public locations.

19 The vandalism total for 1990 is 10
 20 percent higher than the 845 reported the year
 21 before. Included in this category are 38 serious
 22 crimes, the same as the record-high total reported
 23 in '89 of arson, bombing, and cemetery

1 desecration.

2 In the category of harassment, threats
3 and assault, another record total was reported in
4 1990. There were 758 such incidents in which
5 Jewish individuals and their institutions were
6 menaced by mail or phone threats, verbal abuse, and
7 even physical assault. Incidents in this category
8 have jumped by over 29 percent over the year
9 before.

10 What about Indiana? In this state in
11 1990 there was a decrease in the number of
12 anti-Semitic incidents reported to our regional
13 headquarters in Columbus. The survey revealed a
14 total of ten incidents reported, including three
15 vandalism and seven harassments and threats.

16 Although this represents a decline from
17 the 15 incidents in '89, several of these,
18 especially those reported at Indiana University in
19 Bloomington, were quite troubling. Several of
20 these cases are worth noting in some detail here.

21 In November of 1990 temple B'Nai Israel
22 in Kokomo was vandalized. Two outside glass
23 showcases for announcements were broken with

1 rocks. Rocks were thrown into the temple's
2 stained-glass windows. A large swastika and two
3 smaller ones were carved with a pocket knife into
4 the front doors of that temple.

5 There have also been a number of
6 episodes at IU in Bloomington where predominantly
7 Jewish fraternities, the campus Jewish center, that
8 is the Hillel, and various university structures
9 were vandalized with anti-Semitic, racist, and
10 homophobic graffiti.

11 In fact, only three weeks ago a similar
12 incident occurred. The S A M, Sigma Alpha Mu
13 fraternity, and the ZBT house were vandalized with
14 swastikas. Jewish communal institutions in both
15 Bloomington and Indianapolis are regular targets of
16 anti-Semitic hate mailings. It should be noted
17 that these mailings are only counted as one
18 incident for purposes of our annual audit.

19 In 1990 synagogues in Lafayette,
20 Indianapolis, and Bloomington received vicious
21 anti-Israel and anti-Semitic mailings and telephone
22 calls. In '89, as I stated earlier, Indiana
23 experienced a total of 15 such episodes and 11 of

1 these were harassments and threats.

2 The vandalism figure remained unchanged
3 from '88, but the harassment figure increased by
4 nine incidents. Especially troubling was the
5 vandalism of Temple Israel in Valparaiso and the
6 threatening of Fort Wayne's congregation B'Nai
7 Jacob by a gunman wearing battle fatigues, a beret,
8 and a bandanna over the lower half of his face who
9 came to, quote, shoot some Jews.

10 In addition there was a number of
11 harassing anti-Semitic letters and phone calls
12 received by rabbis and other Jewish leaders in a
13 number of cities around this state, including South
14 Bend, Fort Wayne, Bloomington, Indianapolis, and
15 Nashville, Indiana.

16 In this context it should be noted that
17 in 1983 the synagogue in Bloomington was set fire
18 by a member of an anti-Semitic hate group known as
19 The Covenant, The Sword, and The Arm of The Lord.
20 This was by our recollection the most serious
21 anti-Semitic incident in the entire midwest in the
22 past ten years, and parenthetically, I had the job
23 of investigating that particular crime, along with

1 the FBI. It took several years before the people
2 that were responsible were brought to justice, and
3 they were tried, although out of the state of
4 Indiana.

5 While ADL's audit of anti-Semitic
6 incidents are not comprehensive and represent only
7 those that are reported, they do serve as a
8 barometer for describing and measuring racial and
9 religious intolerances in this country. On a
10 national level the increases in the quality and
11 severity of these incidents are quite disturbing to
12 the league.

13 What are the trends that we see? These
14 statistics reflect several national trends that are
15 worth noting. In recent years there has been a
16 particularly unsettling increase in the number of
17 anti-Semitic racist and other bias-motivated
18 incidents occurring on U.S. college campuses, up by
19 more than a third in 1990 over the past year or the
20 year before.

21 In one sense this is perplexing in light
22 of the advance that we see in the openness of
23 college campuses. They're also occurring at a time

1 when the universities themselves have achieved
2 unprecedented racial diversity and when university
3 administrators are stating vigorously to students
4 the importance of concepts such as diversity,
5 pluralism, and the appreciation of difference.
6 Still we're faced with this continuing increase in
7 hate crimes and vandalism and problems on the
8 campus.

9 In addition there has been a resurgence
10 of anti-Semitic incidents motivated by the events
11 in the Middle East, and in the past year these were
12 related to the Persian Gulf Crisis. Between
13 January and August of this year there were
14 approximately 20 incidents of anti-Israel
15 pro-Palestinian threats against Jews and graffiti
16 on synagogues or other Jewish property.

17 With the onset of the Persian Gulf
18 Crisis and efforts by anti-Israel forces to link
19 Iraq's invasion of Kuwait with the Arab-Israeli
20 conflict, we saw an additional 25 anti-Semitic
21 incidents which contain references to those events
22 by the end of 1990. There were also several
23 regional incidents in January of '91 related to the

1 outbreak of the Gulf War.

2 On a more positive note, the skinhead
3 related anti-Semitic incidents are down
4 significantly, although skinhead activity remains a
5 major concern. We see that effective law
6 enforcement action at both the federal, state, and
7 local levels against violent neo-Nazi skinhead
8 activity has sent a firm and clear message to these
9 groups, and that is the message that this type of
10 behavior will not be tolerated.

11 Another resounding message to the hate
12 movement to consider the serious consequences of
13 their conduct was communicated in 1990. The
14 successful civil suit against Tom Metzger
15 (phonetic), his son John, and two neo-Nazi
16 skinheads in Portland, Oregon resulted in a
17 multi-million dollar damage verdict in favor of the
18 estate of a black man from Ethiopia whose brutal
19 murder was motivated by bigotry. ADL participated
20 in this suit, as well as the Southern Poverty
21 Center, as I understand it. This victory will
22 surely have a resounding impact on the skinhead
23 movement around the country.

1 One other positive thing that we see in
2 the ADL is the new federal Hate Crime Statistic Act
3 which goes a far way to helping us gauge and
4 understand the extent and nature of hate crime in
5 this country. The information gathered by this Act
6 will help us to focus attention on the need for
7 direct action to address the far-reaching
8 implications of crimes prompted by prejudice.

9 I think in the interest of time I would
10 like to stop there, and I'll be glad to answer any
11 questions that you have both regionally or
12 regarding what's going on in the Indiana scene, if
13 I can help you out.

14 CHAIRMAN HUGHES: One of the areas
15 that I would be interested in hearing a bit more on
16 is you mentioned you felt that the skinhead
17 activities and events were down over previous
18 years.

19 MR. EPSTEIN: Uh-huh.

20 CHAIRMAN HUGHES: And you implied
21 that effective law enforcement was sending a
22 message to that group. Do you believe that that is
23 the primary reason for the decrease in those

1 physical kinds of things or activities relative to
2 that particular group?

3 MR. EPSTEIN: - Well, as we understand
4 the skinhead movement, there is no national
5 leadership; that there are a group of splinter
6 groups around the country; and that Metzger in
7 particular was quite active in disseminating
8 information and providing methods for these people
9 around the country to do their deeds.

10 Metzger, I wouldn't say he's been put
11 out of business, clearly that's not the case, but
12 yet I think that this lawsuit in Oregon, which
13 struck him dearly, gave him some pause in terms of
14 disseminating bigotry around the country because
15 that was the basis of that case.

16 It wasn't that Metzger, either Tom or
17 John -- and I'm not sure how much you know about
18 the Metzgers, but the father actually and
19 unfortunately is from the state of Indiana
20 originally and he since moved to California. I
21 believe he's from the Warsaw area of Indiana.

22 So we're seeing somewhat of a break-up
23 in the dissemination of this information. Clearly

1 there will be outbreaks of skinhead activities here
2 and there. There was a serious incident in Indiana
3 either in '89 or '90, and I believe that the
4 gentleman who then was the leader of the group
5 here, Mr. Showalter, was arrested and convicted of
6 possession of some arms. I believe he had a cache
7 of AK-47s.

8 So that what we're seeing is less
9 activity, but what we see, and I believe this --
10 this is at least my understanding, and I don't
11 purport to be the gospel nationwide, is that it
12 tends to be quite violent; I mean, maybe less, but
13 more violent in propensity, so it's not like we ca
14 forget them.

15 I think you also see different groups go
16 in cycles, and that sometimes a group, whether it
17 be the skinheads or some other group, will peak out
18 and then another group will pop up, so that as an
19 example you'll find almost like an interlocking
20 directoriate between and among several of these
21 groups. They carry cards in different
22 organizations.

23 The Metzgers I believe had some

1 affiliation with the Klan way back when and then
2 they became involved with WAR, White Area
3 Resistance movement, and then the son John, along
4 with his father, has been actively involved in
5 propagating information on college campuses, as an
6 example, is what I understand the son's job is.
7 Does that answer your question?

8 MS. PARKER: One of the other things
9 we are charged with is developing a set of
10 recommendations. What kind of recommendations
11 would you offer to us that we can include in our
12 report to respond to some of the things you've
13 outlined?

14 MR. EPSTEIN: Well, enforcement of
15 all statutes and the enactment of other hate crime
16 statutes where they do not -- where they're not
17 presently on the book, and coordination on a state,
18 federal, and local level of law enforcement,
19 training of local, state, and federal law
20 enforcement as to the sensitivity of the issues
21 involved.

22 And I can give you -- I'd rather speak
23 in generality rather than specifically, but there

1 had been certain instances when we at the ADL --
2 and this is not meant as a putdown at all of law
3 enforcement because they were very receptive to
4 this. We have actually done some training of law
5 enforcement in terms of sensitivity of these issues
6 and how to deal with different hate groups, albeit
7 even terrorist groups.

8 We brought in an expert from Washington,
9 as I recall, that dealt with the -- we had a
10 colloquium -- not a colloquium. We had a meeting
11 of some top law enforcement people, it wasn't a
12 large group, to basically train them in
13 anti-terrorist activity relative to a specific
14 potential incident, thank goodness which never
15 occurred.

16 MR. ROSE: Excuse me.

17 MR. EPSTEIN: Mr. Rose?

18 MR. ROSE: These threats, hate mail
19 and threats, do the postal authorities give you any
20 cooperation? Are there any convictions that ever
21 result against the mailers?

22 MR. EPSTEIN: The postal authorities
23 do give us assistance, and I don't have the answer

1 to your second question, I don't know.

2 I did leave out one important thing, and
3 that is on a broader basis positive educational
4 programs we find to be of extreme importance
5 dealing -- even in -- whether it be with young
6 people in the schools or people that have already
7 been more set in their ways that have prejudice
8 built in, and we have a very large bibliography of
9 materials that our educational department
10 circulates to schools to deal with prejudice with
11 hate crimes.

12 I'm not sure if I brought any with me.
13 I did not bring any of that, but I would be more
14 than happy to leave with you some of our
15 publications. This one is our 1990 audit of
16 anti-Semitic incidents, and I'll be glad to leave
17 this with you, which details more completely what
18 I've just stated, and this is the '90 report on the
19 skinheads, which I think also reports state-by-
20 state activity of these groups.

21 Also with the skinheads, I'm sure you're
22 aware, they move around a lot. An Indiana group
23 may not necessarily do its business here, but make

1 it over to Ohio or Texas, and contrarily a Texas
2 group may come up here and meet with an Indiana
3 group. Yes?

4 MR. ROSE: You're aware, I'm sure, of
5 the federal law that was enacted last year, the
6 hate crime reporting. Two-part question. First of
7 all, do you have any knowledge as to whether
8 Indiana law enforcement authorities are in
9 compliance in reporting the hate crimes? And
10 secondly, does ADL -- are you linked into that?
11 You're the best collector of this information in
12 the country. Do your reports go into that media
13 bank which supposedly goes to the FBI?

14 MR. EPSTEIN: I believe it does go to
15 the FBI, and as far as I know, Indiana is in
16 compliance with this statute, as far as I know.
17 It's a little early, really, to get the history.

18 MR. ROSE: Your information is
19 self-collected; it doesn't come from authorities
20 generally, is that correct, as far as incidents and
21 occurrences?

22 MR. EPSTEIN: Our information is
23 self-collected. We have our own fact-finders. We

1 do deal very closely with law enforcement. We
2 share information with law enforcement. I hope
3 that answered your question.

4 CHAIRMAN HUGHES: There was some
5 reference to a recent incident here in the city of
6 Indianapolis with a police shooting and references
7 to the potential neo-Nazi activity within the
8 police department. Does your organization have any
9 information relative to these kinds of
10 organizations and operations in the state of
11 Indiana within law enforcement agencies?

12 MR. EPSTEIN: I don't think that we
13 have any information that has not already been
14 published, let's put it that way. We are very
15 deeply concerned about the incident to which you
16 referred, and let me preface that by saying -- or,
17 let me add to that that I am a volunteer. I'm not
18 on the paid staff, and in view of the fact that
19 this is such a sensitive issue right now, I don't
20 think it would be appropriate for me to comment
21 beyond what public statements have been made by the
22 organization. I hope you understand the
23 sensitivity of what I'm saying.

1 CHAIRMAN HUGHES: I understand what
2 you're saying, yes.

3 MR. EPSTEIN: But I would add that we
4 are in the forefront of our own investigation into
5 that matter.

6 MR. GRADISON: That's Officer Sharp?

7 MR. EPSTEIN: Yes. I would also say
8 that many times these investigations take a long
9 time to really bring to a fruition. I can recall
10 in -- which is difficult for the black community
11 mostly at this time in Indianapolis.

12 Let me give you the example of the
13 Bloomington bombing of the temple. They're not
14 exactly corollaries, but there's I think some
15 lesson to be learned from the two.

16 Part of what we had to deal with in '83
17 when the synagogue was destroyed was the public
18 relations portion of dealing with the congregants
19 and they couldn't understand why justice wasn't
20 being done and why an arrest wasn't being made and
21 why the crime wasn't being solved. In that case it
22 took three to four years to solve a crime.

23 Now I'm not stating that in this case

1 there was a crime, I'm not concluding that, but I'm
2 simply saying that I can understand the sensitivity
3 of the general community, the black and the general
4 community, who is indignant over what happened to
5 Mr. Powell and seeking some type of remedy to that
6 problem, and I can just tell you that it takes a
7 long time for that process to work out. It may
8 never work out to anyone's satisfaction, but it's a
9 very difficult situation. I think that's about all
10 I ought to say on that.

11 CHAIRMAN HUGHES: I would like to
12 request that to the extent that ADL has a public
13 statement that is issued, it would be most
14 appreciated if we could obtain copies of any public
15 positions that you can send to us. Are there any
16 other questions?

17 MR. GRADISON: I know that Chief
18 Annee and the City have been very grateful for what
19 ADL has done with regard to that incident so far.
20 I take it you're aware of what happened yesterday
21 with the coroner's report?

22 MR. EPSTEIN: Yes.

23 MR. GRADISON: Not surprising --

1 MR. EPSTEIN: No.

2 MR. GRADISON: -- at all? Probably
3 political as well.

4 CHAIRMAN HUGHES: Well, thank you
5 very much.

6 MR. EPSTEIN: Thank you again for
7 allowing me to speak out of turn here because I
8 know that you have a crowded agenda. I will leave
9 these with you so that we can enter those into the
10 record.

11 MR. GRADISON: Thanks, Bob. We'd
12 like you also to -- I know Sam and I would both
13 like you to continue to remain in contact with our
14 coalition.

15 MR. EPSTEIN: Sure.

16 CHAIRMAN HUGHES: At this time we'd
17 like to call -- we appreciate your patience, it's
18 been appreciated -- Stephanie Turner, President of
19 Justice, Inc.

20 MS. TURNER: I have an outline here
21 so that you can follow along with my brief
22 presentation. Now, do I need to --

23 (Off the record discussion.)

1 MS. TURNER: Okay. I represent
2 Justice, Incorporated, and I thank you for calling
3 on Justice to be represented here at this meeting
4 today. We consider it very important and hope that
5 we can make some kind of contribution.

6 A little bit about Justice. First of
7 all I'll simply read our statement of purpose. It
8 is this: Justice, Incorporated is committed to the
9 attainment of civil rights and social acceptance
10 for Gay, Lesbian, and HIV-positive citizens in
11 Indiana through legislation, political action, and
12 public awareness.

13 We have been in existence since
14 approximately -- since 1981, and have been lobbying
15 in the Indiana General Assembly since about 1985,
16 and focusing our attention largely on HIV testing
17 and HIV-related issues in the Legislature.
18 However, we were formed initially with the
19 intention of adding the words "sexual orientation"
20 to the state's Civil Rights Code.

21 Justice has been -- in the last six
22 years I would say the incidence of hate crimes has
23 been more and more brought to our awareness. We

1 look at hate crimes and consider hate crimes to be
 2 physical assault, vandalism to personal property,
 3 threat of violence, threat of intimidation,
 4 harassment, motivated by fear and hatred of the
 5 group in which the individual is perceived to be a
 6 member, including Gay men, Lesbians, and people
 7 with AIDS.

8 The important or operative word here in
 9 distinguishing Justice's mission from other civil
 10 rights advocacy groups is the word perceived to be
 11 because not always is it apparent that a person is
 12 Gay or Lesbian and not always is a victim of a hate
 13 crime based on sexual orientation an actual Gay,
 14 Lesbian, or HIV-positive person, so this is
 15 important to note.

16 Just a little information
 17 statistically. We did at one time in 1988 send out
 18 a survey, a demographic survey to our mailing list,
 19 which consisted of at that time 2400 names. Of
 20 those 2400 individuals, we received responses from
 21 223, which was a 9 percent response rate.

22 The question in particular I'd like to
 23 bring to this forum was "Have you ever been a

1 victim of violence, harassment, discrimination, or
2 discrimination because of your sexual
3 orientation?" The responses were 21 people
4 indicating yes to that question in regards to
5 physical violence. 124 of those individuals yes to
6 verbal abuse. 25 people responded yes to police
7 harassment, and 27 of those individuals responded
8 yes to property damage.

9 One thing that is also noteworthy is the
10 extremely small number of people reporting physical
11 violence or property damage to us that did not also
12 report those crimes to their local police
13 departments, a very small percentage of those
14 individuals.

15 I'm sure I'm repeating some information
16 that you've already heard today, so I'll cover it
17 briefly and then invite your questions. The
18 perpetrators as we see it of hate crimes against
19 Gay, Lesbian, and HIV-positive people or people
20 with AIDS, typically they are not affiliated with a
21 group. They are acting on an individual basis.

22 They are generally white male
23 conservative fundamentalists, probably -- or, in

1 some cases I guess it wouldn't be safe to say
2 probably, but possibly repressed homosexuals
3 themselves who -- this is all speculation -- have
4 come from repressive backgrounds.

5 The victims on the other hand, as I've
6 already noted, are not always Gay, Lesbian, or
7 HIV-positive individuals. Generally the higher the
8 profile, the greater the risk the person is putting
9 him or herself under for possible attack or
10 harassment. If someone is considered to be in the
11 closet, then that individual is obviously less
12 likely to be a target.

13 The more high-profile Gay and Lesbian
14 people are those who attend Gay and Lesbian
15 functions. Those who are involved in their local
16 organizations, those who attend Gay businesses, Gay
17 functions, et cetera, are more likely to be
18 targets. Males who are perceived as effeminate,
19 likewise females who are perceived as masculine,
20 are probably at a higher risk. Any Gay or Lesbian
21 person self-identified who appears on the media,
22 newspaper, radio, TV, is obviously also a target.

23 I'd like to give you three examples, two

1 of which are I consider to be not typical but
2 nevertheless possible scenarios and then another
3 example, No. 3 here, a typical situation.

4 In Example No. 1, this woman was past-
5 president of Justice, Incorporated, and in 1984 she
6 was at the time very high-profile in the media.
7 She had gone on television here in Indianapolis to
8 debate with a fundamentalist minister some issues
9 regarding homosexuality, and possibly as a result
10 of her media exposure she was targeted with a
11 series of threatening letters. It began with
12 threatening letters.

13 She went to the police department and
14 asked for assistance, received none, and after a
15 period of two or three months of threatening
16 letters ceased coming to her home, she felt that
17 she was safe. She actually left her home at that
18 time to go live with someone else in order to try
19 to get security that way.

20 However, one night as she was leaving
21 her place of work after hours she was forced back
22 into the building and held at gunpoint for three
23 hours, raped repeatedly, and the message of the

1 attacker was "You will leave here heterosexual or
 2 you will die," and when the perpetrator pulled the
 3 trigger on the pistol that he had been holding in
 4 her head, the back of her head, for the last three
 5 hours, when he pulled back the hammer on the
 6 pistol, she realized at that point that her life
 7 was at stake.

8 She struggled to get away, there was a
 9 little struggle, and eventually she was knocked
 10 unconscious and either left for dead or for
 11 whatever reason the perpetrator escaped. She was
 12 injured. She was, I don't believe, hospitalized,
 13 but she was injured after that case. She went on
 14 to testify before a federal subcommittee on
 15 criminal justice, I believe, to give testimony in
 16 regards to her victimization.

17 Example No. 2 happened in 1990 -- or,
 18 1989, rather, when again a series of messages
 19 clearly based on the person's affiliation with a
 20 group or with a -- because of sexual orientation he
 21 was the target of a hate campaign that largely
 22 focused on his personal property. It began with
 23 small incidents like vandalism, which seemed

1 routine, however it escalated to the point where at
2 one point clearly anti-Gay, with the words "fag"
3 spelled out on flowers that he had planted in beds
4 around his home.

5 Fires were being started on his porch at
6 night. He was essentially held prisoner in his own
7 home. In some instances receiving calls of a
8 threatening nature, and this went on for a couple
9 of months and indeed seemed to be escalating. He
10 contacted the Marion County Sheriff's Department
11 and indicated -- also through Justice -- indicated
12 his situation and concern that something worse than
13 vandalism to property would occur.

14 I have a letter here from Justice to the
15 Marion County Sheriff's Department, and in brief
16 I'll read you some highlights here. The complaint
17 is not so much a listing of the incidents that
18 occurred as it is a complaint against the sheriff's
19 department for its lack of response, which is
20 something I'll address here also in a few minutes.

21 "In general Mr. Shay, the man in
22 question, feels that your department is not taking
23 the threats against him seriously and that it seems

1 to be failing to recognize the relationship between
2 the growing number of incidents and that those
3 involved with this case seem not to have what he
4 feels is a true working knowledge of bias-motivated
5 crimes.

6 He is very concerned that his case has
7 been assigned to a robbery detective and not to a
8 bias crime unit. He states that the officers at
9 the scene have not in at least one instance even
10 left their vehicles, much less collected examples
11 of the readily-available physical evidence.

12 He complains that he has given the
13 original case number and detective's name to the
14 officers at the scene of subsequent incidents, yet
15 the detective seems to have no knowledge of these.

16 Mr. Shay tells us that he has given the
17 names of many of the youths reported by others in
18 the neighborhood to be involved in these incidents,
19 as well as the racially-motivated vandalism earlier
20 in the year in that same neighborhood. He gave
21 those names to the detective assigned to his case,
22 but the detective did not contact the individuals
23 or their parents in the seven weeks since those

1 names were first reported."

2 So this letter coming from Justice is
3 essentially a plea to the Marion County Sheriff's
4 Department to take swift action to protect what was
5 clearly to us and because of Mr. Shay's diligent
6 documentation of the situation that it was going to
7 become more confrontational than just the vandalism
8 he was incurring on his property.

9 Eventually Mr. Shay had to sell his
10 property and left the neighborhood. Now his
11 position, why him? Why a victim? I think that in
12 part he too had an open life-style. He was, in
13 other words, a well-known Gay man, also a member of
14 his neighborhood association, and vocal in his
15 neighborhood association about some concerns that
16 he had, and I think that the perpetrators in this
17 case were youths in the neighborhood whose parents
18 were not really all that involved in their
19 whereabouts after hours.

20 Case No. 3 is a typical night at the
21 bar. I could put that in quotes as well because
22 this is the type of thing that I hear about all of
23 the time. It was a typical phone call to me at my

1 home about 10:30 the other night. This happens all
2 the time. I get calls at home or will get a call
3 at the Justice office.

4 The situation was simply a patron of a
5 business in Muncie, Indiana who was leaving the
6 business. It was a Gay restaurant and bar. In
7 getting into his car he turned around to see two
8 people, one of whom had some kind of an implement
9 that came shattering down on his windshield and
10 came across his nose, and I think he had to stop
11 the bleeding. I don't think he had to go to the
12 hospital over that. There were shouts of faggot
13 and other types of epithets.

14 This is a typical scenario. This is in
15 fact so taken for granted by members of our
16 community that the attitude is -- I think the
17 attitude of some of our community members is
18 dangerous because they don't realize that this is
19 an injustice to them, that this is a crime of hate
20 directed toward not them as an individual so much
21 as the whole community, and that we need to take
22 action.

23 Let me tell you a little bit about some

1 of the problems we have in the Gay and Lesbian
 2 community, in particular reporting and tracking
 3 crimes of violence against Gays, Lesbians, and
 4 people with AIDS.

5 One of those problems obviously from the
 6 letter that I just read you some highlights from is
 7 cooperation or lack of cooperation with local
 8 police departments. Some of that lack of
 9 cooperation, I think with the Ken Shay case in
 10 particular, while this is just random vandalism,
 11 "What is the big deal? You're having some
 12 vandalism at your house," but they don't see that
 13 this is -- these are related incidents; that the
 14 level of damage continues to increase, and that in
 15 fact the owner of the house is in jeopardy for his
 16 well-being, so a lack of seriousness on the part of
 17 local police departments in handling the crimes.

18 Crimes of hate are different than crimes
 19 of passion. A crime of passion is generally
 20 committed by an individual who knows the other
 21 individual and has some kind of angry
 22 confrontation. A crime of hate, on the other hand,
 23 comes from an anonymous source and is directed to

1 an anonymous source and is likely to be repeated in
2 the sense that it can be a hate campaign, as I
3 already mentioned; not just a one-time incident,
4 but something that would happen over a period of
5 time targeted to the same individual simply because
6 that individual represents a group. So local
7 police departments need to realize that, and that
8 is one of the reasons why we're having problems
9 with getting them to report the crimes.

10 Getting them to come and take a crime
11 report obviously is not a problem. If they're
12 called, they'll be there. However, to report it as
13 a bias crime is something that we need to
14 emphasize, particularly since we have federal
15 legislation requiring it now. Local police
16 departments and local civil rights advocacy groups
17 do not always see the need or even the
18 opportunities to work together toward this end of
19 reporting the crimes.

20 Likewise, a lack of cooperation on the
21 victims is also occurring from the point of view of
22 Justice. One of the things that Justice has
23 attempted to do is indicate "Okay, report the

1 crime; not necessarily as a bias-motivated crime,
2 but report the crime."

3 As I indicated when I first began
4 speaking, some of these physical violence and
5 property damage incidents were not even reported to
6 the police. We've urged our membership and people
7 in contact with us to report these crimes and then
8 come and call us with a dual report so that we,
9 too, can track the crime as a bias crime.

10 Fear of exposure is another reason why
11 victims do not always want to report the crime.
12 They don't want any attention given to them. They
13 may consider themselves to be at a risk for losing
14 their job or at a risk for becoming disenfranchised
15 from their family or some other type of situation.

16 No. 3 reason why victims of bias crimes,
17 particularly if they're Gay or Lesbian, do not wish
18 to report the crime is such that simply they feel
19 that they deserve it in some way, something that we
20 would call internalized homophobia in our
21 community. "Well, that's what I get for going into
22 a Gay bar," or "took my chances." "I've got a
23 little bit, you know, of bruises here. You know,

1 what the heck? That's part of the whole
 2 life-style." That's wrong thinking and that's
 3 something that Justice is trying to correct.

4 The role of advocacy groups like
 5 Justice, Incorporated and some of the other civil
 6 rights groups that Justice works with is, as I
 7 mentioned, this dual reporting to try and track the
 8 crimes as they occur.

9 I'm not real happy that I'm unable to
 10 bring to you today a trend, statistics that
 11 indicate a rise or a stabilization or a decline. I
 12 have no idea. All I know is what my sense -- what
 13 is going on in the community tells me and that is
 14 that there is certainly no decline in hate crimes,
 15 in fact there may be a rise. But dual reporting,
 16 matching police reports, is something that we have
 17 attempted to do.

18 Obviously workshops, seminars,
 19 information, working with the academic community is
 20 something that the advocacy groups can do in
 21 collecting data. Just this morning I was speaking
 22 to a sociologist at Indiana University here at
 23 Indianapolis who is doing some interviews with

1 people in the Gay and Lesbian community. Justice
2 has been helping her to find some people who would
3 be willing to tell their stories.

4 Forwarding calls and reports to the
5 Justice Department, filing information with the
6 National Gay and Lesbian Task Force, and as I said
7 before establishing more of a working relationship
8 with the local police departments are activities
9 that the local efficacy groups can undertake.

10 Justice recommends as a response to the
11 problem of hate crimes police sensitivity training
12 programs, programs that have already been
13 implemented in larger cities like Boston, Chicago,
14 Philadelphia, where police officers are given some
15 understanding of the Gay and Lesbian community,
16 some of the issues that occur there, some of the
17 reasons why Gay and Lesbian people are often
18 targeted for hate campaigns, and some sensitivity
19 training as to the number of Gay and Lesbian people
20 out there.

21 According to the Kinsey reports in the
22 1940s and '50s, 10 percent of the population is Gay
23 or Lesbian, and there are also Gay and Lesbian

1 police officers that are very closeted and very
2 much in fear of being exposed on their job because
3 of the high homophobia on police forces.

4 Establishing liaisons with a police
5 department in the Gay and Lesbian community is
6 likewise important. In Indianapolis we have worked
7 to accomplish that in the last couple of years. We
8 have a liaison with the Indianapolis Police
9 Department.

10 Legislation on a state level to increase
11 penalties of convictions and to require data
12 collection to put a little more teeth into the
13 federal law are also recommendations from Justice.
14 Media attention, likewise, in the case with Ken
15 Shay, the man whose home was vandalized, who
16 eventually had to move, and Kathy Sarris, a former
17 president of Justice, who was willing to tell her
18 story to local media and also to testify. Those
19 are some recommendations that we would make.

20 And finally, community education, not
21 just with the mainstream community, but among our
22 own population to give victims of hate crimes a
23 feeling that they can do something about it; that

1 it is wrong to be a victim, it's not an every-day
2 occurrence, not a routine happening. To dispel the
3 belief in some people's minds that a problem
4 exists, that's one of our aims.

5 I guess I will wrap it up there and
6 invite any of your questions that you might have at
7 this point. Mike?

8 MR. GRADISON: A couple of them,
9 Stephanie. I think -- and Sam's not -- well,
10 either Monday or Tuesday of this week Sam and I and
11 Carl Radford and primarily representatives of the
12 African-American community were out at the Police
13 Academy. It was part of the new sensitivity
14 training, and we'd already been out there a couple
15 of times.

16 This was the first time we met the
17 entire 48 recruits of IPD, and they could ask
18 questions of us, and it was one of the best
19 sessions I've ever had with the police department.
20 Unfortunately there was nobody there and I'm
21 curious to know whether you were invited to
22 participate. It really struck me.

23 I kind of presumed that you'd be there

1 or Marla would be there and then I got out there
2 and you were not, because that -- they're trying to
3 encourage this kind of activity, and I wanted -- I
4 did -- we got kind of sidetracked. I wanted to say
5 to Bob Turner, Captain Turner, that "What happened
6 to representatives of the Gay and Lesbian community
7 here?" I mean, that's the whole reason -- there's
8 some serious problems we've got here. All we've
9 got -- there's got to be a continuous liaison
10 between IPD through Shirley Provetus (phonetic) and
11 representatives of the community.

12 I would -- they're going to do more of
13 these type of things and I will do what I can. I
14 think you ought to do it yourself, and you ought to
15 call Bob Turner out there at the Police Academy and
16 make sure you're included as a community leader in
17 such things.

18 MS. TURNER: I appreciate it.

19 MR. GRADISON: And it was a
20 wonderful, really excellent session. The recruits
21 really surprised us, how sharp they were. Another
22 quick question.

23 MS. TURNER: Well, to answer your

1 first question, no, we were not invited.

2 MR. GRADISON: Well, I saw Marla --
3 the other question, when you got that call from
4 Muncie with this complaint about the harassment,
5 the beating of the car, window beatings, what do
6 you do with a complaint like that when they come in
7 to you?

8 MS. TURNER: We will generally take a
9 note of it. The next recommendation is to --
10 besides recording the information I guess -- to
11 encourage the person to file the report as a Gay
12 hate crime with their local police department, to
13 inform obviously the patrons -- or, the owners of
14 the Gay establishment, and if need be, go to the
15 local media and ask to receive some media attention
16 on that, but of course the business owners aren't
17 real crazy about that.

18 MR. GRADISON: How is it with the
19 media in general in terms of your ability in
20 Indianapolis and elsewhere around the state to get
21 attention for those problems of homophobia and so
22 on?

23 MS. TURNER: I've seen more media

1 attention occur in the last couple of years, with
2 the Ken Shay case in particular. Ken was very
3 aggressive in seeking the Indianapolis Star's
4 assistance in reporting what was happening with him
5 and his complaint against the Marion County
6 Sheriff's Department.

7 MR. GRADISON: And Kathy was pretty
8 high-profile, too.

9 MS. TURNER: Yes.

10 MR. GRADISON: Where is Kathy?

11 MS. TURNER: She is downtown at City
12 Market right now.

13 MR. GRADISON: I thought she left
14 town.

15 MS. TURNER: She's here. Yes, sir?

16 MR. ROSE: Your introduction referred
17 to hate crimes against HIV or AIDS victims.

18 MS. TURNER: Correct.

19 MR. ROSE: Your testimony that I
20 heard related directly to it. Of course the most
21 widely publicized case ever was from Indiana, the
22 Ryan White case, --

23 MS. TURNER: Correct.

1 MR. ROSE: -- which displayed
2 horrendous bigotry, prejudice, fear, and hysteria
3 nationally and discredited Indiana and Kokomo in
4 particular because of his treatment, which was in
5 the early '80s. What can you tell us today as far
6 as the situation concerning AIDS victims or
7 perceived victims? Is it better, is it worse?
8 What are the facts and what are any recent cases
9 you know of with hate crimes or harassment of those
10 unfortunates?

11 MS. TURNER: Well, a lot of the bias
12 crime, threat, harassment, of Gay males is
13 connected to the fear of AIDS and a perception on
14 the part of the people who are doing the harassment
15 that this person is an HIV carrier.

16 Locally I am drawing a blank right now
17 on specifics in terms of violence. I can think of
18 some discrimination, discriminatory practices, but
19 not a hate crime related incident per se, but you
20 will hear among the epithets that are shouted as --
21 you know, I know you were speaking earlier about
22 drive-bys, for example. AIDS is among those words
23 that are attached to the faggot, queer, and those

1 types of words, so I guess the connection is that
2 among the Gay male community that the hatred is
3 directed toward the people who are perceived as
4 spreading this disease. Does that answer your
5 question?

6 MR. ROSE: Partly, yeah. Do you have
7 any direct input that you can give us as to whether
8 you feel that there's been any improvement
9 educationally or behavior-wise on the part of the
10 public as opposed to what happened in the early --
11 to Ryan White, for instance, as opposed to what's
12 happening today with people who either are AIDS
13 victims or perceived to be AIDS victims?

14 MS. TURNER: My perception is that
15 the education is gradually taking effect. However,
16 whenever a new case hits the media, for example the
17 Florida dentist, then HIV and AIDS issues are
18 inflamed in the public's eyes and the public wants
19 to have a place to point their finger, a direction
20 to do that, and a lot of times it is the Gay
21 community.

22 MR. GRADISON: With a lot of help
23 from Jesse Helms, of course.

1 MS. SCHMITT: Do you think that the
2 AIDS phenomena, if you will, with the media and all
3 are hindering your efforts to maybe move forward?
4 I think they are myself because they always come
5 back; maybe make a step forward, and then something
6 about AIDS, and that whole movement is a step
7 backwards.

8 MS. TURNER: Well, the media is as
9 human as the rest of us and they want to sell their
10 newspapers as well, so they're going to sex it up
11 in any way that they can I think, and sometimes I
12 do think that it's inflammatory and sometimes I do
13 think that it hinders the progress that we make in
14 educating people about the way to contract the
15 virus and precautions, and that sort of thing.

16 MR. GRADISON: Thinking about Ryan
17 White, it would seem to me -- of course, you know,
18 Ryan was an incredibly remarkable kid, and of
19 course that's true whether, you know, the kind
20 of -- his educating virtually the whole world about
21 the reality of HIV and so on, but I think he was a
22 straight kid, you know, and he suffered a great
23 deal himself.

1 He had to be homosexual, many people
 2 were relating, to have acquired that disease and
 3 all of that, but -- so the fact that he did so much
 4 and educated who knows how many hundreds or
 5 thousands or millions of people because he just
 6 sacrificed his whole life to it and so on, but does
 7 that really -- didn't people kind of say "Well,
 8 it's unfortunate, he's a straight kid, and he
 9 acquired it from a contaminated blood source"? And
 10 do you think it still had a favorable impact on how
 11 it affected, you know, Gay men or women with AIDS?
 12 Do they distinguish between the two?

13 MS. TURNER: I think people are
 14 seeing it as different in a way. I mean, one
 15 example is, you know, we've been talking for years
 16 in the Gay and Lesbian community. Let's talk about
 17 high-risk behaviors, not high-risk groups, and you
 18 still see and hear people talking about high-risk
 19 groups, so we do have the Gay community, the
 20 intravenous drug abusers, and the promiscuous, that
 21 broad category there, that are people who are at
 22 risk for AIDS, instead of, you know, naming the
 23 activities that actually transmit the virus. So I

1 do think, yeah, there is some bias. Other
2 questions?

3 CHAIRMAN HUGHES: Thank you very
4 much.

5 MS. TURNER: Okay, thank you.

6 CHAIRMAN HUGHES: The next presenter
7 that we will hear from will be Marla Stevens, who's
8 from the Indiana Civil Liberties Union and is the
9 chairman of their Gay and Lesbian Task Force.

10 MS. STEVENS: I'm also going to speak
11 to you on behalf of the Association of -- Great
12 Lakes Lesbian and Gay Association, of which I am a
13 co-chair, and I brought you a few -- let's see.

14 (Off the record discussion.)

15 MS. STEVENS: I really appreciate
16 being allowed to come here today. As President,
17 George Bush said upon signing the Hate Crimes
18 Statistics Act on April 23rd, 1990, "The faster we
19 can find out about these hideous crimes, the faster
20 we can track down the bigots that commit them.
21 Enacting this law today helps us move toward our
22 dream, a society blind to prejudice, a society open
23 to all."

1 I know that you all have -- at least are
 2 allowed to do this because the staff director of
 3 the U.S. Commission on Civil Rights reported in the
 4 minutes of the February 11th, 1985 meeting of your
 5 organization that the Commission has a clear
 6 jurisdiction in the matter of violence directed
 7 against homosexuals when the issue is related to
 8 the administration of justice.

9 Ms. Chavez has suggested that the
 10 Commission work with one or more state advisory
 11 committees to start a project aimed at fact-finding
 12 and data-gathering. The Commissioners also agree
 13 to the suggestion with the understanding that such
 14 a project does not rule out the possibility of
 15 future consideration of the issue as a whole
 16 Commission study on a national level.

17 I brought with me a few photographs
 18 today. These were taken just recently at Gay Pride
 19 Celebration on the Circle in Indianapolis, and I
 20 think they demonstrate the fact that hatred against
 21 Gays and Lesbians is real in Indiana.

22 These are protestors from several
 23 churches and some affiliate groups on the steps.

1 Actually at this point they are committing an
2 illegal act, although most of the time they were
3 down there they were exhibiting legal hate speech
4 rather than a hate crime, and I'd like to be able
5 to make a clear distinction between the two.
6 However, at this point they were committing a
7 crime. And you'll notice the police officers were
8 standing around watching and ignoring as they
9 violated the permit that the Gay and Lesbian
10 community had, and took the stage.

11 You can see some of the signs that they
12 have, and I grew up as a child in the deep South
13 and I remember the faces of hate, and the faces of
14 hate haven't changed. The faces seem to be the
15 same. The looks are the same to me. The anger,
16 the bigotry, the ignorance that it's based on is
17 all the same. It's just the populations that
18 change over time.

19 This is the face of the hatred of one of
20 their leaders, the Reverend Gene Hood. Mr. Hood
21 doesn't carry a sign. Mr. Hood carries a baseball
22 bat. AIDS really is something that affects us as
23 Gays and Lesbians, and the hatred exhibited against

1 Gays and Lesbians because of AIDS I think is made
2 very clear by this sign that said "Sodomites
3 murdered Ryan White."

4 MR. GRADISON: You see the Flag in
5 his cap, too. He's a true American, isn't he?

6 MS. STEVENS: Reality when you're
7 dealing with hatred doesn't matter a whole lot;
8 it's perception that counts. Another standard
9 sign, "AIDS - God's curse on homos," parentheses
10 "Sodomy," this is the second year they brought this
11 one down there.

12 This is a new sign this year and it
13 indicates somewhat of an escalation. It says "Burn
14 the Fags, Not the Flag." It's significant in that
15 the level of violence that we face in these attacks
16 is severe, and the numbers of us who have
17 experienced these attacks are huge.

18 The ABT report, which I've given you a
19 couple of excerpts from, it's very specific about
20 hate crimes and what they do. Hate crimes are
21 political crimes. Bias crimes -- it says here that
22 bias crimes range from threatening phone calls to
23 murder. These types of offenses are far more

1 serious than comparable crimes that do not involve
2 prejudice because they are intended to intimidate
3 an entire group. This comes from a U.S. Department
4 of Justice study that was the foundation of the
5 Hate Crimes Statistics Act.

6 The fear they generate can therefore
7 victimize a whole class of people, and you've seen
8 that in Stephanie's testimony when people refuse to
9 report ordinary -- some ordinary violent crimes out
10 of fear of exposure, out of fear of reprisal, out
11 of fear of the very people they're reporting those
12 crimes to.

13 For a variety of reasons there are no
14 accurate data regarding the number of bias crimes
15 committed each year; however, there is plenty of
16 documentation to suggest that the problem is
17 widespread and considerable evidence that it is
18 increasing. Bias crimes may also be turning more
19 violent. Compared with the past, a larger
20 proportion of the incidents appear to involve
21 personal injury as opposed to vandalism.

22 One of the things that the ABT report
23 stated was that the most frequent victims on a per

1 capita basis, when comparing the numbers of people
2 group to group, are Gays and Lesbians in the United
3 States. We exceed the per capita incidence of
4 violent crime exhibited against racial minorities,
5 religious minorities, ethnic minorities, and at the
6 elderly and other groups that have been studied to
7 date.

8 We have the highest incidence of crimes
9 and yet the prejudice against us has allowed some
10 states to enact hate crimes laws that do not
11 include us. It's very ironic, but the people who
12 need them most have the least political popularity
13 in order to get the protection they need.

14 The statistics on hate crimes on a
15 national level -- we have to rely on statistics on
16 a national level because we don't have a whole lot
17 of current statistics on a state level. The groups
18 that collect homo and Gays and Lesbians are
19 volunteer groups.

20 They do not have the resources or the
21 ability, even when they have the intention, of
22 carrying through with statistics gathering. It's a
23 difficult task and requires the kind of continuity

1 that small volunteer groups that come in and out of
2 favor or in and out of existence just don't have.

3 I called our Gay and Lesbian switchboard
4 last night and they had at one point agreed to
5 handle statistics gathering, but they changed
6 administrations and the word just didn't pass on.
7 The same thing has happened in Bloomington, and of
8 course Bloomington was probably the second highest
9 reporter of hate crimes in the nation on a per
10 capita basis against Gays and Lesbians.

11 The National Gay and Lesbian Task Force
12 a couple years ago, when we were doing better
13 reporting, said that we had the highest per capita
14 incidence -- the second highest per capita
15 incidence in the United States, in Indiana.

16 Some of the -- some of the studies that
17 have been done recently, the NGLTF, the National
18 Gay and Lesbian Task Force, reported -- instead of
19 reporting numbers of crimes and has started relying
20 on the U.S. Department of Justice to do numbers of
21 crimes, it has instead been relying on reports
22 from -- studies from population centers.

23 They did six studies this year, and in

1 each one of those groups hate crimes against Gays
 2 and Lesbians had risen 42 percent from the year
 3 before. Part of this is likely to be that people
 4 in those communities have done a better job of
 5 collecting data, but it can't account for the
 6 entire 42 percent.

7 The other thing that's real important to
 8 recognize is the connectiveness of hate crimes. I
 9 mentioned that briefly when I talked about my
 10 recognition and experience as a child versus my
 11 experiences of today.

12 Mr. Epstein mentioned a fire bomb, a
 13 torching of a synagogue here in Indiana by the CSA,
 14 the Covenant, Sword, and Arm. They were caught in
 15 Missouri when they torched a Gay church, the
 16 Metropolitan Community Church. The Metropolitan
 17 Community Church has had a higher number of torched
 18 churches than any denomination in the United
 19 States, including its mother church in Los Angeles,
 20 and so it's essential to track Gay and Lesbians --
 21 crimes against Gays and Lesbians because --

22 CHAIRMAN HUGHES: They're unable to
 23 hear you because of the ventilation system. Could

1 we just -- maybe there's a way to boost the
2 microphone a little bit.

3 MS. STEVENS: It says on and off.

4 CHAIRMAN HUGHES: Oh, okay.

5 MS. STEVENS: Sorry. I'll speak up.

6 CHAIRMAN HUGHES: All right. We'll
7 ask you to hold the microphone. It's kind of tiny.

8 MS. STEVENS: It's little. Is this a
9 little better?

10 CHAIRMAN HUGHES: Are we getting
11 anything?

12 AUDIENCE MEMBER: Not very much
13 better.

14 MS. STEVENS: How about this? I was
15 talking in the wrong end.

16 It's essential that we track Gay and
17 Lesbian crimes, if no other reason -- if for no
18 other reason than the bigots who do them do not
19 discriminate. They don't discriminate against the
20 groups of people that they commit these crimes
21 against.

22 Hate seems to be just hate, and in order
23 to adequately seek out these perpetrators, it is

1 essential to follow all of the groups that are
2 perpetrated against, and the Missouri-Indiana
3 connection and the church bombings and synagogue
4 bombings is a perfect example.

5 In terms of getting a better sense also
6 of the depth of these kinds of crimes, we find that
7 one in seven -- that seven -- let's see if I can
8 find the statistic. I think it is one in seven men
9 and one in eleven women in the Gay community report
10 having experienced a violent crime committed
11 against them because of their sexual orientation.
12 This includes being punched, kicked, beaten, raped,
13 shot, and murdered.

14 I did an informal poll among Lesbians in
15 the Gay and Lesbians civil rights work in Indiana
16 and fully 60 percent of those women report
17 sexually-oriented crimes ranging from threats to
18 rape. Half of the women who have led Gay and
19 Lesbian organizations in Indiana have been raped in
20 the course of their work, and these rapists
21 routinely mention changing the sexual orientation
22 of the woman, and I'm one of those survivors. It's
23 an unbelievable experience.

1 I think that the most important thing
2 that we can deal with in terms of dealing -- in
3 terms of stopping the spread of these crimes is
4 dealing with the way that the police handle these
5 crimes.

6 Currently, to my knowledge, no police
7 department in Indiana has a working definition --
8 has adopted a working definition of bias crimes,
9 even though the FBI has a model definition, even
10 though a number of police departments around the
11 nation have had model definitions for many years
12 longer than the FBI.

13 My favorite, by the way, is that adopted
14 by Baltimore, and my second favorite is New
15 York's. New York's is important to Gay and Lesbian
16 people because it acknowledges crimes and bias
17 crimes that may look like nonbias crimes, such as
18 street robberies, and it gives them a higher level
19 of scrutiny to discover whether they were a bias
20 crime if they were committed and if there's a
21 pattern of commitment of these sorts of assaults in
22 a high Gay percentage neighborhood.

23 We've seen a lot of that in downtown

1 Indianapolis. There's a corridor that has a lot
2 our businesses in it with a very high rate of
3 muggings, assaults, several murders, shootings on
4 the streets, and in anywhere else these would have
5 been declared bias crimes.

6 The other thing that needs to happen is
7 the police need training. First the police need to
8 have some basic training in bias crimes to begin
9 with and then police need sensitivity training in
10 the particulars of the communities that are most
11 affected.

12 Again the Gay and Lesbian community is
13 the most affected statistically and yet we have
14 never -- there is no police department in the state
15 of Indiana that currently has a talking
16 relationship in either its academy training or its
17 continuing education programs with the Gay and
18 Lesbian community. This includes Indianapolis, and
19 this is very rare for metropolitan areas in this
20 country.

21 Also the reporting of crimes, we don't
22 have a system of reporting. The most basic thing
23 that seems to help in other areas is just to have a

1 check-off on the form that's used by the officer on
2 the street. The investigating officer, if reminded
3 to look for a bias crime, may find one.

4 Our people tend not to want to report
5 these crimes. In Indiana you can lose your job,
6 you can lose your children, you can lose your home,
7 you can be denied credit, you can be denied access
8 to public accommodation if you are Gay and
9 Lesbian. So passage of a Gay and Lesbian civil
10 rights bill would certainly affect people's
11 willingness and ability to report crimes and relate
12 the bias nature of those crimes.

13 Until that's adopted, dissemination of
14 the Justice Department's 800-number for reporting
15 of bias crimes would be very helpful. If this
16 Commission can do nothing more than fund television
17 PSAs that give out that bias crime number and
18 define bias crimes, that would be an enormous
19 help.

20 I understand that the FBI is doing
21 regional training on statistics gathering in
22 Chicago in a few weeks, on August 22nd and 23rd.
23 However, it's funded only for police departments

1 with cities with greater than a hundred thousand
2 people. Others can attend, but they must pay their
3 own way, and of course the smaller departments tend
4 to have less funds and are less able to do so.

5 Seven Indiana people -- seven Indiana
6 departments are currently signed up to participate
7 in this, Allen County, the City of Gary, the City
8 of Indianapolis, Evansville, South Bend, Marion
9 County sheriffs, and Fort Wayne, and I would
10 encourage those departments to consider the funding
11 of their attendance of this a mandate to spread the
12 word and spread the training throughout the entire
13 police departments in Indiana.

14 The other thing that we could use is a
15 recognition that hate crimes are more serious and
16 this has to be incredibly carefully drawn so as not
17 to violate people's First Amendment rights to
18 speech. However, the American Psychological
19 Association in congressional testimony has stated
20 Violence directed at Gay people tends to be
21 especially brutal.

22 According to a 1980 study by Miller and
23 Humphreys, quote, intense rage is present in nearly

1 all homicide cases with homosexual victims. The
2 striking feature of most murders in this sample is
3 their gruesome, often vicious, nature. Seldom is a
4 homosexual victim simply shot. He is more aptly to
5 be stabbed a dozen times, mutilated and strangled,
6 end quote.

7 According to Melissa Mertz, coordinator
8 of the Victims of Violent Assault Assistance
9 Program of Bellevue Hospital in New York City,
10 "Attacks against Gay men were the most heinous and
11 brutal I have encountered. They frequently
12 involved torture, cutting, mutilation, and beating,
13 and showed the absolute intent to rub out the human
14 being because of his sexual preference."

15 I have had reported to me the most
16 unbelievably vicious and violent incident. I've
17 had people call me up in the night telling me that
18 they had gone out with someone, left a bar with
19 someone, been driven to another site where a gang
20 of thugs got out of the car, wrapped the man in
21 barbed wire, and tossed him into the trunk where
22 they took him away and raped him all night.

23 I cannot tell you how devastating these

1 things are. I cannot begin to tell you what it's
2 like to wake up at 2:00 in the morning with a man
3 who's calling me from the hospital saying "The
4 police are not taking me seriously. I was
5 stabbed. I almost" -- "I was stabbed in the neck.
6 I had an eight-inch stab wound in the neck. By the
7 grace of God it missed all of my vital organs. But
8 as I laid there bleeding they refused to touch me
9 because they were afraid I might have AIDS."

10 If you have officers who will not even
11 exhibit the most basic compassion and at the most
12 important time -- they're trained to save lives.
13 If they will not even carry out their training at
14 these times, how can we even hope to have people
15 who are wise enough to discern the vagaries of what
16 is a bias crime and what is not a bias crime, with
17 sketchy information and the difficulty in street
18 language and street behavior?

19 We have a long way to go. I don't hold
20 a lot of hope for us getting where I think we ought
21 to be in a very long time, but I think we have
22 steps that we can take now and I hope that you
23 encourage people to take them.

1 CHAIRMAN HUGHES: Marla, the comments
2 that you just made, are these Indiana incidents?

3 MS. STEVENS: These are -- those were
4 Indiana incidents.

5 CHAIRMAN HUGHES: How recent?

6 MS. STEVENS: Within the last three
7 years. You know, these were just the things that
8 came off the top of my head while I was sitting
9 there. I've had other incidents - people followed
10 home and shot in the head while sitting in their
11 living rooms, while people screaming "Faggot"
12 outside; other people -- men -- an incident in
13 Richmond where a man had a neighbor who screamed
14 "Faggot" at him and other anti-Gay epithets
15 scrolled -- scrolled anti-Gay epithets on the side
16 of his home, threatened violence against him,
17 eventually broke into his home, stabbed him a la
18 "Psycho" in the shower.

19 The police did -- even though the man
20 directly identified his assailant, the police never
21 picked his assailant up. When the man threatened
22 to sue the police, the police came and picked him
23 up and took him on a very threatening drive to

1 nowhere, and told him that he would die; that
2 violence would be committed against him and he
3 would die if he did not withdraw his suit.

4 We were able to settle that, and part of
5 the settlement was that the Richmond Police would
6 have an education program with the Gay and Lesbian
7 community. Unfortunately, the administration has
8 changed and that's not come to fruition. But these
9 are just -- these are just anecdotes. We have no
10 mechanism currently for getting the full scope of
11 the picture. Now these are just the people who
12 know to call my home.

13 MR. ROSE: The Civil Rights
14 Department of the U.S. Department of Justice, have
15 they ever been contacted or are they of no help?
16 Have they never pursued any of these egregious
17 cases that you testified to?

18 MS. STEVENS: Currently there is no
19 legal mechanism for them to pursue it, and since we
20 are not included in the laundry list of civil
21 rights law, there is no mechanism for them to do
22 so.

23 MR. GRADISON: Jesse will die before

1 he has sexual orientation in there. But I have a
 2 brief anecdote that supports with those pictures
 3 that Marla showed to us about this Gay Pride Day on
 4 June 29th on Monument City -- Monument Circle here
 5 in Indianapolis.

6 I participated in a number of efforts to
 7 get the organization back on Monument Circle.
 8 There was an effort to take them off the Circle.
 9 The other concern was security. We had meetings
 10 with Joe Shelton, who's the director of the
 11 Department of Public Safety here in Indianapolis,
 12 and in fact Stephanie was there. I don't know if
 13 you were there or not, but Stephanie was there,
 14 Eric Evans that chaired the Gay Pride Committee Day
 15 was there, and that was one of the things that
 16 concerned them.

17 On June the 16th of this year on a
 18 program on WXIR-FM here in Indianapolis there was a
 19 live broadcast of Indianapolis Baptist Temple here
 20 in the city, and a couple members of the Gay
 21 community, both Gay men, reported to Eric Evans and
 22 Stephanie, and others who were leadership in Gay
 23 Pride Day and the Justice organization, that on

1 this program they heard the pastor say to members
2 of the congregation -- it's a huge congregation
3 incidentally, you know, Baptist Temple -- that "If
4 you want to have some fun on June the 29th, show up
5 on Monument Circle with baseball bats."

6 The support came through. I called the
7 general manager of the station, Gary Arnold.
8 Mr. Arnold said that this is the only program they
9 don't tape because it's live from Baptist Temple,
10 but he suspected they might have a tape.

11 I then called my buddy, Greg Dixon, who
12 is the pastor of the church, and he said "Nothing
13 like that could have taken place," and then a
14 couple weeks later he called back -- two weeks
15 later he called back and said "Yes, it did take
16 place. I was out of town that particular Sunday,
17 and my son, the Reverend Greg A. Dixon" -- he's not
18 a doctor -- "Greg A. Dixon, did say that in jest
19 before this congregation, to show up on Monument
20 Circle with baseball bats."

21 So the concern of the one photo you
22 saw -- the organizer of the Gay Pride Opposition,
23 the Gay Pride Day Opposition on Monument Circle

1 were primarily members of the Indianapolis Baptist
2 Temple, but there was some others there. Reverend
3 Gene Hood's from a different church, but he
4 actually organized that day. That was the man --
5 the pastor holding the baseball bat in his hand.

6 In a subsequent conversation with Greg
7 Dixon I said "What about that baseball bat?" He
8 said "Oh, it was a plastic bat. It was pink. It
9 was just" -- "and no one could've taken it
10 seriously." Well, we have the photos that prove it
11 was anything but a plastic bat.

12 And I said "Go talk to Captain
13 Tirmenstein, Captain Bob Tirmenstein of the
14 Indianapolis Police Department, who was in charge
15 of the security detail on Monument Circle on June
16 the 29th," which I know Captain Tirmenstein. He's
17 responsible for security at the abortion clinics in
18 Indianapolis, and he's done a marvelous job with
19 the security against Operation Rescue.

20 Anyway, I talked to him. He said "We
21 were" -- this man is six foot five and weighs
22 around 280 pounds. He's very soft-spoken, but he
23 doesn't put up with any nonsense. I watched him

1 take Wayne Trafalgar (phonetic) at a rally of
2 Operation Rescue and said "Watch out, Buddy,"
3 picked him up by his seat, and tossed him into the
4 back of a car, and he said "We were really
5 literally terrified," I think is the word he used,
6 "that there was going to be violence that day."

7 So when Gene Hood and his bunch marched
8 up on the Circle that way, he said "The best thing
9 to do is let them sit there for about ten minutes,
10 and if they didn't move in ten minutes we'd remove
11 them, but let them get off the Circle," which they
12 did, they left at their own free-will. We expected
13 real violence there. We were very concerned.

14 When Gene Hood got that baseball bat --
15 this young man was carrying this baseball bat
16 around. These two police officers grabbed the
17 baseball bat, gave it to the head of the rally,
18 Gene Hood, and he carried it around for the rest of
19 the day, as indicated by the picture, and if you'll
20 notice -- I didn't even see this before.

21 Bob Tirmenstein said "Look at those
22 pictures real close. There are two police officers
23 who followed him the rest of the day." They

1 followed him wherever he went around the Circle,
2 and in some of the photos I saw that Victoria took
3 there's two cops right behind him all the time.

4 They were honestly terrified there was
5 going to be major violence perpetrated by these
6 good, God-loving Christians upon the Gays and
7 Lesbians on the Circle that day, and I would've
8 loved to've had Captain Tirmenstein come here and
9 talk to you about it because they were really that
10 concerned, and I passed that back to Greg Dixon as
11 well since he protested, and we had nothing -- you
12 know, we had nothing evil or sinister in mind. The
13 police didn't believe that.

14 CHAIRMAN HUGHES: Was a report filed
15 with the FCC?

16 MR. GRADISON: That's in the process
17 now, too. I've been trying to be cagey because I
18 don't want Greg to think we're after his tapes, so
19 I didn't mention the tape. So I'm hoping -- and
20 I've passed the word back to Eric and both
21 Stephanie; we'd love to have those two people file
22 a complaint in that regard, those who heard the
23 program, to see if we could, you know, get ahold of

1 that tape, because we're sure that the temple has
2 the tape. Gary Arnold of the radio station thinks
3 the temple kept a tape of the program. They
4 admitted it happened. The temple admitted that
5 they did say that on that tape.

6 MS. SCHMITT: Mike, I'm just curious
7 because -- I really appreciate a lot of her other
8 comments, but the pictures is just a matter of some
9 people that were anti, carrying around posters.
10 Free speech, I'm not opposed to that. I mean, I'm
11 like what's a bunch of pictures of people carrying
12 around posters, because you guys, or I could, you
13 know, do the same thing on the other side. You
14 know, I was thinking well, freedom of speech,
15 everybody ought to be able to go to the Circle and
16 carry around whatever they want to carry around.
17 Are you saying that they were intimidated?

18 MR. GRADISON: They were concerned
19 about --

20 MS. SCHMITT: Is that -- that's --
21 that's -- that's worse than a culprit in my mind.
22 I mean, if it's a matter of just -- I don't care
23 whether it be a white rally, a black rally, a

1 Lesbian rally, or whatever, anybody in my mind
2 ought to be able to go down there and carry any
3 kind of posters they want to bring around.

4 MR. GRADISON: As protestors against
5 the rally they have a right to do that.

6 MS. SCHMITT: Exactly, but if you're
7 saying they were intimidated and the police were
8 siding with the other side, then that wasn't what
9 was -- what I got out of what -- what -- was
10 that -- are you -- is that what happened?

11 MR. GRADISON: No, but Tirmenstein
12 said they were very peripheral with violence, and I
13 was surprised because he's such a soft-spoken guy,
14 and I, you know, almost thought about seeing if
15 he -- you know, it was so late because I just
16 talked to him on Monday about this and he told me
17 what I just relayed to you as the incident.

18 They thought the possibility was there
19 for violence. That's one reason they kind of laid
20 back as they did and gave the members of the
21 Baptist Temple congregation a chance to do their
22 things and then peacefully move away because they
23 thought if they actually grabbed them, that might

1 have been some kind of an incentive and it would
2 ignite things, you know. He said it's a hateful,
3 spiteful bunch, and they were terribly concerned
4 about the possibility of violence.

5 I'm sure Captain Tirmenstein would be
6 willing to write a letter to that effect, too. I
7 passed it back to Mervin Dixon -- Dr. Dixon,
8 rather, Dr. Dixon, and told Dr. Dixon it would be
9 advisable if he called Bob Tirmenstein to find out
10 the real story about that baseball bat and Reverend
11 Gene Hood. I sent the letter out on Tuesday
12 morning. We'll see if Dixon responds.

13 MS. STEVENS: Well, I wonder how many
14 people would be allowed to take over the stage at
15 any other event and just stay there, because people
16 were a little nervous about whether they might --
17 whether the people who didn't have a right to be at
18 a particular area of an event would be
19 troublesome. You know, usually that's not how we
20 conduct law enforcement.

21 MR. GRADISON: I certainly can't deny
22 that.

23 MS. STEVENS: The photographs that I

1 showed you, the slogans that I showed you, I think
 2 I showed you more to indicate that -- you know, we
 3 usually don't -- they usually don't hire people to
 4 videotape and to take photographs of the real
 5 violence that they do, and I think sometimes a
 6 graphic presentation of the intensity of the
 7 feeling that drives the violence is an important
 8 thing and that's what I meant to say about those
 9 photographs.

10 MS. SCHMITT: I'm just curious. One
 11 question. Maybe I've already expressed myself
 12 about like the pictures, and there can be a whole
 13 lot of -- and you can be upset because the press is
 14 against you or your group, or whatever, but as far
 15 as hate crimes, which is what we're here to look
 16 into, do you believe that there is -- or, that
 17 there are a lot of hate crimes against your group
 18 or any other group going on in Indiana, or is it
 19 more just a "Well, people have demonstrated against
 20 us and there's media against us"? I mean, are
 21 there crimes? There's a distinction there in my
 22 mind.

23 MS. STEVENS: There are crimes,

1 absolute crimes. They range from vandalism to
2 murder and include everything in between, and
3 unfortunately one of the things that we know about
4 these criminals is that they start out young. The
5 average age of these criminals is less than 20 when
6 they begin.

7 And the ways -- and they usually start
8 out with lesser crimes, such as vandalism, and we
9 have very -- because we don't take vandalism too
10 terribly seriously in the law, we don't punish it
11 at a very high level, and because we don't have any
12 form of recognizing the enhanced nature of these
13 crimes, these little, early hate criminals, who
14 eventually, if they're allowed to get away with it,
15 are the people who eventually escalate to murder
16 when they're 25, there's no mechanism to stop these
17 kids to get the early intervention that we know can
18 work to sort of erase the old tapes and give them
19 some new and more positive messages about how to
20 live with difference in the world.

21 CHAIRMAN HUGHES: Mr. Rose, last
22 question.

23 MR. ROSE: What you painted was a

1 pretty bleak picture about the lack of basic
2 protection that the law should afford you without
3 any input from this organization or any other, and
4 obviously you're not getting it.

5 What specific recommendations do you
6 have that we could pass on right now to make the
7 laws that are on the books enforceable no matter
8 who the victims are? And I want to distinguish so
9 though not to cast any aspersions.

10 There are crimes all of the time between
11 heterosexuals, knowing people, and certainly
12 homosexuals. We're here to zero in on bias hate
13 crimes, not those other kind, and none of the
14 statistics you gave me -- gave us, I presume, refer
15 to the former group.

16 MS. STEVENS: Oh, no. These were all
17 referring to bias crimes. They're all bias
18 crimes. And the first thing I think that you all
19 could help us do is to help us document those.
20 They're not being appropriately documented in
21 Indiana. The structures are not in place that
22 would allow them to be appropriately documented or
23 accurately documented in Indiana, and that's the

1 first thing that we could use.

2 Again, the very first thing is a
3 definition, is encouraging a universal Indiana
4 adoption of a definition of hate crimes, a working
5 definition of hate crimes, a practical working
6 definition for the street officer to use in doing
7 that initial investigation.

8 Second is to do -- is to encourage the
9 training of officers and to help find funding for
10 training for those officers in both the definition
11 and investigation of hate crimes and also in
12 learning about the Gay and Lesbian community and
13 resolving some of the issues of prejudice which
14 exist within the police department.

15 The police department officers are
16 human, they mirror the public, and there are biased
17 and bigoted officers out there, and we need to make
18 sure that those officers have every opportunity to
19 have the information that can counter that
20 bigotry.

21 Third, to adopt a uniform reporting
22 method with a very minimum of a check-off for
23 investigation on the initial report form.

1 Fourth, to adopt -- to encourage the
 2 adoption of civil rights laws for Gays and Lesbians
 3 that would leave Gay and Lesbians free to report
 4 crimes.

5 And fifth, to thoroughly investigate any
 6 reports of police misconduct against the Gay and
 7 Lesbian community.

8 We are too often targets of
 9 inappropriate and selective use of law
 10 enforcement. This has set up a situation where my
 11 community does not trust the police. My community
 12 fears reprisal if they complain about the police
 13 inaction. My community is subject to
 14 discriminatory behavior on the part of the police.

15 We have evidence of that in the language
 16 that the police have used, in some of the attitudes
 17 exhibited by the police, and it's going -- those
 18 kinds of things are going to take awhile to break
 19 down, and we have to stop it now to have any hope
 20 of getting full cooperation from our community in
 21 the future and on its own behalf.

22 And until those things can be
 23 implemented, I think you'd probably have in your

1 power the dissemination of the other numbers so
2 that those -- so that people can understand that
3 the Federal Government recognizes hate crimes and
4 wishes to receive those statistics.

5 CHAIRMAN HUGHES: Thank you very
6 much. We are going to modify our schedule in order
7 to try to get somewhat back on time. We're going
8 to forgo the break and we'll move right ahead and
9 call on Reverend Taylor at this point, who also has
10 someone with him.

11 (Off the record discussion.)

12 CHAIRMAN HUGHES: We will take a
13 quick two-minute break.

14 (A brief recess was taken.)

15 CHAIRMAN HUGHES: In the interest of
16 time and in appreciation for those people that have
17 agreed to provide testimony for us, we're going to
18 quickly try to move ahead. We understand that we
19 are running over and we know that that infringes on
20 the schedules of some of our later speakers.

21 To the extent that we run into
22 conflicts, we will understand and offer our
23 apologies up-front at this point. But if we could,

1 we'd like to start with Reverend James Taylor, the
2 director of the Indiana Interreligious Commission
3 on Human Equality. Reverend Taylor?

4 MR. TAYLOR: Thank you. Mr. Chairman
5 and members of the panel, it's a privilege to be
6 here. I had a cynical thought a moment ago and
7 that is that perhaps you asked this clergy person
8 to come this late in the day so that I would just
9 say "Amen" to everything that's already occurred.

10 CHAIRMAN HUGHES: I wish that were
11 the case.

12 MR. TAYLOR: Well, I -- I -- I think
13 you'll find I really am about to do that. I
14 certainly could support -- most of the important
15 things that have been said so far today have
16 already been said, both in terms of documentation
17 and in terms of recommendations about implementing
18 activities in communities.

19 A number of trees died so that you
20 could -- so I could be brief today. Let me just
21 show you what I've handed to you for the record,
22 and I really want to use my time a little
23 differently and I'll let you hear from someone else

1 that's a guest with me today.

2 Our agency, known affectionately as
3 IICHE for a long time -- we're practicing saying it
4 "echee" because in Japanese "echee" means unity or
5 oneness, and I think that works pretty well,
6 describes who we are and what we do.

7 Over the years we've provided training,
8 specifically regarding assisting local communities
9 to deal with hate crime activities, most notably
10 probably in 1981 an emergency conference on the
11 Klan was held. We had Julian Bond here.

12 In February of '89 we held strategic
13 meetings around the state, focusing primarily on
14 the vulnerability of rural Hoosiers to hate crime
15 influence. I don't know if you've gotten into this
16 very much, but there's a very strong presence in
17 rural Indiana where farmers, who are victims of
18 economic hard times, also fall prey to the schemes
19 of extremist groups of one kind or another, and we
20 could go into that perhaps if you want to do that.

21 You've already talked about the Sharp
22 case in terms of the neo-Nazi involvement, which I
23 referred to in my remarks. We spend a lot of time

1 on Indiana college campuses, for example. That's
2 been referenced by Mr. Jordan and others today.

3 Some that haven't been referenced: I
4 get the kind of calls that many other folks get.
5 I, too, have been to DePauw University. We
6 provided, and to their credit, training for the
7 sororities and fraternities that were involved in
8 the ghetto party episode a couple years ago.

9 It was our agency that was involved in
10 working with those young people, and as I met with
11 the presidents of those fraternities and
12 sororities, I can safely tell you I think about my
13 own children. They were not mean, they're not mean
14 kids, they're ignorant of the price that many have
15 paid for their own liberty and justice, and they're
16 eager to get in touch with the roots of that
17 movement.

18 And I remember one occasion when we
19 showed some footage from "Eyes on the Prize" and
20 the history of the civil rights movement. They
21 were wrapped in attention as to that. They said
22 "Did this really happen? Is this really what this
23 is about?" It's a sense in which we have another

1 generation now to educate in terms of the
2 importance of civil liberties and civil rights in
3 American society.

4 I have responded, for example, to
5 Batchelor (phonetic) Middle School in Monroe
6 County, Edinburg High School in Bartholomew County,
7 a number of places around the state where the
8 convergence of stress in the community is being
9 reflected even in the much younger grades.

10 Some places of higher education are
11 taking seriously the need to develop
12 anti-harassment policies. That needs to be up and
13 running and in place before something happens.
14 Earlham College is an example where we about a year
15 ago worked with that administration in developing
16 that policy so that when the occasion was there
17 they would be prepared to deal with it.

18 I want to make two points, and I think
19 others have talked about this in a different way
20 today, but I think it's very important to
21 understand some of the social dynamics that are at
22 work in our culture and in our society, and I have
23 them listed here for you.

1 These are almost like two trains that
2 are headed toward each other on the same track. I
3 mean, something inevitable is going to be
4 disastrous here unless there's some movement one
5 way or the other.

6 The first is and you heard Amos Brown
7 and others talk about the demographics which
8 demonstrate that as Americans, and as Hoosiers as
9 well, we're becoming much more diverse both
10 religiously and ethnically. There's a lot of
11 statistics out about this, but one of those is
12 reported here.

13 By the year 2000, 85 percent of all new
14 persons entering the labor force will be
15 minorities, women, and immigrants. Well, that's a
16 perceived threat to the economic security of a lot
17 of families; where did all, quote, these people
18 come from?

19 Bearing in mind the increasing diversity
20 and pluralism of America as a people and Indiana as
21 a state, that over against the other force which is
22 the prevailing attitude in the justice system and
23 in the courts, which purports a kind of color-blind

1 or a race neutral philosophy, or if you would,
2 sexual orientation neutral philosophy, or whatever
3 it is, to apply that kind of standard on the one
4 hand against the increasing demands of a more
5 diverse population I think will lead to not only
6 the kind of stories you've been hearing today, but
7 you will see a profound increase in the level of
8 violence that occurs because persons who are acting
9 out of their own perceived insecurity has a
10 relationship to that.

11 During the recent Gulf Crisis there were
12 threats here to the local Arab-American community.
13 There was a bomb threat at the Islamic Center of
14 North America, our neighbor in Plainfield,
15 Indiana. There've been a number of anti-Semitic
16 threats received by local congregations, Jewish
17 congregations, in Indianapolis. I can go on and
18 talk about these things.

19 I want to point out to you there's one
20 piece I did bring and that's a piece that we do use
21 in training, and before someone on the panel says
22 "What do you recommend?" there's recommendations
23 for action on the back page, and I'll just tell you

1 where to find it.

2 What I'd like to do now, Mr. Chairman,
3 if you would, introduce to you someone from --
4 don't walk out -- introduce to you someone who is
5 perhaps not an isolated victim, but perhaps the
6 most recent victim of the kind of terror and
7 harassment that occurs in a hate crime experience.

8 Patsy McCormick is here as the director
9 of the shelter for homeless veterans on the
10 near-southwest side of Indianapolis. You have in
11 your packet a collection of the Indianapolis Star
12 coverage of that hate crime over the past several
13 days. The first report is near the bottom, the
14 most recent near the top, but in any case that'll
15 give you some record of what's occurring there.

16 The last page you have is a letter that
17 our agency has submitted to the print media in the
18 city, this one in the Indianapolis Star. If you
19 looked at this morning's paper, that was printed in
20 this morning's paper, with the careful editing of
21 some cogent phrases, which the newspaper has the
22 right to do.

23 Having said that, I do want to ask Patsy

1 to come up and join me and let her tell you of some
 2 of the experiences that she has had as the director
 3 of the shelter, and at the same time perhaps you
 4 may well have questions for her in terms of what it
 5 feels like being in the spot that she's been in in
 6 the last several days.

7 MS. MCCORMICK: Two weeks ago
 8 today --

9 (Off the record discussion.)

10 MS. MCCORMICK: Two weeks ago today I
 11 was sitting in my office and I thought I heard
 12 fireworks, and I thought that was strange, kind of
 13 out of season for it. I heard somebody screaming,
 14 so I looked out of my office window and the guy
 15 next door was shooting directly at our building and
 16 he was aimed at the front porch where the guys were
 17 sitting out there smoking, and I first called 911,
 18 ran outside.

19 The night guy had already called 911,
 20 but when I got to the door everybody was just
 21 shoving each other in, trying to get in, and so I
 22 went down the street and I said "What's wrong?" I
 23 mean, it still didn't dawn on me what was wrong. I

1 kept asking "What's wrong?" Of course that guy
2 took off.

3 And there were six people sitting in
4 their yard two doors down, sitting there, and I
5 says "What is wrong?" and they said "We didn't see
6 a thing," and I said "I know you didn't see
7 anything, but what's wrong?" and they said "We're
8 not having niggers in our neighborhood, and if you
9 house them, you're leaving too." I said "These are
10 homeless veterans," and they said "We don't care.
11 They're not staying in this neighborhood."

12 So I walked back down the street. We
13 got that taken care of. The police came in and
14 took four guns out. They didn't arrest the guy.
15 He since has been arrested and out on a thousand
16 dollar bond, I guess for just shooting a firearm in
17 the city. You know, I don't see -- I still don't
18 understand why he's out. I just can't figure it
19 out.

20 Then the following Sunday night they
21 burn a cross in our front yard, smashed the windows
22 out of my car.

23 MR. TAYLOR: Tell them what you do

1 with your car now.

2 MS. MCCORMICK: Yeah. Every night
3 now I have to take my car downtown Indianapolis,
4 take a cab back, take a cab back in the morning to
5 get the car so that I can take guys where they need
6 to go if it's, you know, down to the Trustee's
7 Office, food stamp office, work, whatever, and so
8 with the \$10 a day cab fare, you know, versus 152
9 minimum for a window, I have a \$250 deductible on
10 the car, it's just ridiculous to live like this.

11 And then still not realizing, you know,
12 that the neighbors were that angry, I've been there
13 three years, nobody had ever said a word to me.
14 I've never bothered anybody in that neighborhood.
15 It's the same people that have a yellow ribbon on
16 their porch. You know, I don't know whether they
17 think that all of these people that came back from
18 Saudi are white. I don't know what they think.

19 MR. GRADISON: They came back from
20 the right war.

21 MR. ROSE: General Powell wouldn't
22 agree with them at all.

23 MS. MCCORMICK: It's the same people

1 that come to my door and ask me for diapers for
2 their children, the same ones that say "Can you
3 give me things for Thanksgiving dinner?" "Can you
4 give me Christmas gifts for my children? We have
5 nothing." "Can you give me gas money? I have a
6 new job." I just don't understand it.

7 Another lady called me and she said
8 "Well, we're not going to have black people in this
9 neighborhood. They have their area and we have
10 ours," and I asked her what church she went to and
11 she's Nazarene, and this can't -- you know, I just
12 still can't figure it out.

13 She said "Is this going to lower my
14 property?" We're not the ones smashing windows and
15 burning crosses and firing guns at people, and so
16 it looks to me like they're looking at the
17 victim -- you know, they're still blaming us. We
18 have done nothing to these people. They're making
19 it very difficult.

20 Center Township, I'm sure, is afraid to
21 send people right now, and I guess my main concern
22 is that these people don't win and financially is
23 the only reason that they may win, and that's

1 really out of my hands right now, but if it
2 continues for Center Township and the different
3 ones, they might be afraid to send someone there.

4 MR. ROSE: You say financially they
5 might win. Can you explain what you mean by that?

6 MS. MCCORMICK: Well, I can't just --
7 we can't hold out, you know, without the funding,
8 and so if people are afraid, they're not going to
9 keep supporting us. Center Township came out and
10 they interviewed each guy. Two of them decided to
11 leave, but those two guys wanted their own
12 apartment also. They were not afraid; they walked
13 down the middle of the street to the store. So
14 it's not that they were afraid. But financially
15 that's what I meant.

16 The other guy signed that they were
17 staying. But, you know, as those guys leave, we
18 can house 40 people in there. It's a nice
19 facility, it's a wonderful facility, and it's a
20 much needed thing. All of the shelters are full.
21 I can call, you know, in the middle of the night
22 somewhere and they're all full. We need this
23 shelter.

1 It's a lot better for Center Township to
2 put them in with us for the per diem rate that we
3 have than it is to give each person a \$350
4 apartment and support them that way. It's a lot
5 cheaper.

6 MR. ROSE: Your total funding comes
7 from public support?

8 MR. TAYLOR: Per diems.

9 MR. ROSE: Per diems.

10 MR. TAYLOR: Per client, right.

11 MR. ROSE: There's no private
12 not-for-profit charitable support that's coming
13 in?

14 MS. MCCORMICK: Well, this far we
15 haven't done that because we've only been open --
16 well, this is the entire fourth week. We were just
17 getting off the ground. Center Township and VA had
18 stuck in 25 people and we were just getting off the
19 ground when this happened with these people, and
20 financially if they win us, it's a terrible thing
21 if they win it.

22 MR. GRADISON: And you've been in the
23 neighborhood for three years you say?

1 MS. MCCORMICK: I've been there for
 2 three years with sex offenders. They were
 3 convicted child molesters that were sent there by
 4 the court. Some of them were black, and the
 5 sheriffs are angry enough to go further down the
 6 street in shackles in front of somebody's house
 7 instead of parking right in front when we had a
 8 space available, so I don't know, you know, why the
 9 people at that time chose not to hop on it then,
 10 but right now it's ridiculous.

11 MR. GRADISON: Now you're dealing
 12 with war veterans. You'd think with the patriotic
 13 fervor in the land that they would embrace them.

14 MS. MCCORMICK: They don't, and you
 15 see, VA sent somebody and the neighbors came along
 16 and said "Don't even think about it."

17 MR. GRADISON: Have you said what the
 18 police have done so far in prosecuting?

19 MS. MCCORMICK: I mean, I still don't
 20 understand why the police didn't take this guy out,
 21 you know, the night that they went in and took the
 22 guns out. That to me is ridiculous. I can
 23 understand Center Township, I really can, but I

1 mean, we still have to stick together. We can't
2 let these people win.

3 I mean, I live there, too. You know,
4 I've been staying there since September. I'm not
5 afraid to stay in that place. I'm not afraid of
6 those kind of people, but I am afraid of the fact
7 that they can bully somebody and win, and the guys
8 aren't afraid. We took precautions; you know, we
9 did things to our windows so that they can't hurt
10 us when we're inside.

11 MR. ROSE: Are you satisfied with the
12 police protection now that you're getting out
13 there?

14 MS. MCCORMICK: Well, the night that
15 they burned the cross it took them a long time to
16 get there. I said "What took you so long?" and
17 they said that they have two squad cars in a
18 five-mile radius, and so -- I mean, that let me
19 know that nobody was going to watch our place, and
20 I know they can't sit out there and watch us, and
21 it also let me know that my car was going to be out
22 of there every night.

23 CHAIRMAN HUGHES: Did any of those

1 shots hit your building?

2 MS. MCCORMICK: No, no, it didn't.
3 This guy, you know, is an alcoholic. He's, you
4 know -- and then another guy down the street,
5 Channel, I think, 13 interviewed him last week and
6 he said "What do you think about it?" and the guy
7 said -- on the air he said "I think every nigger
8 should be shot," and he said "What did you say?"
9 and he said "Every nigger should be shot."

10 But we have had some nice things. There
11 are a couple little girls that keep coming forth to
12 bring food and they come across the field and bring
13 food a lot, they do that, and the mother -- I went
14 over to thank the mother and she wouldn't come out
15 of the house because she's afraid of the neighbors.

16 MR. GRADISON: And she sends her kids
17 out as emissaries. I'm glad she's not my mom.

18 MS. MCCORMICK: So if you have any
19 suggestions on --

20 MS. SCHMITT: What's the Indiana
21 Civil Rights Commission doing now because I,
22 through articles, know they were going to get
23 involved in some way?

1 MS. MCCORMICK: They're filing suit
2 on the two guys, but even the guy, you know, down
3 the street that said he wanted them shot, I mean I
4 don't know why somebody doesn't sue him, too.

5 MR. GRADISON: I don't know what you
6 could do with him, but --

7 MR. ROSE: We have First Amendment
8 advocates here, some stronger than others, and
9 that's the reason nothing can be done with him. If
10 he would have incited -- and I'm not a lawyer, but
11 I believe if he would have incited the crowd
12 specifically, "Go get your guns and shoot these
13 people," that's --

14 MR. GRADISON: That's something else.

15 MR. ROSE: -- that's where he would
16 have been over the line, but he was smart enough,
17 either innocently or otherwise, to phrase it
18 properly so he's protected.

19 CHAIRMAN HUGHES: Does your shelter
20 rely on placements by agencies? And if so, which
21 agencies provide placements for you?

22 MS. MCCORMICK: Center Township,
23 Veterans Administration, and Midtown Mental Health,

1 and all of them are on the homeless teams. They're
2 all just working with the homeless.

3 CHAIRMAN HUGHES: Since the incidents
4 have you received any additional placements from
5 those agencies?

6 MS. MCCORMICK: No.

7 MR. TAYLOR: That's part of the
8 problem.

9 MS. MCCORMICK: That's the problem.

10 CHAIRMAN HUGHES: Are they suggesting
11 that there is an imminent danger to their clientele
12 and that's why they are not giving you additional
13 placements?

14 MS. MCCORMICK: They said they were
15 going to hold back a little bit until it got
16 quieted down. This was what Center Township's
17 thoughts were. VA has been sending people through
18 Center Township for funding. If they haven't
19 already had the funding, they send them over, but
20 they haven't come all the way through. They'll
21 call me and say "I'm sending somebody through
22 Center Township and so you'll be getting them
23 tonight." Well, that happened twice in the last

1 two days.

2 MR. GRADISON: Have you met with
3 Julia and the people at Center Township?

4 MS. MCCORMICK: Well, you know,
5 I've called. Yeah, I've been in touch with them a
6 lot.

7 MR. GRADISON: But you haven't met
8 with them, you just talked to them on the phone
9 only?

10 MR. TAYLOR: We're going to work on
11 that.

12 MS. MCCORMICK: I haven't been down
13 there. The team that comes out every Friday from
14 Center Township, they just are having a real hard
15 time with it, too. They think that, you know, they
16 should go ahead and fill it up and let's get on
17 with it.

18 MR. GRADISON: If there's no room,
19 you wonder where those people are going who should
20 be coming to you.

21 MS. MCCORMICK: They could have
22 filled that place in a week, they really could
23 have.

1 CHAIRMAN HUGHES: Are all of their
2 referrals African-Americans?

3 MS. MCCORMICK: Pardon?

4 CHAIRMAN HUGHES: Are all of their
5 referrals African-Americans?

6 MS. MCCORMICK: No, we have --
7 probably 60 percent are. We have a little guy, and
8 he's really sweet. He's Mexican, but he'll go
9 through the neighborhood, I mean, if I'm driving or
10 something, you know, and he'll say "Hi, Hi," I mean
11 just like Mickey Mouse. He's just so excited for
12 everything. You know, he's just real happy to see
13 everybody, and they look at this guy like they hate
14 his guts, I mean they hate him, but he's real
15 sincere.

16 Another thing. The incident when it
17 first came up the night that they were shooting the
18 gun, we had two black and one white guy at the
19 grocery store down the street and then this man
20 took off after them and run them down the street.
21 They went over and got in the alley and run down.
22 By the time they got in the house the guy was
23 already in his house.

1 We did have witnesses to the cross
 2 burning, two witnesses as a matter of fact, another
 3 next-door neighbor that lives in part of that same
 4 house and then our night shift, you know, and they
 5 said that was the first time they've had a cross
 6 burning in Indiana that they know of where
 7 somebody's seen it, so that helped a lot with the
 8 FBI, and the FBI are really involved in it now.

9 MR. ROSE: The VA's a federal
 10 agency. Have you made any complaint, formal or
 11 otherwise, of the fact that they discontinued
 12 sending patients or sending their needy people
 13 through you because of these racial harassments?

14 MS. MCCORMICK: Well, see, they still
 15 are, but they're sending them through Center
 16 Township and Center Township's blocking it, --

17 MR. ROSE: I see.

18 MS. MCCORMICK: -- see what I mean?
 19 So in other words, if the people don't have
 20 their -- like on disability or something, then the
 21 funding goes through Center Township.

22 MS. PARKER: Has your neighborhood --
 23 you were saying that you'd been there for three

1 years and these were the same people that were
 2 there when you moved in there three years ago. Has
 3 there been any change in the -- because sometimes
 4 just the moving in of one person can be the change
 5 that causes some kind of behavior. Has there been
 6 any change in --

7 MS. MCCORMICK: Yeah. The house next
 8 door has three apartments in it and always
 9 changing. I mean, they're always changing. It's
 10 all rental property along in there. You know, a
 11 lot of the nights we'll wake up, and outside
 12 there's an alley there between us and that little
 13 house, and either the guy's beating his wife or one
 14 night he took a sledgehammer and beat his car up,
 15 he knocked all of the windows out, the lights and
 16 everything. I mean, these are the same people that
 17 are complaining about us that we don't even
 18 bother. We're not even out to bother these people.

19 MR. TAYLOR: Did you mean the racial
 20 composition of the neighborhood?

21 MS. PARKER: Yes -- no, no, no.

22 MR. TAYLOR: To what degree that
 23 there's more black or more white people?

1 MS. MCCORMICK: You mean in the
2 neighborhood?

3 MS. PARKER: Yes.

4 MS. MCCORMICK: There are no blacks.

5 MS. PARKER: If you were there for
6 three years in which you had sex offenders as your
7 basic residents and this was not -- no one seemed
8 to oppose -- was opposed to this, and now you
9 change and go to veterans and all of a sudden you
10 have this great opposition, I wonder if there may
11 have been a new neighbor or someone who was in that
12 neighborhood who might have started causing --
13 raising these questions that created the kind of
14 climate that made people decide it was all right to
15 become violent.

16 MS. MCCORMICK: That could have been
17 because it is rental property and it keeps changing
18 all the time.

19 MS. PARKER: But you can't pinpoint
20 any specific kind of neighbor, individual neighbor
21 change that might have caused an activist to start
22 this?

23 MS. MCCORMICK: Well, except the guy

1 next to me, the one that shot the gun, that house
2 you know, that has three apartments, that one
3 changes all of the time, so it could be that it was
4 just him that moved in.

5 MS. PARKER: I just wondered because
6 that just seems -- to go after veterans is even
7 worse.

8 MS. SCHMITT: Well, what kind of
9 cooperation are you getting from local or state or
10 federal authorities, I mean the police, the Civil
11 Rights Commission in Indiana, so on and so forth?

12 MS. MCCORMICK: Well, the FBI,
13 they're the ones I think that -- they're the only
14 ones that's going to do anything with the guy that,
15 you know, burned the cross because Indianapolis
16 Police said they didn't know what to get him on.

17 MR. TAYLOR: Same problem we've been
18 talking about all day.

19 MS. SCHMITT: Yeah, uh-huh.

20 MR. ROSE: Excuse me. They're not
21 the same offenders. The gunman -- the one that
22 fired the gun and the cross burner, those are
23 different people, is that right?

1 MS. MCCORMICK: Just friends.

2 MR. ROSE: Just friends.

3 MR. GRADISON: And it seems the Civil
4 Rights Commission has been helpful to you, too, and
5 they've spent a lot of time with you down there in
6 filing charges.

7 MS. MCCORMICK: Yeah, they're filing
8 charges.

9 MR. TAYLOR: Civil charges.

10 MR. GRADISON: Well, that's all they
11 can do.

12 MR. TAYLOR: Yeah, but that's the
13 point.

14 MS. PARKER: And she already said
15 that maybe they don't have any money, so you can't
16 collect or recover in the way of damages even if
17 you win. It's a Catch-22.

18 MS. MCCORMICK: I think right now
19 that we're struggling, you know, to hang in there
20 to keep open. I know that it will slow down and it
21 will back off. I believe that without a doubt,
22 because if this had been somebody else, they would
23 have already been out of there I believe, most

1 people, but we're not afraid, the residents aren't
2 afraid and I'm not afraid, but I don't want these
3 people to win. I really don't want them to win.
4 And not only that, it's ridiculous because, see,
5 these people aren't even going to be in that house,
6 by the way. They'll probably move again.

7 MR. GRADISON: Did you have a
8 religious affiliation with your shelter?

9 MS. MCCORMICK: No. I rent the
10 building from a church next-door, and it's my uncle
11 that pastors that church, but we're not affiliated
12 and I'm not a member of that church. As a matter
13 of fact -- well, no, I don't have any, and as far
14 as Center Township or any government funding, you
15 just really can't have any anyway, but they did say
16 "If you want to take them to church it's okay, but
17 don't preach."

18 MR. GRADISON: Do any of the members
19 of the -- have they been going to church? You say
20 the church is close to you?

21 MS. MCCORMICK: Yeah -- well --
22 yeah. It's just next door. As a matter of fact,
23 it looks like maybe it's part of the church.

1 They're both red brick, but there is an underground
2 tunnel, but we don't use that and would never use
3 it unless there were a fire or something. But,
4 yeah, some of the members go next door to church,
5 and then sometime they'll go to other churches,
6 they have people pick them up.

7 I'll tell you what, though, through all
8 of this, this is the only minister that I've heard
9 from through all of this. I mean, not one church
10 has called, not even the church next door. No one
11 called to offer support or to say "We're praying
12 for you," or anything. That's the truth. That
13 really surprises me a lot. I have nothing else to
14 say.

15 MR. GRADISON: Thank you. We're
16 really sorry you had to go through all of this.

17 MR. ROSE: We wish you good luck, or
18 I do at least personally.

19 MS. MCCORMICK: Thanks a lot, guys.

20 MR. ROSE: Hang in there. Don't let
21 them win.

22 MS. MCCORMICK: Thank you.

23 CHAIRMAN HUGHES: Our next presenter

1 is Phyllis Bartleson, Human Rights Consortium of
2 Indiana, first vice president I understand.

3 MS. BARTLESON: I have some
4 information I wanted to share with you before I get
5 started. I hope you can hear me. I kind of speak
6 loudly anyway. I'm Phyllis Bartleson and I'm the
7 vice president of the Indiana Consortium of State
8 and Local Human Rights Agencies, and for the sake
9 of time I'll try to be brief in my presentation.

10 Most of what I would say you've already
11 heard here today, and that is that we do have a
12 problem in our state with hate and bias crimes.
13 One of the major problems that the agencies agree
14 on in discussing this particular issue with them is
15 that there is a lack of reporting. That seems to
16 be a major problem.

17 Various crimes and criminal activities
18 are reported to the various law enforcement
19 agencies across the state but they are not
20 specifically reported as bias crimes or hate
21 crimes. Maybe they're reported as vandalism by
22 juveniles, aggravated assault, neighborhood
23 dispute, but what we have found is there are very

1 few crimes that are actually labeled as hate or
2 bias crimes. This seems to be a problem.

3 When I was asked to speak here today, I
4 contacted all of our 17 agencies that belong to our
5 group and asked them to assist me in gathering data
6 to present here today, and if they did not have any
7 case-related data in their offices, to contact
8 their local law enforcement agency.

9 Many of the responses that I received
10 back was that "We don't have any hate-related cases
11 per se in our caseload." In checking with our law
12 enforcement agencies, they do not have any
13 statistical data that they can share with us.

14 So that seems to be a significant
15 problem within the civil rights arena that it
16 appears when we request statistical information,
17 that we don't have a problem, that these crimes
18 don't exist in our communities throughout the
19 state, which I think particularly for those of us
20 in the civil rights field know this is not true.

21 I have gathered a few instances. Some
22 of these are quite recent that are in your packet.
23 This one happened in Evansville July the 29th and

1 appeared in the paper. It's an incident of a young
2 man, who happened to be black, who went to a
3 swimming party at a pool with a white friend. They
4 were not boyfriend and girlfriend, they were just
5 friends.

6 What happened to this young man was that
7 her brother took issue with the fact that she was
8 associating with blacks. She had been told by her
9 parents not to do so, and she in fact did, and as a
10 result her brother ran over the black man and drug
11 him in the car for several feet.

12 He was transferred from Evansville to a
13 hospital in Louisville to attend to his injuries.
14 The gentleman in question, the brother, was charged
15 with aggravated battery. This is a recent case of
16 July the 29th in Evansville.

17 Of course I have the article that the
18 lady just spoke of with the shelter house, so I
19 won't go into that one. In the area of racial
20 epithets and slurs, I have an article here from
21 Michigan City, Indiana. It's dated July the 24th
22 of '91 of the school board superintendent who was a
23 target of racial slurs, okay?

1 This is a very educated person, and the
2 scenario kind of went like this: He had phone
3 calls all weekend calling him "nigger" and "black
4 bastard." "Some of the callers told me to get out
5 of town. We're sick of you. We don't want you
6 here. We never wanted you here, and it's time for
7 you to get out of town."

8 Mr. Clay did not report this to the
9 police. That seems to be another problem is
10 getting the victim to report the act to the proper
11 authorities, okay? For whatever reason he did not
12 report that. He did make some comments, I guess,
13 during the next school board meeting and they took
14 the issue up.

15 In Columbus, Indiana, I have an article
16 here that's dated September the 14th of '90, "Teens
17 Linked to Cross Burnings." Okay. This is fairly
18 recent. In this instance the Sheriff of
19 Bartholomew County did not arrest the three young
20 men that were involved in this, I guess because
21 they were juveniles or the issue wasn't taken
22 seriously, although a cross was burned on two
23 different occasions in the street in front of the

1 home of a black female.

2 Here's an article in your packet of a
3 smoke bomb judgment in Columbus that was settled in
4 June of '91. However, the case originally goes
5 back to 1988 where there was an incident of a smoke
6 bomb.

7 This one is of particular interest
8 because it brings out something that I think is
9 important in relation to these crimes and kinds of
10 activity, is the fact that this family had property
11 damage, and of course the financial loss from
12 moving, and not to mention the terror of the act
13 and the humiliation. They had sought considerable
14 damages; however, they only received a \$20,000
15 judgment.

16 The gentleman in question, of which
17 there were two, that perpetuated this crime were
18 sentenced to a year in prison and a thousand dollar
19 fine, which raises the question to me as a person
20 in this area what cost or what price do you put on
21 terror? Is \$20,000 enough? Is a year in prison
22 enough to deter these types of crimes? And I think
23 these are areas that the government needs to look

1 at.

2 You terrify a family for months and
3 months and months to the point that they're either
4 afraid to leave home or they move to another
5 neighborhood because they can't live where they
6 would like to live or can afford to live, what
7 price do we put on that?

8 In the other areas of civil rights, for
9 example employment, education, we've probably made
10 numerous strides in the last 20 years or so, but
11 for some reason the housing issue has basically
12 remained unchanged. We still have neighborhood
13 fracasas, okay?

14 When a black family or Mexican,
15 Hispanic-American family, or a Jewish family moves
16 into a given neighborhood, they're harassed,
17 garbage is thrown on their lawn. There's one
18 article in here where a family had chemicals poured
19 into their swimming pool, their car windows shot
20 out, those types of things, that had children. The
21 children were terrified. The one son had
22 nightmares, and so on.

23 These kinds of things still go on,

1 despite the gains that we've made in the areas of
2 employment and education, so that is something that
3 I think needs to be addressed.

4 One important thing that I think we're
5 all well aware of is the correlation between crime
6 and criminal activity and poverty. Poverty is on
7 the rise in this country. We have more homeless
8 people, we have more people unemployed, and so on.
9 So I think the expectation is probably that we're
10 going to see more crime.

11 And when we have people who are out of
12 work, losing their homes, losing their cars and
13 their possessions, they're going to blame someone,
14 okay, and generally that someone is someone that is
15 vulnerable, that is less able to defend themselves,
16 which may be someone that is of another ethnic
17 group, has another sexual orientation, someone that
18 they feel will be defenseless against that attack,
19 and I think that's what we need to be looking at.

20 There's more to it than just a, quote
21 quote, hate crime. There are other variables that
22 go into that, and some of those variables are in
23 the socioeconomic realm, and I think those issues

1 need to be addressed as well to rectify some of
2 that.

3 What I would like to see in the future:
4 There's not a great deal of communication between
5 the various civil rights agencies throughout our
6 state and the police departments, the law
7 enforcement agencies.

8 I believe, and my sister agencies as
9 well believe, that training, and I think we've
10 heard that over and over again today, is essential,
11 sensitivity training, training in the various laws
12 as far as civil rights and human rights are
13 concerned, and I think that has to be mandated by
14 your police chiefs, by your mayors of your cities,
15 and the money has to be there.

16 It's okay to pass a law and say "Okay,
17 this is what we're going to do," or "This is what
18 we're going to have to enforce," or "This is how we
19 would like for this to go," but if the local
20 government agencies don't have the money for
21 training or to enforce this law, it doesn't amount
22 to very much, and I think that's something that
23 needs to be addressed as well.

1 But I would really like to see more
 2 networking -- Mrs. Schmitt and I had discussed that
 3 in the hallway earlier -- between the various
 4 agencies, so that, for example, the civil rights
 5 community will be aware of what the Gay community
 6 is doing and what kind of training, and so on, is
 7 going on. The networking, I think there needs to
 8 be more of that as a solution to some of these
 9 problems.

10 I think we need more education in our
 11 schools about ethnicity, about cultural diversity,
 12 and not at the secondary level, at the elementary
 13 level, because that's when children learn and
 14 that's when what they've learned sticks with them,
 15 okay?

16 I think our churches have a
 17 responsibility because basically what we're dealing
 18 with is an attitudinal problem, and in order to
 19 change those attitudes, those negative attitudes,
 20 those stereotypes, we must as a society work
 21 together, and when I say we, I'm talking about our
 22 teachers, our law enforcement, our helping
 23 agencies, our parents. We all have to, you know,

1 do what we can.

2 There's a case in your packet about a
3 worker. This is in litigation right now. In
4 September of 1990 it was referred to EEOC of a
5 black worker at Westville, Indiana, who was
6 racially harassed, okay, on the job. He went to
7 his employer. His coworkers were giving him a hard
8 time. He reported it to management.

9 They refused to do anything and Condiff
10 (phonetic) said "Oh, Well, you know, they're just
11 guys, they're having fun," and it went on and on
12 and on. The man was terminated and as a result he
13 filed charges.

14 I think that our managers of our
15 companies have a responsibility to uphold the law,
16 and when they don't I think the workers have a
17 recourse and should pursue that, and that's what
18 happens in a lot of cases is that people are not
19 aware of their rights, they don't know who to go
20 to, they don't know what resources are available in
21 their various communities or where to get help, so
22 the act is not reported. People are -- they don't
23 really know where to go.

1 There's a couple of other articles ther
2 in your packet. One that comes to mind -- I
3 brought a couple local articles from Muncie. They
4 go back several years. One was a fire bombing back
5 in 1982 of a family that was associated with the
6 Klan that burnt out a black family who happened to
7 move in an all-white neighborhood.

8 The other article is in reference to a
9 crime that probably should have been labeled as a
10 hate crime but was not, and this is where two young
11 white kids from Selma, Indiana, came through Muncie
12 and had drove through the black community and
13 shouted out the window that they were going to kill
14 them a nigger tonight and went about six blocks
15 down the road and did so, in fact. The two young
16 men were charged with manslaughter and they both
17 received eight years and they were out in about 18
18 months, and this was not reported as a hate crime.

19 So I think that the bias laws are a step
20 in the right direction, but I think that the
21 responsibility of the enforcement and the relaying
22 of that information to the communities rests with
23 people such as ourselves, and that's basically the

1 gist of my presentation. If you have any
2 questions, I'll be happy to answer them.

3 CHAIRMAN HUGHES: Thank you,
4 Phyllis. The data that you collected to prepare
5 your testimony for today, do you think that that
6 data collection effort will continue, the 17
7 agencies will continue to gather that information?

8 MS. BARTLESON: I would certainly
9 hope so. At our next meeting in September it's one
10 of the things that I intend to put on the agenda so
11 that each local office, whether it's from a case or
12 from an incident that happened in the community
13 that was reported to the police department and in
14 turn hit the newspapers, "Clip that article. Let's
15 begin to keep a record," because we don't have any
16 now, and that was one of the problems.

17 We know personally of incidents that
18 have gone on in our community. For example, in
19 checking with our local law enforcement agencies,
20 yes, there have been things that have gone on but
21 they're not reported as hate crimes.

22 They're reported as school disturbances,
23 you know, maybe this white gang against this black

1 gang, you know, or it's reported as a neighborhood
2 dispute, and sometimes those kinds of activities do
3 not hit the newspaper. It has to be something that
4 will sell newspapers, for lack of a better term,
5 before you read about it, unfortunately.

6 And I think within the black community,
7 particularly where there has not been a very good
8 rapport with the police over the years, there is a
9 reluctance to report crime, there is a reluctance
10 even to call the police in some cases because they
11 feel that they're not going to do anything anyway,
12 so they try to more or less handle it themselves;
13 "I'll go get my gun and my brother-in-law," or, you
14 know, whatever, rather than call the police and
15 report it, which is unfortunate because then you
16 can't collect the data, but I think there's a real
17 problem with -- I would like to see more
18 cooperation between those agencies and the police,
19 law enforcement.

20 CHAIRMAN HUGHES: I certainly wish
21 you success in that because finding data, finding
22 data sources, is always a difficulty, and it would
23 be comforting to know that the Human Rights

1 Consortium was serving as kind of a statewide
2 repository of that kind of information.

3 MS. BARTLESON: Well, we'll certainly
4 give it our best shot.

5 CHAIRMAN HUGHES: Are there other
6 questions from other members? Okay. We would
7 certainly like to thank you very much at this
8 point.

9 MS. BARTLESON: Thank you.

10 CHAIRMAN HUGHES: At this point we
11 have representatives of the Indianapolis Police
12 Department, and based on a quick discussion that we
13 held a few minutes ago, also representation from
14 the Indiana State Police. I understand there may
15 be some possible overlapping, so what I would like
16 to do in the interest of time is to invite Officer
17 Romine, along with Lieutenant Schneider, or is she
18 still with us?

19 MS. SCHNEIDER: I'm not testifying.

20 CHAIRMAN HUGHES: Okay. And
21 Sgt. Heck from the Indiana Police Department.
22 Since I understand that your information is
23 somewhat similar, perhaps --

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(Off the record discussion.)

CHAIRMAN HUGHES: So what we'll do is ask each of you gentlemen, if you would please, to introduce yourself and your departments.

MR. ROMINE: Okay. I'm Officer Gary Romine, I'm with the Indianapolis Police Department.

MR. ROSE: Would you use the microphone, please, sir, so the people in the back can hear you?

CHAIRMAN HUGHES: If you can attach it.

MR. ROSE: Put it on your collar or your necktie, if you will.

MR. ROMINE: I'm Officer Gary Romine with the Indianapolis Police Department. I've been a member for almost twelve years. My duties now are to handle uniform crime reporting for our department. That includes reporting hate crimes since Congress passed the Act in 1990 I believe.

I guess what you're wanting to know, if I'm correct, is how we're reporting or what we're reporting.

1 hate crime information from the local police
2 departments, and I'd like to say that through UCR,
3 you know, the program is voluntary, police
4 departments are not obligated to report hate
5 crime. As far as I'm concerned, or I know, the
6 Indianapolis Police Department intends to report
7 that.

8 It is something new. All of a sudden
9 we're faced with identifying crimes as hate crimes,
10 where in the past we haven't been and we've just
11 handled them as vandalisms, murders, and so on. So
12 now they want us to report what hate crime is. So
13 we're in the process of getting people trained.

14 I've been to an FBI seminar on hate
15 crimes. We have a detective that's going to attend
16 one this month, and when she gets back, hopefully
17 then we'll have enough information to begin
18 reporting hate crimes to the FBI through UCR.

19 I think it's pretty important to
20 understand that what we report to the FBI is only
21 going to be a real small portion of, if you will,
22 hate crime. You know, they're going to limit us to
23 crimes that concern against race, religion,

1 national origin, or sexual orientation, so you're
2 going to have other crimes that are going to be
3 against people who have AIDS, rich people, poor
4 people, smokers, nonsmokers, people who drive red
5 cars versus people who drive black cars. Those
6 kinds of things are not going to be reported, even
7 if there's a criminal incident occurring with them,
8 as a hate crime.

9 We're going to limit -- the FBI, I
10 should say, is limiting what we report to them as
11 hate crimes. We're going to have to have -- first
12 it's got to be a murder, rape, robbery, aggravated
13 assault, simple assault, intimidation, burglary,
14 larceny, motor vehicle theft, arson, or vandalism
15 or destruction of property.

16 We have to have that crime first, and
17 then we must determine that that crime was
18 committed because of the suspect's or the
19 offender's bias. If it wasn't, then we won't
20 report it as a hate crime. An example of that
21 would be if you have two people vying for the same
22 parking place, one is white and one's black, and
23 one of them gets it.

1 They get in a shouting match and then
2 that leads to an assault, a fist-fight. Maybe one
3 of them pulls a gun and shoots the other one. If
4 we took, let's say, the black person out and put a
5 woman in there or another white person, would that
6 crime have occurred? There's a great possibility
7 that it would have. They were fighting over the
8 parking space, not fighting over, you know, because
9 the guy was black or was white, so that's not going
10 to be a hate crime. Therein lies the problem.

11 When a crime happens, let's say it's a
12 simple battery, and one of the parties calls the
13 police. We get on the scene, and let's say the
14 white guy calls the police. He's going to maybe
15 say "The only reason this guy hit me is because I'm
16 white and trying to get this parking place." Is
17 that in fact true? I would suspect not.

18 MS. SCHMITT: Who makes that call,
19 the officer on the scene?

20 MR. ROMINE: The officer on the scene
21 is going to take the report as given to him. Then,
22 hopefully, we will have a detective assigned.
23 He'll handle the assault as we would now. The only

1 thing now is since it's not a crime to hate
 2 somebody, we wouldn't be even looking at that.
 3 That part that we're interested in is "Okay, do you
 4 want to prosecute for the assault?" "Yes, I do."
 5 We get the necessary paperwork and then off to
 6 court we go.

7 Under the new hate crime statute they
 8 want us to report that as a hate crime if indeed it
 9 is. So the officer's going to make the report with
 10 the facts that he has on the street. The detective
 11 would then go and talk to these people, keeping in
 12 mind we need to know if it's a hate crime or not,
 13 and he's going to establish "Well, yeah, if it was
 14 a female involved or another white person, or
 15 another black person, it's not a hate crime because
 16 they would still have done the same thing."

17 MS. SCHMITT: So it's the detective
 18 who says "I think you ought to take it to the
 19 FBI"?

20 MR. ROMINE: Right, and this is going
 21 to be based on FBI guidelines. The Federal
 22 Government's going to sit down and say "okay" --
 23 again, you've got to have a crime committed.

1 Assault is one of the crimes. It's got to be
 2 racial bias, religious bias, national origin bias,
 3 or sexual orientation bias. It's got to be one of
 4 those also.

5 So if you have the same situation and
 6 one of them has AIDS and the other doesn't, and
 7 that's why he hit him, sorry we don't report that.
 8 So, you know, there's going to be a lot of
 9 problems. The department's not trying to hide or
 10 say we don't have a hate crime problem. It's just
 11 until now nobody's asked us.

12 People report these as crimes and they
 13 are investigated. They've been investigated ever
 14 since I've been on the police department. It's
 15 just that we haven't singled them out as hate
 16 crimes. We just singled them out as far as rapes,
 17 robberies, what they are.

18 CHAIRMAN HUGHES: The practical
 19 procedural problems of your addressing them is that
 20 now the detective -- the new step is the detective
 21 now has to make a determination, that's essentially
 22 the new item, the new step, for reporting
 23 purposes?

1 MR. ROMINE: Right. I think that's
2 what we're going to look for, what we're going to
3 try to accomplish. That's what I will recommend to
4 the Chief of Police, that -- you know, I read the
5 reports, I handle the UCR. If I see one that I
6 suspect is a hate crime, then I can forward that to
7 a detective who has the expertise and the knowledge
8 to know what a hate crime is.

9 We'll let them talk to the victim, let
10 them tell me. You know, as we can train
11 detectives, train people on the department, to
12 recognize hate crimes, and when they find one or
13 come across one, they can notify me so that it is
14 reported.

15 You know, the procedure's just not in
16 place yet. This is too new. You know, I just
17 found out here a week or so ago that the reason I
18 hadn't heard from the FBI and I haven't received a
19 packet of forms on which to report this is that
20 Congress didn't appropriate any money to make the
21 forms, so they tell me that the one form that I
22 received at the seminar our department is supposed
23 to use that and make our own.

1 Well, you're talking money and manpower
2 and it's something we have to work out, and I think
3 we will be doing it, and we're working with the
4 State, as the State Police are, in developing an
5 incident-based reporting system where hate crime is
6 just part of that now, it will be the new expanded
7 UCR, and once that comes on-line, then I think most
8 of your agencies in Indiana that are reporting to
9 UCR will continue reporting and will be reporting
10 hate crimes. We'll all be using the same
11 guidelines that defines what a hate crime is and
12 what has to happen before it's reported.

13 MS. PARKER: Sir, would you please
14 tell me what UCR stands for? Maybe I missed it.

15 MR. ROMINE: Oh, I'm sorry. Uniform
16 crime reports.

17 MS. PARKER: I thought so, but we use
18 all of these acronyms.

19 MR. ROMINE: I'm sorry. I'm so used
20 to talking to other police officers and law
21 enforcement people that I forget. Basically I
22 think that's all I have.

23 MR. GRADISON: That's a step in the

1 right direction. I've been very curious as to how
2 it's going to work out. Are you making this trip
3 or are you --

4 MR. ROMINE: I have already been to
5 the seminar.

6 MR. GRADISON: Are you the only
7 officer who's been there so far?

8 MR. ROMINE: I am the only one. The
9 FBI invites us. When they invited before, they
10 invited one person from the department. This time
11 they invited one more, and they're conducting that
12 as a regional seminar, so they're taking people
13 from several states.

14 MR. GRADISON: One of the deputy
15 chiefs or someone besides you?

16 MR. ROMINE: Well, they sent me
17 because it's UCR and I handle the UCR, and this
18 time we're sending a detective from the special
19 investigations branch because they are the ones
20 that actually investigate these crimes.

21 MR. GRADISON: If you have a case
22 currently under investigation -- for instance, you
23 know, we had someone who testified just before of a

1 crime involving a cross burning and so on at this
2 shelter for homeless veterans and so on. You
3 really don't have that in place yet I suppose, or
4 you would have -- for you to be able to look at
5 that crime, the cross burning and so on, other than
6 as a trespass or a vandalism, when will you be
7 picking this up where you can start looking at that
8 kind of a case, or can you still go back and look
9 at that case, once things are in place, as a hate
10 crime, or have you --

11 MR. ROMINE: I hope to go back,
12 okay? I currently -- I review all police reports
13 from our department, all detective reports. That's
14 my job to make sure they conform to federal
15 guidelines. I have been pulling anything that I
16 suspect to be a hate crime.

17 MR. GRADISON: Okay.

18 MR. ROMINE: The problem with it is
19 that all I have is raw, unsubstantiated police
20 reports, that's what the people told the officer on
21 the street. Again a detective is assigned to
22 handle the crime, you know, whatever the particular
23 crime under Indiana statute is, but they're not

1 particularly looking to see if it is a hate crime.
2 Again, it's not a crime to hate somebody.

3 So that they're handling that; they're
4 just not trained to know "Hey, we need to let
5 Officer Romine know that this needs to be
6 reported." So I hope to, once the mechanism is in
7 place, once we work out the problems, go back and
8 pick all of these up.

9 MR. GRADISON: You will, but --
10 you'll have to do that yourself? I mean, I guess
11 there would be a training procedure sometime at the
12 academy or something, training new recruits, as
13 part of this ongoing training?

14 MR. ROMINE: I have no idea. I
15 couldn't answer that.

16 MR. GRADISON: It's a big mission.

17 MR. ROMINE: I know just currently
18 right now I'm the only one doing it.

19 MS. PARKER: Earlier someone -- one
20 of the people who spoke earlier suggested that
21 perhaps there should be some kind of a check-off
22 when the police gathers the information initially
23 to indicate that this probably has some hate crime

1 connection. How do you respond to that as a part
2 of the procedure of trying to collect and get a
3 sense of what the policeman saw, felt at the time,
4 the impressions that he got at the time of
5 gathering the information?

6 MR. ROMINE: I would think that's a
7 real good possibility and I say that based on the
8 past record. You know, a few years back there was
9 a big interest -- interest started rising in
10 domestic violence, and prior to that, again, we
11 reported domestic violence as batteries, just
12 whatever the crime was, and we still do that. All
13 we did was have a box on our incident report to
14 say, you know, "Suspected domestic violence? Yes
15 or no." Probably that's what we'll do with the
16 hate crime, I would think. Again, I'm not
17 positive. It's something that has to be worked
18 out.

19 MS. PARKER: I mean, that's a
20 suggestion to us, so I just wanted to get a
21 reaction.

22 MR. ROMINE: You know, it would flag
23 it for me, flag it for the detectives, you know,

1 everybody would know "Hey, maybe we ought to report
2 this."

3 MR. GRADISON: You'd obviously be
4 able to do a better job. That's why some of the
5 police statistics, you know, are suspect to me
6 because you say all you've got is basic batteries
7 and basic trespass, basic vandalism. All these
8 other elements have not been included.

9 MR. ROMINE: And it depends on whose
10 definition you're using. You know, we try to
11 follow federal guidelines as far as how we define
12 the crimes that we report to UCR.

13 MR. GRADISON: So you really don't
14 have great generated statistics in a lot of those
15 kinds of areas because of no way to track them
16 previously?

17 MR. ROMINE: Right.

18 MS. SCHMITT: Did they give you --
19 I'm just curious -- any inclination at the training
20 session as to how many they expected you to
21 report? I mean, are you going to report every
22 little thing or is it going to be like really
23 egregious? Do you plan to report two or three or

1 four incidents to the FBI? I'm just curious. Do
2 you have any feel for that whatsoever?

3 MR. ROMINE: As long as I'm doing
4 UCR, any hate crime incident I come across once we
5 start reporting we will report. We report
6 according to guidelines now and we will continue to
7 do so, unless I -- you know, as long as I'm there,
8 I can't see anybody saying different. Nobody in
9 the department has ever tried to, to my knowledge,
10 cover any of these crimes up. If they're there, we
11 report them. You know, the hate crimes, we report
12 them by the guidelines that I have here in front of
13 me. We report them according to those rules.

14 MS. SCHMITT: Uh-huh.

15 MR. ROMINE: Unfortunately, like I
16 said, there are a lot of crimes that they don't
17 include that you people may be interested in as
18 being reported, and I'm not sure how we would, you
19 know, respond to somebody coming up and saying
20 "Well, hey, you have a trespass here and it's a
21 hate crime. Are you going to report that?" Well,
22 under federal guidelines we can't report that if
23 it's not one of the accepted or the ones that we

1 can do.

2 MR. GRADISON: When do you think
3 you'd be in a position where you'd be able to plug
4 this into Bob Turner and surround the Academy as
5 something to teach to recruits to be on the
6 look-out for and that kind of thing?

7 MR. ROMINE: I would hope that
8 sometime this fall, as soon as the detective comes
9 back from the seminar up there, where we can work
10 with the detectives first, you know, get them keyed
11 into it, and then I guess it's going to be up to,
12 again, the Chief as to when and if we would try to
13 train every single person on the department to
14 specifically look for hate crimes. Again, that's a
15 major undertaking. There's 900 people on the
16 department to train and budgets are tight.

17 CHAIRMAN HUGHES: Thank you, Officer
18 Romine. Officer Heck?

19 MR. HECK: My name is Jeff Heck with
20 the Indiana State Police. I've been there now 14
21 years. I serve in our investigation division and
22 am currently commander of our auto theft section,
23 but have been filling in what we term our case

1 management section. Basically that is responsible
2 for the collection and entering also into the
3 uniform crime reports statistics from our case
4 reports from our 18 different posts.

5 I would, I guess, echo the same thing
6 that you heard. We track our investigations
7 obviously by Indiana statute and could use the same
8 examples that he's just given you. If we have a
9 case where a -- it amounts to a battery, it's got
10 to be reported as such.

11 We are also involved in the incident-
12 based program. First I should say it appears that
13 I'm going to be going to the same training he
14 mentioned sometime August 22nd or third, I
15 believe. I've been in touch with the FBI. They
16 recommended and requested that we didn't attempt to
17 try to report this until we'd been through this UCR
18 training.

19 I was curious to see -- there are
20 apparently eight states according to the FBI that
21 now report, have a law, a mandatory state law,
22 reporting hate crimes, and I didn't think, and I
23 apologize, to tell you which states those are. You

1 may already know. But we do -- also, the State
2 Police plans to collect that information.

3 We plan to do that by converting
4 what's -- the way we now report to the FBI to this
5 incident-based reporting that's already been spoken
6 about, and the information that's going to be
7 collected will involve racial, religious, national
8 origin, or sexual orientation bias.

9 As far as implementing that plan, the
10 only thing that may be a little bit different is
11 the way our case system is set up is such that we
12 have a person at each district or each post
13 throughout the state of Indiana that's titled our
14 district investigative coordinator, and it's his
15 job to review and what we call status each report
16 as to what phase of the investigation it's in.

17 At that point, based on the number of
18 personnel, more than likely the 18 different
19 investigative coordinators, will be trained. They
20 review and read each case report, and they will be
21 trained if they suspect that it may be something
22 that could be reported as a hate crime and it would
23 be one of the departmental crimes. Then if that is

1 not noted in the case report, I would hope then
2 that would be sent back to the officer and that be
3 included in the report.

4 That information is then sent to our
5 case management section here in Indianapolis and
6 then that will be entered into this incident-based
7 reporting system we hope to have, and I think the
8 important thing -- maybe one thing to add about
9 that, something that certainly impressed me about
10 it, is in addition, as a way to send information to
11 the FBI, this also serves a database to use as far
12 as for investigative purposes, so that information
13 is going to be there. It's not that we're going to
14 be collecting it and sending it away. It will be
15 here for use if we need it.

16 As far as any specific hate groups, I'm
17 sure they've probably already been mentioned here,
18 many of them the whole day, but we know in Indiana
19 that we have the skinheads operating, the Ku Klux
20 Klan, and so on and so forth.

21 Our department, and by law, keeps
22 information on only criminal activity. We don't
23 document people based on membership groups and that

1 type of thing. We keep information. Although we
2 do keep information according to criminal activity,
3 so any specific -- once again, and it relates back
4 to what we've said, any specific incident has to be
5 related to a crime being committed before we'd keep
6 that information.

7 MS. SCHMITT: I'm real curious just
8 because I understand that it's got to be related to
9 a crime, for example -- I forget your list -- but
10 vandalism or something, but assuming that there is
11 that crime, one on the list has occurred, then how
12 does the officer determine or you determine? Is
13 there another guideline against -- in other words,
14 who do you have to hate? In other words, does it
15 have to be a black, a woman, homosexual?

16 I mean, somebody could come into my
17 house and say -- and I'll use my example I said
18 this morning -- "I hate lawyers," or "I hate real
19 estate developers." I mean, is there also another
20 category that deals with the discriminated against
21 class I guess is my question?

22 MR. ROMINE: Yeah, we have -- like
23 under racial, it's got to be anti-white,

1 anti-black, anti-American, Indian, Alaskan,
2 anti-Asian, or Pacific Islander, anti-multi-racial
3 group.

4 MS. SCHMITT: Okay. I'm just
5 curious.

6 MR. ROMINE: If it doesn't fall under
7 one of those, then it's not a racial.

8 MR. HECK: The other thing I might
9 add to that also, and I'm sure that most police
10 departments have this on their case report, is a
11 motive. Obviously property crimes and things, for
12 example theft, I think its standard motive is
13 personal gain, somebody takes something to profit
14 from.

15 In the case of battery -- and that may
16 be an appropriate place if some of these groups
17 aren't represented. If, in using your example, you
18 have a person that doesn't like lawyers and simply
19 because of it a battery, the motive would be worded
20 to that effect, and that would be another area that
21 that could be picked up, as I said, hopefully by
22 our people reviewers.

23 MS. SCHMITT: Uh-huh.

1 MR. ROSE: Sergeant, how much liaison
 2 do you have with the various municipal and county
 3 sheriffs' departments across the state?
 4 Particularly the smaller departments that don't
 5 have the resources to send their people to these
 6 training sessions, how are they going to pick up
 7 and implement this, or do you know how they're
 8 going to pick up and implement this crime reporting
 9 statistics or federal law?

10 MR. HECK: The important thing to
 11 remember is, you mentioned reporting through the
 12 FBI through the uniform crime report, that's
 13 strictly voluntary. I think in Indiana, and you
 14 may know for sure, there's like a 30 percent
 15 compliance.

16 MR. ROMINE: 121 agencies report.

17 MR. HECK: So it's not mandatory to
 18 report. Obviously those that do volunteer the
 19 information and do report I think will be
 20 complying, so I would feel safe to say of those
 21 reporting probably a hundred percent will comply.
 22 However, it is not mandatory. It's a voluntary
 23 program.

1 MR. ROMINE: I think maybe also you
2 might want to know that once we start reporting to
3 the State, the State will then report to the FBI
4 for us. The State is going to be responsible for
5 training the different agencies, local agencies, on
6 how to report, what to report. So the fact that
7 this comes under UCR, the State will have a
8 trainer. In other words, we hire --

9 MR. ROSE: Your report goes not
10 directly to the FBI but through the State, is that
11 right?

12 MR. ROMINE: It will, it will. When
13 we go to incident-based reporting and a state
14 reporting system, then all of the local departments
15 will have to report to the State. The State then
16 takes it to the FBI, and currently each individual
17 department sends it directly to the State.

18 MR. HECK: That's one of the
19 advantages of the incident-based reporting, it's
20 going to be a centralized reporting, it's going
21 forward as he said, and if I'm not mistaken I
22 believe there are 33 test sites right now that are
23 going to be cooperating in testing this

1 incident-based reporting and this software package
2 that we have.

3 MR. ROMINE: A lot of the training
4 will eventually be picked up by the State that way
5 because they're going to be training the individual
6 departments through the law enforcement academy,
7 how to report. It's just the initial start-up
8 that's going to be the difficult time.

9 CHAIRMAN HUGHES: Would either of you
10 gentlemen speculate as to when there might be a
11 statewide network actually in place and in
12 operation?

13 MR. ROMINE: At least two years I
14 would think, at least, very minimum.

15 MR. HECK: What we've mentioned, this
16 incident-based reporting, Indiana hopefully would
17 be the first state to do that. There are other
18 states attempting to, but I think we're much
19 farther along at least to be able to accomplish
20 that.

21 MR. ROMINE: The other states seem to
22 be having a lot of trouble and, you know, we're
23 picking up their problems and have solved a few of

1 them. The Indiana Criminal Justice Institute is
2 going to be the agency that's going to administer
3 the database and actually do the reporting for us,
4 and they're looking at trying to start collecting
5 test data sometime late this year.

6 And then we have to go through a test
7 phase and the FBI has to approve, you know, what we
8 do, and once the FBI says it's okay, then we can
9 start reporting. Like I said, that's going to be
10 at least two years I would think. Other states
11 have been working on it far longer than that and
12 still are not reporting.

13 MS. PARKER: Do you have any
14 recommendations -- as people who are responsible
15 for helping to implement this, do you have any
16 recommendations that you could share with us that
17 we might use in our report as to what might be
18 something that can be done to make this more
19 workable or to ensure that the law and the hate
20 crime act is really enforced? We're looking for
21 help, too, as we put together our recommendations
22 to the Commission.

23 MR. HECK: Personally I feel like --

1 I mean, I feel like things are in place and it's,
 2 just a matter of implementing them. We've been
 3 working on this, the different departments and the
 4 Criminal Justice Institute, on this incident-based
 5 reporting, and I'm very impressed with it, and it's
 6 just a matter of putting it in place.

7 So as far as a recommendation, it's just
 8 a matter of -- I guess patience would be the best
 9 recommendation, and sometimes that's a hard gulp to
 10 swallow, but I mean I feel very confident that
 11 this -- you know, the issues are addressed and they
 12 will not be a problem to report. It's just a
 13 matter of putting things in place.

14 CHAIRMAN HUGHES: Well, we'd
 15 certainly like to thank you gentlemen for reporting
 16 to us and also for your patience in the delays that
 17 you've experienced.

18 MR. ROSE: Thank you very much.

19 (Off the record discussion.)

20 CHAIRMAN HUGHES: We'd like to take
 21 just a three-minute break, if we could, and then we
 22 will go into our open session. I understand that
 23 we have four or five individuals that have signed

1 up to speak to the group, and we'll take a quick
2 three-minute break.

3 (A brief recess was taken.)

4 CHAIRMAN HUGHES: We'd like to call
5 this next session, our open session, to order, and
6 I'd like to start the open session by reminding
7 everyone that's present of the ground rules. This
8 is a public meeting, open to the media and to the
9 general public, but those of you that have
10 expressed a desire to speak have registered.

11 If there are others among you who have
12 not done so, you need to contact our staff
13 representative, the gentleman in the back of the
14 room, and talk with him before we can add your name
15 to the agenda.

16 If you would like to provide additional
17 information, written statements to us, that may be
18 done this afternoon or at a later date by merely
19 mailing the information to the U.S. Commission on
20 Civil Rights. The address is 175 West Jackson,
21 Suite A-1332, Chicago, Illinois 60604. If you
22 didn't get that, check with me later after the
23 meeting and I'll be glad to give it to you. The

1 record for this meeting will remain open for
2 receipt of that information until August 31st.

3 It is also necessary to remind everyone
4 that from time to time in the course of our meeting
5 information may be controversial. We have sought
6 to ensure that all sides of controversy have been
7 invited. Any person or organization that feels
8 that they may be defamed or denigrated by any
9 statements made during the proceedings should
10 contact our staff during the meeting. We've sought
11 to ensure that all of our guests do not defame or
12 degrade anyone or organization, and would remind
13 all of our speakers during this public session to
14 keep that in mind.

15 This is a hearing, a forum, on the rise
16 of hate crimes in Indiana. We define a hate crime
17 as an incident of violence or intimidation
18 motivated by bias, hatred, or prejudice based on
19 some characteristic of the victim.

20 We are here and the scope of our forum
21 is statewide, and we are open to crimes that are
22 not necessarily limited to hate crimes committed by
23 whites. For the information that we have been

1 attempting to gather, we are interested in specific
 2 incidents, not necessarily general statements. We
 3 would like specific reasons for a perceived
 4 increase or decrease, if that's the position, and
 5 recommendations on how to alleviate or prevent hate
 6 crimes.

7 With that kind of additional background
 8 information, we have several individuals who have
 9 requested to address the Indiana Advisory
 10 Committee, and we'll start with Mr. Phil Burger.
 11 Do I have the correct name?

12 MR. BURGER: The first name is
 13 Donald.

14 CHAIRMAN HUGHES: Oh, I'm sorry.

15 MR. BURGER: That's quite all right.

16 CHAIRMAN HUGHES: If you would
 17 identify yourself and the city of your residence,
 18 please, and if you represent or if you are
 19 affiliated with an organization that you're
 20 speaking for, please identify the organization for
 21 the record.

22 MR. BURGER: My name is Donald Burger
 23 and I'm the owner of Community Conflict Resolution

1 Services, Inc., a for-profit advocacy organization,
2 at 1512 N.W. 82nd Terrace in Kansas City,
3 Missouri.

4 I'm in town to participate in a meeting
5 of the National Association of Human Rights Workers
6 that commences this evening, and will be on the
7 program tomorrow afternoon addressing myself to
8 police mutilations and hate crimes generally.

9 I am a former and now retired employee
10 of the United States Department of Justice
11 Community Relations Service. Prior to having
12 served 22 and a half years with that organization,
13 I was the first director of the Iowa Civil Rights
14 Commission and served as the assistant director for
15 the Kentucky Civil Rights Commission.

16 I'm going to limit myself to speaking to
17 several resources addressing hate crime activity
18 that you may or may not be aware of, and I'll leave
19 copies of the printed material with you after my
20 comments are finished.

21 CHAIRMAN HUGHES: Mr. Burger, before
22 you start, I neglected to mention that we would
23 like to limit all testimony to five minutes.

1 MR. BURGER: Well, I'll keep it under
2 five.

3 CHAIRMAN HUGHES: Thank you.

4 MR. BURGER: From the 1990 annual
5 report of the United States Department of Justice
6 Community Relations Service there's a paragraph
7 titled "1-800-347 Hate Hotline." On April 30th,
8 1990, the Community Relations Service initiated a
9 1-800-347 hate telephone hotline for reporting
10 incidents of harassment and hate violence arising
11 out of prejudice, based on race, color, or national
12 origin.

13 On May 9th, 1990, CRS was authorized to
14 receive reports of incidents based also on sexual
15 orientation and religion. The President announced
16 initiation of the toll-free hotline service at the
17 signing of the Hate Crime Statistics Act. The 800
18 line enables CRS to reach more individuals in the
19 communities who are involved in racial and ethnic
20 disputes, disagreements, and difficulties.

21 The line provides individuals who are
22 parties to racial or ethnic disputes involving
23 harassment or hate violence a safe, immediate, and

1 effective way of requesting assistance. Hotline
2 calls requesting assistance based on race, color,
3 or national origin are referred to one of CRS's ten
4 regional offices for attention.

5 CRS collects information and tabulates
6 calls reporting incidents of hate violence and
7 harassment arising out of sex orientation and
8 religious prejudice.

9 The next paragraph: Hate violence and
10 hate group activities - The Community Relations
11 Service will continue to respond to conflicts
12 arising out of hate violence and hate group
13 activity across the nation. The reporting of such
14 incidents may increase with the advent of the CRS
15 toll-free telephone services and the national
16 reporting of hate-motivated crimes under the Hate
17 Crime Statistics Act.

18 The Community Relations Service will
19 work with state, regional, and local agencies and
20 communities to examine, design, and implement
21 alternative approaches to reduce, prevent, and
22 adequately respond to racially-motivated acts of
23 violence.

1 From the preceding year's annual report
2 to Congress, the Community Relations Service
3 Northwest Region, in the wake of rising concerns
4 over malicious racial harassment and hate group
5 activity, in the Northwest Region local task forces
6 were formed with CRS assistance in 18 communities.
7 With assistance by CRS and the governors of Idaho,
8 Oregon, and Washington in November of '89, this
9 coalition provided training for 125 regional law
10 enforcement personnel.

11 The coalition's legal and corporation
12 papers, bylaws and methodology, have been used by
13 two other CRS regional offices in establishing the
14 Mountain States Coalition in the Rocky Mountain
15 Region, Denver, and the Heartland Coalition in the
16 Central Region, Kansas City.

17 The last document I have just came off
18 the press this past month and it's titled "Avoiding
19 Racial Conflict - a Guide for Municipalities," and
20 I'll read the pertaining paragraph. Hate activity
21 ordinance - A municipality can further demonstrate
22 its concern about the safety and security of its
23 citizens by establishing an ordinance against hate

1 crime activity, that is crimes in which racial or
2 ethnic bias or prejudice is the motivating factor.

3 A municipality may wish to establish an
4 ordinance against hate activity modeled on an
5 existing hate crime law which may be in effect in
6 that state; develop public service announcements
7 and local information campaigns to inform community
8 residents about hate crime; develop a local
9 coalition to counter hate activity involving all
10 segments of the community, such as police,
11 educators, clergy, business people, human relations
12 specialists, adults and young people, and
13 establishing a local hotline for reporting hate or
14 bias activity. Data collected by such units can
15 aid local officials in measuring trends and in
16 enforcing civil rights protections for all members
17 of the community. And that's all of my comments.

18 CHAIRMAN HUGHES: Thank you,
19 Mr. Burger. Questions from any member?

20 MR. GRADISON: What is this
21 conference tomorrow, you're participating in
22 tomorrow, the conference tomorrow?

23 MR. BURGER: The National Association

1 of Human Rights Workers is having its annual
2 regional conference, and among the topics to be
3 discussed include police-community relations and
4 hate group activity. There are also sections on
5 housing, employment, and the other issues that
6 concern the civil rights enforcement agencies.

7 MR. GRADISON: Where will this take
8 place?

9 MR. BURGER: There's a reception
10 tonight, all day tomorrow, at the Omni. I assume
11 you know where that's at. I'm not sure I do yet.

12 MR. GRADISON: A class hotel, my
13 goodness. We couldn't afford it. We're just poor
14 civil rights workers.

15 MR. BURGER: So am I, and I'm
16 considerably poorer now that I got here.

17 CHAIRMAN HUGHES: Well, thank you.

18 MR. GRADISON: Thank you very much.

19 CHAIRMAN HUGHES: Well, we appreciate
20 your interest in sitting in on our hearing through
21 today.

22 MR. BURGER: My pleasure.

23 MR. GRADISON: The public I take

1 it -- is there a schedule in terms of when they're
2 going to deal with the police-community relations
3 question?

4 MR. BURGER: Yes, there is. I can
5 give you a copy of the agenda.

6 MR. GRADISON: I'd like to have that,
7 please.

8 CHAIRMAN HUGHES: Our next speaker is
9 Mr. Alvin Sykes.

10 MR. SYKES: Good afternoon. My name
11 is Alvin Sykes and I'm here in two capacities,
12 representing two organizations. One, I'm the
13 national president of The Justice Campaign of
14 America, a non-profit organization in Kansas City
15 that provides assistance to victims of crimes and
16 injustices. I'm also here in my capacity as at-
17 large -- midwest at-large board member for the
18 National Association of Human Rights Workers.

19 Since I've been driving and riding all
20 night from Kansas City to here, I will certainly
21 stay within your five-minute time limit because we
22 haven't checked into the hotel and I'm ready to go,
23 but I felt, particularly with the significance of

1 this week and this opportunity to present to
2 this -- testimony to this body, I would be remiss
3 if I did not come here and share some of the
4 knowledge and experience that we have had in Kansas
5 City and other parts of the country.

6 Specifically my testimony will relate to
7 the issues of dual prosecution by state and Federal
8 Government as it relates to the criminal civil
9 rights enforcement, also effective use of the law
10 enforcement coordinating committees that are
11 established around the country that assist the
12 federal and local law enforcement officials, as
13 well as the creation of a justice-seeking
14 atmosphere within communities that have -- to us
15 that have been very effective in fighting hate
16 crime activity.

17 I will speak particularly of one
18 particular case because it is our signature case
19 and embodied within the pursuit of this one case I
20 will address the three areas that I wanted to deal
21 with.

22 Ten years ago this week in Kansas City
23 an individual by the name of Raymond Bledsoe

1 (phonetic) was on trial in state court for
2 first-degree murder charges. He was tried before
3 an all-white jury in the death of a musician in
4 Kansas City by the name of Steven Harvey
5 (phonetic).

6 Even though there was testimony given by
7 co-accomplices of his who witnessed him beat Steven
8 Harvey with a baseball bat to death, as well as
9 friends that, when he returned from a park, that
10 had blood all over him testified to that, Raymond
11 Bledsoe was acquitted in state court for
12 first-degree murder charges.

13 Immediately there was racial tension
14 within Kansas City. Most of it was directed toward
15 the all-white jury and the motivations of an all-
16 white jury that acquitted this individual.

17 We in fact contacted the United States
18 Justice Department, myself along with his widow
19 contacted the civil rights division seeking a civil
20 rights investigation. We were initially told that
21 no, there's nothing the Justice Department can do
22 because of the fact that Raymond Bledsoe and Steven
23 Harvey were not state officials and murder is not a

1 federal offense except under certain
2 circumstances.

3 Subsequently we went to the library on
4 our own and looked up the statutes and found the
5 three criminal civil rights statutes that are on
6 the books that apply all across the country.
7 Basically it's 18-241, which is conspiracy against
8 rights of citizens; 18-242, deprivation of rights
9 under the federal law; and 18-245, which is
10 deprivation of rights -- no, I've said that one.
11 It's the federally protected activities statute.

12 In this instance what we sought to do
13 immediately was to inform the public that there was
14 an alternative action that could be taken in this
15 case because the United States Supreme Court
16 previously had established that when one set of
17 facts violate both federal and state laws, that
18 there is dual jurisdiction, and both the
19 jurisdictions can prosecute irrespective of what
20 the other one does on a particular case, and it
21 would not constitute double jeopardy.

22 So we established lines of communication
23 between the law enforcement community, the civil

1 rights community, as well as the local enforcement
2 community, and we went to Washington. We helped
3 establish a justice-seeking atmosphere by getting
4 people to understand that if they cooperated with
5 the law enforcement officials, particularly in
6 Washington, and with the FBI, that we would have an
7 opportunity to be able to obtain justice in the
8 case.

9 We also dissected aspects of the case
10 that were of concern to the public, the issue of an
11 all-white jury being one of them, and we
12 subsequently made changes within the state law as
13 it addressed blacks being included -- an increasing
14 number of blacks being included in the jury pools.

15 After 18 months of pursuit and
16 monitoring of the federal investigation in
17 Washington and getting people to cooperate along
18 with the FBI in their investigation, a civil rights
19 trial was held in Jefferson City, Missouri, and
20 Raymond Bledsoe was convicted of civil rights
21 violations under the 18-245 statute, which was
22 depriving him, Steve Harvey, of use of a public
23 facility because of his race, and Raymond Bledsoe

1 is now serving a life sentence in a federal
2 penitentiary in Alabama.

3 That case there, the knowledge that we
4 gained from that case, compelled us to form The
5 Justice Campaign of America, and I will submit some
6 literature to you that will expound on what we do,
7 but to address those three previous points that I
8 wanted to address is why it's important that there
9 be dual prosecution here in the United States.

10 So many times when incidents occur
11 within the United States they do not -- people do
12 not know what constitutes a civil rights violation,
13 so therefore they don't know to go to the Federal
14 Government as well as to go to the local
15 officials. If people are aware that they can in
16 fact go to the Federal Government and that they can
17 hold the Federal Government accountable, as well as
18 the local officials, then a lot of the frustration
19 that people go through will subside.

20 The other issue is the law enforcement
21 coordinating committee. During the middle '80s
22 under Ed Meese there was established law
23 enforcement coordinating committees all across the

1 country in every district. The chairman of the --
2 the U.S. Attorney in each district is the chairman
3 of it.

4 It was designed to deal with
5 prosecutorial problems between law enforcement so
6 that they can come together on various cases and
7 determine whether this case can be tried here or
8 whether it be tried in this jurisdiction or in
9 both, in exchange of information.

10 If that in fact had occurred earlier on
11 in Steve Harvey's case, we would not have had the
12 problems that we've had to go through to get the
13 information and get the people to cooperate with
14 the law enforcement officials.

15 So all in all, to sum it up, a
16 justice-seeking atmosphere is when you can
17 establish open lines of communication between human
18 rights workers, the bureaucracies with the
19 community, with grass-roots organizations, and help
20 elevate the pursuit above the emotional level and
21 get to the heart of justice. That will effectively
22 decrease the occurrence of hate crimes here in
23 America and certainly here in the state of

1 Indiana.

2 CHAIRMAN HUGHES: Thank you,
3 Mr. Sykes. Questions for Mr. Sykes? Thank you
4 very much.

5 MR. ROSE: Are you a lawyer?

6 MR. SYKES: No, I'm a victim
7 advocate. There's a difference.

8 MR. ROSE: You're a very articulate
9 man.

10 MR. GRADISON: Thank you very much.

11 CHAIRMAN HUGHES: Dr. Greg Dixon.

12 MR. DIXON: Thank you very much.

13 Chairman Hughes and each of you, I appreciate this
14 opportunity to come and give you an opportunity to
15 at least understand where myself and others of our
16 fellow pastors are coming from.

17 I'm Dr. Greg Dixon, pastor of the
18 Indianapolis Baptist Temple here in the city of
19 Indianapolis. I am also the national chairman of
20 the American Coalition of Unregistered Churches.

21 Every day myself and our fellow pastors
22 and members of our churches are subjected to the
23 most vile, wicked, unconscionable verbal abuse, not

1 only in person, but in written form, through
2 anonymous telephone calls and even threats, et
3 cetera, and yet we would be the last to come to
4 this forum today and suggest that there should be
5 an expansion of the hate crime laws of the United
6 States, whether local, federal, or state; in fact
7 to the contrary.

8 Our recommendation is that all hate
9 crime laws and legislation cease immediately in the
10 United States, especially, quote unquote, verbal
11 intimidation. In essence, these laws, if allowed
12 to continue, will literally outlaw the preaching of
13 the gospel of Jesus Christ.

14 Sinners down through the ages have
15 always considered the specific preaching against
16 their sin to be verbal intimidation and a serious
17 threat against their well-being. In reality, these
18 laws would make any serious contemporary
19 application of the Bible illegal.

20 The meaning of person and hate crime
21 legislation, quote, race, color, religion, gender,
22 sexual orientation, physical or mental disability,
23 should be stricken totally. Preaching in itself is

1 in reality a verbal threat. By its very nature it
 2 delivers to the ear a serious warning from the
 3 Almighty to mend their ways or suffer serious
 4 physical, emotional, or eternal consequences,
 5 except for immediate repentance.

6 Paul, the Apostle, would have been
 7 guilty of a hate crime in the book of Titus,
 8 Chapter 1, Verses 12 and 13, when he declared the
 9 Christians to be liars, evil beasts, and slow
 10 bellies, quote unquote, with the added admonition
 11 to Titus to, quote, rebuke them sharply, closed
 12 quote.

13 He would have also been guilty of a
 14 possible Class A misdemeanor in Acts, Chapter 17,
 15 Verse 22, when he told the Athenians that he
 16 perceived them to be too superstitious, and the
 17 Apostle would've been guilty of a Class C felony in
 18 Acts 24-25 because of his graphic description of
 19 the ruler Felix's shortcomings.

20 I might add that, in context, that Felix
 21 had a drinking problem, which means that if Paul
 22 had called him a drunkard, it would've fallen under
 23 the category of physical disability in that the AMA

1 has deemed alcoholism a disease.

2 Obviously Felix was intimidated because
3 he trembled. Felix was a law enforcement and also
4 a member of the judiciary, therefore calling for an
5 even greater or heavier penalty.

6 Paul would have also broken these laws
7 when he told the Romans that sodomy is vile
8 affections. Of course the Lord Jesus Christ would
9 have broken every area of these laws in Matthew,
10 Chapter 23, when he delivered his excoriating
11 sermon against the Pharisees, a sect of the Jews.

12 In a free society the preacher and
13 others must always be allowed to speak out against
14 wicked officials and ordinary people, for God is no
15 respecter of persons. The First Amendment has
16 served us well for these 200 years. Let us not
17 tinker with it now, especially when it involves the
18 people from hearing a message from God, whether it
19 be from the pulpit, press, or public platform.

20 Are we near to Orwell's thought police?
21 I hope not. To give you a little idea briefly of
22 what I'm talking about and the practical
23 application of what I'm saying, last year Dr. Paul

1 Cameron, a nationally recognized Christian,
 2 pro-family activist and researcher, drove to Canada
 3 to deliver a public lecture which would criticize
 4 homosexuality.

5 When he arrived at the border the cases
 6 of books and literature he brought with him were
 7 impounded. He was told that in Canada it is
 8 against the law to humiliate homosexuals publicly.
 9 In 1988 an evangelical pastor in Sweden opened his
 10 Bible to the story of Sodom and Gomorrah; informed
 11 his congregation that God is still angry at sexual
 12 perversion and will judge those who practice it.

13 Several months later this pastor was
 14 serving a four-week sentence in jail. He had
 15 violated Sweden's anti-hate statute, a law which
 16 protects groups such as homosexuals from, quote
 17 unquote, verbal violence, public statements which
 18 might cause them embarrassment because of their
 19 sexual orientation.

20 West Germany, Britain, Israel, as well
 21 as Canada and Sweden, already have their anti-hate
 22 legislation firmly in place. I think it not
 23 difficult to see that the United States of America

1 is headed in the same direction, and for this
 2 reason the American Coalition of Unregistered
 3 Churches call for the total disbandment of all of
 4 these laws that strike the very core and heart of
 5 the First Amendment and in the final analysis will
 6 not really solve our social problems. Thank you.

7 MR. GRADISON: Dr. Dixon, in terms
 8 of -- you know, where would you draw the border
 9 between what is acceptable First Amendment
 10 protected speech? I know you and I have debated
 11 this issue on several occasions.

12 For instance, if it is a particular
 13 group such as homosexuals, or Sodomites as you
 14 refer to them, you don't say that -- if the
 15 verbiage is "Let's all get together and kill them
 16 or maim them or, you know, do grave personal injury
 17 upon this group as a class," and so on, is that
 18 kind of thing acceptable?

19 I mean, where do we draw the line
 20 between hateful things you say about a particular
 21 group of people because you think that their --
 22 their sinful activities in which they engage --
 23 where do you draw the line between "You're terrible

1 people because you engage in sinful activities" and
2 making threats of some kind? Where do you draw
3 that line do you think?

4 MR. DIXON: Well, if it can be proved
5 that what a person said incited violence, then
6 obviously that person from a civil standpoint
7 certainly would be culpable and even possibly from
8 a criminal standpoint, from the standpoint of
9 inciting a riot, as an example, and these have
10 always been recognized as common law crimes down
11 through history.

12 Now, if a person says these things ought
13 to happen, or even if a person says that those
14 things should happen, as long as they don't happen,
15 they should be totally protected under the First
16 Amendment.

17 MR. GRADISON: So in other words, if
18 they say that "You are a sinful group and engage in
19 activity which God has condemned historically,
20 traditionally, Biblically," what have you, "and you
21 should all go to hell, you know, tomorrow
22 morning," --

23 MR. DIXON: That should be totally

1 protected.

2 MR. GRADISON: -- or that "You're not
3 worthy of living anymore," or something like that,
4 or "You're terrible people and death is too good a
5 fate for you" --

6 MR. DIXON: But you understand what
7 you're saying is not necessarily what I would
8 say, --

9 MR. GRADISON: Well, that's what I'm
10 saying. I'm trying to --

11 MR. DIXON: -- or what someone else
12 might say, but I believe it should be protected.

13 MR. GRADISON: To say that "You" --
14 you know, to say that "You should all die
15 tomorrow," for instance?

16 MR. DIXON: I'm -- I'm not -- I'm not
17 saying I would say that.

18 MR. GRADISON: I'm not saying you
19 would say it either.

20 MR. DIXON: If a person did say that,
21 it should be protected.

22 MR. GRADISON: As opposed to "Let's
23 all get baseball bats and go down" -- "we'll all

1 march out of the church and go down and beat them
2 over the head," or something, you'd agree that
3 would not be protected?

4 MR. DIXON: I think that should be
5 protected.

6 MR. GRADISON: But if they all gather
7 together and decide to go downtown and take
8 action --

9 MR. DIXON: The minute the common law
10 crime has been committed, an injury has been done,
11 then at that point whoever the perpetrator of the
12 injury is ought to suffer the consequences.

13 MR. GRADISON: Okay. So in other
14 words, if nothing happens, no matter what you were
15 invited to do, it's okay and should be protected?

16 MR. DIXON: Absolutely.

17 MS. SCHMITT: I'm curious, Dr. Dixon,
18 because you weren't here the whole time, but I can
19 see what you're saying as far as what you and Mike
20 just went through as far as a verbal type of First
21 Amendment issue, but we've heard a lot of testimony
22 today, and I think one of the issues that's going
23 to come in front of our committee is if in fact a

1 crime was done, in other words a white batters a
2 black only because of racial reasons, in other
3 words, you know, it's just a racial hate crime, if
4 you will, that in addition to battery, as opposed
5 to it being white on white, that there ought to
6 be -- that ought to be either a separate criminal
7 charge and/or an aggravated circumstance that could
8 possibly add more to the perpetrator's sentence,
9 are you in agreement or disagreement with that?

10 MR. DIXON: I'm in total --

11 MS. SCHMITT: I'm speaking about hate
12 crimes, and that's really, I think, what we're
13 doing here.

14 MR. DIXON: I am in total
15 disagreement to that. I do not believe there's any
16 respecter of persons, and I do not believe that a
17 black or white is any more precious as far as the
18 law is concerned, nor do I believe that a policeman
19 who is injured in the line of duty is any more
20 precious than the individual citizen who is
21 injured. There must be no respecter of persons.
22 That's why hate crimes strike at the very heart of
23 the destruction of our liberties.

1 MR. GRADISON: So in other words,
2 we'll say it's a -- a group of African-American
3 militants may decide that too many young black men
4 are being shot by white police officers, and they
5 gather together and they have a meeting and they
6 say "Let's go down and bash all of the white people
7 to death that we can." They march right out and
8 they do just exactly that.

9 I mean, the dimension could be now "Hate
10 all white people and all white people are not
11 worthy of living anymore, and let's do something
12 about it." You think that would mean that beyond
13 the fact that they may assault people and there may
14 be physical injury, that's all there should be; the
15 element of hate and an enhanced penalty say, an
16 enhanced sentence as a result of hate along with
17 the criminal act itself should not happen?

18 MR. DIXON: That's correct.

19 MR. ROSE: As a hypothesis, if some
20 group or gang burns down your church because they
21 don't like you and don't like what you preach,
22 don't like your religion, and this has parallels
23 because other institutions have --

1 MR. DIXON: It has been done,
2 obviously.

3 MR. ROSE: Okay. What kind of a
4 crime would you classify that as, or how would you
5 classify that criminally?

6 MR. DIXON: Arson.

7 MR. ROSE: Simple arson?

8 MR. DIXON: Yes, sir.

9 MR. GRADISON: If the Baptist Temple
10 was burned tonight by a bunch of --

11 MR. ROSE: Anybody.

12 MR. GRADISON: -- a bunch of Nazarenes
13 or something, but anybody at all --

14 MR. DIXON: Of course they'd lose
15 their salvation, so they wouldn't do it, you know.
16 I say that jokingly because my friend, Pastor Hood,
17 was supposed to've been here.

18 MR. GRADISON: Yeah, I understand
19 that. We know Pastor Hood. But I'm saying that if
20 they're going to suffer in God's court, you know,
21 for that reason, but they shouldn't suffer any
22 further other than an arson charge for what they've
23 done burning down the Indianapolis Baptist Temple?

1 MR. DIXON: I think you make a very
2 good point. God alone can judge hate, not man.
3 Man can judge arson. Man can judge the physical
4 act and he is responsible to judge that, that is
5 the State.

6 MR. GRADISON: Would you as an
7 individual and a man of God, preacher of God,
8 forgive whatever religious group -- well, say a
9 religious group burns down the Indianapolis Baptist
10 Temple because he does not like what you preach and
11 your measures of deliverance are abhorrent to them,
12 I mean what would you do? Is that something you
13 would forgive them for they knew not what they did,
14 that type of thing?

15 MR. DIXON: I would encourage our
16 congregation to collectively and publicly issue a
17 statement of forgiveness, but we would insist upon
18 them being prosecuted to the farthest extent of the
19 law because we have a responsibility to protect
20 society. If it was just us alone, we would totally
21 forgive them, even the penalty.

22 In other words, we would not try to
23 enact a penalty upon them physically, but because

1 we have a responsibility to protect society, and it
2 may be your church the next time, or your house the
3 next time. Therefore, if we do not prosecute or
4 insist upon prosecution, then the next time it may
5 be someone else's church.

6 MR. GRADISON: So the deterrent to
7 hate is basically in God's company? You don't
8 recognize hate as a dimension of crime, or
9 whatever; hate should only be dealt with by God?

10 MR. DIXON: Yes, but I do not mean to
11 imply that a physical act of violence that is
12 produced from the motivation of hatred, that when
13 the State takes proper action against that
14 individual that it does not deter motive and
15 emotion and even the emotion of hate. I believe it
16 does deter it.

17 But I believe the problem is that we do
18 not -- as the book of Ecclesiastes says, because
19 sentence against an evil work is not carried out
20 speedily, the sons of men continually set
21 themselves to do evil.

22 And I want to make it very clear to you
23 that I do not believe that I have a prejudiced bone

1 within me. I do not practice that kind of thing,
2 but on the other hand I have the ability to hate
3 the sin and love the sinner. Some people do not
4 have that capacity. Some people don't have that
5 ability. But nevertheless, I believe in the old
6 adage, sticks and stones may break my bones but
7 dirty words can't hurt me, and I was taught that as
8 a child and we teach our children.

9 MR. ROSE: Is there not something in
10 the scriptures that prescribes love thy neighbor?
11 And would that apply even if thy neighbor was not
12 acceptable to you or was an unrepentant sinner?

13 MR. DIXON: I'm not quite sure of
14 your question.

15 MR. ROSE: Maybe I'm not clear.

16 MR. DIXON: I believe in loving my
17 neighbor.

18 MR. ROSE: I acknowledge I don't know
19 the scriptures like you know them.

20 MR. DIXON: Well, no, I believe in
21 loving -- you've quoted them correctly. I believe
22 in loving my neighbor, but I'm not quite sure of
23 the point that you were trying to make.

1 MR. ROSE: The follow-on would be no
2 matter who thy neighbor is, what thy neighbor
3 believes, or how thy neighbor behaves, in other
4 words if the person was an unrepentant sinner in
5 your eyes or by your standards, would the same
6 admonition of the scriptures apply, love thy
7 neighbor?

8 MR. DIXON: Absolutely.

9 MR. ROSE: So that hatred and hate
10 would be something that you might preach against or
11 admonish your congregation not to practice, but
12 there could be no punishment for that except from
13 the Higher Authority, is that right?

14 MR. DIXON: That's correct, except to
15 the degree that they commit a common law crime and
16 at the point they commit that common law crime of
17 violence against someone's personal property or
18 life or person or personal liberty, at that point
19 the State has the right to use whatever force is
20 necessary to deter that person, and I contend that
21 if that is done speedily and fairly, that it will
22 cure hatred in society and class distinction.

23 MR. GRADISON: I have one last

1 question, Dr. Dixon. Just following up with
2 what -- with just the statements Mr. Rose just
3 stated that if you preach the problem from the holy
4 pulpit in your church of hatred for certain people
5 who left God, we'll say the homosexual community,
6 Gays and Lesbians, preaching hatred to those
7 people, I mean how do you deal with that question?

8 Obviously you think their life-style is
9 sinful, and would you seek to deliver them from
10 that life-style? I mean, how would you approach
11 that? What is it -- if you don't preach hatred
12 from the pulpit with regard to homosexuality, what
13 do you preach, or how do you preach? How do you
14 characterize -- because I know how strongly you
15 feel about that.

16 What can you preach that says you're
17 loving thy neighbor in spite of all of their sins?
18 I mean, how do you preach you love them but yet you
19 hate them? I don't understand how you do those two
20 things.

21 MR. DIXON: Well, we tell them
22 that -- we try to the best of our ability to warn
23 them of their actions, that it's a violation of

1 God's law. We try to tell them that God loved them
 2 so much that he sent Christ into the world, his
 3 only begotten son, to die for them on a cross, and
 4 that he paid their sin debt in full, and that they
 5 can be forgiven and redeemed totally and completely
 6 and have eternal life and a home in Heaven.

7 But we also tell them the consequences
 8 of their sin, that the wages of sin is death, but
 9 the gift of God is eternal life through Jesus
 10 Christ, our Lord, and we tell them that whatsoever
 11 a man soweth, that shall he also reap, and he that
 12 soweth to the flesh will of the flesh reap
 13 corruption, but he that soweth to the spirit, will
 14 of the spirit reap life everlasting.

15 And we certainly do not advocate
 16 violence toward any sinner, quote unquote,
 17 regardless of what that sin may be, but being white
 18 or black or yellow is not a sin, and I certainly
 19 wouldn't want to give that impression in any way,
 20 shape, or form. There's a vast difference between
 21 race and sin, what people do deliberately.

22 MS. SCHMITT: I have one more
 23 question.

1 CHAIRMAN HUGHES: Okay, one more
2 question and then we need to move on.

3 MS. SCHMITT: We have heard testimony
4 today about crimes that are racially or
5 discriminatorily motivated. Let's take that as a
6 given. Somebody hurt somebody else only because a
7 white doesn't like a black, for example, and I'm
8 still struggling with that.

9 Our goal or our charge, rather, is to
10 advise the United States Civil Rights Commission on
11 what ought to be done about this, assuming there is
12 a problem. You're saying that our advice should
13 not be to legislate against it?

14 MR. DIXON: That's correct.

15 MS. SCHMITT: What would your advice
16 be then?

17 MR. DIXON: To vigorously carry out
18 the laws, the common law crimes in this country
19 against violence against persons and their property
20 and their personal liberty.

21 MR. GRADISON: No enhanced penalties,
22 though, on the basis of --

23 MR. DIXON: That's correct.

1 MR. GRADISON: -- acknowledging hate
2 being part of the element of the crime?

3 MR. DIXON: That's correct.

4 MR. ROSE: So in a practical case
5 that we heard testimony on today, a cross was
6 burned on somebody's lawn in this city, the family
7 is terribly intimidated, which was the purpose of
8 the cross burning, the crime calls for a third-
9 degree, I believe it is, misdemeanor for
10 trespassing, with a mild fine, and that's the
11 extent of the punishment, and yet your testimony
12 would be that in no way should that be enhanced or
13 should that perpetrator suffer any further penalty
14 than a simple misdemeanor trespass, which is the
15 only statute in which they can presently be charged
16 with in this state?

17 MR. DIXON: That's true, sir. Now,
18 if they want to increase the penalty, that's
19 another story altogether, but the problem is in the
20 state of Minnesota someone -- they were trying to
21 charge an individual with burning a cross on their
22 own property, on their own property.

23 MR. ROSE: That's not a crime.

1 MR. DIXON: I would hope not,
2 although I certainly would hate anyone -- the idea
3 of burning a cross even on a person's own property,
4 but I think they ought to have that right.

5 MR. ROSE: Well, they have a right to
6 burn their own flag but they can't steel somebody
7 else's and burn it, that's theft.

8 MR. DIXON: They want to do it on
9 their own property.

10 MR. ROSE: Yeah.

11 CHAIRMAN HUGHES: Thank you very
12 much.

13 MR. DIXON: Thank you, thank you very
14 kindly.

15 CHAIRMAN HUGHES: Next we have a
16 group of individuals that have asked to present
17 themselves to this committee as a group, so we
18 would ask them to come forward at this time, and I
19 will ask that each of the speakers limit themselves
20 to two minutes, in accordance with the limits that
21 we've set on others.

22 What I will do is since I have a list of
23 names -- I guess I'm not exactly sure how you want

1 to proceed. Is there a spokesperson?

2 MR. LATEEF: Yeah.

3 CHAIRMAN HUGHES: Who is our
4 spokesperson?

5 MR. LATEEF: Well, since I'm the
6 adult, I'll be the spokesperson first thing.

7 CHAIRMAN HUGHES: What I'd like to do
8 is to ask each of you before you start your
9 statements if you would identify yourself carefully
10 for the record, and in some cases we may need to
11 spell names so that we get them accurately into the
12 record.

13 MR. LATEEF: Okay. I'm going to
14 speak last, so go ahead.

15 MR. ROSE: Whoever's speaking --

16 MR. GRADISON: Why don't you just
17 speak first.

18 MR. ROSE: -- use the microphone.

19 MR. LATEEF: No, I'm going to speak
20 last.

21 MR. GRADISON: Okay. Well, go ahead
22 and introduce yourself because they're putting it
23 in their --

1 MR. BUTTS: My name is Dehaven Butts,
2 and I'm 12 years old and I go to this community
3 thing and they call it NYB, and they telling me
4 there's a lot of things that was going on in the
5 world.

6 MR. LATEEF: You got something to say
7 about hate crimes?

8 MR. BUTTS: Yes, I got something to
9 say about hate crimes. The Ku Klux Klan, they be
10 killing people and getting away with it, but if
11 it's one of us black people, when we kill somebody,
12 we on the ground, handcuffs, faced in the dirt.
13 The Ku Klux Klan, they get to walk away like
14 nothing happened, just like a free bird. That's
15 all I got to say.

16 MR. NEELY: My name is Ramon Neely,
17 and I'm also with the Neighborhood Youth Brigade
18 organization, and what I have to say about hate
19 crimes is a lot of -- we've seen a lot of this in
20 our neighborhood, especially with the police
21 action, and not just, you know, singling out white
22 police or black police, but the police in general
23 about their actions and the way they -- what do you

1 say -- going about their process of handling other
2 people, and there are specific incidents and one
3 is, you know, under investigation right now, so
4 they say, and this is what I have to say about the
5 police and their actions. '

6 MR. LATEEF: I'd like to say this,
7 too, we don't want any pictures taken.

8 CHAIRMAN HUGHES: This is a public
9 meeting, as I said earlier.

10 MR. LATEEF: We don't want any
11 pictures taken.

12 CHAIRMAN HUGHES: If there is someone
13 who would like not to be officially --

14 MR. LATEEF: We do not want any
15 pictures taken. It's a part of the same thing
16 that's going on in this city every day. You're in
17 here talking about cross burning when the police is
18 out here with that violence and intimidation.
19 Don't nobody want to have no meetings on them.
20 They like to take pictures, carry them back down
21 there to the police station, and intimidate
22 everybody in the neighborhood. That's why we do
23 not want any pictures taken.

1 CHAIRMAN HUGHES: Mr. Lateef, as I
2 mentioned at the very beginning, this is a public
3 meeting. Everything that we do in this meeting has
4 to be open and on the public record. If you do not
5 wish to --

6 MR. LATEEF: Why is he taking
7 pictures?

8 CHAIRMAN HUGHES: It's a public
9 meeting.

10 MR. LATEEF: Why is he -- why are you
11 taking pictures, man?

12 PHOTOGRAPHER: I work for the
13 Indianapolis News.

14 MR. LATEEF: And the Indianapolis
15 News has been on every -- and you don't put our
16 pictures in the paper, you don't tell the truth
17 about what's going on in the community, and we
18 don't want the Indianapolis News taking our
19 picture.

20 CHAIRMAN HUGHES: Mr. Lateef, if you
21 do not wish to have your picture taken, I would --

22 MR. LATEEF: This guy right here,
23 he's filming, that's fine. We do not want the

1 Indianapolis News taking our picture.

2 CHAIRMAN HUGHES: If you do not wish
3 to be a part of the public --

4 MR. LATEEF: If there are any
5 Indianapolis News' reporters in here, we don't want
6 you to write anything about us.

7 CHAIRMAN HUGHES: I do not have the
8 ability, because it is a public meeting, to deter
9 anyone from taking pictures of all people present
10 or from making transcriptions of the record. If
11 you feel that it is inappropriate for you or any of
12 these young people to be officially a part of the
13 meeting, I would respectfully ask that they not
14 testify.

15 MR. LATEEF: No. We here because
16 it's supposed to be a Government operation.

17 CHAIRMAN HUGHES: Because it is --

18 MR. LATEEF: The Indianapolis Star is
19 not a part of the Government. The Indianapolis
20 Star came down and the Indianapolis News came down
21 on Jeffrey Modisett and told him what he'd better
22 do is file charges on Mike Tyson. Other than that,
23 they weren't going to do that. So what they are,

1 they're in collusion with the Indianapolis Police
2 Department, the Indianapolis Star is, and you can
3 put that on record right there. That's how we feel
4 about that.

5 CHAIRMAN HUGHES: The federal law is
6 very explicit in terms of this being open to the
7 public and --

8 MR. LATEEF: It may be.

9 CHAIRMAN HUGHES: -- access to --

10 MR. LATEEF: It may be open to the
11 public, brother, but what we're saying here in this
12 city -- this is why we come down here to this
13 Commission to talk, and not about cross burnings,
14 but about the police violence, intimidation, and
15 murder that's going on around this city with black
16 people. That's why we come down here to talk.

17 We don't have no grind -- no ax to grind
18 with individual whites. We got an ax to grind with
19 the Indianapolis Police Department, the Mayor's
20 office, and the Governor's office. That's the --
21 and these people that claim they are the civil
22 rights agencies in this city, that's who we got an
23 ax to grind with.

1 In the paper they claimed that this was
2 a public, open meeting. We admit to that. We come
3 in here for that, but the Indianapolis Star and
4 News, Channel 8, 13, and 6, is always out here on
5 the street taking pictures of us. Our opinions,
6 our concerns, are never in the paper, so what are
7 they doing with it?

8 They carrying it back to the editor's
9 office saying "We don't want this in here, but we
10 want this right here in here," and we're not going
11 to allow them to take pictures of us, and what
12 we're doing, we smashing cameras, brother, that's
13 what we're doing, we're smashing cameras.

14 CHAIRMAN HUGHES: Mr. Lateef, --

15 MR. LATEEF: I want you to understand
16 it. We've got a serious problem in this city, man,
17 and it ain't about coming up having no meetings in
18 some room. We got a serious problem out here.

19 CHAIRMAN HUGHES: Mr. Lateef, if you
20 want to enter information and you do not wish to be
21 pictured, there is an alternative, and that
22 alternative is something that I mentioned earlier.

23 MR. LATEEF: We have come down here

1 to a public meeting.

2 CHAIRMAN HUGHES: Before --

3 MR. LATEEF: We don't mind coming
4 down here to public meetings.

5 CHAIRMAN HUGHES: Mr. Lateef, --

6 MR. LATEEF: We will come to public
7 meetings, but we do not want our pictures up in the
8 police department for them to identify us and have
9 everybody in the neighborhood intimidating us,
10 including the police. That's what I'm saying here,
11 man.

12 This man right here knows about that.
13 He might say he don't know anything about it, but
14 he knows about it. I don't know if the rest of you
15 all are from Indianapolis or not, but that man
16 right there knows about it.

17 He knows about the police murders and
18 intimidation that's going on in these
19 neighborhoods, and when you look in the
20 Indianapolis Star and when you look in the
21 Indianapolis News, a whole different version come
22 out, and every time we try to get our version out
23 in the paper, we never can get it out and he's a

1 part of that.

2 MS. PARKER: Mr. Chairman, I think
3 the five minutes have been used up.

4 MR. NEELY: She's trying to get us
5 out.

6 MS. PARKER: No, no, because the --

7 MR. LATEEF: We can leave. You all
8 sit up there and ask this man all them questions
9 about churches, how he felt about that, and we've
10 got some serious problems in this city.

11 CHAIRMAN HUGHES: Mr. Lateef, I have
12 tried to accord to you appropriate respect and
13 dignity. I have listened to you and you have
14 refused repeatedly to allow me to finish my
15 statement.

16 MR. LATEEF: Brother, you have told
17 me what you -- you told me this was a public
18 meeting, that man can sit and do whatever he wanted
19 to do, and if I didn't want to be a part of him
20 taking my picture, then I could give you a piece of
21 paper and I could leave here. That's what you
22 said.

23 And I'm telling you, Mr. Hughes, Jr.,

1 that we've got a serious problem here in this city
2 and we ain't about to protocol or kissing
3 somebody's butt, and you have come down here and
4 said you come down here to make some
5 recommendations to the President and the Congress
6 people.

7 That man right there is sitting on your
8 side. He knows exactly what's been going on in
9 this city. He tried to act like he didn't know who
10 I was. I come around and shook his hand. Well, he
11 knows what's been going on in this city. We're
12 down here --

13 MR. GRADISON: I knew who you were.

14 MR. LATEEF: Oh, so you was playing
15 dumb. See there?

16 CHAIRMAN HUGHES: Okay, Mr.
17 Lateef, --

18 MR. LATEEF: See there? Look what he
19 did. Thank you, brother, we're going to leave
20 here.

21 CHAIRMAN HUGHES: Thank you.

22 (Off the record discussion.)

23 CHAIRMAN HUGHES: We have one

1 additional speaker, and Mr. David Boone is our
2 speaker. I remind everyone, as I have repeatedly
3 done through the day, this is a public meeting,
4 everything is on the record, and the press has
5 every right to be here. Mr. Boone, would you
6 please use the microphone?

7 MR. BOONE: I'll probably speak loud
8 enough. My name is David Boone. I'm vice
9 president of the Hillside Neighborhood
10 Association. I'm also on the board of directors of
11 the Williams Wright Community Development
12 Corporation and also the Brightwood Martindale
13 Community Development Corporation.

14 What I'd like to speak about today is
15 just a couple of issues. I was at work today. I
16 heard about this at the last minute, or I would
17 have come more prepared, but some of the issues
18 that I saw that I'd like to address, the first
19 issue that I noticed was the definition of what a
20 hate crime is.

21 It was noted that there was -- for a
22 hate crime that it was violence or intimidation,
23 and we -- I would like to submit that have we

1 expounded upon what is violence and intimidation?
2 For me violence and intimidation also includes
3 mental intimidation, also includes the intimidation
4 that is created inherently by the authority that
5 the police department has. They intimidate people
6 just inherently because that is their modus
7 operandi of authority.

8 So a question that arises in my mind is
9 could we then say all police departments are
10 involved in hate crimes? Have we determined what
11 is what under that situation? Understanding that,
12 I would submit that hate crimes are not only
13 violent, but they're economic.

14 I get a crime committed on me -- I've
15 had a crime committed on me twice in the last
16 year. That crime was the crime that people will
17 not make a mortgage loan to me on a house that I
18 own clear and free because they say it's not worth
19 enough.

20 Well, the question is not whether it's
21 worth enough, it's what is it worth and will you
22 give me that? So for me the excuse that my house
23 wasn't worth enough is in itself a hate crime

1 because they just simply didn't want to give me the
2 money because of the neighborhood that I live in.

3 I live in an extremely bad neighborhood,
4 and I can give you examples of what has happened in
5 my neighborhood pertaining to the police department
6 itself. One of the problems that we have in our
7 neighborhood is that our neighborhood is all
8 black.

9 There aren't many times that whites come
10 through our neighborhood except going to work and
11 leaving from work. The windows are rolled up,
12 their doors are locked, their air-conditioning's
13 on, and let me tell you they don't even want to
14 stop.

15 The most times that we have problems
16 with what I would perceive as hate crimes is with
17 the police department. I can give an example of
18 one evening at 9:00 -- oh, my dates are -- I wasn't
19 prepared for this. At 9:00 I made a phone call to
20 the police department due to some people gambling
21 on a corner. I'm sorry. I thought you wanted --

22 MR. GRADISON: I've got neck
23 problems, so I have to do this. This pain is

1 driving me crazy, so ignore me.

2 MR. BOONE: I called our police
3 department due to a disturbance on the corner from
4 some young men gambling on the corner. I
5 understood that's against the law, and I called the
6 police. When I got to that corner -- the young man
7 who lives on the corner who had called me for fear
8 of not wanting to call the police himself for fear
9 of their intimidation asked me to call them.

10 When I got to the corner, apparently the
11 young men who were gambling had left, but the
12 gentleman who had called me and asked me to help
13 him out was standing in his yard inside of his
14 fence. There was a policeman standing at the
15 corner. He then kicked a liquor bottle, a half a
16 gallon liquor bottle, kicked it into the
17 gentleman's yard.

18 The gentleman asked the policeman
19 "Please do not kick that in my yard. I have
20 struggled very hard to keep my yard clean. Please
21 don't do that." The policeman then told him to
22 "shut the" bleep "up. You ain't got nothing to do
23 with this. I'll do what I feel like doing."

1 That's a quote.

2 So my next question was -- my question
3 was -- at that point I thought I should get
4 involved, and I said "Officer, I need your name and
5 your badge number. You will be reported." He
6 would not give me his name or his badge number.
7 Then when the young man asked him if he would
8 please dispose of the bottle himself, he took the
9 bottle, threw it into his yard, grabbed the young
10 man, threw him against the fence, handcuffed him,
11 and was about to arrest him. That is what I call a
12 hate crime.

13 This was a white officer who was trying
14 to intimidate a young black man, who had no problem
15 with the police department other than he was doing
16 something that was disrespectful to him. This is
17 what I perceive as being a hate crime, even though
18 it's the authority that the police department has,
19 and to me it is inherently a hate crime because
20 their modus operandi of authority is intimidation.

21 I would like to note that there were
22 other groups who I perceive that also perpetrate
23 these types of crimes. I would note that our

1 banking, our banking and savings and loans
2 institutions commit these types of crimes against
3 blacks, young blacks, old blacks, any blacks, even
4 any minority, on a regular basis by discriminating
5 against them, not allowing them to get loans
6 because they red-line the neighborhood.

7 The neighborhood -- they will go in -- I
8 was told that I could get a mortgage on my house.
9 My house was appraised at \$21,000. I bought it for
10 \$3000. So, hey, I've made a lot of money already.
11 That's fine. But when I got to the mortgage
12 company to get that loan and they saw -- I believe
13 that when they saw who I was, that they decided
14 that they would up the limit for getting the
15 mortgage because I was told originally that it was
16 20,000, but then suddenly when I got to the offices
17 the manager comes out and tells me it's 35,000 and
18 I can't get a mortgage loan.

19 So I would submit that there are a lot
20 of different groups that are committing hate crimes
21 against minorities right now; that there's nothing
22 that's being done about these people because
23 they're doing within -- they have bent the limits

1 of the law so far that they can't be touched.

2 Mr. Dixon noted that we should not do
3 anything about this. Dead wrong. We have to do
4 something about this. Okay. I would also submit
5 that one of the problems I perceive with hate
6 crimes is that they are directly relational to the
7 economic well-being of our country. When we have
8 an economic downturn, hate crimes rise, and this
9 has happened over the years. I'm a student of
10 history. Over the years, at each downturn in the
11 economy, recession, depression, whatever it may
12 have been, hate crimes rose.

13 I would also submit that -- I would hope
14 that -- I note -- I've been in off and on during
15 the day because I was at work next door and I
16 couldn't just come in and stay all day, but some of
17 the testimony that was given was pertinent to
18 crimes that are being -- that have been committed
19 recently.

20 I would submit that in a true review of
21 what the problems may be, that we may need to go
22 back further than just the last two months or the
23 last six months; that if you -- I would submit that

1 if you could go back to the time when the economic
2 downturn began, that you would get a real
3 perception of what is happening with hate crimes in
4 the United States and in Indiana especially.

5 I would also submit that hate crimes in
6 Indiana are done on a different basis than they
7 were in the South, and we all know what happened in
8 the South. I've always believed that it is
9 something that I can deal with if someone will be
10 up-front with me. If he comes to my face and tells
11 me "You're a nigger, I don't like you," I can deal
12 with him because I don't have to deal with him at
13 that point.

14 But in Indiana we have come to find out
15 that hate crimes are committed behind our backs.
16 We don't know what's going on. We don't see it
17 evidently. It's not somebody hitting me over the
18 head with a bat. It's someone hitting me over the
19 head with a denial on my loan. So I would submit
20 that, once again, it all goes back to the idea of
21 what a hate crime boils down to. I guess that's
22 all I've got.

23 CHAIRMAN HUGHES: Questions?

1 MR. ROSE: I have to make a couple of
2 comments and questions because part of your
3 testimony dealt with housing, which is the field
4 and endeavor in which I make my living, and I would
5 dispute that the mortgage application turndown that
6 you had was a hate crime by any definition that's
7 in any statute.

8 MR. BOONE: I agree.

9 MR. ROSE: However, there are very
10 effective federal regulations in effect under the
11 Fair Housing laws that protect you if you have been
12 genuinely discriminated against, and if you have
13 not taken that action, I would recommend that you
14 do.

15 MR. BOONE: It's being pursued right
16 now.

17 MR. GRADISON: Good.

18 MR. ROSE: The second part which had
19 to do with the policeman's treatment of your friend
20 which you immediately categorized as a hate crime
21 because it was white on black, and every time there
22 is a racial confrontation of a mixed race
23 situation, that's the way it's perceived.

1 I have to tell you that that's totally
2 analogous to what happened to my son, who's very
3 white, who was working in one of our offices where
4 we have an alarm system for the protection of the
5 employees.

6 He was confronted by a party who made a
7 threat, serious threat. He pushed the burglar --
8 or, the robbery alarm. Two white officers
9 responded immediately, or almost, within 2 or 3
10 minutes, with drawn weapons, and the suspect had
11 already left.

12 They immediately took my son, slammed
13 him against the wall, handcuffed him, and were
14 taking him downtown for making a false robbery in
15 progress report. Nobody could claim racial
16 discrimination because there wasn't any. The
17 police are human beings subject to a lot of error.
18 He had to do a lot of fast talking, as apparently
19 you and your friend did before they took the
20 handcuffs off.

21 MR. BOONE: You betcha.

22 MR. ROSE: And we look -- I mean, I
23 can't say, nobody can, whether the incident you

1 cited was or was not overt or covert racial
2 discrimination. Whether it had been any different
3 if both parties were of the same race, we'll never
4 know, but I'm telling you it's not exclusive to the
5 situation you described and my personal experience
6 can testify to that.

7 MR. BOONE: Let me rebut that for one
8 second real quickly because I know my five minutes
9 are up. I don't want to be like everybody else. I
10 am not inferring -- I am not trying to -- and if
11 you took that inference, I'd like to rebut that.
12 I'm not inferring that there was racial
13 discrimination there, only inherent discrimination
14 that is created by the authority that the police
15 take.

16 MR. ROSE: Agreed.

17 MR. BOONE: Not necessarily that it
18 was a white on black. I did mention that he was a
19 white officer, and that's agreed, but I do not
20 intend to infer that the discrimination is very
21 simply racial.

22 That is discrimination that is inherent
23 to their authority, because just as your son got

1 treated that way, I've seen my white friends be
2 treated by Marion County sheriffs worse than I have
3 my black friends in my community, I've seen that.

4 So I'm not inferring racial
5 discrimination, only what you say here, hate
6 discrimination. This man didn't like this
7 gentleman because of the way he was dressed,
8 because of the way he looked, not because of the
9 color of his skin, because Calvin, my friend, he's
10 got teeth knocked out.

11 But he has tried his best to make it.
12 He's got a house, he's got a family, and I respect
13 him because he takes care of those things. I
14 respect him because he stood up to this officer who
15 tried to intimidate him at a point where he should
16 not have even been harassed at all. So, no, I'm
17 not inferring racial discrimination, believe me,
18 not in that instance.

19 MR. ROSE: Well, I'm not saying --
20 I'm not trying to discount the fact that it exists,
21 that's why we're here, because it exists.

22 MR. BOONE: Undoubtedly.

23 CHAIRMAN HUGHES: I think the point

1 that you make, Mr. Boone, is that authority can be
2 intimidating and to an extent perhaps there is a
3 certain element of intimidation built into
4 authority, otherwise authorities wouldn't have any
5 significance.

.6 MR. BOONE: Exactly.

7 CHAIRMAN HUGHES: I think the point
8 that I would like to make is that to the extent
9 that authority abuses its authority to mentally
10 intimidate based on -- and has as its motivation
11 some bias, hatred, or prejudice based on
12 characteristics of the victim, it would be
13 appropriate for it to be covered by the actions
14 that we are looking at at this point.

15 Your item and discussion of economic
16 discrimination is another form of violence, but not
17 quite in the context that we are dealing with it
18 today, and that's something that I'm sure some of
19 us will take a look at, but not quite in the
20 context of the hearing that we're having today.

21 MR. BOONE: Okay.

22 CHAIRMAN HUGHES: I appreciate your
23 sticking around and coming back and forth and

1 participating in these hearings.

2 MR. BOONE: Okay. That's fine. If I
3 had known, I would have been here earlier and I
4 would have been much more prepared with many
5 incidences that we have that could have been
6 presented to you.

7 MR. GRADISON: I think your
8 predecessors have done a good job.

9 CHAIRMAN HUGHES: If you have
10 additional information --

11 MR. BOONE: Oh, that's right. What
12 was the zip code for that? Well, I can get it from
13 him?

14 CHAIRMAN HUGHES: Yes.

15 MR. BOONE: Okay.

16 MR. GRADISON: Mr. Minarik in the
17 back of the room.

18 MR. BOONE: Thanks very much.

19 CHAIRMAN HUGHES: Thank you. Well,
20 members of the committee, it has been a long day,
21 but I think the end is in sight. We are now at
22 that point where we have -- we are concluding our
23 open hearing, our open session, and we'll revert

1 back to a brief discussion with the members of the
2 committee.

3 We've got a lot of information to
4 analyze. Our procedure, as we have outlined it, is
5 for us to await the transcript of this meeting and
6 copies of the video, which I understand will be six
7 hours long, and then after we have received that
8 information -- and there may yet be additional
9 information. Many of the people who have presented
10 information today implied or stated that they would
11 provide additional documentation to us, so there
12 will be more information.

13 At the time that we receive that it will
14 be our collective and individual responsibilities
15 to begin an analysis of this and to start to
16 formulate information for a report.

17 As we discussed yesterday evening, it is
18 my expectation and that of the staff that the
19 information that you present will be detailed and
20 not short, cryptic kinds of statements, with one
21 exception, Mr. Rose, who is going to write all of
22 our headings and leads for our report.

23 But the more information you can

1 provide, since you have generously bestowed on our
2 staff and myself the responsibility for pulling all
3 of this together in a collective format, I implore
4 you to please take the time to contribute to the
5 process by giving us as much extensive information
6 and written narrative as you can provide in terms
7 of the format for this report.

8 When we send out the transcripts, we
9 will also try to provide some kind of general
10 outline for how we're thinking about doing it. It
11 will not be a final kind of thing, but at least a
12 guide that we can kind of work from to structure
13 this information, and along with that will also
14 come a time table where we can identify a couple
15 of -- several dates so that we can try to set a
16 date for our next meeting, at which time we'll come
17 back and examine this information.

18 MR. ROSE: Do you want to adjourn and
19 go off the record? Are we all finished?

20 CHAIRMAN HUGHES: We're still on the
21 record at this moment.

22 MS. PARKER: One of the things that's
23 left me a little bit concerned is the lack of and

1 yet it appeared to me the need for more information
2 from the Evansville/Vanderburgh County area.

3 I'm wondering if there could be some --
4 and I'm not sure whether we can ask the staff to
5 try to explore ways in which we can contact others
6 down there that we might have to interview
7 personally or to submit information, because I
8 believe from what we've heard there might be some
9 other groups that we might need to really go after
10 to look into that situation because I felt the
11 scope was large but only one person addressing it.
12 We need to look for it, and there may be other
13 parts of the state, but since that was a portion
14 that came, it looked like to me we needed some more
15 information.

16 MR. GRADISON: Yeah, and it's pretty
17 narrow when I think, you know, one area. We might
18 be -- arriving at conclusions based on the
19 testimony of one person I think might be a little
20 awkward. I wouldn't feel comfortable without
21 having a lot more input.

22 I kind of agree with Doris. You know,
23 you can't say well, someone -- one person said this

1 was going on there, that that really -- we've had
2 so many other people here who basically said "Yes,
3 this is happening here," and several people have
4 testified to the same kinds of issues and the same
5 kinds of incidents, even very well the same
6 incidents, and therefore we were somewhat reassured
7 that's happening. We've had law enforcement people
8 here, but I think Evansville is getting slided if
9 we base any kind of conclusion based on the
10 testimony from one person.

11 CHAIRMAN HUGHES: I think that what I
12 would want to suggest is that the focus and the
13 scope of all of our findings are not specifically
14 related to individual cities but are related to the
15 entire state, and while we may have incidents from
16 Evansville, I don't feel that we are considering
17 focusing in on Evansville.

18 The problem that I perceive is that as
19 we examine almost any report from any one area,
20 there are probably other areas -- Indianapolis is
21 the only area of the state that has been broadly
22 covered today.

23 If you can identify sources -- and that

1 is going to be the difficulty, identifying the
2 source and then getting them to respond in the time
3 frame that we have. The record is still open until
4 the end of August, so we still have additional time
5 to do that.

6 MS. PARKER: If it's going to be a
7 statewide report, I guess maybe you're right, that
8 maybe we need to be looking at trying to get some
9 information from other places to give it a state
10 appearance, because if you're only going to -- then
11 it's not a report of the state of Indiana because
12 all we really have is from Indianapolis and then a
13 city in southern Indiana.

14 I thought, and I guess my effort was, if
15 these were going to be the two that would be the
16 basis for what we say might be reflective of the
17 state, then we should make those as comprehensive
18 as possible in developing a statement that reflects
19 some of the concerns as it relates to the total
20 state.

21 These are two large communities within
22 the state of Indiana. It's not as if we were
23 talking about another very small isolated

1 community. This is a large Indiana community.
2 Some of the things that he identified could say to
3 us that we might need to talk, if nothing else, but
4 to the Mayor and the police departments about some
5 of those concerns that have been raised.

6 MR. ROSE: Can I make a suggestion?

7 CHAIRMAN HUGHES: Certainly.

8 MR. ROSE: In our last meeting,
9 although it wasn't focused on hate crime, we had a
10 lot of testimony from across the state which dealt
11 specifically with specific hate crimes.

12 There was a man from LULAC, which is the
13 Hispanic organization, talking about a murder that
14 occurred in northern Indiana, and if the transcript
15 or record of that previous meeting can be
16 researched and those people can be contacted and
17 asked for a report which could go into this
18 summary, I think we'd get that input, or even if
19 that transcript itself, those parts can be ferreted
20 out and put into the report. It is part of the
21 record. Although it didn't happen in this meeting,
22 it was put on the record previously. That would
23 give us a broader scope of statewide activity.

1 But in the final analysis, we can only
2 deal with what we know, and if what we know is all
3 from Marion County, then that's what we report, and
4 if there's smatterings from elsewhere, we can
5 either make assumptions based on that or we cannot
6 determine what the committee decides to do.

7 But for me we've heard enough to know
8 that Marion County is not peculiar, nor different,
9 than anywhere else. If it's happening here, it's
10 happening elsewhere, or vice versa, so others can
11 put their own interpretation on it.

12 Between these two meetings we've had
13 testimony from all over the state, from
14 northwestern Indiana, from South Bend, from the
15 Fort Wayne area, previously from Vanderburgh
16 County, which collated could make a pretty broad
17 picture.

18 MR. GRADISON: We had the State
19 Police, we had state organizations that did
20 testify. Even though they may be based in
21 Indianapolis, I think we got a larger picture from
22 those organizations.

23 MS. SCHMITT: The Indiana Civil

1 Rights Commission.

2 MR. GRADISON: Pardon?

3 MS. SCHMITT: We had the Indiana
4 Civil Rights Commission.

5 MR. GRADISON: Yeah, we had Karen
6 here. Karen speaks for the whole state. She dealt
7 with an incident because it had just happened, but
8 it is, I mean, reflective to the kinds of problems
9 elsewhere, so I thought we had statewide
10 organizations here that happen to be based here but
11 they can speak to the entire state.

12 CHAIRMAN HUGHES: I appreciate your
13 point, and my point was not to limit the issue or
14 any additional information, but merely to address
15 the practical side of how we actually get at it in
16 the time frame that we have available to us.

17 I'm just afraid that in the final
18 analysis there will always be more information that
19 we could have gotten, and we're going to have to
20 sit down and take a look at what we have and make
21 some generalized statements.

22 But for me, I think that certainly given
23 the fact that the key data points are just now in

1 place or will probably not be in place for a while,
2 this may be something that will have to be
3 revisited at some point.

4 MR. GRADISON: And we can conclude we
5 don't know enough.

6 CHAIRMAN HUGHES: There are lots of
7 interesting conclusions that are --

8 MR. ROSE: Well, you can always say
9 that. At any point you can always say we don't
10 know enough, but that sometimes is a cop-out.

11 MR. GRADISON: And sometimes it
12 isn't.

13 CHAIRMAN HUGHES: Any additional
14 information or inputs? Well, I want to thank all
15 of the members of the committee for a full day.

16 (Off the record discussion.)

17 CHAIRMAN HUGHES: Unless there are
18 any objections, this meeting is adjourned.

19 MR. ROSE: I'll second the motion.

20

21

22

23 (WHEREUPON, at 6:10 p.m., August 8,
1991, this hearing concluded.)

CERTIFICATE

1 STATE OF INDIANA)
 2) ss:
 3 COUNTY OF HAMILTON)

4
 5 I, Marjorie A. Addington, the undersigned Court
 6 Reporter and Notary Public residing and maintaining
 7 offices in the City of Carmel, Hamilton County,
 8 Indiana, do hereby certify:

9 That I reported to the best of my ability in
 10 machine shorthand all of the words spoken by all
 11 parties in attendance during the course of the
 12 ensuing proceedings;

13 That I later reduced my shorthand notes into the
 14 foregoing typewritten transcript form, which
 15 typewritten transcript is a true record to the best
 16 of my ability of the hearing;

17 That I am not a relative or employee or attorney
 18 or counsel of any of the parties, and that I am not
 19 financially interested in this action.

20 IN WITNESS HERETO, I have affixed my
 21 Notarial Seal and subscribed my
 22 signature below this 28th day of
 23 August, 1991.

24 Notary Public
 25 County of Residence: Hamilton (Seal)
 26 My Commission Expires on: August 23, 1991

Marjorie Addington