

Hate Crime in Ohio

Ohio Advisory Committee to the
United States Commission on Civil Rights

January 1995

A report of the Ohio Advisory Committee to the U.S. Commission on Civil Rights prepared for the information and consideration of the Commission. This report will be considered by the Commission and the Commission will make public its reaction.

The United States Commission on Civil Rights

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

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Letter of Transmittal

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

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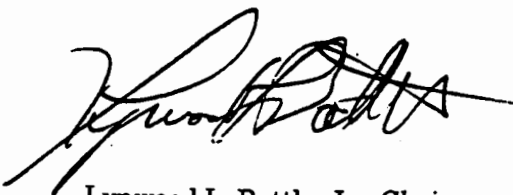
The Ohio Advisory Committee submits this report, *Hate Crime in Ohio*, as part of its responsibility to advise the Commission on civil rights issues within the State. The Committee is indebted to the Midwestern Regional Office staff in the preparation of this report. Fourteen Committee members voted to approve the report, no members voted against approval, one member was out of the country and did not vote, and one member resigned prior to the vote.

The Advisory Committee held two sets of factfinding meetings with the intent to discern the nature and level of hate crime activity in the State. The first 2-day session was held in Cincinnati on August 12 and 13, 1993. The second 2-day session was held in Cleveland on August 19 and 20, 1993. As part of the factfinding, the Committee obtained hate crime statistics from the five largest metropolitan cities in the State as well as the specific law enforcement agencies reporting hate crime to the Attorney General.

The Committee finds reporting of hate crime by local law enforcement agencies to be minimal, and, further, finds wide discrepancies in the interpretation of the hate crime statute. These two factors combine to give a very murky picture of the amount of hate crime in the State.

It is clear to the Committee that hate crimes are a serious problem in Ohio. It is also clear that unless law enforcement agencies throughout the State make a serious effort to recognize and report such incidents, the extent and underlying causes of the problem will never be fully understood.

Respectfully,



Lynwood L. Battle, Jr., *Chairperson*
Ohio Advisory Committee

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

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Definition of Hate Crime

A criminal offense committed against a person or property which is motivated, in whole or in part, by the offender's bias against a race, religion, ethnic/national origin group, or sexual orientation group.

United States Department of Justice
Federal Bureau of Investigation
Hate Crime Data Collection Guidelines, p. 4

Chapter 1

Introduction

The subject of hate crime is receiving increasing interest. Stories of racial violence and hate group activity are appearing in the media. Organizations and groups that monitor and study violence based on racial, ethnic, and/or religious bigotry are getting increased attention. The Congress and local legislatures are enacting statutes that deal with hate crime activity.

In 1990 the United States Congress passed the Hate Crimes Statistics Act.¹ The legislation mandated the Attorney General to track, on a nationwide basis, all criminal incidents manifesting prejudice based on race, religion, sexual orientation, or ethnicity. The act is in appendix 1 to this report. Congress amended the act in 1994, extending the monitoring period through 1998.

In 1987 the State of Ohio adopted Revised Code § 2927.12, Ohio's ethnic intimidation law. The law enhances the penalty one level above the penalty for certain predicate offenses, if the predicate offense was committed "by reason of the race, color, religion, or national origin of another person or group of persons."² The Ohio statute is in appendix 2 to this report.

The U.S. Commission on Civil Rights (USCCR) has been active in examining hate crime. In 1990 the Commission released a statement, *Intimidation and Violence, Racial and Religious Bigotry in America*. The Commission expressed its concern over the recurring media stories of racial and religious-motivated violence.

The Commission remains deeply concerned . . . about acts of violence perpetrated against racial and religious minorities. The media bring recurring accounts of intimidating and violent activities, which include cross burnings, defacement, destruction, and desecration of religious property, infliction of personal injury, and, in some cases, the deaths of human beings.³

A bigot is one obstinately or intolerantly devoted to his own church, party, belief, or opinion. Bigotry in the context of this statement is a rigid intolerance of differences and of those who hold such differences. It is this blind, unreasoned intolerance that makes racial and religious bigotry a form of racial and religious discrimination. When manifested in violent or intimidating ways, racial and religious bigotry represent a desire to deny the rights and freedoms of persons of different creed, color, race, or national origin. In sum, racial and religious bigotry result frequently in tactics to destroy

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- 1 Under the authority of 28 U.S.C. § 534 (note) (Supp. III 1994): "the Attorney General shall acquire data for the calendar year 1990 and each of the succeeding four calendar years, about crimes that manifest evidence of prejudice based on race, religion, sexual orientation, or ethnicity, including where appropriate the crimes of murder, non-negligent manslaughter, forcible rape, aggravated assault, simple assault, intimidation, arson, and destruction, damage or vandalism of property."
 - 2 (A) No person shall violate section 2903.21, 2903.22, 2909.06, or 2909.07, or division (A)(3),(4),(5) of section 2917.21 of the Revised Code by reason of the race, color, religion or national origin of another person or group of persons. (B) Whoever violates this section is guilty of ethnic intimidation. Ethnic intimidation is an offense of the next higher degree than the offense the commission of which is a necessary element of ethnic intimidation. Ohio Rev. Code Ann. § 2922.12 (Baldwin 1994).
 - 3 U.S. Commission on Civil Rights, *Intimidation and Violence, Racial and Religious Bigotry in America*, September 1990, p. 1.

“enemies” who are perceived as enemies only because they are “different.” These tactics include a variety of efforts to intimidate, frighten, injure, ridicule, and, on occasion, kill those who hold different religious beliefs, subscribe to different cultural values, or exhibit racial characteristics unlike those of the bigot.

This Commission is concerned when the promulgation of hate and hostility based on extremist concepts of racial purity or religious certitude leads to illegal acts of force and violence. Lest the vision of America as a democratic and pluralistic society becomes a nightmare of hatred and divisiveness, we urge a heightened public awareness of the threat to civil rights posed by proponents of racial and religious bigotry.⁴

In concert with the Commission’s national attention to hate crime, State Advisory Committees to the U.S. Commission have recently completed studies of hate crime. The Pennsylvania Advisory Committee (1986) informed the Commission that there had been a decline in incidents and rallies by extremist groups in most parts of the State; however, incidents of hate crime were still occurring.⁵ The Georgia Advisory Committee (1989) reported that Klan influence in the State was waning as a result of Federal probes, but membership in other hate groups had increased.⁶

The New Jersey Advisory Committee (1989) received information from the New Jersey State Police that racial and ethnic graffiti and vandalism were the hate crimes most

often reported to the State police, and these incidents were most often the work of juveniles rather than organized hate groups.⁷ The Rhode Island Advisory Committee (1990) reported the existence of increasing racial and ethnic intolerance between minority communities and the white community. Members of the Southeast Asian community receive the brunt of interracial hostility from white citizens, and members of the Hispanic community are frequently the target of ethnic harassment and intimidation by employers and coworkers.⁸ The Montana Advisory Committee (1994) found an increase in hate group activity in that State, observing that religion and sexual orientation bigotry were frequent motivations for hate crime.⁹

Three advisory committees in the midwest have examined hate crime. The Illinois Advisory Committee (1988) received reports from the Illinois State Police of numerous active hate groups, but few incidents of racially inspired violence. The Illinois Human Relations Department told the Illinois Advisory Committee that most incidents of bigotry and violence that come to its attention involve movement of blacks into previously segregated neighborhoods. The bias crimes unit of the Chicago Police Department, however, reported over 200 racially motivated incidents in both 1986 and 1987.¹⁰

The Michigan Advisory Committee (1992) told the Commission that hate crime in Michigan was increasing and affecting all minority

4 Ibid., p. 3.

5 Pennsylvania Advisory Committee to the U.S. Commission on Civil Rights, “The Status of Bigotry and Violence in Southwestern and Southeastern Pennsylvania in the Mid-1980s,” briefing memorandum to the Commission, March 1986, p. 5.

6 Georgia Advisory Committee to the U.S. Commission on Civil Rights, *Bigotry and Violence in Georgia*, 1989, p. 6.

7 New Jersey Advisory Committee to the U.S. Commission on Civil Rights, *Incidents of Bigotry and Violence in Essex County*, 1989, pp. 9–10.

8 Rhode Island Advisory Committee to the U.S. Commission on Civil Rights, *Bigotry and Violence in Rhode Island*, 1990, p. 25.

9 Montana Advisory Committee to the U.S. Commission on Civil Rights, *Hate Groups in Montana*, 1994, unpublished.

10 Illinois Advisory Committee to the U.S. Commission on Civil Rights, *Bigotry and Violence in Illinois*, May 1988, pp. 2, 10, and 11.

groups and races, and the gay and lesbian community in Michigan was particularly vulnerable to this type of violence. It further reported extensive and active hate group activity in the State. The Committee observed that deteriorating economic conditions and a lack of political leadership in condemning bigotry were the principal precipitators for hate crime.¹¹

The Indiana Advisory Committee (1992) reported that hate crime in Indiana was a problem and much of it went unidentified by local law enforcement agencies. The Committee also observed that today's youth are involved in much of the hate crime, and that the politics of resentment and divisiveness exacerbates the racial polarization of the society, which in turn leads to more hate crime.¹² The Indiana Committee followed its 1992 inquiry with a monitoring of hate crime. The Committee (1993) reported to the Commission that: (1) hate crime occurred throughout the State and at much higher levels than reported by local law enforcement agencies, (2) intimidation and harassment were the most common hate crime incidents, (3) there was significant hate crime motivated by antiwhite prejudice and sexual-orientation bias.¹³

Ohio has experienced hate crime and hate group activity in recent years. But the numbers of hate crimes and the types of hate activity are unclear. This stems in part from differences of interpretation in what constitutes a hate crime. Despite existing statutes and the disseminated FBI definition in its

training manual, there is no unified interpretation of hate crimes. As Jerald L. Steed, executive director of the Dayton Human Rights Council, noted: "We call [these things] hate crimes simply because we haven't a good picture of what that means."¹⁴

Ohio Demographics

The population of Ohio is predominantly white, but there is a large number of racial and ethnic minorities. According to the 1990 census, the State's population is 10,847,115. The largest minority group is African American with 1,154,826 (10.6 percent) State residents. There are 139,696 (1.3 percent) individuals of Hispanic descent, 91,179 (less than 1 percent) Asian Americans, and 20,358 (less than one-half of 1 percent) American Indians.¹⁵

The five largest metropolitan areas surround and include the cities of Cleveland-Akron, Cincinnati, Columbus, Dayton-Springfield, and Toledo. Two-thirds of all residents in the State reside in these five areas, and 85 percent of the State's minority population lives in these five areas.¹⁶ See figure 1-1.

The metropolitan area of Cleveland, situated on Lake Erie in the northeastern part of the State, is the most populous area of the State. Cuyahoga County and the six adjoining counties, Lake, Geauga, Portage, Summit, Medina, and Lorain, have a population of 2,759,823—25 percent of the State's population. Almost 40 percent of the State's entire

11 Michigan Advisory Committee to the U.S. Commission on Civil Rights, *The Increase of Hate Crime in Michigan*, 1992, unpublished.

12 Indiana Advisory Committee to the U.S. Commission on Civil Rights, *The Increase of Hate Crime in Indiana*, August 1992, letter of transmittal.

13 Indiana Advisory Committee to the U.S. Commission on Civil Rights, *Hate Crime in Indiana: A Monitoring of the Level, Victims, Locations, and Motivations*, June 1994.

14 Testimony before the Ohio Advisory Committee to the U.S. Commission on Civil Rights, factfinding meeting, Cincinnati, OH, Aug. 12, 1993, transcript, p. 138.

15 1990 Census of Population. Ohio and county populations by race and ethnicity are in app. 3.

16 A significant portion of the State's population lives in the eastern counties abutting Pennsylvania. Canton, Massillon, Warren, and Youngstown are the large cities in this area.

TABLE 1
Ohio Population, State and Major Metropolitan Areas

Metropolitan area	Population	Minority population	Minority percent
Ohio	10,847,115	1,402,493	12.9
Cincinnati	1,421,803	220,627	15.5
Cleveland/Akron	2,759,823	526,092	19.1
Columbus	1,345,480	197,971	14.7
Dayton/Springfield	951,270	144,592	15.2
Toledo	614,128	97,275	15.8

Source: Midwestern Regional Office, USCCR, from 1990 census data.

minority population, 526,092, lives in the region.

Cincinnati is the second largest metropolitan area in the State. It is located on the Ohio river in the southwestern portion of the State. The four-county area of Hamilton, Clermont, Warren, and Butler has a population of 1,421,803. Minorities living in this area number 220,627, 16 percent of the area's population.

Columbus, the State capital, is in Franklin County in the center of the State. Franklin County and the surrounding counties of Delaware, Licking, Fairfield, Madison, and Pickaway have a population of 1,345,480. There are 197,971 minorities residing in this central section of the State. (See table 1.)

The cities of Dayton and Springfield are situated in the west central part of the State. The four counties of Miami, Montgomery, Clark, and Greene have a population of 951,270, with a minority population of 144,592.

The metropolitan area of Toledo is in the northwestern part of the State on Lake Erie. The population of the three counties, Fulton, Lucas, and Wood, totals 614,128. Minorities are 97,275 of these residents.

Hate Crime Factfinding

The Ohio Advisory Committee to the USCCR recognized that hate crime and the issue of racial tensions was a topic of national concern to the Commission. Although there had been recurring accounts of recent alleged hate crime activity in Ohio, the Committee noted that there had been no attempt to examine the scope of the problem on a statewide basis. The Committee's purpose in studying the issue was to gather information on the extent of hate crime activity and hate group activity in the State of Ohio.

The primary focus of the process was to compile statewide information on the amount of hate crime, learn about the hate groups active in the State, and ascertain the local law enforcement agencies that tracked, monitored, and reported hate crime under the aegis of the 1990 Hate Crimes Statistics Act. A second focus was to clarify the definition of hate crime and determine the importance of hate crime as a social issue when examined in the context of general crime rates and racial attitudes.

The Committee held two sets of factfinding meetings, one in the southern part of the State and one in the northern part of the State. The first 2-day session was held in Cincinnati,

Ohio, on August 12 and 13, 1993. The second 2-day session was held in Cleveland, Ohio, on August 19 and 20, 1993. The factfinding meeting in Cincinnati included representatives from the Columbus, Dayton, and Cincinnati metropolitan areas. The factfinding meeting in Cleveland included representatives from the Toledo and Cleveland metropolitan areas.

The factfinding meetings were preceded by Committee research into local existing hate crime statistics and hate group activity. This included police reports of monitored hate crime activity during 1991, 1992, and 1993, and the law enforcement agencies tracking hate crime under the Hate Crime Statistics Act. The Federal Bureau of Investigation (FBI) and the Ohio Bureau of Investigation (OBI) presented definitions of hate crime and their efforts to combat hate crime and hate groups. Officials of four of the five major metropolitan areas presented factual hate crime data to the Committee, and explained their understanding of hate crime and the level of hate crime.

Other presenters included researchers, community activists, government officials,

and representatives of racial, ethnic, religious, and minority groups, as defined by the Federal Hate Crime Statistics Act. These individuals were invited to convey their perspectives concerning the impact that hate crime had on their communities, statistics they had on hate crime, and their impressions on the trends of hate crime.¹⁷

The second chapter summarizes research conducted on hate crime and defines the term "hate crime." Chapter three sets out hate crime statistics gathered by the Committee and hate group activity as monitored by the Ohio Bureau of Investigation and other groups. Chapter four contains perspectives of those who appeared before the Committee. Chapter five is a discussion of the Federal hate crime statute and local law enforcement agency compliance and the Ohio hate crime statute. This report is the summary statement of the Ohio Advisory Committee as to their findings and conclusions on the level of hate crime in Ohio and its importance as a societal issue.

¹⁷ Other groups were invited to testify, but did not appear. These included the Ku Klux Klan in Ohio, the Farm Laborers Organizing Committee (FLOC), Take Back Cincinnati, and the Ohio Civil Liberties Union.

Chapter 2

Hate Crime Enforcement and Statutes

National Statistics

In response to the Hate Crimes Statistics Act of 1990, the Attorney General designated the FBI's Uniform Crime Reporting (UCR) Program to develop a data collection system for its 16,314 law enforcement agency participants. The collection is designed to capture information about the type of bias serving as the motivating factor, the location of the crime, and various personal descriptors pertaining to both victims and offenders.

Hate crimes are not separate distinct offenses, but, rather, traditional crimes motivated by the offender's bias. Hence, hate crime data is collected by capturing additional information about crimes already reported to the UCR. Bias would be reported when the law enforcement investigation revealed sufficient objective facts to conclude that the offender's actions were motivated in whole or in part by bias.¹

Since the development of the hate crime data collection program, UCR has conducted 46 training conferences nationwide to instruct law enforcement on the methodology used in the investigation and reporting of hate crime. Included in this training were agencies serving populations over 100,000, which represent approximately 79 percent of the United States population.²

In 1991 hate crime occurrences were recorded by 27 percent of the 2,771 agencies participating; the remainder reported no such offenses came to their attention. Nationally

this was a participating rate of 17 percent. In Ohio 30 (7 percent) of the 401 law enforcement agencies who participate in the UCR program submitted hate crime reports to the FBI.³

A total of 4,558 hate crime incidents involving 4,755 offenses were reported in 1991. Among the offenses measured, intimidation was the most frequently reported hate crime, accounting for 1 of 3 offenses. Following were destruction/damage/vandalism of property, 27 percent; simple assault, 17 percent; aggravated assault, 16 percent; and robbery, 3 percent. The remaining offense types murder, forcible rape, burglary, larceny, theft, motor vehicle theft, and arson each accounted for 1 percent or less of the total.

Racial bias motivated 6 of 10 offenses reported; religious bias, 2 of 10; and ethnic and sexual orientation bias, each 1 of 10. Among the specific bias types, antiblack offenses accounted for the highest percentage, 36 percent of the total. Antiwhite and anti-Jewish motivations followed with 19 and 17 percent respectively.⁴

During 1992, 7,466 bias-motivated criminal incidents were reported to the FBI by approximately 6,200 law enforcement agencies. Complete information was received on 6,623 of those incidents. Sixty-two percent of these incidents were motivated by racial bias; 17 percent by religious bias; 12 percent by sexual-orientation bias; and the remainder by ethnicity/national origin bias.

1 U.S. Department of Justice, Criminal Justice Information Services Division, "1992 Hate Crime Statistics," p. 1.

2 *Ibid.*, p. 2.

3 U.S. Department of Justice, Law Enforcement Support Section.

4 U.S. Department of Justice, Criminal Justice Information Services Division, press release, 1991.

TABLE 2-1
National Hate Crime Statistics, 1991-1992

	1991	1992
Incidents	4,755	7,466
Reporting agencies	2,771	6,200
Bias motivation		
Race	62.3%	60.8%
Antiwhite	18.7%	20.3%
Antiblack	35.5%	34.7%
Religion	19.3%	17.6%
Sexual orientation	8.9%	11.5%
Ethnicity	9.5%	10.1%

Source: U.S. Department of Justice, Criminal Justice Information Services Division.

From the data, it appears that the racial bias is predominantly a black-white confrontation. Considering the types of bias involved, 9 of every 10 white offenders were identified in connection with antiblack offenses. Similarly, 9 of every 10 black offenders identified were associated with antiwhite offenses.⁵

Nationally, the participation rate for the collection of hate crime data in 1992 was 38 percent, more than double the rate of participation in the previous year. In Ohio the participation rate decreased; just 26 agencies submitted reports,⁶ a cooperation rate of 6 percent. Although the participating agencies in the collection of hate crime data doubled from 1991 to 1992, the number of hate crime incidents reported increased only 57 percent. The type of bias, though, was consistent in both years.

Racial bias varied less than 2 percent of the total of all motivations. Antiblack and antiwhite motivations were similarly constant ratios for the 2 years. In 1991 antiwhite bias

motivated 18.7 percent of the incidents, in 1992 it motivated 20.3 percent. In 1991 antiblack bias motivated 35.5 percent of the incidents reported; in 1992 it motivated 34.7 percent of reported hate crimes. Antireligion bias motivated 19.3 percent of the incidents in 1991 and 17.6 percent of the incidents in 1992. Sexual orientation bias was slightly higher in the 1992 figures, being the motivation of 11.5 percent of the incidents in 1992 in contrast to 8.9 percent of the incidents in 1991. (See table 2-1.)

In 1992 most of the targets of the hate crimes reported were individuals; 85 percent of reported hate crime victims were individuals, while the remaining 15 percent were businesses, religious organizations, or varied other targets. Only crimes motivated by religious bias showed a higher percentage of crimes against property rather than persons. Sixty-one percent of incidents involving victims targeted because of their religion were crimes against property.⁷

⁵ U.S. Department of Justice, Criminal Justice Information Services Division, "1992 Hate Crime Statistics," p. 8.

⁶ *Ibid.*, p. 24.

⁷ *Ibid.*, p. 8.

Residences were the most frequent locations of hate crime. In 1992, 25 percent of reported hate crime incidents occurred in residences. Following closely were highways, roads, alleys, or streets accounting for 23 percent. Schools and campuses were the sites for 8 percent of the hate crime, and parking lots were the site for 5 percent. Churches, synagogues, and temples were the locations for 3 percent of the hate crime. The remaining incidents were widely distributed among varied locations, including bars, stores, businesses, jails, hotels/motels, and air/bus/train terminals.⁸

State Hate Crime Statutes

Ohio's ethnic intimidation bill was passed with bipartisan support in 1987. The statute calls for enhanced penalties when certain felonies are motivated by racial, religious, or ethnic bias. Simon Karas, deputy chief counsel for the Ohio attorney general, discussed the legislation with the Committee.

Ohio's ethnic intimidation statute provides that if a person commits certain predicate offenses by reason of race, color, religion, or national origin of another person or group or group of persons, then the penalty for that offense goes up one penalty level over what it would be if the crime had been committed not by reason of. Thus for example, if the predicate crime had a penalty of felony 4, it would jump to a felony 3, and so on. The predicate offenses in Ohio are the crimes of aggravated menacing, criminal mischief, criminal endangerment, and three forms of telephone harassment.

In 1992 the Ohio Supreme Court threw out Ohio's ethnic intimidation statute as being unconstitutional, in violation of the first amendment of the Constitution.⁹ Attorney General Fisher . . . filed a petition for review in the United States Supreme Court at the same time that the State of Wisconsin appealed a similar decision by the Wisconsin Supreme Court. . . .¹⁰

On June 11, [1993], the United States Supreme Court unanimously reversed the decision of the Wisconsin Supreme Court and held the Wisconsin statute to be constitutional.¹¹ On June 14, [the Court] took action in the Ohio case by vacating the decision of the Ohio Supreme Court.¹²

On remand from the United States Supreme Court, the Ohio Supreme Court heard oral arguments on October 12, 1993. On January 12, 1994, the Ohio Supreme Court ruled Ohio's ethnic intimidation law, R.C. 2927.12, "constitutional under the United States and Ohio Constitution."¹³

Mr. Karas argued in defense of the statute, particularly the penalty enhancing provision.

[Critics of the law] start with the premise that [hate] crimes are identical [to other crimes], and, in fact, they are not. The harms that are associated with a crime that is committed by reason of race or religion or national origin is not the same as [criminal] conduct that may have been committed for personal reasons, but by reason of race, color, religion, so forth. It is no more identical than the situation under Ohio law where a higher penalty is imposed for the rape of a female under the age of 13 than it is for the rape of a female over the age of 13. . . . The legislature has deemed that those same types of conduct do not have the same type of harm

8 Ibid.

9 *State v. Wyant*, 64 Ohio St. 3d 566, 597 N.E.2d 450 (1992).

10 *Wisconsin v. Mitchell*, 169 Wis.2d 153, 485 N.W. 2d 807.

11 *Wisconsin v. Mitchell*, 113 S. Ct. 2194 (1993).

12 Testimony before the Ohio Advisory Committee to the U.S. Commission on Civil Rights, factfinding meeting, Cincinnati, OH, Aug. 12-13, 1993, and Cleveland, OH, Aug. 19-20, 1993, transcript, vol. I, pp. 10-11 (hereafter cited as transcript).

13 *State v. Wyant*, 68 Ohio St. 3d 162; 624 N.E.2d 722, (vacating 64 Ohio St.3d 566,597 N.E.2d 450) (1993).

and because they do not have the same type of harm, they can be punished differently. . . .

. . . In the United States Supreme Court decision in *Mitchell* [there] is a recognition by the Court that offenses committed by reason of race, religion, national origin are not the same conduct, they do not have the same harm as similar [criminal] conduct which is committed for other reasons. . . . The Court held that since such crimes are more harmful, it is okay to enhance the penalty in order to make the punishment fit the crime. And that is a basic premise of criminal law—that you make the punishment fit the crime. If you have a crime which is more severe, you can punish it more severely.¹⁴

Ohio is not alone in its enactment of hate crime legislation. There are now 29 States with civil and/or criminal penalties for hate crime. The backing of penalty enhancement is widespread as demonstrated by the support for the Wisconsin statute when it was argued before the U.S. Supreme Court.¹⁵ Fourteen States have mask and hood prohibitions; 16 States expressly ban cross burnings. (See table 2-2.)

Attempts at enacting hate crime legislation have also occurred at the national level. In 1992 Representative Charles E. Schumer (D-NY) introduced the Hate Crime Penalty Enhancement Act, which would add certain penalty levels if crimes committed were motivated in whole or part by race, religion, color, or national origin. The bill passed the House, but failed in the Senate. A similar provision has been incorporated into Title XXa, section 28003 of the 1994 Crime Bill.¹⁶ That section

provides sentencing enhancements of not less than 3 offense levels if the trial court determines beyond a reasonable doubt the offense is a hate crime. (The complete section is in appendix 8.)

Federal Efforts to Eradicate Racial and Religious Violence

Efforts to eradicate racial and religious violence are conducted by the Civil Rights Division of the U.S. Department of Justice through the FBI and the Bureau of Alcohol, Tobacco, and Firearms (BATF). All of the pertinent Federal criminal civil rights statutes used to prosecute hate crimes require that the violence motivated by the victim's race, religion, or national origin also be aimed at interfering with the victim's participation in one of several federally protected activities. However, there is no general Federal statute that prohibits racial and ethnic violence wherever and whenever it occurs.

The main statutes under which the Federal Government prosecutes these crimes are 18 U.S.C. § 241 (1988) (conspiracy to interfere with protected rights), 18 U.S.C. § 245 (1988) (forceful interference with federally protected activities, and 42 U.S.C. § 3631 (housing interference). In Tulsa, Oklahoma, the Department of Justice successfully prosecuted 17 Skinheads under § 241 for conspiring to interfere with the rights of individuals to enjoy the use of public parks. In Denver, Colorado, four members of The Order, a violent offshoot of the Aryan Nation, were charged and tried

14 Transcript, pp. 13-14. The Ohio public defender's office represented Wyant in his challenge to Ohio's ethnic intimidation act. Attorneys from the public defender's office and the Ohio ACLU, which had submitted briefs on behalf of Wyant to the Ohio Court of Appeals and the Ohio Supreme Court, were invited and accepted an invitation from the Committee to testify at the factfinding. The representatives, however, did not come to the meeting or submit written testimony.

15 *Ibid.*, p. 15. Mr. Karas mentioned that more than 70 organizations filed briefs in support of the Wisconsin statute, including: all 50 attorneys general; the U.S. Solicitor General; the Fraternal Order of Police; the National Organization of Black Law Enforcement Executives; the Anti-Defamation League; the National Gay and Lesbian Task Force; 35 members of Congress; the cities of Atlanta, Baltimore, Boston, Chicago, Cleveland, Los Angeles, New York, Philadelphia, and San Francisco; the NAACP Legal Defense and Education Fund; the National League of Cities; the U.S. Conference of Mayors; the National Governor's Association; and the national ACLU.

16 Staff of Rep. Charles E. Schumer (D-NY), telephone interview, Jan. 31, 1994.

**TABLE 2-2
State Hate Crime Statutes**

State	Criminal/civil penalty	Cross burning	Wearing masks & hoods	Data collection
Arizona				✓
California	✓	✓		✓
Colorado	✓			
Connecticut	✓	✓	✓	✓
Florida	✓	✓	✓	✓
Georgia		✓	✓	
Idaho	✓	✓		✓
Illinois	✓		✓	✓
Iowa	✓	✓		✓
Louisiana			✓	
Maryland	✓*	✓		✓
Maine	✓			✓
Michigan	✓		✓	
Minnesota	✓*		✓	✓
Missouri	✓			
Montana	✓*	✓		
Nevada	✓*			
New Hampshire	✓*			
New Jersey	✓*	✓		✓
New York	✓*			
North Carolina		✓	✓	
North Dakota	✓*			
Ohio	✓			
Oklahoma	✓		✓	✓
Oregon	✓		✓	✓
Pennsylvania	✓*			✓
Rhode Island	✓	✓		✓
South Carolina		✓	✓	
Tennessee	✓*	✓		
Texas				✓
Vermont	✓	✓		
Virginia	✓**	✓	✓	✓
Washington	✓	✓		
West Virginia	✓*		✓	
Wisconsin	✓		✓	

* Criminal penalties only.

** Civil penalties only.

Source: Anti-Defamation League of B'Nai B'Rith, Hate Crimes Statutes.

under § 245 in the death of Alan Berg, a radio talk show host. They sought to interfere with his employment rights because he was Jewish.

The other main statute used to combat racial violence is 42 U.S.C. § 3631. It is similar to § 245 but differs in that it applies specifically to interference with housing rights and is also applicable to interference based on the victim's sex, and since the 1988 Fair Housing legislation, on the victim's handicap or familial status. This law was used to prosecute 21 members of the Ku Klux Klan in North Carolina for burning crosses, and in Indiana when Klan members invaded the home of a neighboring black resident.

There is another Federal statute enforced by the Civil Rights Division, 18 U.S.C. § 247 (1988) (damage to religious property and obstruction of religious beliefs). The threshold for Federal jurisdiction, however, is substantial, since there must be interstate travel or the use of a facility or instrumentality of interstate commerce in the commission of the offense. In addition, where there is defaced property, there must be more than \$10,000 in damage before the Federal Government can act. There has yet to be a Federal prosecution under this statute.

The Civil Rights Division has also used other Federal laws in its racial violence cases. These included the use of guns or fire in the

commission of a felony, perjury, and obstruction of justice. In Toledo, Ohio, the BATF used such a statute in arresting members of the White Aryan Religion on charges of possession of materials for making bombs. The group was allegedly planning to bomb the Weiler Homes public housing development, whose residents are predominantly African American.

According to Department of Justice records, racial violence enforcement has been increasing in recent years. There are approximately 3,000 criminal civil rights investigations conducted annually by the Department. Over 10 percent of these are characterized as hate crimes. Moreover, the number of hate crime investigations has doubled in the past 4 years.¹⁷

From 1988 to 1992 the Department investigated approximately 124 incidents involving members of Skinhead gangs. In 1989 the Department filed a record 42 racial violence cases with 63 defendants, more than twice as many cases, and almost twice as many defendants prosecuted for hate crimes in any previous year. In 1990 and 1991, 100 percent of all defendants charged with hate crimes were convicted or pled guilty. In 1991 and 1992, over 100 defendants in 20 different States were convicted on Federal criminal civil rights charges involving hate crimes.¹⁸

17 U.S. Department of Justice, Civil Rights Division.

18 Ibid.

Chapter 3

Hate Crime In Ohio

There is no central depository of information on hate crime in Ohio. Although the Federal Hate Crimes Statistics Act of 1990 requires the Attorney General to collect data on hate crimes, local law enforcement cooperation is voluntary. The absence of mandatory reporting coupled with different interpretations of the definition of hate crime obscures an accurate assessment of hate crime.

Most major metropolitan police departments developed systems to track hate crime following the inception of Ohio's ethnic intimidation law in 1987. By 1990 the five largest Ohio cities, Cleveland, Toledo, Dayton, Columbus, and Cincinnati, had procedures in place to track hate crimes, although some cities were tracking hate crime prior to 1987. All five cities have complete police records of hate crime for 1991 and 1992.

The city of Cleveland began tracking hate crime incidents in 1984, 3 years prior to the Ethnic Intimidation Act, and has continued this effort. The cities of Dayton and Toledo began tracking hate crime in 1989, and by 1990 both cities had record processing units operating. The intelligence bureau of the Columbus Police Department has tracked hate crimes since 1988 and continues to do so. The city of Cincinnati tracked hate crimes from 1989 to mid-1993. Toledo and Cincinnati suspended hate crime data collection efforts with the ruling from the Ohio Supreme Court that the State's ethnic intimidation law was unconstitutional.

When there is reporting of hate crime, the numbers are still suspect. One reason the

numbers recorded can be an inaccurate depiction of hate crime activity stems from the variety of understanding as to what constitutes a hate crime. Mr. Sam Thomas, director of Cleveland's community relations board, explained cooperative efforts between the board and the police department in monitoring hate crime activity, and mentioned the imprecision inherent in tracking hate crime.

In addition to the legal definition of a hate crime, there are other definitions. The general public sometimes will define a racial slur or name calling as a hate crime. Sometimes a victim of a crime, such as a robbery, will consider incidents to be racially motivated if the perpetrator is of another race. . . . The victim may have been obviously selected because of senior status [or] expensive jewelry. But if during the course of the robbery, these slurs are made, the victim may well feel he or she was singled out because of who they are, [their] race, religion, ethnicity.¹

To get an accurate, complete, and consistent count of hate crime, the Federal Government has undertaken a national effort to train local law enforcement agencies in recognizing and reporting hate crimes. The Federal plan is to have local law enforcement agencies report under the Uniform Crime Reporting program. A training guide for hate crime data collection was prepared by the FBI in 1991 and has been disseminated to all local law enforcement agencies. A training program on a uniform procedure for all law enforcement personnel and their investigation units in

¹ Testimony before the Ohio Advisory Committee to the U.S. Commission on Civil Rights, factfinding meeting, Cincinnati, OH, Aug. 12-13, 1993, and Cleveland, OH, Aug. 19-20, 1993, transcript, vol II. pp. 10-11 (hereafter cited as Transcript).

dealing with bias-related incidents is also available.

The training program has three modules. Module one gives the trainees an understanding of how and why prejudice develops and is designed to increase sensitivity to the impact of hate crimes on the victim and the community. Module two provides definitions of terms law enforcement officers need to know in dealing with hate crime and includes a model hate crime reporting system that can be adapted for use in large, medium, or small law enforcement agencies and trains law enforcement officers in the two-tier hate crime reporting system.²

The two-tier reporting process is designed to ensure that only real incidents of bias are reported as such. The officer who responds to the incident is responsible for determining if there is any indication that the offender was motivated by bias. If so, the officer passes this information on to review by a second officer and/or unit possessing greater expertise in hate crime matters. This latter officer/unit has the responsibility for making the final decision as to whether the incident constitutes a hate crime and should be reported as such to the national UCR program. Module three is a practicum in applying knowledge of hate crime matters to hypothetical situations.

The Department of Justice is in the process of upgrading the Uniform Crime Report system, known as a summary report system, to a unit record system known as the National Incident-Based Reporting System (NIBRS). NIBRS will collect and publish more comprehensive data on the victims, offenders, and the circumstances of crime. Reporting hate crime under NIBRS will only require the addition of a single new data element to provide

the capability for flagging incidents as bias motivated.

The district FBI offices and the Community Relations Service (CRS), U.S. Department of Justice, have held a series of workshops and training sessions.³ In March 1993 the Cincinnati FBI office and the CRS held a series of meetings throughout the district discussing hate crimes, the collection of hate crime data, and stressing the importance of reporting the data. In June 1993 the FBI set up a program with the Hamilton County Chief of Police Association to address hate crime issues. Topics included the gathering of statistics and the basis for hate crimes. The association also began holding lunches with minority leaders to ensure that local concerns would be brought to the attention of the police. In July 1993 the FBI conducted the three module training workshop on hate crimes for Ohio law enforcement officers.

But despite these and other training efforts, imprecision in defining and reporting hate crime persists. This translates into numbers that are inaccurate portrayals of the situation—numbers that may be either exaggerated or underreported. Akron, Ohio, is a case in point. In 1992 the city began reporting hate crime activity to the Federal Government under the Federal Hate Crime Statistics Act. Also in 1992 the Akron Police Department recorded 65 incidents of hate crime, the second highest number of hate crimes reported in any municipality in the State for that year.

A breakdown by quarters showed the following activity. During January 1992 through March 1992, 37 incidents were recorded. In the subsequent 3-month period, April 1992 through June 1992, 18 incidents were registered. In the period July 1992 through September 1992, six hate crimes were reported,

2 U.S. Department of Justice, FBI, "Training Guide for Hate Crime Data Collection."

3 The Community Relations Service is an agency of the U.S. Department of Justice (42 U.S.C. § 2000g-2000g-3 1988). It has statutory responsibilities under Federal law to provide assistance to communities and citizens in resolving disputes, disagreements, or difficulties relating to discriminatory practices based on race, color, or national origin. The CRS utilizes the cooperation of State, local, public, and private agencies in its work. Police-citizen conflict accounts for a major portion of the disputes to which CRS responds.

and from October 1992 through December 1992, four hate crimes were noted.⁴ The numbers show a substantial and steady decrease during the year. In the course of that year, though, the Akron Police Department did not change its strategy in dealing with hate crime, and it did not undertake greater community outreach efforts. The single factor that lowered the number of hate crimes in the city of Akron was that the police officer initially assigned to report hate crimes to the FBI was transferred to a different duty assignment during the second quarter of 1992.⁵

Localities With Reported Hate Crime

In the 3-year period, 1991-1993, evidence of alleged hate crimes and hate group activity occurred in 63 locations in Ohio. (See figure 3-1.) In 1991 and 1992 this included 777 reported incidents. The greatest number of alleged incidents were in the large metropolitan areas. Seven hundred and thirteen of these reports were from the 6 cities in Ohio with populations over 100,000, i.e., Akron, Cincinnati, Cleveland, Columbus, Dayton, and Toledo. Reporting diminished in 1992, as law enforcement agencies in Toledo and Cincinnati and several other municipalities stopped collecting hate crime data when the Ohio Supreme Court declared the State's Ethnic Intimidation Act unconstitutional.

Reporting under the Federal Hate Crimes Statistics Act by local law enforcement agencies in Ohio is voluntary. In 1991 only 30 of the 401 local law enforcement agencies in

Ohio (7.2 percent) that submit crime reports to the UCR, FBI, participated in Federal hate crime data collection. In 1992, fewer agencies reported; 26 agencies (6.4 percent) submitted hate crime reports in that year. The reporting agencies are listed in table 3-1.

Captain Richard Schmalz, Cincinnati Police Department, said that tracking hate crimes is difficult for law enforcement agencies, because it is not clear when a crime is a hate crime. He explained:

Our biggest problem is reporting [hate crime]. We just do not have the specifics. It involves training to our officers, . . . but unless they report it, we have no way of actually knowing it is a hate crime. . . . So many of our [hate] crimes we find are performed by juveniles. . . . When we finally arrest them [and] get them in [and] start talking to them, it turns out that it is not even really a hate thing.

I think [reporting hate crimes] is almost an administrative nightmare. . . . There are so many reports that are generated and it is almost impossible to review these reports to make sure that the officer has put on there if it is a hate or a bias crime.⁶

Sam Gresham, president of the Columbus Urban League, disagreed with that assessment.

When the police tell you we do not have enough resources, that is a code word for we do not want to do that. Those things that are a priority from the top will be dealt with. If there are hate crimes as a priority as determined by the chief of police . . . they will . . . be dealt with.⁷

4 Midwestern Regional Office, USCCR, from Akron Police Department files, July 1993.

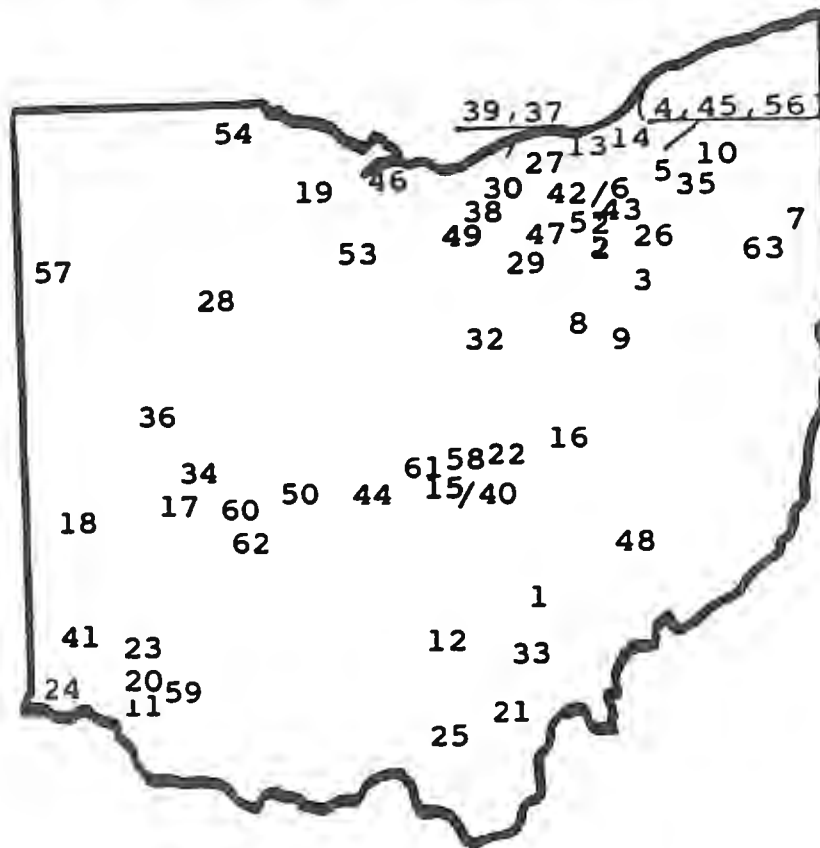
5 Ibid.

6 Transcript, vol. I, pp. 66-67 and 70.

7 Ibid., p. 278.

FIGURE 3-1

Locations of Reported Hate Crime and Hate Group Activity in Ohio, 1991-1993



- | | | | |
|-------------------------|-----------------------|------------------------|-------------------------|
| 1. Athens (2) | 17. Dayton (8)* | 33. Murray City (1) | 49. Spencer |
| 2. Akron (65) | 18. Eaton | 34. New Carlisle (1) | 50. Springfield (1) |
| 3. Alliance (1) | 19. Elmore (1) | 35. Newbury | 51. Stockton |
| 4. Beachwood | 20. Fairfield | 36. Newport (2) | 52. Strongsville (1) |
| 5. Bedford Heights (2) | 21. Gallipolis | 37. North Olmsted (2) | 53. Tiffin (1) |
| 6. Broadview Hgts (1) | 22. Gambier (1) | 38. Oberlin (1) | 54. Toledo (134) |
| 7. Brookfield (1) | 23. Hamilton (1) | 39. Olmsted Tnshp (1) | 55. Union Township (1) |
| 8. Canal Fulton | 24. Harrison (2) | 40. Ohio State U. (11) | 56. University Hgts (5) |
| 9. Canton | 25. Jackson (1) | 41. Oxford | 57. Van Wert (1) |
| 10. Chardon (1) | 26. Kent State U. (2) | 42. Parma (1) | 58. Westville (1) |
| 11. Cincinnati (92)* | 27. Lakewood (5) | 43. Parma Heights (1) | 59. West Chester (1) |
| 12. Circleville (1) | 28. Lima (8) | 44. Plain City | 60. Wilberforce (2) |
| 13. Cleveland (91)* | 29. Lodi | 45. Richmond Hgts (2) | 61. Worthington |
| 14. Cleve. State U. (2) | 30. Lorain (1) | 46. Sandusky (2) | 62. Xenia (1) |
| 15. Columbus (312)* | 31. Loveland (1) | 47. Seven Hills | 63. Youngstown (4) |
| 16. Coshockton | 32. Mansfield (1) | 48. Sharon | |

* Indicates that only numbers from law enforcement agencies are included.

Source: Ohio Advisory Committee to the USCCR, from FBI, OBI, local law enforcement data, and public reports.

TABLE 3-1
Hate Crime Reports to the FBI,
1991 and 1992

Local law enforcement agency	1991	1992
Akron	NR	61
Ashland	0	NR
Bedford Heights	2	NR
Bowling Green	0	NR
Chillicothe	0	NR
Cincinnati	72	9
Clark	0	NR
Cleveland	43	NR
Cleveland State University	3	0
Dayton	3	NR
Delaware	3	0
Hamilton	1	NR
Harrison	0	0
Lakewood	NR	0
Lima	5	8
Manchester	0	NR
Medina Township	NR	0
North Olmsted	1	1
Norwood	1	NR
Ohio State Highway Patrol	0	0
Ohio State University	0	2
Ohio University	1	0
Olmsted Township	1	NR
Parma Heights	NR	1
Pierce Township	0	0
Richfield	0	NR
Richfield Heights	0	2
Riverside	0	0
Robinson Memorial Hospital	0	0
Seven Hills	NR	0
Streetsboro	NR	0
Toledo	68	NR
Union Township	0	1
University Heights	NR	5
Van Wert	NR	1
Waterville	0	0
West Carrollton	0	NR
Youngstown	0	2

NR: not reporting

Source: Ohio Advisory Committee to the USCCR, from surveys of Ohio law enforcement agencies and FBI hate crime data.

Hate Crime in Five Major Metropolitan Areas

Cleveland: Hate Crime Reports, Victimization, and Community Attitudes, 1991 and 1992

Hate Crime and General Crime Levels

The Community Relations Board of Cleveland works with the Cleveland Police Department to track incidents of ethnoviolence. Such data have been compiled continuously since 1984. Mr. Thomas told the Committee that the highest number of incidents was 90, recorded in 1987. Since that time, the number of incidents has decreased. In 1988 the board recorded 87 incidents; 1989, 86 incidents; 1990, 55 incidents; 1991, 43 incidents; and 1992, 48 incidents. The average number of incidents over this 9-year period is 61.4 incidents ($\sigma=21.7$). (See table 3-2.)

Incorporating hate crime into general crime statistics, hate crime is a very small proportion of total crime in the city. The per capita crime rate for all crime in 1991 and 1992 was slightly less than 1 in 100, while the per capita hate crime rate was approximately 1 in 12,000. Hate crime as a percentage of all criminal activity was 0.1 percent, or 1 of every 1,000 crimes reported. (See table 3-3.)

Hate Crime Victimization and Incident Type

Mr. Thomas told the Committee that concurrent with recent decreases in the number of hate crimes, a shift in hate crime victimization has occurred. He continued:

Another significant shift in recent years relates to the race of the victims. During the 1980s the vast majority of victims were African Americans, but in the last 2 years, we have seen a significant increase in white victims. These are mostly incidents in public places.

Whites are almost never threatened because of where they choose to live. . . . Conversely, when black residents have moved into white neighborhoods, they are often met with suspicion and fear, irrational myths and stereotypes regarding property values.⁸

TABLE 3-2
Number of Ethnoviolent Incidents in Cleveland by Year

Year	No.	Year	No.
1984	24	1989	86
1985	50	1990	55
1986	70	1991	43
1987	90	1992	48
1988	87		

Source: Community Relations Board, City of Cleveland.

TABLE 3-3
Crime Rates in Cleveland, 1991 and 1992

	1991	1992
Hate crimes	43	48
Crime index total	46,377	43,291
Crime per 1,000 residents	91	84
Hate crime ratio	0.0009	0.0011
Hate crime per 100,000	8	9

Note: Hate crime ratio is the proportion of hate crime to total crime.

Source: Midwestern Regional Office, USCCR, from FBI UCR reports, *Crime in the United States, 1991 and 1992*.

According to the community relations board data, despite an increase in violence against whites, blacks remain the most frequent targets of hate crime. Moreover, blacks are 46.6 percent of the population, but are 64.6 percent of hate crime victims. But the two groups, non-Hispanic whites and non-Hispanic blacks are 83.3 percent of hate crime victims, indicating that racial and ethnic hate crime in the city is predominantly a black-white phenomenon. (See table 3-4.)

Assaults⁹ of all types were a minor percentage of reported hate crime. Fourteen (32 percent) of the 43 reported incidents in 1991 were assaults, while 8 (16.6 percent) of the 48 reported incidents in 1992 were assaults. (See table 3-5.)

Hate Crime and Race Relations in Cleveland

The number of ethnoviolent incidents in Cleveland is coincident with a recent survey of race relations. Lou Erste, assistant director of the Citizens League Research Institute, provided the Committee with its survey of race relations in Cleveland.

What this poll does is tells what Clevelanders are thinking about race relations. We ask questions that deal with their perceptions about the state of race and ethnic relations. We try to objectively measure what is actually occurring in terms of race relations as opposed to what is going on inside people's minds. . . . Our poll is countywide, and so we have got about two-thirds of our sample from the suburbs.¹⁰

Almost half of greater Clevelanders think race relations have stayed the same during the past year, while equal numbers think race relations are better or think they are worse. This is almost identical to the 1991 survey. Those who think race and ethnic relations are generally good are more likely to think relations have gotten better, and those who think relations are generally bad are more likely to think they have gotten worse.¹¹ (See table 3-6.)

In terms of quality of interaction, most people (88 percent) had at least one encounter that was generally positive, but one-fifth reported at least one encounter that was generally negative. Most people (58 percent) who

8 Transcript, vol. II, pp. 13-14.

9 Assaults include sexual imposition, robbery, felonious assault, and assault.

10 Transcript, pp. 42-43.

11 Citizens League Research Institute, "Public Attitudes About Race Relations in Cleveland," November 1992, p. 2.

TABLE 3-4
Ethnic Background of Hate Crime Victims in Cleveland by Year

	1988	1989	1990	1991	1992
White	0	19	19	9	16
Black	72	70	35	20	31
Hispanic	5	10	3	5	5
Asian	1	1	-	-	-
Jewish	-	-	-	2	1
Arab	-	-	-	13	2

Source: Community Relations Board, City of Cleveland.

TABLE 3-5
Hate Crime Incidents by Type of Crime, City of Cleveland, 1991 and 1992

	1991	1992
Sexual imposition	1	0
Criminal mischief	1	3
Robbery	1	1
Criminal trespass	2	0
Felonious assault	5	1
Telephone harassment	5	4
Criminal damaging	6	13
Assault	7	6
Aggravated menacing	11	12
Menacing	16	6
Endangering	0	1

Source: Community Relations Board, City of Cleveland.

TABLE 3-6
Race Relations Survey Results

Do you think race and ethnic relations in greater Cleveland have gotten better, stayed the same, or gotten worse during the past year?

	1991	1992
Gotten better	28%	27%
Stayed the same	45%	45%
Gotten worse	27%	28%

Source: Cleveland Citizens League.

had a negative encounter thought the encounter was negative because of their race. Few people (19 percent) who had a positive encounter thought the encounter was positive because of their race.¹²

In addition, Clevelanders report negative encounters more often than suburban residents. Clevelanders also report more negative encounters because of their race than do suburban residents.¹³

Toledo: Hate Crime Reports, Victimization, and Community Attitudes, 1991 and 1992

Hate Crime and General Crime Levels

The Toledo Police Department registered 134 hate crimes in 1991 and 1992.¹⁴ The department officially categorizes such crimes as race, religion, and ethnicity (RR&E) incidents. The number of these incidents was constant for the 2 years; 68 hate crimes were reported in 1991 and 66 hate crimes were reported in 1992.

Ronald Jackson, executive director of the Toledo Board of Community Relations, told the Committee that the city began tracking such incidents in 1988. But after the suspension of Ohio's ethnic intimidation law by the Supreme Court the numbers began to subside.

I was in charge of all the investigations . . . in Toledo. What I found was that once this law [the Ohio Ethnic Intimidation Act] was suspended, that the number of reported incidents began to tail off. And, if you will look at your records back to 1988, you will see that there is a large number, and then they . . . fell off, and then they came back. . . . I think that there is an under reporting of such incidents, and there are many reasons for it.¹⁵

When hate crime is incorporated into general crime statistics, hate crime is a small proportion of total crime in the city. The per capita crime rate for all crime in 1991 and 1992 was slightly less than 1 in 100, while the per capita RR&E rate was approximately 1 in 500. RR&E incidents as a percentage of all criminal activity were 0.02 percent, or 1 of every 5,000 crimes reported. (See table 3.7.)

Hate Crime Victimization and Incident Type

For all RR&E incidents reported in Toledo in 1991 and 1992, whites were the most frequent victims. Moreover, in 1992 whites were two out of every three victims. Similar to hate crime trends in Cleveland, hate crime activity in Toledo appears to be largely a black-white problem. Ninety percent of the 1991 and 1992 hate crime incident victims in the city were either black or white.

Blacks, however, are the most disproportionately affected group. Blacks are 20 percent of the city's population, yet they were 38 percent of the hate crime victims. In contrast, whites are three-fourths of the city's population, but were the victims in one-half of the hate crime incidents. Hispanics are 5 percent of the city's population and were the victims of approximately 5 percent of the reported RR&E incidents. (See table 3.8.)

Violence directed at property and individuals¹⁶ accounts for 51 percent of RR&E incidents. When menacing is included, violence or threatened violence against individuals or property is 81 percent of all RR&E crimes in Toledo. Harassment is only a minor portion (13 percent) of the RR&E incidents tracked by the Toledo police department. (See table 3.9.)

12 Ibid., p. 13.

13 Ibid., p. 14.

14 Midwestern Regional Office, USCCR, from Toledo Police Department files, July 1993.

15 Transcript, vol. II, p. 219.

16 These include kidnapping, arson, criminal damaging, and felonious assault.

TABLE 3-7
RR&E Incidents and General Crime in Toledo, 1991 and 1992

	1991	1992
RR&E incidents	68	66
Crime index total	32,208	29,749
Crime per 1,000 residents	96	88
RR&E incident ratio	0.0021	0.0022
Hate crime per 100,000	20	20

RR&E incident ratio is the proportion of hate crime to total crime.

Source: Midwestern Regional Office, USCCR, from FBI UCR reports, *Crime in the United States*, 1991 and 1992.

TABLE 3-8
Ethnic Background of Victims by Year

	1991	1992
White	27	42
Black	29	22
Hispanic	5	1
Other	7	1

Source: Department of Police, City of Toledo.

TABLE 3-9
Hate Crime Incidents by Type of Crime, City of Toledo, 1991 and 1992

	1991	1992
Burglary	0	1
Kidnapping	0	1
Arson	0	2
Telephone harassment	2	4
Felonious assault	20	21
Criminal damaging	15	10
Harassment	9	9
Menacing	22	18

Source: Department of Police, City of Toledo.

Cincinnati: Hate Crime Reports, Victimization, and Community Attitudes, 1991 and 1992

Hate Crime and General Crime Levels

The Cincinnati Human Relations Commission working cooperatively with the Cincinnati Police Division (CPD) and the FBI monitored 121 ethnic intimidation incidents from June 1989 to September 1992.¹⁷ (See table 3-10.) The agency stopped collecting this information after the Ohio Supreme Court declared the State's ethnic intimidation law unconstitutional. Arzell Nelson, executive director of the Cincinnati Human Relations Commission, admitted that these numbers were not an accurate reflection of hate crime in the city. He explained:

The Cincinnati Human Relations Commission has, over the years, monitored hate violence in the Cincinnati area. Unfortunately, hate violence incidents are reported minimally. To render an exact account of the number of incidents is impossible due to the lack of reported hate violence incidents, and an inadequate record and reporting process system.

Our experience has taught us to correlate reported hate violence incidents with the mood of the community, that is, the number of hate demonstration activities towards people of color, people identified as gay or lesbian, immigrants, women, and other people who are distinguishable from the mainstream. The number of incidents do not necessarily reflect the level of intensity, and much of the hate violence is intensified and increases during periods of economic distress. However, the factor which is most responsible for hate crimes is continued racial, ethnic, and cultural isolation.¹⁸

Working independently of the human relations commission, Housing Opportunities Made Equal (HOME) recorded 73 incidents of hate crimes during the 3-year period May 1990 to April 1993. Comparison of the data

17 Midwestern Regional Office, USCCR, from Cincinnati Human Relations Commission files, July 1993.

18 Transcript, vol. I, pp. 85-86.

TABLE 3-10
Police Reports of Hate Crime
Incidents in Cincinnati

Period	Incidents
June 1989-June 1990	20
July 1999-December 1990	9
January 1991-June 1991	26
July 1991-December 1991	30
January 1992-June 1992	32
July 1992-September 1992	4*

* Compiled by Human Relations Commission without input from Cincinnati Police Department.
 Source: Ohio Advisory Committee to the USCCR from Cincinnati Human Relations Commission.

indicated that 27 of the HOME incidents were included in the human relations data. The two sets of data yielded 170 racial and ethnic intimidation incidents.

Incorporating hate crime into general crime statistics, hate crime is a small proportion of the city's total crime, being approximately 1 out of 500 crimes. The per capita crime rate for all crime in 1991 and 1992 was slightly less than 1 in 100, while the per capita hate crime rate was approximately 1 in 5,000. Hate crime incidents as a percentage of all criminal activity were 0.019 percent, or 2 of every 10,000 crimes. (See table 3-11.)

Hate Crime Incident Type and Victimization

In the 18-month period, January 1991 to June 1992, the Cincinnati police department reported 88 hate crime incidents to the Federal Bureau of Investigation. Aggravated menacing was the most common incident reported, with 51 cases (58 percent). Felonious assault and criminal damaging combined for 31 incidents (35 percent). (See table 3-12.)

Racially, blacks were victimized 52 times (59 percent). This rate of assault is sharply higher than the proportion of the city that is African American, 38 percent. Whites, who are 60 percent of the city's residents, were 25 percent of the hate crime victims. Except for five anti-Semitic incidents, no other races, ethnic groups, or religions were targets of hate crimes. This is not unexpected as the proportions of Hispanics and Asians in the city are very low, 0.7 and 1.1 percent, respectively.

Columbus: Hate Crime Reports, Victimization, and Community Attitudes, 1991 and 1992

Hate Crime and General Crime Levels

The Columbus Police Department registered 312 hate crimes in 1991 and 1992.¹⁹ The number of these incidents in 1992 was markedly higher than in the previous year. In 1991 the department registered 87 hate crimes, while 225 were recorded in 1992, an increase of over 150 percent. Harold W. Johnson, detective with the intelligence and investigative unit of the Columbus police department, provided the statistics but provided no reason for the dramatic increase.²⁰

When hate crime is incorporated into general crime statistics, hate crime in 1992 is not the small ratio of total crime as in other major cities in the State. The per capita crime rate for all crime in Columbus in 1992 was approximately 1 in 10, and the per capita hate crime rate for 1992 was 1 in 2,800. (See table 3-13.)

Hate Crime Victimization and Incident Type

For hate crime incidents reported in Columbus in 1991 and 1992, whites were the most frequent victims. This was particularly true in 1992, when whites were 131 of the 225 victims (58 percent). Similar to hate crime trends in Cleveland, hate crime activity in Columbus appears to mostly be a black-white problem. Over 80 percent of all hate crime

¹⁹ Midwestern Regional Office, USCCR, letter from Columbus Police Department, July 15, 1993.

²⁰ Interview with Det. Harold W. Johnson, Columbus Police Department, July 16, 1993.

TABLE 3-11**Hate Crime Incidents and General Crime in Cincinnati, 1991 and 1992**

	1991	1992
Hate crime incidents	72	80*
Crime index total	36,372	33,262
Crime per 1,000 residents	99	89
Hate crime ratio	0.0019	0.0024
Hate crime per 100,000	20	20

* 1992 hate crime incidents are projected using January-June, 1992, data as an estimate for July-December data. The hate crime ratio is the proportion of hate crime to total crime.

Source: MWRO, USCCR, from U.S. Department of Justice, FBI UCR reports, *Crime in the United States*, 1991 and 1992, and police department files.

TABLE 3-12**Incident Types and Victims of Hate Crime in Cincinnati, January 1991-June 1992**

	No.	Victims
Telephone harassment	5	2 B; 2 W; 1 J
Felonious assault	14	13 B; 1 W
Criminal damaging	17	12 B; 2 W; 3 J
Cross burning	1	B
Menacing	51	34 B; 17 W; 1 J

B: African American; W: white; J: Jewish.

Source: Ohio Advisory Committee to the USCCR from Cincinnati police data.

activity, 257 of 312 incidents, recorded in the city is identified by either an antiwhite or an antiblack bias.

Mr. Gresham challenged the accuracy of this excessive anti-white bias and felt it was indicative of a poor and unbalanced reporting system. He said:

There must be a national and uniform definition of hate crime. There is no [one current] national definition. The State of Ohio has one definition; the State of California has another definition. So when I look at the report from the city of Columbus [and] see in that report that the largest group that were committing hate crimes were African Americans against white people, [I have] a problem with that reporting system because I know that is not true. I get too many reports coming into my office. But the police reports said that the group doing the most hate crimes in the city of Columbus are African Americans.²¹

Proportionately, however, the Columbus data show the four largest racial and ethnic groups being victims of hate crime at rates similar to their proportion of the city's population. African Americans are 38.1 percent of the city's residents and are 35.9 percent of hate crime victims; whites are 67.5 of city residents and are 60.3 percent of reported victims; Hispanics are 3 percent of the population and 1.2 percent of hate crime victims; Asians make up 1.4 percent of city residents and are victims of 2.6 percent of hate crimes.²² (See table 3-14.)

Assaults of individuals accounted for two-thirds of all reported hate crime incidents, 207 of the 312 incidents. Harassment, a frequently recorded hate crime in other municipalities, is only 7 percent of the reported hate crime in Columbus. Unlike other cities, there are no reports of telephone harassment or arson as hate crimes in Columbus for the 2-year period, 1991 to 1992. (See table 3-15.)

The Columbus data also had information on the ages of the alleged perpetrators. In 1991, 51 adults and 11 juveniles were charged with hate crimes. In 1992, 114 adults and 44 juveniles were charged with committing hate crimes. For the 2-year period, of those charged with the commission of a hate crime only 25 percent (55 of 220) were juveniles. Adults were 75 percent of those charged with the

21 Transcript, vol. I, p. 266.

22 The hate crime ratios are based on incidents motivated by race or ethnic bias, which is 267 of the 312 reported incidents.

TABLE 3-13
Hate Crime Incidents and General Crime in
Columbus, 1991 and 1992

	1991	1992
Hate crime incidents	87	225
Crime index total	65,615	59,216
Crime per 1,000 residents	103	92
Hate crime incident rate	0.0013	0.0038
Hate crime per 100,000	14	35

Hate crime incident ratio is the proportion of hate crime to total crime.

Source: MWRO, USCCR, from U.S. Department of Justice, FBI UCR reports, *Crime in the United States*, 1991 and 1992, and police department files.

TABLE 3-14
Ethnic Background of Victims by Year

	1991	1992
White	30	131
Black	35	61
Hispanic	1	2
Asian	1	6

Source: Columbus Police Department, Investigations Unit.

TABLE 3-15
Hate Crime Incidents by Type of Crime,
City of Columbus, 1991 and 1992

	1991	1992
Burglary	3	1
Arson	0	0
Telephone harassment	0	0
Felonious assault	40	167
Criminal mischief	12	38
Harassment	16	8
Robbery	2	2
Murder	1	0
Theft/larceny	1	1
Other	8	8
Multiple	4	0

Source: Columbus Police Department, Investigations Unit.

commission of a hate crime.²³ These data are at variance with the perception that most hate crime is committed by juveniles.

Dayton: Hate Crime Reports, Victimization, and Community Attitudes, 1991 and 1992

Hate Crime and General Crime Levels

The Investigations Division of the Dayton Department of Police has tracked hate crime incidents in the city from late 1989 to the present. Seven 6-month reporting periods were provided to the Committee.²⁴ The highest number of hate crime incidents reported was in the second half of 1992, when 19 incidents were recorded. But these incidents were all part of one incident that occurred on August 30, 1992. Compressing that event into one bias crime, the numbers of hate crimes recorded in the city are constant from period to period. Since that time, the numbers of incidents have decreased. (See table 3-16.)

Incorporating hate crime into general crime statistics, hate crime is a very small proportion of total crime in Dayton. The per capita crime rate for all crime in 1991 and 1992 was slightly greater than 1 crime per 5 residents, while the per capita hate crime rate was approximately 1 hate crime for 60,000 residents. Hate crime as a percentage of all criminal activity was reported to be 1 of every 7,500 crimes. (See table 3-17.)

Hate Crime Victimization and Incident Type

Jerald Steed, director of Dayton's human relations council, told the Committee about the racially divided nature of Dayton, and its impact on race relations and hate crime activity.

Dayton is a city that is divided by a river east and west. It is one of at least three geographically segregated cities in the country. It is 99.9 percent black on the west side of Dayton . . . and east it is about 99.9 percent white. And the total composition

23 Midwest Regional Office, USCCR, from Columbus Police Department files.

24 City of Dayton, Department of Police.

TABLE 3-16
Number of Hate Crime Incidents in
Dayton, January 1990-June 1993

1/90-6/90	2
7/90-12/90	1
1/91-6/91	1
7/91-12/91	2
1/92-6/92	2
7/92-12/92	1*
1/93-6/93	2

* Denotes multiple incident.

Source: City of Dayton, Department of Police.

TABLE 3-17
Crime Rates in Dayton, 1991 and 1992

	1991	1992
Hate crime incidents	3	3
Crime index total	21,886	20,752
Crime per 1,000 residents	119	112
Hate crime ratio	0.00014	0.00014
Hate crime per 100,000	2	2

Hate crime ratio is the proportion of hate crime to total crime.

Source: MWRO, USCCR, from U.S. Department of Justice, FBI UCR reports, *Crime in the United States*, 1991 and 1992, and police department files.

of the minority population in Dayton is about 99 percent black and 1 percent other.²⁵

This description of the city comports with the reported victims of hate crime. All reported victims of hate crimes in Dayton were black or white. Blacks were 9 of the 10 victims (90 percent); 1 white was reported as a victim.

25 Transcript, vol. I, p. 155.

26 Ibid., p. 254.

27 Ibid., p. 255.

The types of hate crimes were not made available to the Committee. (See table 3-18.)

Hate Crime Motivated by Sexual Orientation

Eight individuals made presentations to the Committee on hate crime motivated by sexual orientation. A common theme among these presenters was that hate crime was part of the experience of having a nontraditional sexual orientation. Mark Dever, operations manager for Stonewall Cincinnati, said, "Living with the threat of violence has become a part of who and what we are as gay men and lesbians. . . . It is always in sight and always a consideration in every activity we undertake."²⁶ Mr. Dever added that he felt it was particularly incongruous for the community at large to be indifferent to this problem, as it has potential to strike at everyone. This is because victims of hate crimes motivated by sexual orientation bias are assaulted because of the perpetrators' perceptions. Such perceptions may be inaccurate, and individuals of the heterosexual community thereby become victims.

Mr. Dever reported:

I find it particularly ironic that nongay and non-lesbian people feel somehow isolated from these instance of [antigay and antilesbian] violence. . . . I know a [heterosexual] man who was fighting a rare form of cancer and his eyes were black. He was in intensive chemotherapy, and it made it very hard for him to rest so he took walks to help him sleep. One night he happened upon a gang of teenagers who upon seeing his condition diagnosed he had AIDS and therefore must be gay. [He was] kicked, hit, and punched into unconsciousness.²⁷

Michael Dittmer, operations manager for Stonewall Columbus, told of similar misguided attacks in Columbus.

TABLE 3-18
Racial Background of Victims, 1989-1993

	1989	1990	1991	1992	1993
White	0	0	1	0	0
Black	1	3	2	1	2
Hispanic	0	0	0	0	0
Asian	0	0	0	0	0

Source: City of Dayton, Department of Police.

Goodall Park is just north of downtown and in a neighborhood that is known in town as being a gay neighborhood. . . . People walk through the park to their homes. . . . After dark, especially if they were single men, [individuals] were being targeted [for attack] by a group of about 8 to 12 white teenagers armed with baseball bats. The assumption, based on witnessed reports, is that the persons they selected were homosexual. The [attackers'] language indicated such because they were shouting, "Take that, queer. You [expletive] homosexual, take this. We are going to get all you faggots." Not all of the men they attacked were gay. They just happened to be men walking by themselves through the park. . . . One of the attacks was violent enough that the man died of his injuries.²⁸

Groups from Columbus and Cleveland presented statistics of hate crimes motivated by sexual orientation bias that had been reported to their organizations. The numbers in Columbus are for the years 1990, 1991, 1992, and 1993. The numbers in Cleveland are for the years 1992 and 1993.²⁹ Stonewall Union Columbus reported 78 incidents in 1990, 83 in

1991, 128 in 1992, and 163 in 1993. The incidents are evenly divided between intimidation and assaults. In the 2-year period, 1991 to 1992, the assaults included 18 acts of vandalism, 71 physical assaults, 14 robberies, and 4 murders.³⁰ (See table 3-19.)

Amy Rowland, from Stonewall Union Columbus, told the Committee that there was a reluctance on the part of the gay and lesbian community to report incidents to the police, and that "only 9 percent of the incidents that were totally collected were actually reported to the police."³¹ This statement comports with official data. The Columbus police report 7 bias crimes (8.4 percent) motivated by the victim's sexual orientation in 1991, and 12 (9.4 percent) in 1992.³² Several reasons were offered for this apparent underreporting by Mr. Dittmer:

[On] some of these incidents, the police were called and never came. That particularly seems to happen when a person is assaulted at or in the parking lot of one of the gay bars in town. . . . When the [police]

28 Ibid., pp. 238-39.

29 Numbers in Columbus were compiled by the Stonewall Union antiviolence project. Most of the reporting was by telephone by the individual victimized (transcript, vol. I, p. 202). Numbers in Cleveland were compiled by the Mary Ann Finnegan Project, the antiviolence victims' assistance program of the lesbian and gay community service center. Reports were received over the phone on a hotline (transcript, vol. II, p. 174). Complete numbers for 1993 were collected by telephone interview in January 1994. Appendix 4 lists the organizations' reported hate crime by incident type for the years 1992 and 1993.

30 Stonewall Union, "Stonewall Union Report," April 1993.

31 Transcript, vol. I, p. 203.

32 City of Columbus, Division of Police, Intelligence Bureau.

TABLE 3-19
Hate Crime Incidents Motivated by Sexual Orientation

Year	Columbus			Cleveland		
	Intimidation	Assault	Total	Intimidation	Assault	Total
1991	45	38	83	<i>no data available</i>		
1992	59	69	128	30	21	51
1993	95	68	163	73	36	109

Intimidation: Intimidation, harassment, threats, bomb threats, and police abuse.

Assault: Physical assault, sexual assault, vandalism, murder.

Source: Stonewall Union Columbus and Mary Ann Finnegan Project.

do show up at a gay bar, the complaint that we have had [is] people being mistreated or verbally abused by the police officers. . . . People in [the gay] community . . . have grown over the years to distrust the police.

People [also] do not go to the police, because, quite frankly, they do not want to be publicly out as a gay man or a lesbian. If they . . . report their case to the police and then find out the next day they are going to be on the front page of the newspaper as being attacked in front of a gay bar or had antigay graffiti sprayed on their house, they are not going to do it because by and large [gays and lesbians] do not have protection for employment [and] custody of children.³³

Ed Boyte, coordinator of the Mary Ann Finnegan Project, reported on the incidents monitored by his organization in Cleveland. There were 51 reported incidents in 1992 and 109 reports in 1993. Thirty-six of the incidents in 1993 (33 percent) were assaults.

According to Mr. Boyte, "The reports in 1992 are low [in part] to the shortness in staff"

at the project.³⁴ In addition, the incidents reported "include only those incidents reported . . . that are motivated by hate against gays, lesbians, or those perceived to be gay or lesbian."³⁵ For example, a robbery outside a gay bar is not shown as an incident motivated by sexual orientation bias, if there is no evidence of antigay bias.³⁶ The trend in violence in the Cleveland numbers shows an escalation both in the number of incidents and in the violence.

The total number of harassments reported in 1992 is 27; [in] the first 6 months of 1993 [there are] 14 incidents of harassment. The number of threats against persons in 1992 was 3; [in] the first 6 months of 1993 it was 9. In all of 1992 there were 6 physical assaults or objects thrown; in the first 6 months of 1993 there were 11. Twelve incidents of vandalism [occurred] in all of 1992; 10 for the first 6 months of 1993. Two robberies in 1992; 3 for the first 6 months of 1993. The total number of victims in 1992 was 24; [during] the first 6 months of 1993, [it was] 48.³⁷

33 Transcript, vol. I, pp. 233-34 and 235.

34 Transcript, vol. II, p. 175.

35 Ibid.

36 Ibid.

37 Ibid., p. 176.

In Columbus, official police monitoring of hate crime motivated by sexual orientation bias is lower than that monitored by private organizations. In Cleveland, monitoring of these incidents by official authorities does not even include sexual orientation. The community relations board only tracks incidents "in which the elements of ethnic intimidation were present, or that, religion, or ethnic background was a motivating factor."³⁸

Pat Nicolino, victims' rights advocate, Victim Service Center of Cuyahoga County, repeated the assertion made by others concerning the reluctance of some victims to report incidents to the police. He made special reference to individuals victimized because of their sexual orientation, remarking that many victims of sexual orientation bias crimes believe the police and/or the criminal justice system will discriminate against them, making them a double victim. This double victimization serves to further alienate such individuals from the community at large, making hate crimes a particularly destructive event in the lives of individuals in these communities.

Mr. Nicolino continued:

The individuals themselves, the victims, are terrified of facing the criminal justice system when [there is] the possibility of being discriminated against. . . . Individuals [also] become very terrified to even make a police report. Unfortunately, at times, individuals who are victims of gay bashing do not receive any support in making a report of a crime to the local police authority.³⁹

As we continue to see a rise in the number of reported gay bashings, . . . this becomes alarming when we see that there is only one case out of all of

those cases that has received attention by the police and detective, and has actually been brought to the floor of the criminal justice system. This plays into the way in which the victims themselves begin to view their own relationship to the greater social community, as well as how they are able to deal with the victimization that they have experienced.

Individuals who experience gay bashing are individuals who face a multitude of issues confronting them in therapy. Not only do they have to deal with the issues of fear, the issues of being able to go out into the community once again, issues of security, but also issues of their own significance, issues of how they relate to the greater community, and issues of acceptance.⁴⁰

According to the presenters, hate incidents motivated by sexual orientation bias are random acts, often committed by "young, white males, generally in the ages between 16 and 25."⁴¹ These individuals, however, are rarely associated with hate group activity. In Columbus, only one incident in 1991 and one in 1992 are "actually identified as having been perpetrated by an organized hate group."⁴²

The location of the incidents and the type of perpetrator seems to vary by gender. "Gay males are attacked by strangers in the street or out in public areas; lesbians are oftentimes attacked in their homes, in their neighborhood" by known acquaintances.⁴³ Mr. Dittmer added that in his opinion the motivation for the antigay and antilesbian violence was not fear, but hate.

Ms. Ramos (Committee member to Dittmer): We hear this term homophobia used because of the violence. . . .

38 City of Cleveland, Community Relations Board, 1992 Ethnoviolence Cumulative Report. The board's description of the 1992 incidents are listed in appendix 5.

39 Transcript, vol. II, p. 185.

40 Ibid., pp. 185-86.

41 Transcript, vol. I, p. 211, testimony of Shirley Lesser.

42 Ibid., p. 205, testimony of Ann Rowland.

43 Ibid., p. 211, testimony by Shirley Lesser.

Mr. Dittmer: I do not think homophobia is the correct term. Homophobia is just a fear of homosexuals or homosexuality. [These crimes] are more of a hatred of homosexuals than a fear of them. . . . By and large [the] studies I have seen indicate that [fear] is not the case with most of the people who are committing these [hate] crimes. . . . When you hate somebody and you do not think of them as people, it makes it easier for you to strike them, to fire them from their jobs, to make them victims because you are not really hurting a person, just hurting a homo.⁴⁴

Hate Crime Motivated by Anti-Semitism

Since 1979 the Anti-Defamation League (ADL) of B'Nai B'Rith has been collecting statistics on specific anti-Semitic incidents, i.e., acts of vandalism, harassment, or violence against Jews or Jewish organizations. In 1992 the ADL reported 1,730 anti-Semitic incidents, a number 8 percent lower than the all-time high of 1,879 recorded in 1991. The 1992 figure represents the first decline in the audit's overall numbers in 6 years.⁴⁵ But as Alan Katchen, director of the Ohio-Kentucky-Indiana region of the ADL, noted, although there was a decline in reported incidents in 1992, these "are still the second highest numbers ever recorded."⁴⁶

The Committee sought the ADL's methodology for determining the amount of anti-Semitic hate activity. Cliff Savren, director of the Ohio-Pennsylvania region of the ADL, responded to the Committee. He noted that the organization monitors the distribution of anti-Semitic literature, although the ADL understands that such activities are not hate crime.

Mr. Wilson (Advisory Committee member to Mr. Savren): You mentioned that your organization

understands there to have been 60 anti-Semitic incidents in 1992. Could you . . . tell us your methodology in determining the fact that these incidents did occur?

Mr. Savren: First of all, we always investigate an incident before we consider it statistically to be an anti-Semitic incident. Generally, these incidents fall within the harassment or vandalism category. . . . The information either comes from complaints that we receive from individual victims, information that we get from law enforcement officials, of information that at least initially comes from press reports on a problem. But they are always investigated before they are considered an anti-Semitic incident. . . .

[An] area of special concern is the whole issue of cemetery vandalism. . . . There was a major anti-Semitic incident involving a cemetery in Cleveland where almost 200 headstones in the Jewish community were vandalized. On that basis alone, we would not characterize that as an anti-Semitic incident. . . . There was an adjoining city cemetery, a nonsectarian cemetery, which was also vandalized, which would . . . confirm the fact that this wasn't an anti-Semitic incident, until the discovery of a swastika spray painted on one of the gravestones. At that point, we called it an anti-Semitic incident. . . .

Three youths were arrested in this: one actually admitted the charge. The others were tried . . . and found guilty, but there was no evidence during the trial that they were responsible for the swastika or that they had any anti-Semitic intent in committing this vandalism. So we do not label that conviction to be the conviction of an anti-Semitic hate crime and we still consider the hate crime aspects of that case to be an open question.⁴⁷

Ohio reflected the monitored national trend of anti-Semitic activity. In 1992, 60 anti-Semitic incidents were reported by the ADL in

44 Ibid., p. 243.

45 Anti-Defamation League of B'Nai B'Rith, *1992 Audit of Anti-Semitic Incidents*, 1993, p. 3.

46 Transcript, vol. I, p. 50.

47 Transcript, vol. II, pp. 77-79.

TABLE 3-20**Anti-Semitic Activity on Ohio Campuses, 1992**

Ohio State University	anti-Semitic graffiti on dorm and outside walls
Ohio State University	anti-Semitic graffiti on dorm door
OSU campus	anti-Semitic phone message
OSU Hillel	anti-Semitic phone call
Kent State University	anti-Semitic leaflet
Kenyon College	swastika in men's room
University of Toledo	anti-Semitic letter
OSU campus	anti-Semitic publication
Ohio University, Hillel	anti-Semitic phone message
Kent State	anti-Semitic phone message
Ohio University, Hillel	anti-Semitic phone message

Source: ADL, 1992 Audit of Anti-Semitic Incidents, p. 47.

Ohio. That is a 6 percent decrease from the 64 incidents reported in 1991, but it is still the second largest number of anti-Semitic incidents reported to the ADL in Ohio since 1979.⁴⁸ The reported incidents included 22 acts of vandalism and 38 reports of harassment, threats, or assault. Eleven of these incidents occurred on college campuses. Table 3-20 gives the location and type of incident on Ohio campuses during 1992.

Alan Katchen said that the perpetrators of anti-Semitic incidents are usually teenagers.

There is a little section in the [ADL] report . . . on arrests and, overwhelmingly, in most years the people arrested and that is one indication of who is doing it are teenagers. . . . I think it is slightly different this year, but over the years it is mostly people 18 years of age or younger arrested for these kind of random acts.⁴⁹

Hate Group Activity in Ohio

Three incidents in 1993 have brought attention both to the presence and the violent

nature of hate group activity in Ohio. Mr. Savren shared these incidents with the Committee.

The first was a neo-Nazi plot to blow up the National African American Museum in Wilberforce, which ironically and chillingly was scheduled for Martin Luther King Day, and fortunately was caught before it went into execution. The second was a very disturbing plot. A group calling itself the White Aryan Religion . . . were planning on blowing up a predominantly African American housing project in the [Toledo] area. And the third incident was the work of an organized group . . . involving Abu Nidal terrorism . . . that was also foiled before the fact. A single terrorist in Ohio was arrested in the Dayton area who [was] planning to attack Jewish and Israeli targets. This was part of a wider network that was foiled in Missouri and Ohio.⁵⁰

The OBI keeps surveillance on hate groups in the State. The most active hate groups can be divided into four groups:

- Ku Klux Klan,
- Skinheads,

48 Ibid.

49 Transcript, vol. I, pp. 61-62.

50 Ibid., pp. 68-69.

- Neo-Nazis, and
- Aryan Nation.

Each of these groups is further subdivided into different, distinct, and independent organizations, each with its own leadership, funding, and philosophy. Ted Almay, division chief for the special investigations unit, OBI, told the Committee about the four major groups and their activity in Ohio. He first spoke about Ku Klux Klan activity in Ohio.

The Ku Klux Klan is an international organization. They are broken down into various segments and they have tremendous infighting and leadership problems among themselves. For that reason, active in Ohio are four separate groups of KKK members. They all wear the same robes,⁵¹ have the same basic philosophy, operate under different leadership and are split on how to obtain their goals. . . . Within Ohio we have The Imperial Knights of the KKK. They are headquartered . . . in Cleveland. They are, by far, the largest group in Ohio with approximately 275 Klansmen and women. They operate out of Arkansas and are very active in recruiting. . . .

The United States Knights or the U.S. Knights of the KKK is in Hamilton, right outside of Cincinnati. [They] have approximately 80 members. The Dixie Knights of the KKK are located in Belfry, a small rural town in southeastern Ohio, Washington County.⁵²

Regarding skinhead activity, Mr. Almay said:

Skinheads are quite a group of people. The one thing you can say about the Skinheads is they absolutely agree on nothing. They will fight among themselves, they are very disorganized, and they can be very violent.

In Ohio we have the White American Skinheads, which are known by the acronym of WASH. We have the Northern Hammer Skinheads, which are based out of Detroit, but are also very active here in Ohio. [Also there is] the National White Resistance, the ARL, or Anti-Racist League.

Probably the most active group of Skinheads is a group called SHARP, and you will see them wearing black leather jackets like a motorcycle type jacket with SHARP on the back. That stands for Skinheads Against Racial Prejudice. They will show up at Klan rallies and fight with the Klan. They are anti-Klan, anti-Nazi, pro-Skinhead, which means they want to overthrow the government as we have today and let the youth of America run the country. . . . They try to stay away from racial arguments and stick primarily with political type arguments.⁵³

Mr. Almay also discussed the Neo-Nazis and the Aryan Nation in Ohio.

The Neo-Nazi groups here in Ohio, by far, are the most active. The most violent group in the country is the SS Action group, which is headquartered out of Dearborn, Michigan. We have a very active chapter here in Ohio. . . . They are very active in painting swastikas and the German SS logos, which you will see in some of their flyers. They are very active with the white combat groups, [with] "Give Us Victory, Give Us Death" type of slogans.⁵⁴

[A group] that is very active in Ohio is the White Aryan Religion, WAR is their acronym. They [are] headquartered in Toledo and earlier this year . . . they had planned to blow up a predominantly black housing project. . . . We raided them in early June [1993 and] got several bombs [and] a cache of weapons. They are very, very violent, and believe in blowing up buildings, projects, cars, etc., to demonstrate that they are not afraid of authority.

51 Mr. Almay told the Committee about Ohio's mask law. "The law says that two or more people, while wearing white robes, masks, or hoods cannot conspire to commit a misdemeanor" (transcript, vol. II, p. 130).

52 Transcript, vol. II, pp. 115-16.

53 Ibid., pp. 116-17.

54 Ibid., pp. 117-18.

**TABLE 3-21
Major Hate Organizations in Ohio**

- | | |
|-----------------|--|
| 1. Ku Klux Klan | a. Imperial Knights of the KKK
b. U.S. Knights of the KKK
c. Dixie Knights of the KKK |
| 2. Skinheads | a. White American Skinheads
b. Northern Hammer Skinheads
c. National White Resistance
d. Skinheads Against Racial Prejudice |
| 3. Neo Nazi | a. SS Action Group |
| 4. Aryan Nation | a. White Aryan Religion
b. White Aryan Resistance
c. Aryan Nation/Aryan Brotherhood |

Source: Ohio Bureau of Investigation.

The White Aryan Resistance, which is separate from the White Aryan Religion, is headquartered in Nebraska. Right now they are also very active here in Ohio in recruiting members. The Aryan Nation is a very militant organization and tonight over in Lorain the Aryan Nation is having a public rally for whites only. The Aryan Brotherhood is the other unit of the Aryan Nation, which is headquartered in the penitentiary system here in Ohio.⁵⁵

Speakers from the ADL and the OBI believed that recruitment efforts of the hate groups have increased in recent years. (See table 3-21.) Mr. Katchen said:

We [the ADL] do see an effort by the Ku Klux Klan over the past 6 months or a year to make inroads in our area. Whereas in the past it has been pretty quiet here, now the Klan is trying to build up. . . . There is [also] a rise in neo-Nazis and the Skinheads of the country. The number is small, but

it is an increase and they have been involved in carrying out some very difficult acts. . . .⁵⁶

Mr. Almay agreed with the ADL assessment. He further noted that the recruitment strategy of the groups is often immersed in a sympathetic appeal made at public rallies. Some hate groups portray themselves as peaceful and allege they are persecuted simply for expressing a love of their race.

Hate groups are growing in size. They are actively, very actively recruiting. As you can see from the number of rallies, Ohio is becoming the leading State in membership numbers across America. Enforcement tactics are very poor. And when you interview victims of these crimes, it is amazing that in Ohio in 1993 you have people that literally live in terror to go outside their neighborhoods . . . because we permit these groups to be active.⁵⁷

⁵⁵ Ibid., pp. 118-19.

⁵⁶ Ibid., pp. 54 and 57.

⁵⁷ Ibid., pp. 124-25.

If you talk to Klansmen or know much about how they operate, their rallies are membership drives. They realize what is going to happen to them when they get up on those courthouse steps, but the next day they will be flooded with calls of sympathizers, people wanting membership. That is how they draw their stance. [They say] "look, we are very peaceful. . . . We hate nobody. We just love our race." They will go there, say their message and then end up looking very professional. They will come in business suits while all these thousands of hate mongers throw rocks and bottles and batteries at them, trying to harm them. They [seem] not [to] want to harm anybody. In those pictures they are very polite and very professional in their appearance.⁵⁸

Mr. Almay gave additional insight into the strategies of these groups for obtaining community support. He also alerted the Committee that these groups are only in factions be-

cause of the absence of a single charismatic leader. He explained:

It is important from our standpoint that we recognize that the KKK, Skinheads, the Neo-Nazis, and the White Aryan Nations are trying to unite within Ohio and within the country. They have also aligned themselves with such programs as the DARE program, raising money to fund drug abuse in our schools. They will make contributions openly. They have also had a lot of contact with antiabortion groups, which follows their anti-abortion platform.

One thing that is very important within Ohio and within the Nation is they . . . do not have a very charismatic type leadership to unite them together, and thus they stay somewhat factioned. If that ever occurs and they do have somebody that takes charge of that group, the white supremacist groups in general, we are going to have a serious problem, not only here but throughout the country.⁵⁹

58 Ibid., pp. 131-32.

59 Ibid., pp. 120-21.

Chapter 4

Perspectives on Hate Crime

The Committee's intent and focus of the factfinding was to ascertain the extent of hate crime and hate activity in Ohio, and the efforts of local officials to collect such data. Coterminous with this gathering of police reports and hate crime statistics was an accumulation of opinions and perspectives on hate crime from those making presentations before the Committee. Those comments fell into four general categories: (1) the unique harm of hate crime, (2) recent trends in hate crime activity, (3) causes of hate crime in this society, (4) police sensitivity to victims of hate crime, and (5) hate crime as a minor problem in the larger and more pressing societal issue of institutional racism.

The Unique Harm of Hate Crime

Despite testimony that there is an increase in hate group activity in the State, there was a general belief that recent hate crime activity was more random than premeditated. Connected to this randomness was the distinctive harm of these crimes. Several presenters argued that hate crimes instill a psychological harm on both the victim and the community at large that festers long after the incident. Allen K. Tolen, special agent-in-charge, FBI Cincinnati office, stressed this.

Justice . . . rests on the assumption of the natural rights of all men and women to equality of concern and respect; a right they possess not by virtue of birth or characteristics or merit or excellence, but simply as human beings. . . . When no reason other

than the color of their skin or religion they profess, the heritage of their parents, or their sexual orientation, it is most unsettling to be victims [of hate crime] because there is nothing they can do to alter the situation nor is there anything that they should be expected to change. Not only is the individual who is personally touched by these offenses victimized, but the entire class of individuals residing in [their] community is severely affected.¹

Mr. Karas sounded a similar theme, that hate crimes produce a unique psychological harm. He added that such crimes are deprivations of civil rights in a very fundamental sense and can provoke retaliatory crimes that destabilize a society.

An aspect of hate crimes is not just the incidents, but the seriousness of the crime. Sometimes they are planned, but most often they are unplanned, random. . . . In the Mitchell case the group of offenders noticed somebody walking down the street and because they had the motive to commit an act against somebody just because of who they were, that victim happened to be the unfortunate one who just happened to be in the wrong place at the wrong time. . . . There is a unique psychological harm to the victims. One incident from New York: two black teenaged girls were walking down the street. An offender came up and threw white shoe polish on them and said, "You will be white today." Tell me that those victims are not going to be scarred by the psychological aspect of that attack more so than any physical damage.

The one aspect of hate crimes that I do not think has gotten enough attention is [that] to a very real extent hate crimes deprive people of their civil rights. If a black family wishing to move into a

¹ Testimony before the Ohio Advisory Committee to the U.S. Commission on Civil Rights, factfinding meeting, Cincinnati, OH, Aug. 12-13, 1993, and Cleveland, OH, Aug. 19-20, 1993, transcript, vol. I, p. 17 (hereafter cited as Transcript).

neighborhood is greeted by cross burnings or threats, that is as much a disincentive to move into that neighborhood as if the real estate agent would not rent the house or sell the house in the first instance. If a Jewish family wants to attend a synagogue and as they walk in the door they see the swastika that has been scrawled on the wall, that destroys their religious experience. . . . Hate crimes are acts of discrimination. They deprive people of their right to full enjoyment of society.

And finally, as noted by the [United States] Supreme Court, hate crimes can provoke retaliatory crimes because the initial crime is viewed as being an attack against the community to which the victim belongs and not just an attack on the victim themselves. I do not think it needs much comment to note that a racial incident could quickly escalate into an entire community situation as opposed to an incident between two individuals.²

Mr. Savren also stressed to the Committee that hate crimes are not attacks on individuals, but attacks on an entire community. This enhances the seriousness of the crime.

What the [ADL] was finding was that law enforcement officials were, in reporting statistics on a racist attack for example, simply featuring the incident as an assault without any indication of the motive. Some people may ask, "Well, what is the difference? Why should we be more concerned about an assault if it is racially motivated rather than [if the motive is] for monetary gain or personal animosity?" I think there is a major distinction and something worth bearing in mind.

Hate crime in one way or another is not only an attack on the individual victim, but also on the entire community that the victim represents. So that if a black man is walking down the street and is attacked for his race, it is really not the individual that is the victim, the individual happens to have been at the wrong place at the wrong time, but [he] is . . . a representative of the whole community that the assailant is seeking to attack. So that [a hate crime] really does have a wider impact. And [as such], I think [hate crimes] go to the basic fabric

of a democratic society . . . [in] that hate crime really is a major threat to our democratic way of life.³

Recent Trends in Hate Crime

Is hate crime increasing? Certainly, recent acts of hate crime and hate crime activity have received media attention. But is this media attention the result of a surge in hate crimes or because it is a media fad? Without accurate statistics, a definitive answer on hate crime trends is unscientific supposition.

Compounding the estimation of hate crime trends is the inexactitude of reporting hate crimes. The FBI has established a standard definition of bias crimes and formally released this to law enforcement agencies. The five largest metropolitan police agencies in Ohio monitored hate crime incidents in their localities in 1992 with this definition available as a guide. Yet, the individual estimates of hate crime activity in these communities vary profoundly.

The six cities in Ohio with populations over 100,000 residents are Akron, Cincinnati, Cleveland, Columbus, Dayton, and Toledo. All of these cities have substantial minority and nonminority populations. Toledo has the lowest minority population (25 percent) and Cleveland has the highest minority population (51.5 percent). The ratio of hate crimes tracked by the police for every 10,000 residents ranges from 3.393 to 0.164. (See table 4.1.)

Columbus has the highest ratio, 3.393, while Dayton has the lowest ratio, 0.164. The ratio of reported hate crimes by the police department in Columbus is more than 20 times that of Dayton. The ratios for Akron, Cincinnati, Cleveland, and Toledo are: 2.725; 1.538; 0.948; and 1.982.

The assessment of most individuals appearing before the Committee is that the trend of hate crime is up. But that estimate was not universal nor without contradiction.

² Ibid., pp. 19–21.

³ Transcript, vol. II, pp. 66–67.

TABLE 4-1
City Populations and Hate Crime Statistics

City	Population (thousands)	Percent minority	Hate crimes
Akron	223	26.7	61
Cincinnati	364	39.9	56*
Cleveland	506	51.5	48
Columbus	663	26.3	225
Dayton	182	41.9	3
Toledo	333	25.0	66

* Indicates 1991 data used.

Hate crimes are those monitored by the city's police department.

Source: Ohio Advisory Committee to the USCCR from census data and police department records.

Representatives from the ADL admitted that their monitored incidents of anti-Semitic activity decreased in the State in 1992, yet still maintained the trend was increasing as the previous year was an all-time high. Mr. Thomas said that enforcement was the reason for the decrease in reported incidents in recent years in Cleveland, yet maintained that hate crime is increasing. He added:

As [one] looks at the number of incidents by year [in Cleveland], when [the city] first started in 1984 keeping statistics, [the city] recorded 24 incidents. . . . The [Ohio] ethnic intimidation law was not passed until 1987. And as can be seen, [hate crime] increased and then started to decrease. And if [the city] continues at [its] current rate of incidents, [it] is going to be down 75 percent from where [it] was in 1987. Why? I think it is because of the vigorous enforcement. . . .⁴

Later in his testimony, though, Mr. Thomas implied that the trend of hate crime incidents in Cleveland was up.

Let me respond that I am very disappointed that our statistics show that we have decreased at the rate that we have because I think that if more people were aware of this crime and that [if] they have been victimized [they know] there is a phone number that they can call to report it, or they felt free in reporting it, then the numbers would continue to increase, despite the fact that . . . law enforcement is ending the message that . . . [hate crime] will not be condoned.⁵

Mr. Karas believed hate crime was increasing. He cited organizations that asserted there has been a recent increase, but admitted that no statistics exist to prove his assertion.

Hate crime is a growing national problem. It has been recognized by social science studies, by police, city officials, and of course, by the victims. . . . Every organization that tracks these crimes has noted an increase. The ACLU, the Klanwatch, the National Gay and Lesbian Task Force, the Asian-Pacific Law Conference, every group that submitted an amicus brief in the Supreme Court said this is a problem. . . . In Ohio there are unfortunately no hard and fast statistics that I know of. There are two

4 Ibid., pp. 18-19.

5 Ibid., p. 32.

reasons for this: one is definition, what is considered to be a hate crime? . . . another problem is underreporting.⁶

But the Committee also received evidence that hate crime activity was not increasing. Representatives from different community groups gave little information supporting increases in hate activity against their communities. Ken Oya of the Japanese American Citizens League told the Committee that he knew of no recent anti-Asian incidents in the State.⁷ Representatives from the Urban League of Cleveland had no knowledge of recent hate crime activity in the community.⁸ Ken Wiley, director of the Hispanic Community Forum, said that hate crimes were underreported by the Hispanic community, but he offered no evidence that hate crimes against the Hispanic community were a significant or increasing problem.⁹ He added that the traditional Hispanic alienation from the mainstream system accounted for much underreporting.

Hispanics are very much left out of the system, and the system does not respond to them. And there is a need for a significant increase in the type and level of community education as to what their rights are, what you can do to redress grievances, pursue complaints. . . . The community, at this point, does not think there is anything there for them.¹⁰

Sandra Schwartz, regional director of the National Conference of Christians and Jews, said she had no scientific or statistical infor-

mation about hate crime trends. She remarked, however, that it is her observation that "there has been an increase [recently] in overt acts of discrimination."¹¹ She felt that although hate group activity was restricted to the fringe elements of society, "that fringe is growing both in numbers and in their interest in making overt statements and behavioral statements about their feelings of prejudice."¹²

Causes of Hate Crime

The United States is a pluralistic society, and Ohio reflects that pluralism. Different races, different ethnic groups, different religions, and individuals with a different sexual orientation are active and productive components of the State's populace. Overt acts of intimidation and aggression by individuals or groups against others because of different characteristics is hate crime; and hate crime does occur in the State. The reasons for these crimes—why certain individuals engage in this activity—is not clear. Speakers at the factfinding meeting offered a variety of opinions as to why this manifestation of hate occurs in a society whose foundation is multicultural.

Migration

Karla Irvine is the director of HOME, a mobility program assisting individuals with section 8 certificates to move into homes in areas where their race is not predominant. As part of its work, HOME attempted "to catalogue the extent and seriousness of acts of

6 Transcript, vol. I, p. 18.

7 See transcript, vol. I, p. 294.

8 See transcript, vol. II, pp. 142-43.

9 Ibid., p. 160.

10 Ibid., p. 83.

11 Transcript, vol. II, p. 83.

12 Ibid., p. 84.

intimidation and harassment because of race or ethnicity against persons who choose to exercise fair housing rights.”¹³

The group studied hate crimes in the Cincinnati area over a 3-year period, May 1990 to May 1993. During that period 73 reports were made to HOME of racial harassment, intimidation, and acts of violence against individuals exercising their freedom of choice in housing. Not included in the study were tenant-landlord disputes with racial overtones.¹⁴ The HOME study is in appendix 6 to this report.

The complaints ranged in severity and included: name calling, graffiti writing, rock throwing through windows, tire slashing, egg splattering, assault, and cross burnings. In most of the instances the reported acts were directed at the person primarily because of his or her skin color. However, on several occasions, persons became victims because of the skin color of an associate, friend, or relative.¹⁵

Dr. Irvine told the Committee that from her perspective hate crime is increasing. “Hate crimes unfortunately are alive. . . . I believe hate crimes are on an increase. I have been at this for 16 years and the last 2 are the worst I have seen.”¹⁶ She also drew attention to the commission of hate crimes when minorities migrated into previously nonminority residential areas.

Mr. Battle (Committee Chairman to Irvine): Is it difficult to separate the issues of hate crime from the normal pattern . . . of housing discrimination that you run into or do you find it very definitive?

Dr. Irvine: It is very definitive because the ordinary discrimination is before a person moves in—there is not a lot to move into because they have been discriminated against. The hate crime occurs after the person moves in. . . . There is a real correlation, unfortunately, between patterns of integration and hate crimes. . . . [The HOME report shows] that a lot of the hate crimes are in district 3, the west side of [Cincinnati]. If you look at the difference between the 1980 and 1990 census you can see the population movement—there has been integration in this area.¹⁷

Mr. Thomas reported that a similar pattern of hate crime had occurred in Cleveland years earlier. He referred to it as “move-in” violence, and noted that it was especially prevalent in the mid 1980s.¹⁸ Eleanore Dees, president of the Cuyahoga Plan of Ohio, a fair housing group, submitted evidence of 151 hate crime incidents in Cleveland during 1983–1987. She noted that “the cases appear to be primarily around housing and are perpetrated often by white young adult males.”¹⁹ The incidents are in appendix 7.

Such incidents, though, may be on the decline in the Cleveland area. The Heights Community Congress was established in 1972 in part to counter opposition, some of which was violent, to integrated housing in the Cleveland Heights-University Heights and eastern suburb areas.²⁰ Martha Goble, director of the Heights Community Congress, reported no hate crimes during her current 3-year tenure.²¹

Ironically, Mr. Nelson expressed the view that a leading contributing cause of hate

13 Housing Opportunities Made Equal, “Report on Hate Crimes and Ethnic Intimidation,” July 1993, p. 1.

14 *Ibid.*, p. 2.

15 *Ibid.*

16 Transcript, vol. I, pp. 72 and 77.

17 *Ibid.*, pp. 82–83.

18 Transcript, vol. II, p. 10.

19 The Cuyahoga Plan of Ohio, “Racial Incidents,” submitted to the Ohio Advisory Committee, USCCR, Aug. 23, 1993.

20 Martha Goble, interview in Cleveland, OH, July 13, 1993.

crime was the separation of groups from each other, not integration. "The factor which is most responsible for hate crime is continued racial, ethnic, and cultural isolation."²² It is possible, though, that these two thoughts are not mutually exclusive, and that both isolation and migration spur hate crime incidents.

Social isolation of groups may lead to unfounded stereotyping, triggering acts of discrimination and hate crime. When migration begins among groups previously isolated from one another, the established patterns of isolation that led to the initial group animosity are exacerbated into new incidents of hate crime. Mr. Wiley alluded to this pattern in discussing hate crime and the Hispanic community.

Every Hispanic subgroup has heard terms such as lazy, ignorant, greasers, sneaky, undependable, and other characteristics used by others to describe them. Such stereotyping, leading to prejudice based on those stereotypes, are the factors leading to discrimination and patterns of exclusion, and in probably more cases than we know, violence directed toward Hispanics.²³

Leadership

Several speakers felt political leadership was crucial to keeping hate crime at a minimal level. In the absence of elected and community leaders vigorously and resolutely condemning acts of hatred, perpetrators gain a sense of implied societal approval for their actions. Ms. Schwartz emphasized this point to the Committee.

What I think is perhaps the reason for this increase in overt discriminatory behavior is the lack of an articulate national leadership that validates, sup-

ports, and assists in the efforts of the young people . . . who are extremely concerned about what is going on in their community. . . . Too often we have not seen leadership that has been willing to sort of stick their necks out and make statements that certain kinds of behaviors are just not acceptable, and certain kinds of language are just not acceptable.

Those that are in or just out of high school have spent most of their impressionable years in an environment that has frequently seemed indifferent to prejudice and discrimination. And when we look back at what the environment has been for the past 10 to 15 years, then perhaps we can better understand why we see an increase in hate crime among our youth, and some of them getting into this fringe, subversive, anti-social behavior.²⁴

Mr. Gresham expressed a similar sentiment.

The message that people receive about a particular group from leadership and in the general public easily manifests itself in [their] behavior. In American society we are [a] conforming society. We follow the leader. If leadership is . . . talking about it, if leadership is reinforcing it in all aspects of our business and our conduct in schools and churches, in business matters, then it becomes part of the norm.²⁵

Ms. Goble gave the same message to the Committee, but in an indirect manner. She noted the absence of hate crime in the Heights area neighboring Cleveland. And she maintained that a reason for this harmony was community leadership.

During my 3-year tenure as director of the Heights Community Congress, to the best of my knowledge

21 The Heights Community Congress serves Cleveland Heights and neighboring suburbs with multicultural programming to provide opportunities to educate community residents about the importance of reducing racial, ethnic, and religious prejudice. See transcript, vol. II, p. 91.

22 Transcript, vol. I, p. 86.

23 Transcript, vol. II, p. 158.

24 Ibid., pp. 85-86.

25 Transcript, vol. I, pp. 264-65.

there have been no reported hate crimes. Although Cleveland Heights is a diverse community, racially, economically, and ethnically, cooperative living among residents is prevailing. This can be attributed, in part, to a city administration that is supportive and demonstrative of equitable treatment and individual values and respect for its citizens. Integration has been recognized and heralded in this community jointly by the city administration, civic, and educational institutions.

As an individual I am aware that the neighboring suburb of Lyndhurst has not been without notable incidents of intolerance against those that are different. Unfortunately, this community has not been afforded the support and leadership from its city government to embrace the diversity that exists along its borders to the west.²⁶

Leadership within families and in the schools was also linked to hate crime. The consensus of the law enforcement officials and the others making statements about perpetrators was that they were predominantly young males. Ms. Schwartz related a comment of Steve Goldenberg, director of the office of bias crime, New Jersey attorney general's office, a program that works with juveniles who commit bias crimes. He remarked that in his experience, "100 percent of the students to whom he spoke said that they had heard their parents tell racist jokes, and 85 percent of teachers admitted knowing staff members who made racist remarks."²⁷ To Ms. Schwarz, this "is a pretty poor report [about] the two groups who become the major teachers and role models for kids."²⁸

External Events and Media Portrayal

Several of those making presentations argued that external events and economic distress cause hate crime. An economy that is

struggling breeds frustration and anger. These stresses can unfurl latent hostilities and spur violence against others competing for shrinking resources. Mr. Nelson told the Committee:

Any time during economic distress those groups such as the neo-Nazis and Skinheads take advantage of the situation. They go to those neighborhoods that are racially, culturally isolated and they tell them, "You know blacks and the others are posing a threat to you." And that is the kind of activity that we are seeing around [Cincinnati].²⁹

Mr. Thomas concurred that economic factors can effect the amount of hate crime. He used a housing example to explain.

Let me say that [there] are some fair housing opportunities for lower income individuals that put them in middle-class neighborhoods . . . The economic plight that has cut across all racial lines [may induce hate crime]. Sometimes when African Americans or other people of color move into these neighborhoods, into these homes that have been refurbished, and next door [there is] this white worker who has been laid off, they have animosity against this family that has just moved in and some of that hostility might be perpetrated overtly to that family because of that. The [white family may perceive the black family] as getting an [economic] advantage they do not have.³⁰

Sometimes external events have stimulated these [hate crime] incidents. During the Gulf crisis, Arab Americans became victims, although prior to and after the crisis, there were very few such victims. Another example is during May 1992. After the LA crisis, there was a disproportionate number of white victims who were assaulted. During these assaults, the name of Rodney King was often repeated and mentioned.³¹

26 Transcript, vol. II, p. 91.

27 Ibid., pp. 86-87.

28 Ibid.

29 Transcript, vol. I, p. 92.

30 Transcript, vol. II, pp. 11-12.

Jesse Gooding, president of the Dayton NAACP chapter, implicated the media in aggravating hate crime. By giving inordinate attention to hate groups, racial hate is glorified.

I feel that hate crimes are perpetuated in Ohio [by] the news media. The television industry glorifies violence of all kinds. Whenever there are hate crimes, [the media] is right there with the cameras on hand, asking questions which are really racial in nature, and has the potential to create confrontations of one group against another.³²

Police Sensitivity to Hate Crime

Although not submitted as a universal indictment, there were allegations concerning a lack of police sensitivity to victims reporting hate crimes. This allegation was especially forthcoming from representatives of the gay and lesbian communities, and also heard from the Hispanic and Asian communities. Among some in these communities, there appears to be an unwillingness to report for fear of reprisal from the police and a distrust of the criminal justice system.

Mr. Jackson talked about police training in human diversity to alleviate these community perceptions. He suggested that sensitivity training alone was not going to be effective without disciplinary actions taken against police officers who can and do individually ignore the lessons of such training.

[There is] mandatory . . . human diversity training . . . for all newly arriving cadets in the training academy. . . . It covers a broad spectrum [such as] differences in ethics, racial, and sexual preferences. And all that is covered and everyone from the chief of police down was required to attend that training. . . . It is my experience over 25 years as a police officer that that training is very important.

31 Ibid.

32 Transcript, vol. I, pp. 111-12.

33 Transcript, vol. II, pp. 232-33.

But along with that training, discipline is even more important. We cannot change the attitude of the officers who come on board. But you can certainly change their actions. And you do that through discipline and . . . through proper and severe penalty for their actions . . . [if officers] are discovered taking advantage of and using the shield to perpetuate their own feelings of discrimination.³³

Hate Crime and Institutional Racism

A theme that pervaded some of the testimony at the factfinding was that an examination of hate crime was a study of the wrong topic. All presenters agreed that hate crimes occurred, and the more egregious the act the more severe the condemnation. Yet, several presenters expressed a conviction that a preoccupation with hate crime distracted the Committee from examining the essential problem racism.

Several expressed the view that though hate crimes are deplorable, they are an outgrowth from the larger problem of societal racism. Hate crimes are just a manifestation of racism albeit a particularly vehement manifestation. But until racism itself is confronted and attacked, hate crimes will persist, and the Committee's work in this area will be misdirected and futile.

Leonard Calabrese, executive director of the Commission on Catholic Community Action, Diocese of Cleveland, was one of several speakers making this point to the Committee. Institutional racism is embedded in the community, and this is the fertile ground for hate crimes. Worse, many people of goodwill are participants in these practices without any realization of their complicity.

Institutional racism is still part of the fabric of life in our area. By all indicators, we still remain one

of the five most segregated areas in the United States. Patterns are perhaps less easy to recognize, perhaps less clear, than direct acts of violence or harassment. Yet such patterns are, if anything, even more insidious and injurious to social harmony and human dignity.

Bishop Anthony M. Pilla, the Bishop of Cleveland, said . . . this is still all too true of Cleveland, patterns of racism continue to incite tensions and tear the social fabric of our communities. We see such patterns in segregated housing that continue to plague our . . . area. We have suburbs that are still well over 99 percent white.

In one of our training meetings as we showed up in one of our affluent western suburbs, a teacher greeted us . . . with the question, "I do not know why you are here. We do not have [a racial] problem here." I think that points to some underlying assumptions or underlying attitudes that are part of some of the deeper issues.³⁴

Mr. Calabrese's assertions about ignorance of racial prejudice were supported by some of Mr. Erste's findings. In his opinion survey of racial attitudes, he found evidence for the suggestion that many in the community believe themselves without racial prejudice.

In general people think they do not have a lot of prejudice. That is . . . consistent with previous year results and results around the country. People do not know that they are discriminating or that they are prejudiced; or they do not want to admit it in terms of improving race and ethnic relations.³⁵

Under integrating neighborhoods, people seem that it is the correct thing to do. They continue to tell us in vast majority that it is what they want. They want to live in integrated neighborhoods. But nobody, nobody is doing anything about it. Cleveland is one of the most segregated cities in the

United States. So there is again this gap between what people say . . . and what they actually do.³⁶

Other speakers testified that societal racism is the problem, and hate crimes are only a symptom of that problem. The problem that needs attention and eradication is racism not hate crime. If racism is eliminated, so will hate crime be. In the opinion of Reverend Rose, "This nation is racist . . . and until we come to grips with that issue . . . and until we are committed to ridding this country of the cause, you are going to always have the symptoms."³⁷

Eleanore Dees focused her attention on racism. She told the Committee that leadership was more important than ever in addressing this issue.

Recently Housing Secretary Henry G. Cisneros stated in an interview with the *New York Times* that racism is a malignancy, and that it is the great Achilles heel of our nation's future. . . . Although significant changes have occurred in the area of discrimination over the past 20 to 25 years, today [racial discrimination] has become more covert, more subtle, and more widespread. Acts of hate of one group against another, whether through physical encounters or the systematic denial of home loans or insurance coverage only serve as a harbinger of our local and national tragedy.

What is needed now as never before is for the right leadership on the issues of racism and demonstrated acts of hatred in this country. It is of great importance that we here today do not lose faith . . . in the right of every person to life, liberty, and the pursuit of happiness in this very diverse society of ours.³⁸

Ms. Dees' calls and the urges of others for national leadership to confront racism were

34 Ibid., pp. 59-60.

35 Ibid., p. 41.

36 Ibid., p. 42.

37 Ibid., p. 238.

38 Ibid., pp. 108-09.

followed by a somber warning from a speaker from the Urban League. Mr. Gresham told the Committee that hate crimes are a part of a racist landscape. Unfortunately for this society, the continued perpetuation of disenfranchisement of the African American community may result in more racial violence.

Thirty years after the de jure barriers of discrimination in employment, housing, and education have been removed, African Americans are still disenfranchised. This frustration is breeding an anger in the community with many youth looking for more radical and violent solutions. The former civil rights leadership in the black community is no longer listened to by the youth.

I am telling you African America is ready for a charismatic, militant leader. A large part of African America is going to follow him. Now the only person on the scene right now is Louis Farahkan, but I am telling you paramilitary units are being developed all over this country and there will be unified efforts in the future.

Now they are responding to what they consider the onset of circumstances. They are responding to

what they consider the lack of government involvement, the lack of sensitivity on the part of government to their issues. They are organizing and the one thing I will tell you, they have read Mein Kampf. They know the seven principles of Kemesaba. They know all the history of the Black Panthers. They know what not to do, which is to become a public issue of distinction. They understand the Weathermen, they understand SDS, they understand Symbyanese Liberation Army. They are learning their history out, and if you thought that it is going away, it has not gone away.

I wanted to put that on the table because I get it everyday. And I want to tell you this point blankly and I want to record this. They are not going to listen to me because I represent an institution that they do not believe represents them. We work on that, but I am a part of the suits generation. They are not going to listen to me, they are not going to listen to the NAACP. And I hate to say this, they are going to have their own efforts, their own rules, their own ideas and their own beliefs. And I am going to tell you another thing; the cycle is about to come again. . . .

Now they do not have a charismatic leader. . . . Give them a charismatic leader and we are going to have a problem.³⁹

³⁹ Transcript, vol. I, pp. 280-81.

Chapter 5

Addendum—Hate Crime Statistics, 1993

In June 1994 the FBI released preliminary statistics of reported hate crimes in 1993.

Preliminary figures show over 7,600 hate crime incidents reported to the FBI during 1993. The incidents were reported by about 6,850 law enforcement agencies in 46 States and the District of Columbia. Participating agencies covered 56 percent of the U.S. population.¹

Detailed information was available for 6,746 of 7,684 incidents reported. Sixty-two percent of the incidents were motivated by racial bias; 18 percent by religious bias; 12 percent by sexual-orientation bias; and the remainder by ethnicity/national origin bias. The 6,746 incidents involved 7,969 separate offenses, 8,293 victims, and 7,421 known offenders.²

Crimes against persons composed 70 percent of hate crime offenses reported. Intimidation was the single most frequently reported hate crime, accounting for 35 percent of the total. Following were damage/destruction/vandalism of property, 25 percent; simple assault, 19 percent; and aggravated assault, 16 percent. Twenty persons were murdered in hate-motivated incidents.³

Eighty-two percent of the 8,293 reported hate crime victims were individuals; the remaining 18 percent were businesses, religious organizations, and varied other targets. Six of

every 10 victims were targeted because of their race.⁴

Law enforcement agencies reported 7,421 known offenders to be associated with the 6,746 incidents. Fifty-one percent of the known offenders were white, and 35 percent were black. Offenders were unknown for 2,808 or 42 percent of the incidents.⁵

The number of reporting agencies has increased since 1991. In 1991, 2,771 agencies reported to the FBI. In 1992, 6,181 law enforcement departments reported. In 1993, 6,840 agencies participated. The number of participating agencies in 1993 is a 10 percent increase from 1992, but a 150 percent increase from 1991. (See table 5.1.)

The increase among Ohio law enforcement agencies participating in hate crime reporting between 1992 and 1993 is the highest among all States. As previously reported, in 1991 and 1992 only 30 and 26 Ohio agencies respectively submitted hate crime reports to the FBI. This was a participation rate of approximately 7 percent. In 1993, 125 of the 401 law enforcement agencies in Ohio submitted hate crime reports, a participation rate of 31 percent.

In 1992, 14 of the 26 reporting agencies in Ohio submitted incident reports. In 1993, only 21 of the 125 reporting agencies submitted incident reports.⁶ The reporting agencies,

1 FBI, U.S. Department of Justice, "Hate Crime - 1993," June 1994.

2 Ibid.

3 Ibid.

4 Ibid.

5 Ibid.

6 Under the FBI reporting system, there is a distinction between report submissions and incident reports. Report submissions may or may not note incidents of hate crimes.

TABLE 5-1
Agency Hate Crime Reporting by State,
1991, 1992, 1993

Number of participating agencies:

State	1993	1992	1991
Alabama	4	4	0
Alaska	1	0	0
Arizona	89	90	1
Arkansas	187	183	169
California	10	7	2
Colorado	199	197	194
Connecticut	39	23	29
Delaware	49	57	58
District of Columbia	1	1	0
Florida	374	374	0
Georgia	4	4	2
Idaho	110	115	98
Illinois	620	620	26
Indiana	52	5	1
Iowa	190	190	201
Kansas	1	2	0
Kentucky	3	2	1
Louisiana	58	10	6
Maine	6	9	0
Maryland	153	156	156
Massachusetts	135	158	30
Michigan	550	454	0
Minnesota	66	69	42
Mississippi	17	1	4
Missouri	79	17	18
Montana	18	0	0
Nevada	4	3	1
New Hampshire	1	0	0
New Jersey	317	291	271
New Mexico	13	0	0
New York	571	569	773
North Carolina	6	1	0
North Dakota	2	1	0
Ohio	125	26	30
Oklahoma	9	9	7
Oregon	279	279	39
Pennsylvania	944	944	50
Rhode Island	45	44	0
South Carolina	27	4	0
South Dakota	3	0	0
Tennessee	52	2	2
Texas	879	870	28
Utah	111	9	0
Virginia	20	24	19
Washington	207	207	206
Wisconsin	161	145	303
Wyoming	49	5	0

Source: FBI, *Hate Crime—1993*, June 1994.

types of incidents, victims, and bias motivations reported in 1993 are not available on a State basis by the Department of Justice.

Chapter 6

Conclusion, Findings, and Recommendations

Conclusion

There has been recent publicity of numerous hate crimes and notorious hate group activity in the State, such as the planned bombing of the public housing project in Toledo, Ohio. The Committee set out to determine the level and type of hate crime in the State. In conjunction with this effort, it also sought to determine if the level of these incidents was rising.

Recent events in Europe, Asia, and Africa demonstrate the disastrous consequences of racial, religious, and ethnic intolerance. In the last few decades this nation has witnessed a relative calm in overt racial, religious, and ethnic strife. This may lull some into the false belief that a racially, ethnically, or religiously based pogrom is not possible in this society, as if the United States were immune to such atrocities. Our history clearly shows otherwise.

A pluralistic society such as ours, therefore, must be more vigilant and more resolute about combating group based hatred and its manifestations so that the natural divisions and differences among us are not exploited for personal or political gain, and the domestic tranquility and civil rights of the citizenry thereby trampled. It is with this in mind that the Committee expresses its support for Ohio's ethnic intimidation law, as that law and other similar statutes publicly affirm this society's official denunciation of group-based bigotry.

Hate crime activity is a serious issue for the State and for the Nation. It must not be treated or viewed as simple criminal behavior, because the criminal nature of these crimes attacks the essence and unifying fabric of the country.

Findings

Finding 1. No findings can be made on either the exact level of hate crime in Ohio or on the trend of such crimes. Still, the Committee finds that hate crimes are occurring in the State, and that hate crime is a problem. Further, the Committee concludes that hate crime, if ignored, can have severe repercussions for the entire society.

The Committee finds the number of hate crime incidents in Ohio are far more than a few isolated occurrences. The Committee notes that hate crimes criminal activity against a person or property motivated in whole or in part by the offender's bias against a race, religion, ethnic/national group, or sexual orientation group are particularly insidious to our society. This State and this country are composed of an array of individuals from all different races, religions, and ethnic groups. Hate crimes sow divisiveness among this populace, replacing cooperation and community with mistrust and alienation.

Finding 2. The interpretations concerning what constitutes a hate crime varies among individuals, law enforcement agencies, and community groups constituencies. The FBI has established a uniform definition of hate crime, and has been active in training law enforcement officers and administrators how to recognize hate crimes and develop data collection procedures. Still, there exists a wide range of opinion among different police organizations as to what constitutes a hate crime, and this variation prevents a credible base of data from being developed.

Finding 3. The number of law enforcement agencies in Ohio reporting hate crime statistics to the Department of Justice decreased between 1991 and 1992. In 1991 the FBI reported that 30 law enforcement agencies had submitted hate crime reports under the Federal Hate Crimes Statistics Act. In 1992, only 26 law enforcement agencies submitted reports to the FBI. In 1993 the number of law enforcement agencies reporting hate crimes to the FBI has significantly increased; 125 law enforcement agencies reported.

Finding 4. Incidents of hate crimes are underreported. This underreporting occurs because (1) law enforcement officers do not recognize some incidents as hate crimes, (2) in some jurisdictions the recognition and reporting of hate crimes is not considered important or a priority, and (3) some members of society feel alienated from the criminal justice system and the local police, and choose anonymity over reporting.

Finding 5. Hate groups are active in the State of Ohio. The number of individuals allying themselves with such groups is also growing, as is the level of violence planned by these groups. This is clear from evidence presented by the Ohio Bureau of Investigation. To date, the Ohio Bureau of Investigation and local law enforcement agencies have been effective at defusing a number of violent plots planned by several of these organizations.

Finding 6. Hate crimes motivated by sexual orientation bias are the hate crimes most tolerated by the society. The debate over whether protective civil rights status should be extended and/or rescinded on the basis of sexual orientation continues to be a contentious issue in many parts of the Nation and in Ohio. What is not debatable is that violence, intimidation, and assaults on individuals because of their perceived sexual orientation is acceptable behavior.

Recommendations

1. The Committee strongly encourages law enforcement agencies in Ohio to

avail themselves of the hate crime training offered by the FBI and report hate crimes to the Department of Justice under the Federal Hate Crimes Statistics Act. Complete cooperation by police organizations is especially critical, because as helpful as private organizations are in tracking hate crimes in their communities, only a uniform police reporting of hate crimes will maintain a standard interpretation of the number, types, and victimization of such crimes. Without this effort by local law enforcement agencies, this important issue can never be seriously studied or analyzed, and perpetrators held accountable for their actions.

2. The Committee recommends to the Ohio Attorney General that he continue to make hate crime prevention an important law enforcement activity, and that he communicate publicly to all law enforcement agencies that the gathering of statistics on hate crime is a priority in this State.

3. City officials and law enforcement chiefs should make the collection and reporting of hate crime a priority, and outreach should continue to be made by law enforcement agencies so that all citizens will feel comfortable coming forward and reporting their allegations of bias motivated incidents. Additionally, police agencies and individual officers must be held accountable when their personal biases interfere with their provision of service to individuals and groups in the various communities in their charge.

4. There are legal arguments on whether or not protective civil rights should be extended or rescinded on the basis of sexual orientation. Notwithstanding, there needs to be a united and consistent stance from all parts of the society that violence and harassment against individuals because of their sexual orientation is not acceptable in any form and under any circumstances. It is the responsibility of all segments of society to insure that their words and actions do not convey covert

messages of intolerance for others in the society.

5. It is the responsibility of the adult population to transmit values of tolerance and respect to the younger generation. This responsibility extends to all adults in the society—parents, relatives, educators, religious leaders, elected officials, members of the business community, workers, law enforce-

ment officials, and civic leaders. Messages of hate from adults, whether overt or covert, are signals to the young that those hated are unwanted, and are, therefore, acceptable targets of harassment and violence. The adult community has the responsibility not only of teaching respect for racial, religious, and ethnic differences, but also of challenging those in the adult community who send out messages of bigotry and group intolerance.

Appendix 1

Appendix 1-1990 Hate Crimes Statistics Act

104 STAT.140

PUBLIC LAW 101-275-APR 23, 1990

Public Law 101-275
101st Congress

An Act

To provide for the acquisition and publication of data about crimes that manifest prejudice based on certain group characteristics

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) this Act may be cited as the "Hate Crimes Statistics Act."

(b) (1) Under the authority of section 534 of title 28, United States Code, the Attorney General shall acquire data for the calendar year 1990 and each of the succeeding 4 calendar years, about crimes that manifest evidence of prejudice based on race, religion, sexual orientation, or ethnicity, including where appropriate the crimes of murder, non-negligent manslaughter, forcible rape, aggravated assault, simple assault, intimidation, arson, and destruction, damage or vandalism of property.

(2) The Attorney General shall establish guidelines for the collection of such data including the necessary evidence and criteria that must be present for a finding of manifest prejudice and procedures for carrying out the purposes of this section.

(3) Nothing in this section creates a cause of action or a right to bring an action, including an action based on discrimination due to sexual orientation. As used in this section, the term "sexual orientation" means consensual homosexuality or heterosexuality. This subsection does not limit any existing cause of action or right to bring an action, including any action under the Administrative Procedure Act of the All Writs Act.

(4) Data acquired under this section shall be used only for research or statistical purposes and may not contain any information that may reveal the identity of an individual victim of a crime.

(5) The Attorney General shall publish an annual summary of the data acquired under this section.

(c) There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this section through fiscal 1994.

Sec. 2(a) Congress finds that-

- (1) the American family life is the foundation of American Society,
- (2) Federal policy should encourage the well-being, financial security, and health of the American family,
- (3) schools should not de-emphasize the critical value of American family life.

(b) Nothing in this Act shall be construed, nor shall any funds appropriated to carry out the purpose of the Act be used, to promote or encourage homosexuality.

Approved April 23, 1990.

Appendix 2

Appendix 2—Ohio Ethnic Intimidation Act

Ohio Revised Code

§2927.12 Ethnic Intimidation.

(A) No person shall violate section 2903.21, 2903.22, 2902.06, or 2907.07, or division (A)(3), (4), or (5) of section 2917.21 of the Revised Code by reason of the race, color, religion, or national origin of another person or group of persons.

(B) Whoever violates this section is guilty of ethnic intimidation. Ethnic intimidation is an offense of the next higher degree than the offense the commission of which is a necessary element of ethnic intimidation.

Appendix 3

Appendix 3—Ohio and County Populations

	TOTAL	WHITE	BLACK	AMERICAN IND. ESKIMO OR ALEUT.	ASIAN OR PACIFIC ISLANDER	OTHER RACES	HISPANIC ORIGIN*	MINORITIES+
OHIO	10,847,115	9,521,756	1,154,826	20,358	91,179	58,996	139,696	1,402,493
ADAMS	25,371	25,212	47	67	30	15	90	233
ALLEN	109,755	96,177	12,313	202	572	491	1,240	14,313
ASHLAND	47,507	46,686	460	49	271	41	191	972
ASHTABULA	99,821	95,465	3,138	196	350	672	1,538	5,242
ATHENS	59,549	56,163	1,678	167	1374	167	438	3,665
AUGLAIZE	44,585	44,225	66	50	177	67	243	527
BELMONT	71,074	69,520	1,308	81	129	36	194	1,717
BROWN	34,966	34,487	406	28	30	15	49	515
BUTLER	291,479	274,892	13,134	379	2659	415	1,467	17,625
CARROLL	26,521	26,254	135	65	29	38	99	329
CHAMPAIGN	36,019	34,698	992	68	113	148	246	1,455
CLARK	147,548	133,242	13,031	294	653	328	970	14,908
CLERMONT	150,187	148,084	1,291	218	453	141	721	2,693
CLINTON	35,415	34,471	716	59	138	31	122	1,042
COLUMBIANA	108,276	106,369	1,409	174	219	105	405	2,219
COSHOCTON	35,427	34,819	415	68	112	13	106	704
CRAWFORD	47,870	47,361	253	67	116	73	246	682
CUYAHOGA	1,412,140	1,025,756	350,185	2,533	18,085	15,581	31,447	400,659
DARKE	53,619	53,067	184	96	114	158	343	745
DEFIANCE	39,350	36,962	493	80	121	1,694	2,673	3,351
DELAWARE	66,929	64,888	1,424	104	385	128	336	2,259
ERIE	76,779	69,613	6,312	150	265	439	1,180	7,918
FAIRFIELD	103,461	101,610	1,153	193	378	127	489	2,192
FAYETTE	27,466	26,593	662	50	102	59	89	922
FRANKLIN	961,437	783,714	152,840	2,056	19,437	3,390	9,236	183,182
FULTON	38,498	37,097	93	62	137	1,109	1,842	2,131
GALLIA	30,954	29,831	871	79	136	37	156	1,227
GEAUGA	81,129	79,629	1,056	83	312	49	294	1,750
GREENE	136,731	124,081	9,611	398	2,133	508	1,379	13,522
GUERNSEY	39,024	38,166	616	70	141	31	130	962
HAMILTON	866,228	672,972	181,145	1,204	9,198	1,709	5,198	196,524
HANCOCK	65,536	63,572	591	91	401	881	1,680	2,728
HARDIN	31,111	30,661	236	66	115	33	145	556
HARRISON	16,085	15,645	393	22	15	10	43	475
HENRY	29,108	27,951	147	53	95	862	1,332	1,621
HIGHLAND	35,728	34,876	692	73	71	16	108	943
HOCKING	25,533	25,499	234	55	25	20	93	415
HOLMES	32,849	32,706	52	24	43	24	123	242
HURON	56,240	54,982	597	85	153	423	1,006	1,850
JACKSON	30,230	29,895	218	53	39	25	89	402
JEFFERSON	80,298	75,270	4,488	167	266	107	426	5,357
KNOX	47,473	46,747	381	93	195	57	171	851
LAKE	215,499	209,879	3,528	250	1,447	395	1,469	6,664
LAWRENCE	61,834	60,115	1,559	57	75	28	139	1,831
LICKING	128,300	125,181	2,217	247	475	180	604	3,563
LOGAN	42,310	41,156	804	58	240	52	159	1,264
LORAIN	271,126	241,549	21,230	738	1,479	6,130	15,261	38,252
LUCAS	462,361	380,155	68,456	1,164	4,981	7,605	15,658	89,864
MADISON	37,068	33,947	2,764	96	157	104	216	3,231
MAHONING	264,806	221,109	39,681	444	985	2,587	5,946	46,684

	TOTAL	WHITE	BLACK	AMERICAN IND. ESKIMO OR ALEUT.	ASIAN OR PACIFIC ISLANDER	OTHER RACES	HISPANIC ORIGIN*	MINORITIES+
MARION	64,274	94.8%	4.2%	0.2%	0.4%	0.3%	0.8%	5.6%
MEDINA	122,354	98.5%	0.7%	0.1%	0.6%	0.1%	0.6%	2.0%
MEIGS	22,987	98.9%	0.8%	0.2%	0.1%	0.1%	0.3%	1.3%
MERCER	39,443	99.2%	0.0%	0.2%	0.3%	0.3%	0.7%	1.2%
MIAMI	93,182	97.1%	1.9%	0.2%	0.7%	0.1%	0.4%	3.1%
MONROE	15,497	99.6%	0.1%	0.2%	0.1%	0.0%	0.2%	0.5%
MONTGOMERY	573,809	80.8%	17.7%	0.2%	1.0%	0.3%	0.8%	19.7%
MORGAN	14,194	95.3%	4.0%	0.5%	0.1%	0.2%	0.3%	4.9%
MORROW	27,749	99.4%	0.2%	0.2%	0.1%	0.1%	0.3%	0.9%
MUSKINGUM	82,068	95.2%	4.2%	0.3%	0.2%	0.1%	0.3%	5.0%
NOBLE	11,336	99.7%	0.1%	0.1%	0.1%	0.0%	0.2%	0.5%
OTTAWA	40,029	97.5%	0.7%	0.1%	0.2%	1.5%	3.7%	4.7%
PAULDING	20,488	97.2%	1.2%	0.3%	0.1%	1.3%	3.1%	4.6%
PERRY	31,557	99.5%	0.2%	0.1%	0.1%	0.1%	0.3%	0.7%
PICKAWAY	48,255	93.0%	6.3%	0.3%	0.2%	0.3%	0.7%	7.3%
PIKE	24,249	98.2%	1.3%	0.3%	0.2%	0.0%	0.3%	2.1%
PORTAGE	142,585	96.1%	2.7%	0.2%	0.8%	0.1%	0.6%	4.3%
PREBLE	40,113	99.3%	0.4%	0.1%	0.2%	0.1%	0.3%	0.9%
PUTNAM	33,819	98.2%	0.1%	0.1%	0.1%	1.6%	4.2%	4.5%
RICHLAND	126,137	91.2%	7.9%	0.2%	0.5%	0.2%	0.7%	9.3%
ROSS	69,330	92.8%	6.4%	0.2%	0.4%	0.1%	0.5%	7.5%
SANDUSKY	61,963	94.1%	2.5%	0.2%	0.2%	3.1%	5.7%	8.5%
SCIOTO	80,327	96.2%	3.1%	0.5%	0.2%	0.1%	0.3%	4.0%
SENECA	59,733	96.2%	2.0%	0.2%	0.4%	1.3%	2.8%	5.
SHELBY	44,915	97.5%	1.4%	0.1%	0.9%	0.2%	0.4%	2.
STARK	367,585	92.3%	6.8%	0.3%	0.4%	0.2%	0.7%	8.3%
SUMMIT	514,990	86.8%	11.9%	0.2%	1.0%	0.2%	0.6%	13.6%
TRUMBULL	227,813	92.6%	6.7%	0.1%	0.4%	0.2%	0.6%	7.9%
TUSCARAWAS	84,090	98.8%	0.7%	0.2%	0.2%	0.0%	0.3%	1.4%
UNION	31,969	95.6%	3.7%	0.2%	0.4%	0.2%	0.5%	4.7%
VAN WERT	30,464	98.1%	0.6%	0.1%	0.3%	0.9%	1.6%	2.6%
VINTON	11,098	99.8%	0.0%	0.1%	0.0%	0.0%	0.3%	0.5%
WARREN	113,909	97.0%	2.1%	0.2%	0.6%	0.1%	0.5%	3.3%
WASHINGTON	62,254	98.2%	1.2%	0.2%	0.3%	0.1%	0.4%	2.1%
WAYNE	101,1	97.7%	1.5%	0.1%	0.5%	0.1%	0.4%	2.6%
WILLIAMS	36,5	98.4%	0.1%	0.1%	0.3%	1.1%	2.2%	2.8%
WOOD	113,259	96.5%	1.0%	0.2%	0.9%	1.4%	2.5%	4.7%
WYANDOT	22,254	99.2%	0.1%	0.1%	0.3%	0.3%	0.7%	1.2%

- * Person of Hispanic origin can be of any race.
- + Minorities are non-White and Hispanics.

Appendix 4

Sexual Orientation Bias Incidents Monitored in Cleveland and Columbus, 1992 and 1993

Offenses	Cleveland			Columbus		
	1992	1993	% +/-	1992	1993	% +/-
Harassment	27	31	15%	42	50	19%
Threats	3	21	600%	12	17	42%
Bomb threat	0	0	n/a	1	0	-100%
Assault	8	25	212%	33	41	24%
Police abuse	0	0	n/a	4	6	50%
Vandalism	11	21	91%	11	16	45%
Arson	0	0	n/a	0	0	n/a
Murder	0	0	n/a	3	1	-67%
Sex assault	0	3	und	12	18	50%
Robbery	2	8	300%	10	14	40%
Total	51	109	114%	128	163	27%
Reported to police	27	64	n/a	128	140	n/a
Victim profiles						
Women	8	11	38%	53	76	43%
Men	29	30	3%	76	102	34%
Organization	1	2	100%	11	14	27%

Source: Mary Ann Finegan Project and Stonewall Union Anti-Violence Project.

Appendix 5

Incidents of Ethnoviolence Monitored by the Cleveland Board of Community Relations in 1992

In 1992 the Community Relations Board recorded forty-eight (48) incidents¹ in which the elements of ethnic intimidation were present, or that race, religion or ethnic background was a motivating factor.

In these 48 incidents, 55 individuals were victimized. The slight increase over 1991 continues to reflect a downward trend from the high of 90 incidents in 1987. The 1992 increase may also reflect a reaction to the Rodney King verdict with 10 incidents occurring in May after the verdict was announced.

Thirty-two (32) persons were arrested as a result of police response and investigation in 16 of the 48 1992 incidents. The 32 arrested persons included 10 white adult males, 14 white juvenile males, 3 black adult males, and 5 black juvenile males.

In 1992, 21 arrests led to charges and convictions against 7 white adult males, 2 black adult males, 7 white juvenile males, and 5 black juvenile males. Cases involving 7 white juvenile male suspects and 2 white male suspects were cleared because victims either did not want prosecution or would not cooperate with police and prosecutors. A case involving a black adult male suspect went to mediation in the prosecutor's office, and another case involving a white adult male suspect was mediated by staff of the Community Relations Board.

Since 1990, 114 arrests have been made in connection with the incidents in which the CRB determined that elements of ethnic intimidation were present or racial motivation was a factor. The arrests exceed all the arrests for racially motivated crime during the 10 year period from 1980 to 1989. It should also be noted that there have been several cases in which there were known suspects, but the victims chose not to pursue prosecution.

In 1992, the incidence of ethnic intimidation or racially motivated incidents was widely distributed throughout the city, occurring in all police districts, 21 of the city's 35 statistical planning areas, and 17 of the 21 political wards. The RRE profile of victimization included 31 African Americans, 2 Arab Americans, 5 Hispanic Americans, 16 European Americans, and 1 Jewish American.

Twenty-two (22) of the forty-eight (48) 1992 incidents posed some degree of threat to a person's residence or business. Thirty-two (32) incidents conveyed a sense that persons are not welcome in a given neighborhood based on race or ethnic background.

Ward 2

East 93rd at Miles - May

This early May 2 incident occurred when a white male resident was on a bus returning home from an evening drinking at a downtown bar. He fell asleep, and missed his stop in Garfield Heights. He woke

¹Presented as an exhibit by Sam Thomas at the factfinding meeting of the Ohio Advisory Committee on Aug. 22, 1993.

up and got off the bus intending to catch the south bound bus when he encountered two black males who punched and kicked him to the ground. When he managed to get up and run, he was chased by the suspects and hit in the head by a brick causing a wound requiring seven (7) stitches. The suspects initially said, "Your white ass don't belong here."

The victim was saved by the intervention of a black male witness, 47, and an unknown black teenage male witness. Without this intervention, much more serious injury would have occurred. The older witness reports he heard suspects saying, "We're gonna kill us some honkies tonight," just minutes before the assault. This was a Crimestoppers of the week. A black male, 25, was arrested. The victim and the older witness were contacted by both staff and the Executive Director.

Ward 3

1230 Imperial - February

This is the address of an Arab-American owned store. A person at the store received a call from an anonymous black male stating, "You're next to die Arab (a-rab)." A similar call from a black female was received in December. The owner does not want a phone tap on his line.

East 116th and Buckeye - May

A white married couple are punched in the eye and back of the head on May 1st by five or six black male teens who said, "We don't like white people." The couple was contacted by the Executive Director and staff. No leads developed in this case. The couple was in the parking lot of Finast after they finished shopping.

East 116th and Benham - May

A reported fifteen to thirty blacks were gathered in front of a beverage store. They reportedly were yelling loudly and threw stones at the vehicles of three white male motorists, ages 30 to 62, within a 15 minute period. A report for one victim, age 42, is titled as an assault because he was struck in the back by a rock thrown through an open window. This victim remembers the black males, ages 17 to 25, shouting, "Get out of here cracker," and "You white mother _____er." The three vehicles were dented in several places. After investigation, no leads developed in this case.

Ward 4

3258 East 140th - February

A black male entered an Arab-American owned store intending to return a video tape he had rented which was in the pocket of the coat he was wearing. After he reached to pull the tape out of his pocket, an Arab male working in the store allegedly threatened the black male at gunpoint, accused him of killing his (the Arab male's) cousin, and said that he wanted all "niggers" out of the store. The Arab male pursued the black male who left the store and got into his car where his six year old daughter was waiting for him. The Arab male allegedly continued to brandish a handgun, threatened to kill the black male in front of his daughter and beat on the side of the car. The black male left, returned to his home with his daughter and called the police.

Ward 6

12500 Mayfield - April

A black female and her daughter were returning to their Cleveland Heights home when four young white males threw eggs at their car. They stopped to inspect for damages and asked the white males, "Who threw the eggs?" The white males then directed racial slurs and profanity at the women and said to go ahead and call the police.

12300 Mayfield - June

Eight white males (17 to 19 years of age) came to this address and stated to the white female occupant, "Why do you have that nigger in your apartment? Bring him out now!" Two white male guests came to her aid when one of the suspects put his foot in the door. These white males were assaulted by the suspects.

Mayfield Road-East 120th Street Area - August

A black female motorist was struck in the face by a rock thrown through the driver's side window. The rock was thrown by one of several young white males who also yelled racial threats.

9209 Quincy - October

An Arab-American merchant is struck in the face with a full can of beer. The black male suspect then grabbed the merchant around the throat. Before the assault, the suspect reportedly said, "You (expletive) Arabs . . . get out of our neighborhood . . . you (expletive) Lebanese have got to get out!" The suspect, who appeared intoxicated, fled the scene. He was soon arrested in the area by police and was charged with assault and resisting arrest.

Ward 7

8200 Brookline - May

A disciplinary meeting was in progress at Brookline School. A white female, age 12, was accused of striking a black female classmate, also age 12. The white student's father, age 50, said, "What happened in LA can happen in Cleveland, too. I was an enforcer for the KKK. I'm going to get you (the black student) and you, too (the principal, a white female, age 50)."

1800 East 63rd Street - Margaret Ireland School - May

On May 1, a white male student 10, was stabbed three times with a hat pin, repeatedly punched and kicked and thrown to the ground by 4 black males, age 11 to 13, who also pulled off the victims pants and underwear. The four suspects were charged at juvenile court.

Ward 8

East 99th and St. Clair Avenue - June

A white male was walking at the above address and four or five black males approached the victim and told him he was in the wrong neighborhood and struck him in the face with a beer bottle and said, "This is for Rodney King." Victim was hospitalized for one day with a broken nose and facial lacerations.

Ward 9

12418 Vashti - February

A vicious hate letter was received at this address. The letter may be the work of a person who has sent numerous hate letters and notes on greeting cards which have been brought to the attention of CRB.

Ward 10

853 East 147th Street - October

A letter was received at the home of black residents containing numerous threats and extensively stereotypical and graphically expletive references to black residents, famous black personalities and blacks in general. A son in the family had recently been arrested and jailed in Lake County for offenses alleged at Shoregate Shopping Center. The News Herald newspaper regularly prints names and addresses of persons arrested in Lake County. Several Cuyahoga County homes have received letters like the one in this case with the writer assuming their race because of their place of residence.

Ward 11

Neff Road State Park - June

A white female approached a black female in the parking lot at the above location and after directing racial slurs at the black female victim threw an alcoholic beverage in the victim's face, splashing her with the liquid. This incident may have started over a parking spot.

15707 St. Clair Avenue - November

Six black students (4 male, 2 female) are walking to intermediate school at 7:45 a.m. As they are approximately passing the address above, an automobile containing four white males and a white female drives by. In passing, the whites hurl racial epithets and one of them fires a BB gun at the students.

824 Alhambra - December

A black family, two months in residence at the above address, receives a hate message placed (not mailed) in their mail box. The message is elaborate and written on paper from a financial ledger book. The message says, "niggers have to go before they destroy the neighborhood. Hispanics can be tolerated, but niggers have to go." A black family living down the street had a brick thrown through a window shortly after they moved in during 1991. The family living over the victims is Hispanic.

Ward 12

East 52nd and Fleet Avenue - February

Three black males were stopped at a traffic light. A white male solicited them for a ride. The black males explained that they were not going to a destination that would accommodate the white male. Words were exchanged. Several other white males appeared, some with baseball bats. The white males broke windows in the car and attempted to assault the passengers. Two of the white males suffered broken limbs.

3243 East 55th Street - January

The custodian and residents (all African American) were victimized by four (4) white juvenile males who vandalized the building and the car of a resident with racial graffiti and threw a firebomb on the porch of another resident. A garden hose on the porch was thoroughly burned and charred. An angry exchange of words between the youths and the custodian preceded the vandalism and attempted arson.

3257 East 56th Street - April

"KKK SWP F__ you" was spray painted on a white man's house. He is well known in the neighborhood and came to the assistance of a black family who were victims of racially motivated arson in January. It is not known whether this gesture had any bearing on the April graffiti.

Broadway and Ackley - April

A black male with his young daughter stopped his van at this intersection. A white male allegedly kicked the van and yelled, "Nigger, get out of the neighborhood, I'll kick you ass." The white male moved across the street and continued his taunting. The victim exited the van with a karate baton. As the white male was recrossing the street, presumably to carry out his threats, the victim delivered a blow to the white male's legs which doubled him over. The suspect then fled the scene.

3720 East 57th Street - May

A black male, 16, and a white male friend were walking northbound from Fleet Avenue in the early afternoon. A white male, 20, at the above address, came from the backyard of his house, yelled "nigger" several times, and said, "You don't belong over here." At 5:15 p.m. they were passing by again in the other direction. This time the suspect came at them with a baseball bat, saying "I'll get you out of the neighborhood," and calling the friend "nigger lover." A neighbor flagged down police at the corner of East 57th and Fleet. The suspect was arrested and charged.

7520 Claasen Avenue - August

A white male suspect threatens to kill a white woman and her one year old mixed-race son after taunting them from across the street. The suspect crosses the street as if to carry out his threat and is knocked to the ground by one of two black males who are visiting with the victim on her porch.

3630 Beyerle Road - September

An elaborately decorated cardboard sign is attached to the side of a vacant house under renovation. The sign included stereotypical caricatures of African Americans and messages warning "blacks" to stay out to the neighborhood. The sign is reported by a white woman who own the home which was subsequently the site of another ethnic intimidation incident in September at 4086 Beyerle Road.

4086 Beyerle Road - September

A young adult black male was staying temporarily with a white family and did odd jobs for the family and other neighbors while looking for employment and a place to live. On a Saturday night, the black male was on the front porch talking with the daughter of the family who had befriended him. They were approached by several white juvenile males who appeared to be intoxicated. On the pretext of not being invited to a party, the white males argued with the victim and his friend and began making threats and racial remarks. The victim and his friend retreated into the house for safety. The suspects attempted to break down the front door and threw rocks and other debris at the house.

7423 Union Avenue - September

Late on Wednesday night, a large number of white males besieged a home occupied by a black family at this address. A black male member of the family was briefly a named suspect, but was released in connection with a prior assault and robbery of a white male (confined to hospital) early that same day. The victim of the earlier incident was an associate of the white male attackers in the assault on the occupants of the house which included gun fire from both sides of the conflict. Most of the windows of the house were broken out.

East 55th at Broadway - October

A black female, age 14, is waiting for the #16 bus at 7:00 a.m. She is approached by an unidentified white male adult who she alleges pulled knife and said, "come here mixed breed, I wanna taste your blood."

7202 Union Avenue - November

On a rain storming night, "KKK" and "White People's Party" are spray painted on the outside walls of a tire store. According to the owner (white), most of his employees are black. Many of the employees are ex-convicts, in halfway houses, or recovering from drug or alcohol abuse.

Ward 13

Cleveland State University - January

Racial graffiti was spray painted in a stairwell of Viking Hall.

1901 East 13th Street - April

During a class at a vocational school, an argument developed over persons making distracting noises. A black male allegedly directed racial slurs at two white females and threatened bodily harm.

1537 East 47th Street - May

A white female, 12, and her aunt, 19, are riding bicycles when they are surrounded by four black male juveniles who say, "This one's for Rodney." The younger female is struck with an empty 2 liter plastic cola bottle. A black male, 14, is arrested.

3814 Prospect Avenue - July

A black female resident found a flier with derogatory references to African Americans and declaring opened season on "Porch Monkeys (regionally known as Jigaboos, Saucer Lips, Jungle Bunnies, and Spooks)." The flier was yellowed and appeared to be several years old. The victim has not experienced threats or harassment in any form before or after this incident.

1255 Euclid Avenue - November

Over a weekend a message is left on the answering machine of offices of the Urban League. The message is threatening and laced with racially offensive references. The caller identified himself as Hans Lugar of the Aryan Racial Loyalist Party.

Ward 14

West 44th and Lorain - February

A white female and a black male were assaulted by several white males at a bus shelter. The black male was knocked unconscious. After the assault, the couple went to the black males' place of employment. They were then transported to a hospital, treated, and released.

2060 West 45th Street - April

A neighborhood volunteer called this office to report "KKK Brothers of the Klan" spray painted on a house at this address. The Second District was notified and officers found that the day before, the front, rear, and passenger windows of a car belonging to an Hispanic family were smashed and the above mentioned graffiti spray painted on a side of their house.

West 32nd and Erin Avenue - May

A white male elementary student, 11, was intimidated by 10 to 12 black teenagers using racial slurs and threats. The student returned home to get his older cousin, 18, and returned to school. Both white males were intimidated by the same black youth and returned home to call police.

4200 Lorain Avenue - May

Two Hispanic females were assaulted at a bar by 7 or 8 black females and one black male (he punched a victim in the face). Injuries were minor to serious (broken collar bone). The bar owner reports two similar incidents earlier in the night.

2510 Elm Street - September

White supremacist literature is placed on the windshield of a black female's automobile parked outside of a Flats West Bank night club, and the tires of the car are slashed.

3009 Barber Avenue - December

An Hispanic female, who is the landlord at the above address, is threatened with a knife by an Arab-American neighbor who uses ethnic slurs and states he has a problem with the victim renting to Puerto Ricans. The suspect also called a responding officer "a Puerto Rican bastard," and assaulted the officer.

Ward 15

3849 West 31st Street - February

A cross was burned in front of a duplex. An interracial couple lived on one side. A white male and two white females live on the other. The cross was burned in front of the unit where only white reside, allegedly by six white males who, hours later, returned, made racial threats towards the occupants of the same unit, knocked on the door, climbed on the roof, and threw eggs at the outside wall. The interracial couple does not believe any of this violence was directed at them. There may be a connection with a boyfriend of one of the white females in the other unit. The case also has cultic overtones.

3896 West 20th Street - October

The words "nigger move" are spray painted in red on a yellow house. The mother of the family of several children is white, her husband is of Mexican descent. The family been party to numerous neighbor disputes and cross complaints this year.

Ward 16

4809 Ardmore Avenue - May

In arguing over a parking space, a white male suspect threatens a black male with a hatchet in hand.

Ward 18

1415 West 112th Street - April

A black male victim was walking home from work when a van driven by a white male with a white male passenger pulled out of an alley across from 1415 West 112th Street. The passenger yelled a racial epithet, got out of the van carrying a wrench and said, "I'm gonna fix you, f_____ nigger," to which the victim replied, "Come on!" The passenger got back in the van and sped away. The victim indicated his wife had been threatened on the same street a year earlier.

2231 West 105th Street - July

Two black males and two white females were in a car which was blocked at the intersection of West 105th Street, northbound at Western Avenue by a white male who yelled threats and racial slurs at the victims. The victims drove around the suspect and continued north on West 105th Street to the home of one of the white females where both females exited the car. Returning southbound on West 105th, the two black males were again confronted by the white male suspect and other white males. The white males pelted the car with rocks and broke out all the car windows with a baseball bat. The victims escaped on foot to West 110th and Lorain Avenue where zone car was flagged down.

Ward 19

11304 St. Mark Avenue - July

Threatening notes with racial references were found on a car belonging to a black family and parked in the driveway of their home.

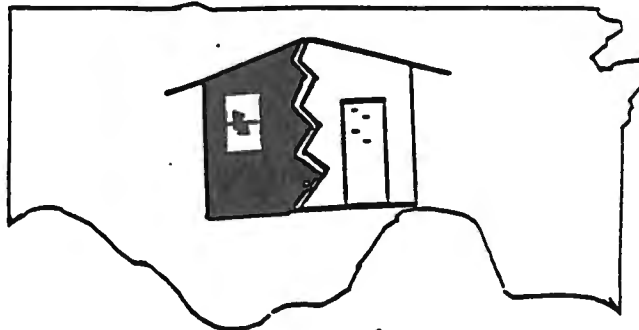
Appendix 6

Appendix 6—Housing Opportunities Made Equal Report²

HOUSING OPPORTUNITIES MADE EQUAL

Report on

HARASSMENT
ETHNIC INTIMIDATION
and
HATE CRIMES



*A
Profile of Housing Complaints
in
Cincinnati-Hamilton County
Ohio*

May 1990 - May 1993

² The report was presented as an exhibit to the Ohio Advisory Committee at the factfinding meeting on August 12, 1993, by Karla Irvine, director of HOME.

This is HOME's first attempt to catalogue the extent and seriousness of acts of intimidation and harassment against people who, because of their race or ethnicity, had problems exercising their fair housing rights.

HOME regularly intervenes when complaints of racial harassment in housing are reported to us. For over three decades we have helped victims deal with acts such as threats by mail and telephone, cross burnings, fire bombings, and rocks through windows.

In 1987, reacting to the increase in hate crimes in urban areas, the State of Ohio passed an Ethnic Intimidation Law which enhanced the penalty for the act if the crime was committed because of the victim's race or ethnicity. At the urging of HOME and the Cincinnati Human Relations Commission, local law enforcement agencies were beginning to use the Ethnic Intimidation Law against hate crimes. For example, a cross burner in Norwood was indicted and convicted under the act and the families of the juveniles involved were sued and paid \$10,000 in damages to the two black families. In 1992, the Ohio Supreme Court declared the Ohio Ethnic Intimidation Law unconstitutional. On June 11, 1993, the U.S. Supreme Court upheld a Wisconsin Hate Crimes enhancement law, which is similar to Ohio's and that of 25 other states.

In May, 1990, responding to what HOME perceived as an increase in housing related hate crimes, HOME added a Community Relations Specialist to its staff to identify and cultivate community support for those who choose to exercise their right to fair housing. Other activities include mediation of racial disputes between tenants and between landlords and tenants, and working with law enforcement agencies to develop strategies that promote fair housing.

In 1990 the U.S. Congress passed the Hate Crimes Statistics Act to establish a national reporting system for gathering hate crimes information from state and local law enforcement agencies. The Federal Bureau of Investigation has been developing the administration of the law and training local law enforcement officials. In May, 1991, HOME and U.S. Attorney Michael Crites co-sponsored the first conference on "Hate Crimes and Ethnic Intimidation in Ohio." Over 200 law enforcement personnel and community leaders attended. During that year, Hamilton County reported proportionately more hate related crimes than any other county in Ohio. Hamilton County police agencies reported 49 hate crimes in 1991. (37 from one department, 8 from a second, 3 from a third, and 0 from a fourth. 41 remaining agencies chose not to report to the FBI.)

This report reflects the stories of people who simply wished to exercise their human right to exist as they were created, and live where they chose. In many of these cases the victims were making an effort to pull themselves up by their own bootstraps, through housing assistance programs like HOME's Special Mobility Program, of the Cincinnati Metropolitan Housing Authority's Scattered Sites program. In others, even African-American middle class families have suffered incidents of ethnic intimidation

directly related to their housing decisions. Still other reports come from individuals who associate with people of color.

What makes this document important is that the right to live where you choose becomes a mockery if civil rights laws including those which impose criminal sanctions are not enforced. If public officials, school administrators, community leaders, all levels of the law enforcement/justice system, and the media do not stand up with intolerance to racist behavior, it is sure to continue its negative affect on our society.

The increase of incidents of racial violence contributes to the segregation of Hamilton County. People seldom choose to move where they are not welcome. HOME believes this problem demands immediate attention throughout the Greater Cincinnati area. Government, law enforcement, community, social and political institutions, school boards, clergy, and families must be part of a solution.

We believe that the release of this information will encourage an increase of meaningful dialogue between law enforcement and minority communities. We hope this results in a greater understanding of the present state of human relations and fewer incidents of racial conflict in Greater Cincinnati.

THE REPORT

During the last three years HOME has received an average of 200 complaints annually of alleged harassment and intimidation in housing. Not all these complaints are included in the pages that follow. Some reports come from other counties in the Cincinnati region. Some, after investigation, were found to involve motivations of a racial or ethnic nature. The motivations behind others could not be determined.

The majority of reports HOME received are in Hamilton County. This includes the 52 neighborhoods in the City of Cincinnati and the remaining 46 municipalities within Hamilton County. This report presents 73 cases, from 35 communities. The complaints range in severity from letter threats, repeated name calling, graffiti writing, rock throwing through windows, tire slashing, egg throwing, to assault, and cross burning. In most of the instances, acts were directed at the person primarily, if not solely, because of the color of his/her skin. However, on several occasions, someone became a victim because of the skin color of their associate, friend, or relative. In the attached chart, notation is made of municipal and Hamilton County police districts that were informed of the problem. The suburban portions of the county are broken up into three districts for purposes of this report. These districts have been shown on the enclosed map.

Like other reports on this topic, this is not a complete picture of racial/ethnic harassment, intimidation, and acts of violence related to housing in Greater Cincinnati. There are several reasons for this condition:

Under-reporting by citizens due to a lack of information about where to turn when an incident occurs.

Attitudes of denial on the part of community leaders and political leaders, the media, and law enforcement officials, who sometimes blame the victim—"Why are you living in this neighborhood?"

Many leaders are shamed by this problem, but take the approach that if it is ignored it will go away.

All events took place between May, 1990, and May, 1993. However, while this is but a glimpse of the entire picture, it is the most comprehensive available to date.

Highlights

The data shows that within the City of Cincinnati, 26 complains, or 59% of 44 reports originating within the city came from Police District 3. This District covers a large portion of the City's west side including Westwood, Price Hill, Fairmount, and Saylor Park. District 5 (Clifton, Mt. Airy, Roselawn, etc.), was the origin of 8 complains, or 18%.

In Hamilton County, 16, or 60% of the complaints originated in the central part of the County, while the remaining 13 were split 5 on the western side and 8 on the eastern side.

The following table shows the distribution by racial make up of the neighborhood or political jurisdiction.

GLOSSARY

HC- ()	=	Hamilton County Police District ()
C- ()	=	Cincinnati Police District ()
DP	=	Deer Park
DlhPD	=	Delhi Police Department
EP	=	Elmwood Police
F	=	Fairfax
SpT	=	Springfield Township
GM	=	Golf Manor
L	=	Lockland
Mtg	=	Montgomery
Mdr	=	Madeira
N	=	Norwood
W	=	Wyoming
M	=	Mediation
Cl	=	Closed
Un	=	Unsolved

TYPE OF COMPLAINT/STATUS

NEIGHBORHOOD	Substantiated Cases	Letter/Mail Threats	Verbal Threats	Harassment	Assault	Vandalism	Cross or Other Burning	Possible Ethnic Intimidation	Police Report (s)	Police District	Status
Anderson Township	2		2	2		1		2	2	H/C3	M/C
Camp Washington	2		2	2		1		1	2	C4	Un/C
Claves	2		1					2	2	HC-1	Open
Clifton	1		1							C6	C
Colerain Township	3		2	1		1		2	1	HC-1	CU/Un
College Hill	1		1	1						C6	C
Dear Park	1		1	1				1	1	DP	C
Dethi	1								1	Dth	C
East End	1		1	1	1			1	1	C2	C
Elmwood Place	3		2			1	1	2	2	EP	CU/Un
Evanston	1		1		1			1	1	C4	C
Fairfax	1		1	1				1	1	F	C
Fairmount	3		2	3					2	C3	Un/C
Springfield Township	1		1							SpT	C
Golf Manor	2								1	GM	C
Sycamore Township	1		1	1	1			1	1	HC3	Un
Lockland	2		1			1			1	L	Op/M
Loveland	2		1				1			FBI	M/C
Lower Price Hill	9		6	6	1	3		4	6	C3	Un
Montgomery	1					1			1	Mtg	Un
Maderia	1		1						1	Mdr	C/M
Mt. Adams	1			1					1	C2	C
Mt. Airy	1		1			1				C5	Un
Mt. Washington	2	1	1					1	2	C2	Un/M
Northside	1						1	1	1	C6	Un
Norwood	5		4				1	2	2	N	C
Oakley	1		1							C2	C
Price Hill	7		7		3			6	4	C3	C
Roselawn	1							1		C5	C
Sedarsville	3		3		2			3	3	C3	Un/C
So. Fairmount	3		3		1			2	1	C3	Un
West End	2		1		2					C1	Un
Westwood	1		1							C3	Un
Winton Place	3		2					1	2	C5	M/Un
Wyoming	1		1							W	C
Total	73	2	61	18	12	10	3	35	43	-----	-----

CASES OF
HARASSMENT AND INTIMIDATION

Suburban Hamilton County

Police District 1

Cleves, Ohio - An African-American employee of a nonprofit organization that assists handicapped people was warned of threats from members of the KKK.

Police District 2

Norwood, Ohio - In an apartment building where two of three families were African-American, a burning cross was found in the front yard. Three juveniles and one adult were prosecuted under Ohio's Ethnic Intimidation Law. The adult was convicted, sentenced, and fined; the parents of the juvenile settled with the victim out of court.

Elmwood Place, Ohio - A resident of a Cincinnati Metropolitan Housing Authority-owned single family house awakened one morning two weeks after moving into the municipality, to find letters "KKK" burned into the lawn. No arrests were made, the family remained in the community.

Police District 3

Anderson Township, Ohio - An African-American male with two bi-racial children came home from work to learn that a white male juvenile had put a knife to his daughter's throat, after making racial slurs. The juvenile, although identified to the police, was not arrested for the incident.

Madiera, Ohio - A utility company employee reported an odor that was thought to be marijuana. Police aggressively entered the home of this African-American family to learn the charges were not justified.

City of Cincinnati

Police District 1

West End - A white female with children was moved into an inner city housing project. During the first week of residency, her child's bedroom window was broken as she and the children slept. (No arrests were made.)

Mount Adams - An African-American actor, who was a guest of Cincinnati's Playhouse in the Park, was detained by police without provocation.

Police District 2

Mount Washington - The manager of Cincinnati Metropolitan Housing Authority Scattered Sites Housing facility opened the mail to find a racial hate letter. No arrests were made.

East End - A bi-racial couple was assaulted by their landlord's son because he did not want "Niggers and Trash" on his mother's property. No arrests were made.

Mount Washington - A single white female was verbally threatened with eviction by her apartment manager if her son did not stop playing with those "Niggers".

Mount Washington - Racial graffiti was placed on a highly visible wall in the community's business district. No arrests were made.

Police District 3

Lower Price Hill - An "A" student was returning home after play practice at the Cincinnati School for Performing Arts. When he got off the bus, he heard someone say, "There's a Nigger." That is when five to eight white males attacked him with punches and kicks. As he managed to escape, his father (who was to meet him at the bus stop), was coming around the corner. The father was able to keep the men at a safe distance for a number of blocks until he was shot in the leg with a small caliber bullet. No arrests were made.

Lower Price Hill - An African-American family had their apartment egged, car windows broken, and tires slashed on several occasions. No arrests were made.

Price Hill - four white males kicked down the door of an African-American family while in pursuit of another African-American neighbor. Charges and counter charges were filed. No arrests were made.

Price Hill - An African-American family was threatened by an adult and a 17-year old juvenile who threw pop bottles and bricks through their window. The adult and juvenile were charged.

Sedamsville - A group of white males attacked an African-American teenager and his pregnant girlfriend. The young father-to-be managed to take a baseball bat from one of the white boys and smash the rear window of the car they were driving. Both victims escaped with minor physical injury. An arrest was made based on the description of the automobile's broken window. One adult was charged.

Police District 4

Camp Washington - An African-American family awakened to find their home spray-painted with graffiti and racial slurs. No arrests were made.

Camp Washington - An African-American family moved into their apartment only to be confronted by groups of white males who informed them that "Niggers are not welcome in the Camp". No police report was filed.

Camp Washington - An African-American participant in the local housing authority's Scattered Sites program was watching TV, at about 3:00 a.m. when a brick came through the living room window. Several persons outside yelled racial slurs and told them to get of Camp Washington.

Bond Hill - An African-American resident reported that a white supremacist group had been given permission to air media broadcasts from their apartment building. No charges were filed.

Police District 5

Winton Place - A brick was thrown through the window of an African-American family. This incident was reported to the police and the FBI. Evidence pointed toward a certain individual who had a pile of bricks in his front yard similar to the one found in the window. No arrests were reported.

College Hill - A single white female with a bi-racial son was harassed by neighbors who used racial slurs, allegedly because they did not like the neighborhood children hanging around the apartment. No police report was filed.

Northside - A cross was burned across the street from a store owned by a minority businessman. Two white youths were seen running from the scene. No arrests were made.

OTHER REPORTS

HOME's Community Relations Office has documented and been involved in numerous other race related complaints. In addition to those mentioned above, some others that occurred outside Hamilton County but within our jurisdiction are:

Loveland, Ohio - Shortly after moving into their newly built home, an African-American family discovered a cross burnt on their property. The police and FBI were notified. A private investigation found a juvenile to be responsible for the incident. No charges were filed.

Lawrenceburg, Indiana - An African-American minister, who was known for his efforts to develop pride in the local community, received death threats following his efforts to celebrate the Reverend Dr. Martin Luther King, Jr's birthday. Local police and federal agents were notified. A march was held without incident. No arrests related to the threats were made.

Union Township, Clermont County, Ohio - A single white mother of two bi-racial children had been having a problem with her neighbors who often used racial slurs when referring to her children. Those same slurs were found to be written on the fence of her townhouse apartment. A police report was filed but no arrests were made.

SCHOOLS AND ETHNIC INTIMIDATION

Reports about ethnic intimidation in schools have also increased. In many cases, HOME has responded, because the families involved have been placed by our own Special Mobility Program of CMHA's Scattered Sites Program. The children who attend local schools are members of those same households. We know that there is a direct relationship between the practice of fair housing and school desegregation. Our schools have also been remiss in not shedding light on this problem. They are often ineffective in dealing with racial conflicts when they arise.

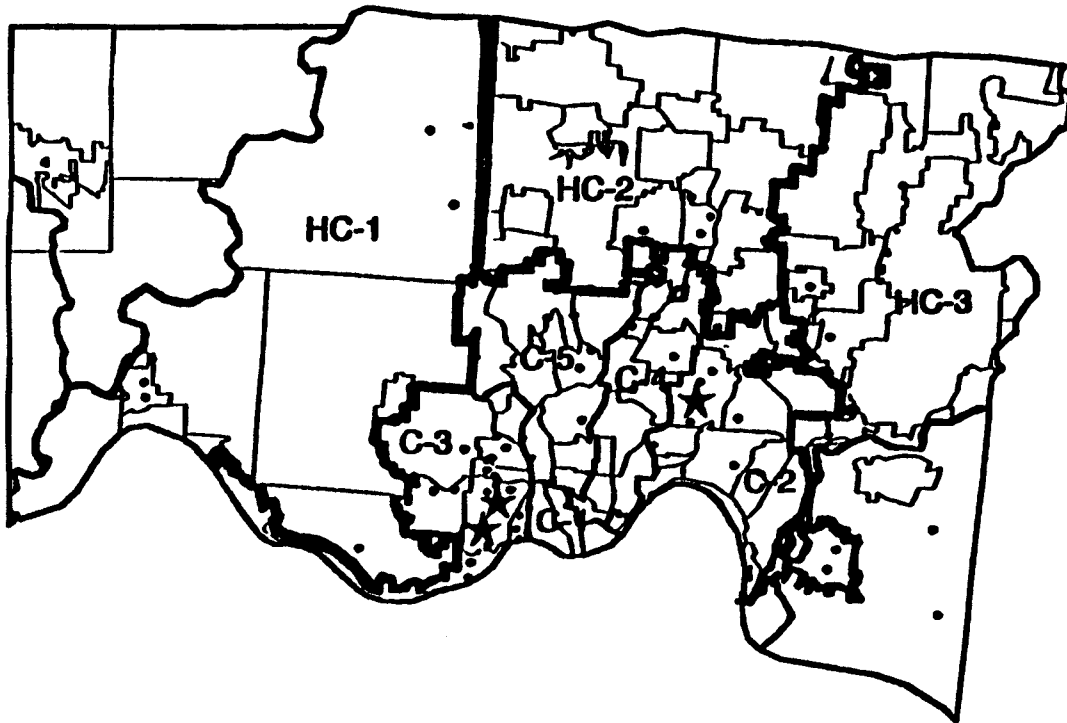
Two cases brought to HOME's attention are abbreviated below:

Hyde Park, Cincinnati - The African American mother of a junior high school student reported that she had been called to her son's school to speak with the principal about a depiction of her son hanging from a tree. The images around the tree were those of hooded Klansmen.



Miami Township, Clermont County - A series of racially motivated letters threatened the lives of African-American students and made derogatory comments about their heritage. Several children were expelled or suspended for incidents related to race related activities. The School Board is developing a standing Committee on Diversity.

Cincinnati/Hamilton County



Harassment and Ethnic Intimidation/Hate Crimes 1991-93



Layer Legend

-  Neighborhoods/Municipalities
-  Police Districts

Crimes

-  1 Complaint
-  1 Conviction

Miles



RECOMMENDATIONS

Our recommendations are simple:

Swift law enforcement against those who commit crimes of racial/ethnic intimidation or harassment of those who exercise their fair housing rights.

Community outrage (political and community leaders), against such acts and support for those who choose to live where they wish.

Full and accurate media coverage of acts of racial/ethnic harassment and follow-up coverage of outcomes.

Awareness on the part of Law Enforcement of their obligations to enforce federal and state fair housing laws.

Better relationships between local law enforcement and minority communities in Greater Cincinnati.

Community education programs which promote and address cultural diversity in public schools throughout Greater Cincinnati.

Appendix 7

Hate Crimes in Cleveland Tracked by the Cuyahoga Plan, 1983—1987

The following incidents have been gathered from the files of the Community Relations Board, The Cuyahoga Plan,¹ Jewish Community Relations Service, The Call and Post, The Reporter, Professional Housing and Hispanic agencies. This list of incidents is not exhaustive. Most agencies do not systematically keep records of these events so the reporting is random. Secondly, racial incidents often are not reported to authorities by victims. We have few reports from Cleveland suburbs which reflects lack of sources and not a lack of incidents.

The incidents reported here have been screened and appear to have occurred because of race and not for other causes. This rise in violence and the random reporting is true nationally, as well as in Greater Cleveland. The largest category is "Harassment" which is often a prelude to violence, but is often called "pranks." There is little indication of growing or effective organized hate groups in Cleveland. However, the current social climate provides fertile grounds for future organizing.

Cleveland cases appear to be primarily around housing and are perpetrated often by white young adult males. The majority of the victims are black and include men and women, as well as children.

LOCATION	DATE	VICTIM	INCIDENT
Arson: Union	7/14/83	Black	House rented to blacks had garage burned down and daughter received call saying mother had been murdered. There have been complaints of drug activity.
E. 49th	1984	Black	Black family renting a house was burned out. Circumstances resemble firebombing.
E. 50th	6/2/85	Black	Firebombing of black family's home caused the the death of a black woman. Garage was set on fire the previous year. Family had received threats of being burned out and bricks were thrown when they moved in.
Independence	6/85	White	Arson perpetrated against white homeowner for statements made regarding racism in the Plain Dealer.
Ward 12	8/19/86	Black	Black homeowner in white neighborhood had home destroyed by arson and racial graffiti.
Corning	10/6/86	Black	Black woman's porch and garage set on fire by two white youths.
Assault: Collinwood	7/83	Black/ white	Black 12 year old beaten by white youth, yelling racial insults; aided by white woman. His family punched whites in retaliation.
Murray Hill	8/83	Black	Black family assaulted while attempting to help black youths on bikes who were being harassed by 12 white youths.
155th St.	7/83	Black	Black youths attacked at a food mart.

¹The report was presented as an exhibit to the Ohio Advisory Committee at the factfinding meeting on Aug. 19, 1993, by Eleanor Dees, executive director of the Cuyahoga Plan.

LOCATION	DATE	VICTIM	INCIDENT
Lorain	7/17/84	Black	Black recreation worker assaulted by 4 white males; told, "Niggers not welcome."
Detroit Ave.	6/8/86	Black	12 whites chased 4 black teens across Detroit Avenue. Next day a youth followed a man involved in assault who fired pistol in air.
Ward 18	6/9/86	Black/ white	3 blacks watching altercation between black and white youths later attacked by white youths who failed to catch black youths.
Ward 11	7/9/86	Black	Black male assaulted at swimming pool by 3 whites.
Ward 14	8/15/86	White	White teenager's bike stolen: assaulted by black youth saying, "Wrong side of town white boy."
Ward 15	9/9/86	Black	Black youth assaulted by 4-5 white youths; knife was pulled on him.
Siam St.	9/24/86	Black	White and Hispanic youths stole black child's bike; became racial when adults got involved and used racial slurs. 12 year old white youth charged with assault.
Ward 18	10/1/86		CMHA resident had fight with neighbor (knife involved) over youth behavior.
Kinsman & Union	11/4/86	Black	Sheriff charged with assaulting a couple at a bar with a service revolver.
Brookpark	11/13/86	Black/ white	Black couple fired gun at white couple who harassed and intimidated them outside a restaurant.
W. 30th & Clark	1/23/87	Black	Woman assaulted by 13-year-old youth at a grocery store.
2nd district	2/4/87	Black	Black male assaulted on a bus at Clark & Scranton.
Downtown	1987	Black	White youths surrounded black woman's car and shouted, "White people." Woman pulled from car by youths and assaulted.
Ward 14	4/20/87	Black/ white/ Hispanic	Confrontation between drunken white youths and a group of blacks and Hispanics. Whites shouted racial slurs. Hispanic youth fired shots.
Ward 15	5/13/87	Black/ white	White youths slam into black child. Victim's brother argued with offenders and assault ensued.
<i>Cross Burnings:</i>			
Brooklyn	8/85	White	Cross burned on lawn of white family who adopted interracial child.
Clark Ave.	8/1/85 8/2/85	Black	After long-standing feud, white males burned cross on black family's porch. Arrests and convictions followed.
E. Collinwood	12/4/85	Black	White robed persons burned cross on black family's lawn. History of harassment.
Collinwood	12/85	Black	Cross burned by hooded, robed people on black family's front lawn. Three juveniles, who were not Klan members, were arrested.
<i>Harassment:</i>			
St. Clair	7/83	Black	White family threatened black neighbors with knives and guns.

LOCATION	DATE	VICTIM	INCIDENT
165th & Lorain	7/83	Black	Black woman complained her family constantly harassed by white neighbors.
East	2/84	Black	Black family on section 8 received a note stating, "Niggers get out or die."
Broadway	8/28/84	Black	Whites tell prospective buyers they don't want Niggers moving in.
E. Collinwood	11/84	Black	Community Relations Board received threats regarding possibility of a black moving in.
Lakeshore Blvd.	12/84	White	2 white families threatened because it was alleged they would sell home to blacks.
Burnside Ave.	12/18/84	Black	White male tells Housing Inspector that home will be burned if blacks move in.
Collinwood	2/3/85	Black	Notes containing racial slurs were found on black family's porch and telephone polls. Rock thrown through window.
Ward 11	2/3/85	Black	2 racist notes on porch and 4 notes on telephone poles found by black family.
E. Collinwood	4/85	Black	Black female homeowner threatened while walking to the store.
E. 155th St. Clair	6/85	Black	Black religious organization attempting to open a church were met with racial graffiti, firing of gunshots and threatened officials.
E. Collinwood	6/85	Black	Trash was dumped on premises of an apartment building twice as blacks prepared to move in.
Old Brooklyn	6/85	Black	Black woman found threatening note tied to fence when moving into a CMHA house.
Union	6/2/85	Black	Black family taunted and threatened with fireworks.
Turney Rd.	6/85	White	White family possibly selling to blacks received several threatening telephone calls.
Ward 16	6/16/85	White	White couple who put house up for sale received threatening letter stating, "Nigger lovers." Said they would burn the house down. Received threatening call from white female.
E. Collinwood	7/85	White	Whites related to seller of a duplex received threatening phone calls. Threat of death if they sold to blacks.
Madison Ave.	7/85	Black/white	White and black tenants involved in a racial dispute.
Turney	7/4/85	Black	Fireworks thrown at home newly occupied by blacks.
Collinwood	6/29/85	White	Black youths, one armed, harassed juveniles and assaulted an elderly man at Tromba Pool.
E. 187th St.	8/85	Black	Whites threatened blacks in a dispute over lawn mowing.
E. 47th	8/85	Black	3rd District police reported incident of harassment of black family. Case prosecuted.

LOCATION	DATE	VICTIM	INCIDENT
Ward 20	8/25/86	White	Mother of woman who rented to interracial couple received harassing telephone calls.
Puritas	9/85	Black	Black children threatened by white peers.
E. Collinwood	10/85	Black	White male told workman that blacks choosing to move into Urban Homestead will die.
Turney	11/85	White	Young white couple received threats after black visitors left their home.
E. Collinwood	11/85	Black	Real estate agent reported that whites threatened to burn home if blacks move in.
Ward 10	3/30/86	Black	Front window in house of black woman in white neighborhood shot in by pellet gun.
Collinwood	3/30/86	Black	Black male had car windows broken twice. Car painted with "KKK".
Ward 11	4/4/86	Black	Black family received threatening note stating "Get out of the neighborhood."
Ward 18	4/15/86	Black	West 86th Street incident: "KKK" and "I hate niggers" spray painted on house. Daughter was verbally harassed previous day.
York	5/6/86	Black	Black man threatened that his house would be burned. Two white males with shotgun seen that night.
Ward 14	6/7/86	Black	Black family on "white" street had flowers dug up and daughter was harassed by white youths. Gun brandished at boyfriend's car. Attack by neighbor's dog.
Ward 18	6/12/86	Black	Black CMHA family in white neighborhood had "Go Home Nigger" spray painted on house and clothesline was torn down.
Ward 18	6/16/86	Black	Black store owner on near Westside threatened with racial slurs, sticks, phone calls, threats to bomb car and broken car window.
Ward 18	6/17/86	Hispanic	Daughter of Hispanic family harassed by black males.
W. 167th	7/86	White	White parents reported that their children were verbally and physically abused by black youth at Gunning Pool. Staff said not true, altercations occur between children of same race.
Ward 1	7/31/86	Black	Black youth assaulted by 10 white males for dating a white girl. Whites threatened to shoot male if returned.
Ward 1	8/14/86	Black	White males shouted racial threats to black female youth (repeated incident).
Ward 11	9/2/86	Black	"KKK" & "Nigger" graffiti on Euclid Beach Estates elevator for three months. Police told residents only landlord could repaint.
Ward 20	8/28/86	White	Black and Hispanic teenagers sitting on car yelled on car; yelled racial slurs when told to move.
Ward 12	9/3/86	Black/white	Black couple and white neighbor in altercation racial slurs exchanged. Situation unclear.

LOCATION	DATE	VICTIM	INCIDENT
Ward 13	9/24/86	Black	Woman racially harassed for 8 months; wanted to move from area.
Ward 19	9/24/86	Black	Black family's car set on fire; theft and physical confrontation with 4 white men who came to house yelling racial slurs.
Folsom St.	10/1/86	Black	Black male received threatening letter with racial slurs from Mentor, Ohio. Said they will kill his granddaughter and 2 friends; car and house were firebombed.
Ward 20	10/6/86	Black	Black woman moved into white area; received threatening calls. Other families have no problem.
Downtown	10/14/86 10/17/86	Jewish	Jewish Community Federation received anti-Semitic letters.
Dayton	12/86	Jewish	Cleveland Heights youth playing at a hockey tournament in Dayton, faced a Toledo team wearing swastikas on their uniforms.
E. 55th Broadway	1/13/87	Black	Black youths at a bus stop threatened by group of whites armed with knives and baseball bats.
	1/23/87	Jewish	Jewish agency executive received a threatening, anti-Semitic letter.
Shaker Hts.	1/21/87	Jewish	Jewish resident received a threatening anti-Semitic letter.
W. 30th & Clark	1/23/87	Black	Black woman resident in predominantly white building threatened by neighbors.
Ward 17	1/27/87	Black	Black family encountered repeated incidents of hostility and verbal abuse from white neighbor.
Ward 17	2/4/87	Black	12 year old black girl trapped and harassed by white youths.
East suburb	2/25/87	Jewish	Area's largest Jewish synagogue received a letter threatening to massacre congregation.
East suburb	3/87	Jewish	Jewish homeowner reported a series of anti-Semitic letters.
Ward 13	3/4/87 3/5/87	Black	Black family had "Nigger Leave" written on steps.
Ward 14	3/9/87	Black	Black man eating with white at a restaurant was racially insulted, "Nigger go back to the Eastside."
Ward 11	3/17/87	Black	Black youth confronted by white youth on playground. Racial slurs were exchanged. Whites informed blacks to get off their turf.
	4/23/87	Black	White family harassed children and adult family members living in CMHA acquisition housing.
Downtown	4/23/87	Jewish	Downtown Jewish business received an anti-Semitic mailing.
Westside	4/20/87	White	White male reported fear of black neighbor due to previous altercation and accusation of him being racist.
Ward 12	4/30/87	Black/ white	Olympia Theater owners received threat of arson if they rented to blacks.

LOCATION	DATE	VICTIM	INCIDENT
W. 90th	5/5/87	Black	Only black family in apartment building received heavy knocks on door and harassing phone calls.
Suburban	5/5/87	Jewish	Jewish congregation received anti-Semitic mailing.
Murder: Westside	11/31/86	Hispanic Black	man fatally wounded Hispanic man after altercation at a bar.
Vandalism: Ward 14	9/3/83	Black	17 year old juvenile arrested for spraying "Nigger Go Home" and a swastika on a black woman's car.
E. 75th & Union	1/14/84	Black	Black woman's car windows were broken within of occupancy in home.
Newburgh Hts.	4/84	Black	Upon moving in, black family received threats, repeated vandalism and racial graffiti.
Ivanhoe	4/21/84	Black	"Get Out Nigger" and "KKK" was written on variety store owned by a black man.
E. Collinwood	5/24/84	Black	Black real estate agent's car was vandalized while showing home to prospective black buyer.
E. Collinwood	6/29/84	Black	Black woman reported threats and vandalism made to a nearby black family.
W. 86th St.	8/1/84	Laotian	White male youth threatened Laotian family. Broke porch railing with baseball bat.
61st & Heisley	8/7/84	Black	Black man's car damaged; wires cut.
E. 95th	12/15/84	Inter-racial	One black and one interracial couple were forced from their apartments by white youths breaking windows.
E. Collinwood	12/15/84 12/17/84	Black	Looting, vandalism, and racial graffiti.
Collinwood	12/19/84	Black	Collinwood Center defaced with racial slurs while blacks attended a meeting at the nearby Blessed Sacrament Church.
Nathaniel	12/24/84	Black	Black owner of rental property had car windows broken while inspecting house.
E. Collinwood	2/85	Black	Black man renting in Homestead House had his tires slashed.
Old Brooklyn	4/85	Black	Racial graffiti painted on a CMHA house.
E. Collinwood	6/29/85 6/30/85 7/11/85	Black	New occupants' house painted with "Niggers Go Home." Seven reports of repeated incidents.
Jeffries	7/7/85	Black	Racial graffiti painted on porch.
Westside	8/85	Black	Two black families in CMHA houses reported vandalism by white youths.

LOCATION	DATE	VICTIM	INCIDENT
Ward 20	2/7/86	Inter-racial	White neighbor reported "KKK" painted on front door of house vacated by interracial couple.
Ward 20	6/3/86	Black	Black family on white street had 3 windows broken and garbage strewn on lawn.
W. 84th St.	6/11/86	Black	"Niggers Go Home" sprayed on home of black family.
W. 84th	6/13/86	Black	Racial slurs written on house.
Fleet	6/15/86	Black	Windows broken and garbage strewn on lawn of 10-year black resident.
E. 126th	7/17/86	Black/white	White family selling house to black woman were verbally harassed. Home was defaced with paint the night the woman moved in.
Russell Township	11/86	Black	Black beauty salon at Shoregate Mall was burned and vandalized.
Collinwood	1/29/87	Black	Family harassed, car windows broken, tires slashed. Community Relations Board intervened.
Ward 19	1/12/87	Black	Black female renting from CMHA had home spray painted with "KKK".
Franklin Ave.	1/14/87	Black	White family broke window of black family's house.
Ward 17	1/18/87	Black	Black man's car windows shot out by white neighbors.
4th District	1/22/87	Black	Black family in white neighborhood had windows broken. Repeated episodes of conflict.
Ward 6	2/1/87	White	White women living in black neighborhood had windows broken and dead cats placed in car.
Ward 15	3/29/87	Black	White youth threw gas tank through window of black family's home. Some prior conflict.
Ward 15	4/8/87	Black	Black harassed going to store. Brick thrown through window.
Ward 15	4/21/87	Black	White youths threw chunk of concrete through black man's car window.
Ward 17	4/23/87	Inter-racial	Interracial couple had window broken by brick (twice). On third instance a candle holder was thrown through the window.
Shooting: St. Clair	7/83	Black	While riding a moped, a black Euclid woman was followed by four whites in a car. They shot her in the arm and took the moped when she ran away.
St. Clair	7/83	White	White male was verbally harassed and shot by blacks.
E. Collinwood	7/28/84	Black	High caliber rifle shot into home of black family. No arrests.
E. Collinwood	12/17/84	Black	Shot fired into vacant home where neighbors thought black might move in.

LOCATION	DATE	VICTIM	INCIDENT
St. Clair	6/16/85	Black	Shots fired into a church which a black congregation was moving into.
Ward 13	7/15/86	Black/ white	Black and white neighbors argued, both got guns. Black claims white shot at him. White claims black is junkie.
Ward 7	9/24/86	Black	Black male shot in face by 3 white youths in car; motive is unclear.
Quincy	2/19/87	Black	Black woman shot by Arab merchant. Community states it is reflection of foreign merchant's regard for community.

Appendix 8

Appendix 8-1994 Crime Bill

Title XXa

SEC. 280003. DIRECTION TO UNITED STATES SENTENCING COMMISSION REGARDING SENTENCING ENHANCEMENTS FOR HATE CRIMES.

(a) DEFINITION.-In this section, "hate crime" means a crime in which the defendant intentionally selects a victim, or in the case of a property crime, the property that is the object of the crime, because of the actual or perceived race, color, religion, national origin, ethnicity, gender, disability, or sexual orientation of any person.

(b) SENTENCING ENHANCEMENT-Pursuant to section 994 of title 28, United States Code, the United States Sentencing Commission shall promulgate guidelines or amend existing guidelines to provide sentencing enhancements of not less than 3 offense levels for offenses that the finder of fact at trial determines beyond a reasonable doubt are hate crimes. In carrying out this section, the United States Sentencing Commission shall ensure that there is reasonable consistency with other guidelines, avoid duplicative punishments for substantially the same offense, and take into account any mitigating circumstances that might justify exceptions.

Appendix 9

Presenters at the Factfinding Meetings

Cincinnati:

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Ohio Attorney General's Office

Allen K. Tolen
FBI, Cincinnati Office

Alan S. Katchen
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Richard Schmalz
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Jessie Gooding
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Amy Rowland
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Samuel Gresham
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Melvin Schulman
Jonathon Williams
Diane Wright
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Janet Howard
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Cliff Savren
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