

The Chuckwagon

a quarterly production by

MONTANA FAIR HOUSING

Volume 25/February 2001

In true Montana spirit, we introduce the Chuckwagon . . . the newsletter to fill your fair housing appetite.

Montana Fair Housing will be including in each quarterly newsletter a synopsis of cases we have filed with the Human Rights Bureau, the Department of Housing and Urban Development, and/or federal or district court. This synopsis will not necessarily be all inclusive. The title of this section will be . . .

Stokin' the Fire

Montana Fair Housing filed a case out of Billings this quarter based on allegations of racial discrimination. The victim, an African American woman, alleges she was evicted from the trailer court she and her two children resided because of discriminatory attitudes verbalized by the housing provider. An initial investigation conducted by MFH supported the allegations and we assisted the victim in filing a complaint of housing discrimination with both HUD (the Department of Housing and Urban Development) and HRB (the Human Rights Bureau/Department of Labor).

MFH is involved with three cases addressing disability issues in housing. One case arose at a Bozeman complex that, despite early intervention on the part of MFH, continued to construct new multifamily housing without complying with the Fair Housing Act Accessibility Guidelines. This case is filed with HUD. The other two cases, both filed against Missoula based housing providers, involve the failure of the housing provider to provide reasonable accommodations. Both of these cases have been filed with HUD and HRB, while one has also been filed in district court.

MFH has three familial status cases filed against Missoula based housing providers. Two of these cases involve the direct denial of housing opportunities for families with children. One case involves the charging of excessive fees to add additional family members to a lease.

Cases that are still pending but with developments that may be of interest to our reader will be covered under . . .

On the Grill

Cases that have been conciliated, settled, and/or resolved by a finding or court order will be reported under . . .

Chow Time

Racist reputation still keeps
blacks out of Parma

Sunday, November 26, 2000

By JOSEPH L. WAGNER

PLAIN DEALER REPORTER

PARMA - Since moving to Parma a year ago, Michelle Williams has learned the cold reality of a black woman living in a predominantly white city. She felt she was a victim of racial profiling when three police cruisers followed her car

home from a store one night, explaining it matched the description of a hit-and-run vehicle.

One neighbor called the police when she played her gospel music too loudly, and another neighbor appeared to scold her once about something, but the woman ranted in an Eastern European language Williams couldn't understand. And Williams' daughter says she doesn't feel accepted at John Muir Elementary School and wishes she were back in Cleveland public schools.

From her brick bungalow on Grovewood Ave., Williams - mother of three and caregiver to two foster children and a niece - admits that most family members and friends tried to dissuade her from moving to Parma from Cleveland. After all, it took federal judges 27 years to open the gates of the city to blacks after the late Council President Kenneth Kuczma bluntly said, "I don't want any Negroes in Parma."

"Some of those who tried to discourage me were kind of paranoid, but I refused to be frightened," said Williams. "I'm a Christian person. If God says I can live there, I can live there," Williams added.

Reminded that it was actually U.S. District Judge Frank J. Battisti who ordered the racial barriers torn down in Parma, Williams disagreed: "No, it was God, trust me," she said.

Dec. 4 is the 20th anniversary of Battisti's ultimatum to Parma, and city officials point to success in drawing black residents like Williams as evidence of how the city has changed for the better. They tout marketing programs - all forced on them by the federal court - as working well to lure blacks to the city. Yet statistics show Parma is barely more integrated than when Battisti issued his ruling two decades ago. For example: Despite untold millions of dollars spent on new programs and legal wrangling, Parma may have gained fewer than 700 black residents since the 1980 census. The Census Bureau then put the city's population at 92,548, and counted only 370 blacks - 0.4 percent of the total. Data from this year's census are not yet available, but a national market-research firm, Claritas Inc., estimated that by 1998, Parma had only 1,046 black residents - 1.2 percent of its population.

The city's black population is still consistent with low percentages in other southwestern and western suburbs ringing Cleveland, which leads city officials to wonder out loud why Parma was singled out. The Battisti ruling set no quota for Parma but did hear trial testimony from John Kain, a Harvard University economics professor and a demographics specialist, that Parma's black population would be 12.7 percent without racial barriers.

The city couldn't find 50 minority families to take advantage of its down payment-assistance plan. Of 571 applicants, only 58 families qualified, and 38 bought homes. Only seven of those families were lured to Parma through the Cuyahoga Plan, a nonprofit agency that the city has paid \$337,600 since 1997 to market Parma housing to minorities.

Michael Roche, executive director of the Cuyahoga Plan, called the seven families "progress," given the city's history of excluding blacks. What is significant, he said, is that his agency generated 1,000 leads, of which 300 were black

Montana Fair Housing

904A Kensington Avenue
Missoula, MT 59801
Voice Mail: 406-542-2611
Fax: 406-542-2235
Toll Free: 800-929-2611

E-mail: mfhzng@montana.com

Web Site:
montanafairhousing.click2site.com

Board of Directors:

Alice Campbell
George Smith
Anita Big Spring
Dawn Typanski
Cary Griffin
Monte Jewell

Staff:

Bob Liston, Executive Director
Pam Bean
Cathy Woods
Tracy Shaw Harris

YES I want to support the efforts of Montana Fair Housing toward reducing the occurrence of housing discrimination in Montana. Enclosed is my tax-deductible membership contribution:

- limited income - \$10
- individual membership-\$25
- family membership - \$35
- nonprofits - \$50
- individual sponsor - \$200
- corporate friend - \$250
- corporate sponsor - \$500
- other: _____

Name: _____

Address: _____

City: _____

State/Zip: _____

HUD disclaimer notice: The work that provided the basis for this publication was supported by funding under a grant awarded by the US Department of Housing and Urban Development. The substance and findings of the work are dedicated to the public. The authors and publisher are solely responsible for the accuracy of the statements and interpretations contained in this publication.

families. The Parma government is overwhelmingly white, with only three blacks among the 525 employees – a police officer, a bookkeeper and a custodian.

All those numbers add up to one conclusion for Avery Friedman, a Cleveland civil-rights lawyer who was Battisti's monitor overseeing Parma's compliance. "Parma," Friedman said, "still maintains a racially hostile image."

Friedman said the statistics prove city officials have not been sincere in appealing to potential black residents. They should have sought help from black ministers and used platforms like the City Club, Growth Association or Urban League to illustrate the city's openness, he said. Also, "it would have been a powerful statement to blacks if [Mayor Gerald Boldt] would have put a black in his administration," said Friedman.

City officials are quick to downplay the statistics and defend their policies. "If the numbers aren't there, it's not our fault," Boldt said. "I think that we've done whatever the government has asked us to do."

Added Law Director Tim Dobeck, who was in the sixth grade when the case was first filed against Parma in 1973: "I don't think we'll ever satisfy Avery Friedman. But we're not obligated to satisfy Avery Friedman. We're obligated to satisfy the law and the Justice Department. And we did."

Council President Charles Germana said Parma has tried to reach minorities, but "we couldn't sell the city." "We're begging people to come here," Germana said. "We're throwing money at people. You can't get people to move here if they don't want to come."

Councilwoman Susan Straub, whose ward has one of the largest concentrations of black residents, said there are limits to what the city can accomplish. Said Straub: "You can't legislate attitudes, never."

With that, Friedman agrees. "That's totally correct. I was enforcing a congressional mandate of fair housing. That mandate addresses behavior, not attitudes."

The mandate he cites is the 1968 Fair Housing Act, which Congress passed in the turbulent days following the April assassination of Dr. Martin Luther King, Jr. The Justice Department first targeted real-estate agents and other private groups, then began searching for municipal test cases.

"Parma was the largest American suburb the U.S. Department of Justice zeroed in on in one of the early test cases," said Friedman.

Parma's selection came after a seemingly parochial dispute in 1971 over a high-rise complex for elderly people proposed by Sam Miller - then, as he is today, the chief executive officer of Forest City Enterprises, the real estate development firm. Miller, who said Forest City built more than 15,000 homes in the city as well as Parmatown Mall, saw a need for the apartments as the city's population soared over 100,000. Miller seemed to have a green light until city officials learned he was seeking Federal Housing Authority financing. They feared that meant low-income housing and denied the building permit. Miller said he knew Parma's actions would have explosive consequences.

"Parma was one of the most racial cities in America" at the time, said Miller. "But not today. It's changed."

In the backlash over Miller's plans, seven residents' associations collected enough signatures to put zoning changes on the November 1971 ballot. Their passage discouraged low-income housing through height restrictions and a stipulation that all plans be approved by the predominantly white, middle-class electorate. The first sign that Parma was in hot water with the feds came in 1972 when FBI agents began questioning Mayor John Petruska, other city officials and citizen leaders of the referendum. However, President Richard M. Nixon gave no hint of the coming lawsuit when, later that year, he motorcaded through Parma, shopping for votes amid a crowd of 5,000 people. Nixon carried Parma by 8,000 votes. Within months, his attorney general, John Mitchell, sued the city for housing bias.

The case was assigned to Judge Battisti, a white liberal appointed by President John F. Kennedy who already had the Cleveland schools-desegregation case on his docket. In June 1980, Battisti found that Parma illegally denied blacks equal housing opportunities. He ordered the city to strike down all exclusionary ordinances, establish a fair-housing board and aggressively market the city to black families. He also ordered creation of a low-income housing authority and construction of at least 133 rental units per year, and assigned a special master to oversee the remedy. The special master and 133-unit formula were struck down on appeal.

The battle raged until 1994, when Law Director William Mason, now Cuyahoga County prosecutor, signaled to U.S. District Judge Kathleen M. O'Malley that the city was ready to cooperate with the court. O'Malley had taken over the case when Battisti died that year. The order was lifted five years later, ending a case that spanned 26 years, six presidents and 10 attorneys general.

To satisfy the court, the city agreed to establish a public-housing board which now supervises 862 units; pledged to spend \$1 million on marketing the

city to blacks; and hired the Cuyahoga Plan. It also enacted a fair-housing ordinance and created a panel to handle complaints about housing discrimination. In four years, there have been only four complaints, said Assistant Law Director Bruce Courey, the hearing officer. But just as the city was accelerating efforts to sell itself, crosses were burned on the lawns of two black families. Sir Joy Timothy Thomas, whose family won a private fair-housing lawsuit in the summer of 1996, found a 7-foot burning cross on his lawn. Two years later, the Ory L. Penny family found a 10-foot burning cross on their lawn just nine days after moving into Parma. Both families moved out of the city. Friedman, their attorney, said their experiences, coupled with the racial-composition statistics, prove that Parma is still hostile to minorities.

But Law Director Dobeck saw a silver lining in the cross-burning furor. Police thoroughly investigated the incidents and won convictions, he pointed out. And neighbors, churches and other groups rallied to help the families. Other observers note that Parma's performance must be considered in a broader context, including traditional migration patterns of black families leaving Cleveland for the suburbs.

Tom Bier, who tracks population migration for the Housing Policy Research Center at Cleveland State University, said Parma is no different from other west-side suburbs whose minority populations are also tiny. Bier said the black population's migration to the suburbs has primarily been to the east and southeast. George L. Forbes, president of the Cleveland NAACP, said Parma "has done the best it could." Most blacks, himself included, prefer to live in east-side cities, he added.

Black real estate agent Lionel Lewis of A.J. Lewis and Associates remembers fellow students using racial slurs 25 years ago when he took real estate-classes at the western campus of Cuyahoga Community College, which straddles the Parma-Parma Heights border.

Things have "definitely changed for the better," Lewis said, but Parma remains hard to sell to black families, at least partly because of its distance from Cleveland's predominantly black East Side neighborhoods.

"Five out of 100 people are looking to the west side," he said. He said he recommends Parma to black clients and has shown homes there to two families, neither of whom bought.

Despite the obstacles, Roseanne Vanello said, "As far as I'm concerned, integration is working." She is program manager for the Parma Housing Board, which operates the 60-unit Chevy Brook Estates. The cluster of federally subsidized townhouses sits in the city's northwest corner, near the sprawling Chevrolet plant and separated from more populous areas by Big Creek Pkwy. There are 400 families on the waiting list.

For Chevy Brook resident Renee Glaze, a mother of two who also cares for a grandchild, "Moving to Parma was a dream come true."

Another resident, Beverly Williams, said she was drawn to Chevy Brook because she "didn't want to live on the East Side with poor schools and drugs."

Across town, in the kitchen of her Grovewood Ave. bungalow, Michelle Williams sees progress but thinks it will take time for all of Parma's barriers to fall. Her mother, Margaret George, admits that Parma looks inviting and says she would consider moving there from Cleveland's Glenville neighborhood.

However, Williams' brother, Steven George, said there is "no way" he would move to Parma. He said he has been stopped twice without reason by Parma police. "If you're black, nine out of 10 times they're [police] going to follow us."

But the city's 39-year-old law director remains optimistic. "This is a different generation," Dobeck said. "In the 26 years, attitudes of the whole world have changed and Parma's have changed with it."



From the HateWatch website: <http://hatewatch.org>
Published August 14, 2000:

The Bonnie Jouhari Story

Bonnie Jouhari, a fair-housing advocate in Reading, Pennsylvania, became a target of electronic harassment and threats due to her work on local housing issues and her campaign to start a task force to monitor local hate crimes.

Ryan Wilson, head of a cyberhate organization called ALPHA-HQ, posted the "Race Traitor" caption and the explosion photos with the accompanying text: "In our day, such traitors will be hung by the nearest tree or lamp post." The website was showcased on "White Forum", a local access cable show hosted by Roy Frankhouser, an ex-Grand Dragon of the Ku Klux Klan. Soon, Ms. Jouhari began receiving anonymous threatening phone calls. In fear for her life, Ms. Jouhari fled to Seattle but soon began receiving these same threats again. The local U.S. Attorney's office opened an investigation, but charges never materialized, even though Ryan Wilson acknowledged on a local television news broadcast that he indeed posted the graphic with the accompanying "race traitor" text on his web site. Two years after the initial web posting, The U.S. Department of Housing and Urban Development finally prosecuted Ryan Wilson in a landmark case. In an important decision for defining the boundaries of expression and hatred, Wilson was assessed a penalty of over one million dollars for actual and punitive damages.

Frankhouser settled with HUD, entering into an agreement that included a public apology to Ms. Jouhari and her daughter, along with the display of a fair housing poster on his home. The ALPHA-HQ website was shut down by order of the Pennsylvania courts in October 1999. However, Ms. Jouhari became the victim of more harassment in February of this year. An alleged suicide note from Ms. Jouhari in which she claimed that she wanted to "blow her brains out for being a race traitor" was posted on over eighty Usenet groups. Yet because the methods to prosecute offenders and protect the victim are not altogether clear, the FBI still has not filed any criminal charges regarding this latest harassment of Ms. Jouhari. This example explicitly illustrates the problematic nature of Internet crime under current laws.

Montana Fair Housing
904A Kensington Avenue
Missoula, MT 59801

If you suspect unfair housing practices
and/or want to find out more about
discrimination in housing contact:

**Department of Housing
and Urban Development**

1-800-877-7353

TDD 1-800-927-9275

or

Montana Fair Housing

1-800-929-2611

1-406-542-2611

TDD 1-800-253-4093



**EQUAL HOUSING
OPPORTUNITY**

On The Inside:

New Sections in our Newsletter:

Stokin' the Fire

On the Grill

Chow Time

Housing Conference 2001

Racist Reputation Still Keeps
Blacks Out of Parma

The Bonnie Jouhari Story