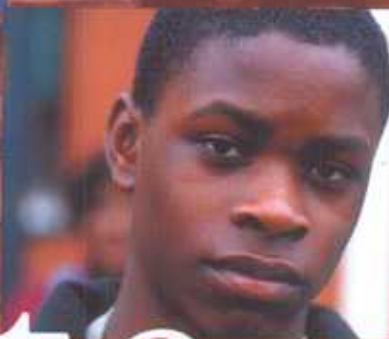


# Fight



# Hate

*A Prevention and*

*Response Guide for*

*America's Neighborhoods*

**NFHA**  
National Fair Housing Alliance

**LCef**  
Leadership Conference Education Fund

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**We gratefully acknowledge Allstate Insurance Company for its financial support in the printing of this manual.**

**The work that provided the basis for this publication was supported by funding under a grant with the U.S. Department of Housing and Urban Development. The substance and findings of the work are dedicated to the public. The author and publisher are solely responsible for the accuracy of statements and interpretations contained in this publication. Such interpretations do not necessarily reflect the views of the Federal Government.**

*Finding a home...  
choosing a new neighborhood...  
building a better life...*

That's the promise of the American Dream. But for some, that dream can become a nightmare of harassment, threats, intimidation, destruction, or violence.

If you are reading this guide, chances are you care about the future of your community. Like people in American communities everywhere, you and your neighbors share the desire for a safe and welcoming neighborhood with a comfortable home to relax in and be yourself. Any intentional disruption to this comfort is alarming. While the frequency of housing-related hate activity is relatively low, a single incident can send a current of fear and terror throughout the community, shattering its victims' sense of safety, home, and belonging.

Although universal in nature, intergroup tensions and housing-related hate activities are local problems that demand local solutions. These solutions begin with the commitment and actions of fair housing advocates, elected officials and policy makers, law enforcement officials, real estate professionals, businesses, religious congregations, schools, community and neighborhood groups, and individuals like you.

Together, we can build an America with neighborhoods where *everyone* can live the dream.



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*CommUNITY 2000—Promoting Fair Housing, Preventing Hate—has prepared this manual to help community leaders, fair housing advocates, and others prevent and respond effectively to housing-related hate crimes and tensions. The manual provides:*

- ◆ *Legal information needed to uphold justice in your community in the wake of housing-related hate activity*
  - ◆ *A “who’s who” guide to law enforcement and the justice system*
  - ◆ *Steps in building a rapid response network and protocol for preventing and responding to housing-related hate activity*
  - ◆ *Contacts and resources to help ensure an immediate response to hate activity in your community.*
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# Overview

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New census figures reflect an increasing diversity that has the potential of enriching our society and increasing our capacity and productivity as a nation. However, the reality is our neighborhoods remain racially, ethnically and economically segregated.

Instances of housing-related intimidation continue to sabotage the daily lives of individuals, families, and entire communities. Hate activity in housing denigrates the safety and integrity of entire neighborhoods. The National Fair Housing Alliance (NFHA) and the Leadership Conference Education Fund's (LCEF) CommUNITY 2000 project—Promoting Fair Housing—Preventing Hate—has prepared this manual to help community advocates prevent and respond to housing-related hate crimes and build communities where each and every resident is respected and welcomed.

## What is a hate crime?

Hate crimes include acts of violence, threats, property damage, or other criminal conduct directed against people because of their color, ethnicity, nationality, religion, gender, sexual orientation or physical or mental disability or because they have children. Housing-related hate crimes can be expressed against an individual, family, or entire group of people in or near their home or at a neighborhood-based institution, such as a school or religious facility. Examples of hate crimes or incidents include persistent bullying and name calling, racist or other bias-motivated graffiti or literature, vandalism, and other personal and property violence.

The FBI collects data under the Hate Crime Statistics Act of 1990, which provides the best—although incomplete—national picture of the magnitude of the hate crime problem in America. The FBI's Uniform Crime Report defines a hate crime or bias crime as a “*criminal offense committed against a person, property, or society which is motivated, in whole or in part, by the offender's bias against a race, religion, disability, sexual orientation, or ethnicity/national origin.*” Although there is no official measurement of housing-related hate crime, experts agree that a large percentage of hate crimes are committed against victims in their neighborhoods.

*The National Fair Housing Alliance and Leadership Conference Education Fund's CommUNITY 2000—Promoting Fair Housing—Preventing Hate project—has prepared this manual to help community advocates prevent and respond to housing-related hate crimes and build communities where each and every resident is respected and welcomed.*

## **What is the relationship between housing-related hate activity and housing discrimination?**

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Housing-related hate activity includes situations in which groups of people experience conflict within their neighborhood. Ongoing disputes, altercations, and an overall air of hostility between groups are sure signs that tensions exist in a community. Tensions often begin with a problem between two people and escalate to a situation where anger, mistrust, and intolerance characterize the relationship between entire groups of people.

Housing discrimination—all too prevalent in America's home rental, sales, lending, insurance and appraisal markets—is a major indicator of community tensions because it reflects the strong, underlying belief that certain people are not welcome in a neighborhood, city or region. Housing discrimination occurs when a person is denied the opportunity to live in the home of his or her choice because of race, national origin, sexual orientation, religion, sex, disability, or presence of children in the family. Housing discrimination is prohibited under federal, state and local law.

Because of a long legacy of housing discrimination in the US, most of us grew up in segregated communities. In fact, although the federal Fair Housing Act was passed in 1968, housing discrimination still persists at an alarming rate. Further, because of these segregated living patterns, most White Americans are likely to have attended schools where the majority of students are White, and most African Americans are likely to have attended schools where the majority of students are Black. Historically, when Black children attended predominantly White schools, their presence alone gave rise to racist conduct by some white students and adults in the community. The same patterns have held true for other ethnic minorities over the years. This lack of true familiarity contributes to the fact that most of us, on some level, hold stereotypes, prejudices and fears about one group of people or another.

### **New answers to an age-old story**

Remember *West Side Story*...or Spike Lee's *Do the Right Thing*? Both stories depict all-too-common scenarios where intergroup tensions escalate to the level of violence. Because real life stories like these are so common, communities need to evaluate the relationships between groups of residents and look for warning signs of tensions and hate activity. Local leaders and advocates should develop and implement new strategies for preventing tensions and responding to those that give rise to hate activity. Communities should never become too comfortable in their diversity—efforts to support positive intergroup relations and prevent housing-related hate activity should be sustained even in good times. This manual is a starting point to help you achieve this objective.





# The Law— Violations of the Fair Housing Act

*There are a variety of laws providing relief for victims of hate crimes. Rights and remedies can be found in the federal Fair Housing Act, other federal civil rights statutes, and many state and local laws.*

The federal Fair Housing Act provides both criminal and civil remedies for housing-related hate crimes. Examples of housing-related hate activity might be a cross burning outside the home of new residents or vandalism to their property because of their race or a threatening telephone call to the real estate agent who sold the home.

The strongest protections and remedies for housing-related hate crimes and activity can be found in the federal Fair Housing Act, which was enacted by a bi-partisan Congress just days after the 1968 assassination of Dr. Martin Luther King Jr. The Fair Housing Act, and its subsequent amendments, make it illegal to discriminate in housing related transactions *because of* race, color, religion, sex, national origin, disability or familial status (the presence of children under the age of 18). For housing-related hate crimes, this Act provides both a civil remedy in the form of monetary compensation for injury—including emotional distress, and injunctive relief—and a criminal remedy including fines and jail time for the perpetrator. In a hate crime case, civil and criminal remedies may both apply. State and local fair housing and criminal laws may provide additional protections, for example, several states have laws covering hate crimes based on sexual orientation. You should always check state and local laws for additional protections.

## What Constitutes a Violation of the federal Fair Housing Act?

Examples of Violations	Possible Penalties
"Retaliating against any person because that person has made a complaint, testified, assisted, or participated in any manner in a proceeding under the Fair Housing Act." 24 C.F.R.(c)(5)	With no bodily injury to the victim, the violator may be fined not more than \$1,000, or imprisoned not more than one year, or both. 42 U.S.C. § 3631
"Coercing a person, either orally, in writing or by other means, to deny or limit the benefits provided that person in connection with the sale or rental of a dwelling or in connection with a residential real estate-related transaction because of race, color, religion, sex, handicap, familial status, or national origin." 24 C.F.R.	If bodily injury results, the violator shall be fined not more than \$10,000, or imprisoned not more than ten years, or both. 42 U.S.C. § 3631

Examples of Violations	Possible Penalties
<p><b>§ 100.400(c) (1)</b></p> <p>“Threatening, intimidating or interfering with persons in their enjoyment of a dwelling because of the race, color, religion, sex, handicap, familial status, or national origin of such persons, or of visitors or associates of such persons.” 24 C.F.R.(c)(2)</p>	<p>If death results, the violator shall be subject to imprisonment for any term of years or for life. 42 U.S.C. § 3631</p>
<p>“Threatening an employee or agent with dismissal or an adverse employment action, or taking such adverse employment action, for any effort to assist a person seeking access to the sale or rental of a dwelling or seeking access to any residential real estate-related transaction, because of the [protected class] of that person or of any person associated with that person.” 24 C.F.R. §100.400(c)(3)</p>	<p>Damages awarded in a civil lawsuit or administrative complaint which could include compensatory damages – both actual costs incurred and damages for intangible injury such as emotional distress - and punitive damages and/or civil penalties.</p>
<p>“Intimidating or threatening any person because that person is engaging in activities designed to make other persons aware of, or encouraging such other persons to exercise rights granted or protected by this part.” 24C.F.R.§100.400(c)(4)</p>	<p>Injunctive relief which can be broad and creative. For example, in one case a judge required the violators to sell their house, move from the neighborhood and agree never to return.</p>

The Fair Housing Act was used to redress the injury to victims in the following real life examples of hate crimes:

White youths threw a Molotov cocktail at the house of an African American family who had just moved into the neighborhood. Each member of the African American family was awarded a significant amount of damages by a judge, and the wrongdoers were also prosecuted for attempted arson under state criminal laws.

A white landlord who received threatening calls after she showed her apartment to an African American family successfully brought a case under the Fair Housing Act and received damages from the caller, who was also prosecuted by the Department of Justice for making the threats.

A young boy whose father had AIDS was harassed and called names and neighbors threatened him because they thought he had AIDS. A

federal lawsuit for damages was brought on his behalf under the Fair Housing Act and it was successfully settled.

When a white neighbor threatened to harm a new African American resident, displayed a baseball bat on national television, claiming she was going to use it against African Americans, she was prosecuted under federal criminal laws, as well as sued for monetary damages.

A Portuguese family was victimized by a cross burning because neighbors thought they were black. The neighbors were prosecuted and jailed, and a case for damages was successfully brought against them.

It is important to also note that fair housing laws allow for intervention and remedial action at the harassment stage, and thus can play a major role in preventing hate crimes.

### **Where to get help**

#### *Private Fair Housing Groups*

There are private fair housing centers located throughout the United States that can provide support to victims of housing related hate activity and help them pursue their rights. These groups will advocate for the victim by creating public awareness of the situation, bringing media attention and public scrutiny to the case, coordinating with a law enforcement network including local police and FBI, and securing legal counsel. Fair Housing centers can also help consumers better understand their fair housing rights and options, and provide immediate victim counseling and referrals if necessary. Because most fair housing centers have established relationships with local and federal law enforcement and a pool of cooperating attorneys experienced in enforcing civil rights laws, a fair housing center has resources immediately available to assist the hate crime victim in pursuing their criminal and civil enforcement options. Finally, fair housing groups can address community tensions before they reach the level of hate crimes by actively promoting the benefits of housing choices and integrated living.

#### *Criminal Enforcement*

Establishing good working relationships with local and federal law enforcement can be invaluable in assuring rapid and effective law enforcement response to reported hate activity. The FBI, sometimes working with local law enforcement officials, will investigate criminal violations of the Fair Housing Act and other federal laws. The FBI can investigate hate activity either at the request of the United States

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***In an emergency  
situation, call 911  
immediately!***



Department of Justice (DOJ), or a victim/fair housing center to the FBI in response to a report of harassment, intimidation or threats. DOJ—through local offices of the United States Attorney—can bring a criminal or civil case in federal court. If other crimes are involved, such as arson, assault, or threats, those crimes may be investigated and prosecuted by local law enforcement officials and prosecutors. Hate crimes should be reported both to local law enforcement officials and to the closest FBI office. You should also contact the DOJ District Housing and Civil Enforcement Section. A wrongdoer can be fined, sent to jail, or both for criminal hate crime violations.

### *Civil Enforcement*

Hate crime victims may bring civil lawsuits against the perpetrators, requesting monetary and other damages. A private attorney may assist the victim in filing a civil action in court, and local fair housing centers may be especially helpful in assisting hate crime victims in finding counsel. A civil lawsuit may seek damages and other relief, including an injunction to prevent future hate activity. The injunctive relief awarded can be significant—in one case as part of a consent decree the perpetrators of the hate crime agreed to sell their house and leave the neighborhood as part of the relief. In civil cases, remedies include damages for both actual costs incurred because of the hate crime and damages for mental and emotional distress. A case brought by an individual in federal or state court under the Fair Housing Act may also result in punitive damages, which are awarded to the victim of the hate activity. The standard of proof for a civil action is different from the “beyond reasonable doubt” required in criminal cases. Instead, civil cases require that the victim show by a preponderance of evidence that the hate activity occurred. A complaint can also be filed with the Department of Housing and Urban Development (HUD). HUD will conduct an impartial investigation and, if evidence of a Fair Housing Act violation is documented, HUD will issue a charge of discrimination and one of its lawyers will bring a case before an administrative law judge for damages and other relief at no expense to the victim. A case brought before an administrative law judge can result in an award of damages as well as civil penalties against the wrongdoer.

### *State and Local Governments*

Many state and local government offices have a human rights or civil rights division that can investigate and prosecute hate activity. State and local offices have varying levels of power, but generally can conduct a civil investigation and help contact law enforcement officials. In many cases, the State Attorney General can facilitate criminal action.

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**To reach the National Fair  
Housing Alliance—  
Call 866-222-FAIR**

**[www.nationalfairhousing.org](http://www.nationalfairhousing.org)**

## **When To Get Help**

*It is important to respond to hate incidents in your community quickly and effectively. If you determine an incident has occurred, call 911 immediately.*

At the first sign of a problem, victims of hate crimes should call 911 and then contact the local fair housing center or another civil rights group such as the NAACP, or Anti-Defamation League. Not only is it important to have criminal and civil investigators working as quickly as possible on violations of fair housing and other laws, but victims may also need support, assistance and comfort to help them through a difficult time. In many cases, the hate activity is stopped early by intervention.

Generally, victims of hate crimes should seek help from both criminal and civil law enforcement agencies. A criminal investigator can help identify and locate a perpetrator and ensure that the victims receive compensation and other resources to stop the hate activity and help the victim recover.

Victims of hate activity should expect and receive prompt, professional attention from the agencies they contact for help. If a particular agency does not seem to take the report seriously, or does not move quickly to address the circumstances of a hate activity, victims should contact their local fair housing center, another civil rights organization and victim services for more help. Agencies generally will work together cooperatively to investigate and resolve hate activity. In some cases, a civil investigation may be delayed so as not to interfere with an ongoing criminal investigation. Sometimes short delays do occur, but if there is a longer delay, or if there is no criminal prosecution, ask the civil investigating agency to expedite its investigation.



# Responding to Housing-related Hate Activity—The Response Network

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Responding to housing-related hate activity requires collaboration among a network of community institutions and individuals. The response must be locally driven, proactive, comprehensive, and sustained through follow-up.

*A hate crime task force may already exist in your area, enabling you to tap an ongoing resource in your community. Otherwise, the best option is to start a committee that will lead to the formation of a community response network.*

## 1. Be Proactive—Examine Your Options Now!

Taking action now may prevent hate activity in your neighborhood as well as equip your community with a plan of action during a crisis. A good place to start is to identify who in your community is actively involved in hate crime awareness and prevention. A hate crime task force may already exist in your area, enabling you to tap an ongoing resource for your community. Otherwise, the best place to start is to form a committee or task force that will lead to the development of a community response network. Initial members should include:

- Law enforcement
- Victim services providers
- Local fair housing center.
- Civil rights organization(s)

## 2. Develop a Network

An effective collaboration can best be achieved through what this guide refers to as a community response network—a network of advocates and service providers who bring their skills, knowledge, resources and commitment together to prevent and respond to housing-related hate activity. Members of the task force—law enforcement, victim service professionals, fair housing centers and civil rights organizations—should be the guiding force behind a response network and help coordinate efforts of key resources in the community, including:

- Religious leaders (interdenominational) and institutions
- Anti-Defamation League (ADL), and other Community-based organizations that are active on this issue, such as NAACP, National Council of La Raza, Local affiliates of the National Urban League.
- Media

School representatives

Representatives from local real estate association or board

Local businesses (e.g., locksmiths; hardware stores; home stores; car rental companies; childcare services; and the local real estate community).

*Even if the answer to every question here is favorable, your community will still benefit from having a network in place. A hate crime can occur any time...any place.*

### 3. Identify Your Community's Needs

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Hate crimes can occur in any community, regardless of how much or how little tension exists. In that context, *every* community can benefit from a community network in place to respond to hate incidents. Answering the questions below will help your network define its role in the community.

Does the make up of your community include people of diverse backgrounds?

- Has housing-related hate activity been reported in the past?

Are there many complaints of housing discrimination in your community?

Does the media report hate activity? If so, has the media presented past hate incidents factually and fairly?

Are new groups of people moving into your community?

Are people accepted in the community?

Are real estate rental and sales professionals educated about fair housing laws and housing-related hate activity?

Do children of diverse backgrounds play together?

Is bullying prevalent in local schools?

Is racist, anti-immigrant or anti-gay graffiti on walls or buildings in certain communities?

Has racist, anti-immigrant or anti-gay literature been distributed in your community?

How prevalent is racial segregation in your area?

Answers can be found by researching your local human rights/human relations commission, fair housing agency, various government and human service agencies, community and faith-based organizations, real estate boards, school boards and police department.

Finally, all communities across the country that receive federal or state Community Development Block Grant (CDBG) funding have, or should have, completed an Analysis of Impediments to Fair Housing Choice (AI). The AI must be on file with the local office of housing and community development. The National Fair Housing Alliance has collected AIs from 600 cities across the country. Call 866-222-FAIR to find out if your community has completed and filed an AI. If your community's AI is incomplete, meet with political leaders and request that the AI be amended to include issues of hate activity.

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*If your community does not have a private, nonprofit fair housing agency, CDBG funds can be used to establish one.*

#### **4. Identify Your Assets**

Next, conduct a scan of available hate prevention and response resources in your community. You can start by answering the following questions:

Are there local organizations whose purpose is to prevent and respond to housing-related and other hate activity?

Are there youth, arts or sports programs in place to provide opportunities for young people from different cultures to interact?

Are there opportunities for religious exchange where, for example, Jews, Protestants, Muslims, or Catholics can get together to learn about each other's faiths?

Does your human relations commission offer diversity workshops and conflict resolution/mediation classes?

Do local radio and television stations air public service announcements and support programs that promote acceptance and interaction with people of different backgrounds?

Do local schools teach diversity curricula or have social clubs dedicated to promoting cultural exchange?

Are there social justice programs in local religious institutions?

Even if a community has organizations that are actively involved in hate crime awareness and prevention, most do not have a comprehensive approach that responds specifically to neighborhood-based hate activity. Oftentimes, there is little coordination between the police and advocacy groups that have the expertise to help enforce fair housing laws and spearhead community reconciliation after a housing-related hate incident is committed. In many instances, there is no comprehensive network in place to coordinate the resources—housing and legal assistance, financial and home repair service, counseling, mediation—victims and the broader community need to successfully recover from harm caused by a housing-related hate crime.



## **5. Define Your Network's Role**

Whatever protocols, resources, and services are currently in place, there is very likely some gap in services. For example, your community may not have a housing-related hate response guide that it distributes to every new resident. The network could develop one and work with the local real estate community, businesses and other community institutions to disseminate it to every new resident. Additional questions the network should consider when defining its role include:

Will the role of the response network be to compile and disseminate resources for housing-related hate response?

Will the network assume an advisory role to the police or serve as a “watch-dog” to help ensure adequate response to housing-related hate activity?

Will it train service providers (including police, real estate agents and community groups) to better respond to housing-related hate activity?

Will it educate public officials and the media about the effects of housing-related hate activity?

Will its role be one of providing direct service and coordinating resources?

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*Every individual  
can play a part in  
preventing and  
responding to hate.*

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## **6. Define Network Member Roles and Responsibilities**

After defining the role and mission of the network, identify specific expectations and tasks for each member organization. Doing so will establish a basis for discussion during the network's planning phase about each member's role in taking preventive measures as well as creating and implementing a response protocol.

### *Neighborhood Members*

Every individual can play a part in preventing and responding to hate crimes. Anyone can speak out against hate and intolerance at any time. Anyone can reach out to a neighbor in need. Anyone can send a card or make a gesture of empathy and support to someone who has been victimized by hate. Anyone can work to make their own neighborhood a welcoming place, and to create a spirit of openness to diversity in the community.

### *The Police and the Justice System*

The police are usually the first to hear about and arrive on the scene of housing-related hate activity. Whether or not your local police department elects to join the network, it should at least designate a community contact who would alert the network's first point-of-contact of a neighborhood-based hate crime. The police point-of-contact should also develop relationships with the local fair housing organization and advocacy organizations, victim service providers, and representatives from the justice system.

The network should establish a good working relationship with the police and offer useful resources, such as training or victim services, which complement the police department's current efforts. A sensitized and engaged police department can help facilitate a victim's cooperation with the justice system, assist with the healing process, and promote law enforcement's credibility within the community. By positioning itself as a viable resource to the police, the network will be alerted to growing tensions or housing-related hate activity in the community and be able to offer early intervention. The network should educate the local bar; federal, state and city prosecutors; and judges about the provisions of federal and state fair housing laws regarding housing related hate activity. This will help guarantee effective prosecution and sentencing for hate crimes and other housing-related hate activity.

### *The Fair Housing Center*

Fair housing center staff have relationships with private attorneys and state and federal agencies responsible for enforcing fair housing laws and will provide assistance to victims of harassment, coercion, or intimidation. The fair housing agency can refer victims to local attorneys who will represent them in civil lawsuits filed against the perpetrators of housing-related hate activity.

As the key private sector organization responsible for educating the public about enforcement of federal, state and local fair housing laws, your local, private, non-profit fair housing agency is a natural catalyst in preparing for and organizing a community response to housing-related hate crimes and community tensions.

### *Victim Service Providers*

Because of the trauma that victims of hate and bias-motivated crimes experience, victim service providers are critical to any response protocol. The network should always include a victim service provider—a social worker, counselor or other professional experienced with hate activity

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*Fair housing  
agency staff are  
trained to  
investigate  
housing-related  
intimidation  
activity.*

response—to coordinate immediate care and assistance including psychological counseling and other advocacy.

#### *Offender Rehabilitation Services*

Rehabilitating offenders is an important provision of a comprehensive network for the prevention of hate activity. A local program might involve youth offenders in special exchange programs that provide an opportunity for meaningful interaction with people of different backgrounds. The program can include bringing in “reformed” offenders to speak to youth communities where tensions are high and youth are at risk of becoming hate offenders.

#### *Religious Institutions*

Because churches, synagogues, mosques, temples, and other houses of worship are considered sacred places, they can serve as places of healing and reconciliation. Religion also holds powerful moral sway for community members and leaders alike. For these reasons, the faith community is an important component of an effective network.

#### *Educational Institutions*

The network can work with the local school system, including public and private schools, community colleges, and universities to develop and implement on-campus hate response protocols. The network can also work to promote conflict resolution and educational modules that help students recognize hate and give them the tools to intervene on behalf of a victim. Finally, because schools are such an integral part of any community, the educational community can model effective ways to help reconcile the community after a hate incident.

#### *Business Institutions*

Local businesses can use their resources and influence to augment the work of the response network. The real estate community is particularly important as they have a vested interest in promoting and maintaining a stable community. They also have legal and ethical obligations to promote fair and open housing. Finally, the real estate community has public and political credibility that it can use to help send the message that housing-related hate activity will not be tolerated in the community.

Beyond the real estate community, local businesses can contribute funds or resources to a victim remediation program to help victims make repairs after a housing-related hate crime. This may include helping to install new locks in a home, replacing broken glass, painting over

graffiti, replanting a torn-up lawn, or donating staff time to assist with these tasks.

### *Community/Neighborhood Groups*

Local community organizations can maximize the capacity of the network to respond to housing-related hate activity, by helping to ensure the incident is communicated accurately and rumors are dispelled. An op-ed in the newspaper presenting the network and signed by as many community organizers as possible who represent the community is a powerful statement.

### *Media Outreach*

Given its power within the community and the region at large—and considering the belief systems of so many individuals—the media is critical to the success of your response network. If the media coverage is sensationalized or insensitive, it could easily increase, rather than ease, community tensions. But an educated media is more likely to be sensitive, fair, and factual in its reporting of hate activity.

An educated reporter makes a great ally, and the way he/she reports a story can contribute greatly to the victim and the community's healing. A media network member could initiate an education program among print, radio, and television staff about effective coverage of hate activity. In addition, the media could air PSAs and positively advertise the network's activities throughout the community.

## **7. The Three Golden Rules**

Networks will have a wide range of activity. Regardless of the role the network chooses to play in the community's response to housing-related hate, it should always:

- Collaborate with local law enforcement. A central resource for further support is the International Association of Chiefs of Police (IACP), listed at the back of this handbook, as well as DOJ, the state attorney's office, or your local elected representatives.

Interact with any existing structure or protocol for hate crime response that already exists in your community.

Remember to focus on victim healing and reconciliation.

# Responding to Housing-related Hate Activity—The Response Protocol



*It is generally recommended that three organizations take primary responsibility for coordinating the network. The police, victim service providers, the local fair housing organization or other civil rights organizations are natural candidates for the role because of their expertise directly related to hate response and fair housing.*

If you have joined an existing hate-crime task force and established a response network, you will have identified:

- Community network mission
- Network members and resources
- Network members' roles and responsibilities

The next phase in the process is to formalize a response protocol. Begin by convening a meeting to coordinate resources, identify members you may have overlooked, and craft a response protocol for each network member to follow when housing-related hate activity occurs.

Many hate incidents never rise to the level of a hate crime. Fair housing groups have a special role to play because they can intervene and decrease tensions before they escalate.

## 1. Choose Network Coordinators

It is generally recommended that three organizations take primary responsibility for *coordinating* the network. The police, victim service providers, and the local fair housing organization or other civil rights organizations are natural candidates for this role because of their expertise directly related to hate response and fair housing. Ultimately, choose the coordinators based on their commitment to sustaining an active network and their internal capacity for doing so.

The network should not seek to “reinvent the wheel.” Thus, if the Anti-Defamation League (ADL) or a special hate crimes division of the local police department is already active in coordinating hate response, fair housing groups should work to fill any gaps in service and offer a fair housing element to the existing structure. National experience indicates that even groups skilled in hate crime response do not typically possess specific fair housing expertise. At the same time, some fair housing organizations do not have experience in hate activity response. Working together can increase knowledge, skills and effectiveness of all groups participating.



## **2. Choose Response Coordinators**

Once you have determined which organizations will coordinate the network, designate two or three response coordinators as central points of contact. Provide names, telephone numbers, pager and cell phone numbers. Be sure to designate a backup coordinator in case of an emergency.

## **3. Create a Response Checklist**

Your next step will be to begin crafting a protocol for the network to follow when housing-related hate activity occurs in your community. By developing and implementing a crisis response protocol and a checklist that includes a clear role for each network member, the network will avoid oversights or duplication of resources in coordinating the response to housing-related hate activity.

## **4. Establish the Initial Point of Communication**

An effective protocol needs a communication mechanism to identify problems and alert network members. The initial point of contact for most housing-related hate activity will likely be a call to the police department or 911.

The network should establish a good relationship with the local police department and offer viable resources to complement what the department is already doing in the area of hate prevention and response. By doing this, the network will increase its credibility with the police and the likelihood of police cooperation. This is particularly important in ensuring that the network finds out immediately about the occurrence of all housing-related hate crimes and is viewed as a viable response partner.

## **5. Design a Response Protocol**

Although each network will create its own response protocol (see Victim Care and Assistance), the following steps outline the basic guidelines that your network should include in its protocol:

The police contact or investigating officer contacts a network coordinator about a housing-related hate crime or activity as soon as possible after its occurrence.

The response coordinators discuss appropriate action and convene a response team composed of a few network members—for example, a

social worker, fair housing center staff, media/public contact person and conflict mediator—whose expertise best corresponds to the situation.

- The designated response team determines exactly what has occurred and the immediate needs of both the victim and the community.

The response team addresses immediate victim needs.

The response team reports back to the network coordinators.

The network coordinators convene a full meeting of the response network to fill out the Rapid Response Checklist provided at the end of this manual. Based on their responses to the checklist, the network will be able to assess what intermediate and long-term plans are necessary. The network can then create a schedule to implement all identified next steps and assign tasks to network members.

The next steps will most likely include all of the following:

Victim care

Assistance with the filing of a legal or administrative complaint

Public communication and reconciliation

Media outreach.

## **6. Continually Improve the Response Protocol**

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The response network can continually improve its protocol by evaluating its effectiveness using the Rapid Response Checklist as a guideline.



## Victim Care and Assistance

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*The network should develop an outreach program that teaches community members and newcomers what to do if they are victimized by housing-related hate activity.*

The network should develop an outreach program that teaches community members and newcomers what to do if they are victimized by housing-related hate. The outreach efforts should inform victim(s) to:

- Call 911 and seek immediate medical care if the incident is violent.

Report the incident immediately to the police.

Report the incident to a city council member.

Report the incident to the fair housing center.

Prepare a personal narrative account of the incident. This will help police, the FBI, the fair housing center or an attorney conduct a more thorough and accurate investigation.

Seek the assistance of a counselor, fair housing advocate, clergy member or caring neighbor to research your rights, pursue a complaint, file insurance claims and handle other logistics.

Seek a safe haven during the turmoil (this might be a neighbor's house, a friend or relative, or a local religious facility).

Seek—and accept—the kindness and support of neighbors and friends.

Alert the network, community and advocacy groups, elected officials, clergy and the media about the incident. Let them know what happened and why. The network can help rally their support and assistance in conveying the facts of the situation and asserting what steps will be taken to resolve the situation and prevent future violations. The network can help coordinate vocal community, political, and police support for the victim(s) and coordinate community responses in denouncing the hate activities.

Victims of hate activity, including housing-related incidents, tend to feel isolated, shocked, afraid, vulnerable and angry. Although a victim(s) may have been frightened enough to report the incident, the response team should not be surprised if they encounter a victim(s) who resists speaking with the police, social workers, or others who are there to assist them. It is critical that the entire response network takes the time to educate themselves about victim(s) trauma associated with housing-related hate activity. Only then can the response team provide appropriate care, and help the victim(s) through the difficult aftermath of the hate incident.

## **Understanding Victim Trauma**

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Because the basis for the attack is the victim's identity, victims may experience:

- Deep personal crisis
  - Increased vulnerability to repeat attack
  - Anger/desire for revenge
  - Acute shock and disbelief
  - Sense of community/system betrayal
  - Shame and humiliation
  - Extreme fear of certain groups
  - Hopelessness
  - Difficulty sleeping.

## **Why Victims May Be Reluctant To Report:**

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- Fear of retaliation
- Fear of having privacy compromised
- Mistrust of law enforcement
- Cultural or language barriers
- Fear of jeopardizing immigration status
- For gays and lesbians, fear of repercussions of being "outed" to family members
- Fear of repercussions at work.

*If you're on the Response Network:*

Victim(s) care is the first priority for the Response Network. The Rapid Response Checklist provides a list of guidelines for the network coordinators to keep in mind as they organize their response team to provide safety and assurance to the victim(s):

- Work in partnership with the police to address the victim's immediate safety.

- A victim services professional and fair housing specialist should be present at the scene with the police.

The victim(s) should also be accompanied by a caring neighbor, a religious leader of the victim(s)'s faith, or an advocate on site to comfort the victim(s) in the immediate aftermath of the incident.

A mediator or conflict resolution specialist should be present in case of conflict between the neighbors.

Alternative or interim emergency housing should be made available and offered if needed.

A caseworker or counselor should be assigned to follow up with the victim(s) to ensure their safety and help them file a complaint or deal with logistics in the aftermath of the incident. This includes, for example, repairing property damage or filing an insurance claim.

Counseling and follow-up care should be provided for a reasonable amount of time, as requested by the victim(s).

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*Usually the first to arrive at the scene, it is imperative that police officers understand the victim's state of mind and how best to assist them.*

#### *If You're a Police Officer*

When the incident rises to the level of vandalism, threat of violence, or violence, the victim(s) usually calls the police. Often the first to arrive at the scene, it is imperative that police officers understand the victim's state of mind and how best to assist them. The Department of Justice offers the following guidance for police officers supporting victim(s) while investigating hate incidents or crimes:

Remain calm, objective and professional

Ask victim(s) how they want you to help them

Request the assistance of translators when needed

Let victim(s) defer answering questions if they are too distraught

Ask them if they have any idea why this happened to them

Reassure victim(s) that they are not to blame for what happened

Voice your support of the actions the victim(s) took to protect themselves and defuse the situation

Encourage victim(s) to tell the story in their own words and vent feelings

Ask them to recall, to the best of their ability, the exact words of the perpetrator(s)

Ask victim(s) if he or she has family members or friends who can provide support and help in ensuring safety

Reassure victim(s) that every effort will be made to protect his or her anonymity during the investigation



Tell victim(s) about the probable sequence of events in the investigation

Provide information about community and department resources available to protect and support victim(s), their families and members of the community.

**Avoid:**

Being abrupt or rushed

Telling victim(s) you know how they feel unless you've been through it yourself

Asking victim(s) whether they think this was a bias or hate crime

Criticizing the victim(s)' behavior

Making assumptions about the victim(s)' culture, religion, sexual orientation or lifestyle choices

Allowing personal value judgments about the victim's behavior, lifestyle or culture to affect your objectivity

Using stereotyped or biased terms

Minimizing the seriousness of the incident, especially if the perpetrator(s) was a juvenile.

*If You're a Neighbor:*

Small acts of kindness and support—a phone call, a letter, visits, a flower—can help.

Show the victim(s) they are welcome in your community. Invite them to dinner.

Help out—offer to help paint over a swastika or clean up the yard.

Volunteer to speak out against hate activity for print, radio or television.

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*In the days, weeks and first few months after any crime or persistent harassment, most victims will have high levels of fear, anxiety, and generalized distress.*

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### **Providing Victim Assistance Now and Later**

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In responding to housing-related hate activity and community tensions, the local network must take into account the victims' urgent and longer-term health, legal, housing and logistical needs.

#### *Counseling/Evaluation*

In the days, weeks and first few months after any crime or persistent harassment, most victim(s) will have high levels of fear, anxiety, and

generalized distress. Long-term crime-related trauma may include syndromes such as post-traumatic stress disorder, which is characterized by persistent re-experiencing of the event; persistent avoidance of things associated with the event; sleep disturbance; outbursts of anger; difficulty concentrating; and other symptoms that distress or impair social, work or other important areas of functioning.

Special attention should be paid to children who have witnessed hate activity in housing. Home is supposed to be a safe place for families; hate activity causes emotional trauma for children as well as adults.

The network should arrange for a social worker or counselor to help comfort, evaluate and assist victim(s) during this trying time. In some communities, the police will provide or coordinate these services. In other communities this may not be standard practice. If this is the case, the network could offer to coordinate counseling and other related advocacy services.

A counselor or advocate might seek a friend, caring neighbor or other advocate to stay with victim(s) for a few days following the incident. Again, because hate activity violates a victim's home, or safe haven, it is important for friends and neighbors to help victim(s) feel safe and wanted in the community. Victim(s) (and the broader community) may need sustained assistance as they sort through the emotional tumult and the logistics of picking up the pieces after the shattering experience of a housing-related hate incident.

#### *Conflict Resolution/Mediation*

Beyond its direct impact on the victim(s), a housing-related hate activity may have a negative effect on the entire neighborhood and exacerbate other tensions lying beneath the community's surface. A counselor, mediator or conflict resolution professional should be available through the network to help resolve disputes that arise among neighbors following a housing-related hate incident. Such counseling should be offered in the community—through neighborhood-based schools, community centers and religious institutions—to help people sort through their own heightened fears, sensitivities or concerns following a housing-related hate incident.

#### *Follow-up Care*

Because a housing-related hate crime or activity can have lingering effects, a counselor or caseworker should follow up with victim(s) at various intervals. Next day, week and monthly follow up should be planned (in addition to necessary follow up to pursue legal recourse on

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*Beyond its direct impact on the victim, a housing-related hate activity may have a negative effect on the entire neighborhood and exacerbate other tensions lying beneath the community's surface.*

the victim's behalf), for a three-month period and longer if necessary. Periodically, the network should check to be sure that the family is fine.

School counselors, clergy and other community leaders should also "check in" with their students, congregants and constituents to see how they are coping with the incident. If people feel unsafe in the community, are contemplating moving, are harboring negative stereotypes about certain groups in the community, or have witnessed tensions among other neighbors, the network and other community institutions need to do more to help the community reconcile the incident.

#### *Pursuing Legal Recourse*

In response to housing-related hate activity, the network should secure legal representation to assist the victim(s) in filing a complaint or lawsuit as appropriate. This process is often difficult because it forces the victim(s) to recount the details of the incident.

In addition, the network should take proactive steps to see that law enforcement and the judiciary understand the intersection between the Fair Housing Act and housing-related hate activity. If these entities have not already completed specific training about housing-related hate activity, the local fair housing organization or civil rights/human relation commission might design and offer such training. By forming positive working relationships with decision-makers within law enforcement and the legal system, the network may be able to gain support for mandatory fair housing education for professionals in these fields.

#### *Claims Assistance*

When the perpetrator of a hate crime is identified, network advocates should be prepared to assist victim(s) in filing insurance paperwork to make claims for damage with the perpetrator's insurance company. Homeowners insurance companies should cover the cost for damage to the victim's property. Every state has a Victim's Compensation Program to help cover expenses for damages.

#### *Housing, Financial Assistance, Transportation and Other Services*

Sometimes individuals or families decide to move out of the neighborhood because of hate activity. Of course this is exactly what the perpetrators want. The network should respect the victims' decision and offer assistance in their relocation efforts. Regardless of whether or not the victims want to stay in their current home, they may be at least temporarily forced out because of property damage or immediate safety concerns incurred by a housing-related hate incident. Property managers

and hotels/motels affiliated with the network (through the business community contingent) can help locate decent housing when the victim's relocation intentions are only temporary.

The network should be diligent in securing assistance to repair any property damage as soon as possible.

The network should help the community rally around victims so that they feel welcome, comfortable and safe enough in their current home to decide to stay.

If the victim(s) decide to move, fair housing advocates and real estate professionals affiliated with the network should help the victim secure housing in the neighborhood of the victims' choosing.

Advocates and housing professionals should identify a caring neighbor, faith-appropriate clergy or organization in the new neighborhood to reach out and make the victim(s) feel welcomed.

The victims may need funds to repair their property or relocate. Help with transportation to get to and from lawyer's office, court, or other social service agencies may also be required. Services such as childcare also may be needed, and the network should be prepared to offer or help coordinate such services on the victim's behalf.

#### *Victim Remediation Resources/Fund*

Since housing-related hate crimes often involve property damage, the network should have in place a strategy for assisting the victim(s) in making property reparations. This is where local businesses or local chains of national businesses can play a critical role in a community's response to housing-related hate crimes. The most likely businesses to contribute products, services, or funds to a remediation fund to help the victim(s) of housing-related hate activity repair their property include:

- Hardware stores
- Home improvement stores
- Home-repair service contractors
- Building contractors
- Alarm companies
- Insurance companies
- Real estate companies
- Lending institutions.

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*Since housing-related hate crimes often involve property damage, the network should have in place a strategy for assisting victims in making property reparations.*

The network can also appeal to car rental businesses, day care providers, and other businesses to fill additional needs the victim(s) may have in the aftermath of the incident. For example, a day care provider might offer reduced rate or free day care to a mother who usually stays home with her child but cannot because she needs to be in court to prosecute a housing-related hate crime. Contributions can be solicited and a fund established so money will be available to help victim(s) when a crime is committed. Local businesses also could provide products or services that specifically address victim(s)' needs.



# Rapid Response Checklist

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## Police

- ☐ Was law enforcement's arrival at the scene timely?
- ☐ Were the victims immediately protected and property damage mitigated?
- ☐ Did the police provide support to the victim while taking a report or initiating an investigation?
- ☐ Did law enforcement assail the perpetrator?
- ☐ Were witnesses identified and interviewed?
- ☐ Was the victim interviewed?
- ☐ If the media was present, did the police provide a communications specialist to report the facts?

## Victim Care

- ☐ Was the victim's immediate safety addressed?
- ☐ Was a victim services professional present? Was there a caring neighbor or advocate on site to comfort the victim immediately after the incident?
- ☐ If intergroup tensions occurred, were efforts made to mediate or resolve the conflict?
- ☐ Did community leaders respond swiftly in seeking a solution to the tensions or addressing the situation?
- ☐ Was a case worker assigned to follow up with the victim to ensure safety and help with logistics (e.g., making repairs, filing insurance claims)?
- ☐ If applicable, was a concerted effort made to convince the victim to stay in the community?
- ☐ If applicable, was alternative or interim housing secured for the victim?
- ☐ Did a network member, advocate, or neighbor visit the victim on the day and week after the incident?
- ☐ Did the network develop and implement a long-term plan for victim follow-up—in 2 weeks, 1 month, 3 months and 6 months?

## Legal

- ☐ Did the network or other organization coordinate legal assistance for the victim and follow up?
- ☐ Were the attorneys or legal advocates aware of Fair Housing Act provisions regarding the offense? Were these provisions explained to the victim?
- ☐ Did the victim pursue a fair housing complaint?
- ☐ Did the victim receive satisfactory recourse through the legal or administrative system?
- ☐ Was the victim interviewed about his or her treatment throughout the legal process?
- ☐ Did someone follow up with the legal system to ensure the case was being actively and fairly pursued?

## Counseling and Mediation

- ☐ Were mediators/counselors available to the community, the victim and, if appropriate, the perpetrator?
- ☐ If tension occurred, did leaders from both sides try to find a way to resolve the dispute and prevent further tensions from flaring?
- ☐ Did the schools and the media use the incident as a teachable moment through sensitized programming?
- ☐ Did the community unite through efforts such as an art project or diversity fair to promote healing?
- ☐ Did the network coordinate with schools, elected officials, clergy, the housing industry, and community groups to work with their constituents and clients to sort through responses to the incident and implement long-term preventive programs?

## **Media**

- ☐ Did the media know about the incident? If not, why? If so, how?
- ☐ Did the media's coverage seem sensitive, accurate, and promote reconciliation?
- ☐ Was the reporter knowledgeable about fair housing and community tensions?
- ☐ Did the media cover the incident factually and highlight the community's ongoing proactive efforts to prevent housing-related hate crimes?
- ☐ Did the media offer to donate airtime for a positive, healing public service message?

## **Public Communication**

- ☐ Did key public leaders (elected officials, clergy, school, housing industry) know about the incident?
- ☐ Did the network representative or some other party communicate the facts of the incident to the media?
- ☐ Did the representative work with officials to craft a proactive and assertive public response, as appropriate, to the incident? What specifically did this public response achieve?

# Contacts and Resources

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American-Arab Anti-Discrimination  
Committee  
4201 Connecticut Avenue, NW, Ste.  
300  
Washington, DC 20008  
(202) 244-2990  
[www.adc.org](http://www.adc.org)

American Jewish Committee  
165 E. 56<sup>th</sup> Street  
New York, NY 10022  
(212) 751-4000  
[www.ajc.org](http://www.ajc.org)

American Muslim Council  
1212 New York Avenue, NW, Ste.  
400  
Washington, DC 20005  
(202) 789-2262  
[www.amconline.org](http://www.amconline.org)

American Psychological Association  
750 First Street, NE  
Washington, DC 20002-4242  
(202) 336-5500  
[www.apa.org](http://www.apa.org)

Anti-Defamation League of B'nai  
B'rith  
823 United Nations Plaza, #1100  
New York, NY 10017  
(212) 490-2525  
[www.adl.org](http://www.adl.org)

Asian American Legal Defense &  
Education Fund  
99 Hudson Street, 12<sup>th</sup> Floor  
New York, NY 10013  
(212) 966-5932  
[www.aaldef.org](http://www.aaldef.org)

Center for Democratic Renewal  
(CDR)  
P.O. Box 50469  
Atlanta, GA 30302  
(404) 221-0025  
[www.publiceye.org/cdr](http://www.publiceye.org/cdr)

Asian Law Caucus  
720 Market Street, Ste. 500  
San Francisco, CA 94102  
(415) 391-1655  
[www.asianlawcaucus.org](http://www.asianlawcaucus.org)

Coalition for Human Dignity  
P.O. Box 40344  
Portland, OR 97240  
(503) 281-5823  
[www.halcyon.com/chd](http://www.halcyon.com/chd)

FBI (Attn: FOI-PA Section)  
Chief J. Kevin O'Brien  
Freedom of Information  
935 Pennsylvania Avenue, NW  
Washington, DC 20535  
(202) 324-3000  
[www.fbi.gov](http://www.fbi.gov)

Klanwatch  
Southern Poverty Law Center  
400 Washington Avenue  
Montgomery, AL 36104  
(334) 956-8200  
[www.splcenter.org](http://www.splcenter.org)

Lambda Legal Defense & Education  
Fund, Inc.  
120 Wall Street, Ste. 1500  
New York, NY 10005-3904  
(212) 809-8585  
[www.lambdalegal.org](http://www.lambdalegal.org)

NAACP  
4805 Mt. Hope Drive  
Baltimore, MD 21215  
(410) 521-4939  
[www.naACP.org](http://www.naACP.org)

National Urban League  
1111 14<sup>th</sup> Street, NW, 6<sup>th</sup> Floor  
Washington, DC 20005  
(202) 898-1604  
[www.nul.org](http://www.nul.org)

The National Gay and Lesbian Task  
Force  
1700 Kalorama Road, NW  
Washington, DC 20009-2624  
(202) 332-6483  
[www.nglftf.org](http://www.nglftf.org)

The National Fair Housing Alliance  
1212 New York Ave.  
Washington, DC 20005  
(202) 898-1661  
[www.nationalfairhousing.com](http://www.nationalfairhousing.com)

National Crime Victims Bar  
Association  
2111 Wilson Boulevard, Ste. 300  
Arlington, VA 22201  
(703) 276-0960  
[www.victimbar.org](http://www.victimbar.org)

National Organization for Victim  
Assistance (NOVA)  
1730 Park Road, NW  
Washington, DC 20010  
(202) 232-6682  
[www.try-nova.org](http://www.try-nova.org)

U.S. Department of Justice  
Office for Victims of Crime (OVC)  
950 Pennsylvania Avenue, NW  
Washington, DC 20530-0001  
(800) 627-6872  
[www.ojp.usdoj.gov/ovc/help](http://www.ojp.usdoj.gov/ovc/help)

U.S. Department of Justice  
Community Relations Service  
600 E Street, NW, Ste. 6000  
Washington, DC 20530  
(202) 305-2935  
[www.usdoj.gov/crs](http://www.usdoj.gov/crs)

The Women's Project  
Arkansas Progressive Network  
2224 Main Street  
Little Rock, AR 72206  
(501) 372-5113  
[www.members.aol.com/wproject](http://www.members.aol.com/wproject)

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