

by {ga=ahumm}

Friday, March 01, 2002 12:00 AM

With a new commissioner under a new mayor, the [New York City Commission on Human Rights](#) may be on the verge of reversing the steep decline in resources over the last ten years that has left it unable to cope with a huge backlog of complaints, and rendered it almost invisible to the public.

In a story in the Village Voice ("[Whatever Happened to Human Rights](#)," Feb. 20), I wrote about how the commission suffered from the fiscal crisis of the Dinkins years and the neglect of the Giuliani administration. My story was prompted by the two-year study of this decline by the Association of the Bar of the City of New York, "

[It's Time to Enforce the Law](#)

: A Report on Fulfilling the Promise of the New York City Human Rights Law", showing how the budget and staff have been cut more than 75 percent since 1992. The detailed report, which relied on many Freedom of Information requests to the commission, makes fifteen recommendations to the commission and several more to the city's Law Department regarding its role in enforcement.

On paper, the city has one of the strongest human rights laws in the country, but enforcement has been weak. Plaintiffs with some egregious cases of discrimination can use the law to go directly to court if they can interest private attorneys in their cases and some have recovered multi-million dollar settlements. But if the recoverable damages are likely to be small, as would be the case when someone is denied entrance, for example, to a restaurant -- most lawyers will pass on the case. That is when it is up to the commission to investigate, a process that can take years even if they find "probable cause," i.e., likelihood that the plaintiff will prevail in the long run.

The Bar Association investigation into the commission found that cases drag on for so long that in 2000, more than 100 of them were lost. The commission simply could not locate the complainant.

Some of the aggrieved give up before they file their complaints. Jackie Timo was in a taxi this past December when her woman friend rested her head on Timo's shoulder. "We went five feet and the driver told us to get out of the cab and that we were an 'abomination,'" she said. The Taxi and Limousine Commission referred her to the Commission on Human Rights. She tried several times to telephone them, and kept on being put on hold, until she was finally told that her complaint would not be taken over the telephone; she would have to schedule an appointment at their offices, which would take at least an hour. "I'm an activist, but I gave up,"

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she said. "This is a completely inaccessible system."

In another case, discovered by the Bar Association, the complainant did file. A longtime tenant in a two-family house cared for his 90-year-old mother, who returned home from a hospital stay requiring home health care. The white landlord objected because the aides helping the woman were African American. Instead of doing an investigation, speaking to witnesses, and going to court to get injunctive relief and stop the harassment, the commission has yet to act on this case that was filed in the Spring of 2001.

Craig Gurian, the principal author of the Bar Association report, said, "I'm hopeful we'll be seeing active involvement from several civil rights groups soon" in terms of organizing a campaign to restore the commission to a functional level. Six civil rights groups have sent a joint [letter](#) to the mayor and leaders of the New York City Council urging implementation of the Bar Association report--including a substantial increase in the commission's budget and greater use of its power to impose civil penalties. The groups are the [Eastern Paralyzed Veterans Association](#), [Lambda Legal Defense](#), [Puerto Rican Legal Defense](#), and the city chapters of the [National Employment Lawyers Association](#) and the [National Multiple Sclerosis Society](#).

The initial response from almost anyone at City Hall to the idea of increasing the budget of an agency in this season of severe cuts is negative. The City Commission on Human Rights was down to \$3 million and is in for a \$300,000 increase in the mayor's preliminary budget, but these funds may not offset a drop in federal funding. While not being cut is the dream of some agencies, Gurian said that an adequate job cannot be done for less than \$20 million a year--"the least expensive important problem in the city that can be solved."

When I asked Deputy Mayor for Operations Mark Shaw if the administration had considered restoring any area that the Giuliani administration had neglected, he said he didn't know. Council members, besieged by demands to restore local services such as parks, libraries, and senior centers, may be prone once again to letting the needs of discrimination victims slip through the cracks. But many new members come from civil rights backgrounds. Councilmember [Alan Jennings](#) (D-Queens) said that this issue "is on the radar. If the commission is not effective and has no teeth, why bother having it?"

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City Council General Welfare Committee chair [Bill Di Blasio](#) (D-Brooklyn), who has oversight of the commission, was not familiar with the Bar Association report on the human rights commission, but committed to reviewing it.

Mayor Bloomberg has appointed [Patricia Gatling](#), a former first assistant district attorney in the Brooklyn DA's office, as the new chair of the human rights commission. She is already doing the kind of outreach and consultation that her predecessor refused to do. But without new resources, she will not be able to clear up the backlog of more than 4,000 cases.

Civil rights leaders like Howie Katz, former director of the New York region of the [Anti-Defamation League](#), are hoping that the commission will also resume a high profile during times of intergroup tension. "There was a rash of anti-Muslim incidents after September 11th," he said. "The first agency that should have been out there was the human rights commission to foster tolerance, build bridges between communities, and bring down the level of hostility directed at the Muslim community. But they were nowhere to be seen."

Whether commission will be able to do its job again may depend on the outcome of the next few months of budget negotiations.

Three Civil Rights Convictions Overturned in Louima Case

Three of the police officers convicted of violating [Abner Louima's](#) civil rights in 1997 when he was tortured and abused by Police Officer

[Justin Volpe](#)

had those convictions overturned on February 28 by the Second US Court of Appeals. Rev. Al Sharpton of the

[National Action Network](#)

told the

[Associated Press](#)

that the ruling was "a shocking display of how the judicial system continues to fail to protect citizens from police abuse" and that the court "in effect says that Volpe acted alone when that is not only not the evidence, but physically impossible."

Officer Charles Schwarz was ruled to be entitled to a new trial. The court held that there was

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insufficient evidence to convict Officers Thomas Wiese and Thomas Bruder. Volpe continues to serve a 30-year sentence and does not deny his culpability.

Louima sued the city and the Police Benevolent Association and secured an \$8.7 million settlement in the case. [Eugene Nickerson](#) , the federal judge in the original trials, died on New Year's Day.

Sylvia Rivera, Veteran Transgender Leader, Dead at 50

[Sylvia Rivera](#) fought police harassment at the [Stonewall Rebellion](#) , sparking the modern gay rights movement in 1969, and was fighting with more mainstream gay leaders this year over inclusion of "gender identity" in the

[Sexual Orientation Non-Discrimination Act](#)

pending in Albany. After a life of struggle, she died of liver cancer on February 19.

Born Rey Rivera Mendoza on the Lower East Side, at the age of ten in 1961 she was thrown out onto the streets where she survived through sex work. She was delighted by and participated in the militancy of gay people at Stonewall, but, as a drag queen, quickly found herself marginalized in the gay movement that emerged-as radical as it was. She founded [Street Transvestites \(now Transgender\) Action Revolutionaries](#) in the early 1970s.

While transgendered people were not explicitly included in the city gay rights law that was enacted in 1986, Mayor Giuliani insisted that they were already covered under an interpretation of the existing human rights law. Nevertheless, there is a Council bill that would add "[gender identity and expression](#)

" to the categories in the city law. The amendment

[is supported by Mayor Bloomberg](#)

, has 26 council co-sponsors, and is expected to pass this year.

After a packed funeral service at the [Metropolitan Community Church](#) on Tuesday, February 26, some of Rivera's ashes were scattered at the Stonewall bar in Greenwich Village and another spoonful into the Hudson River, along which she often dwelled as a homeless person. In recent years, she lived at

[Transy House](#)

in Brooklyn, a residence for transgendered people, where she was known as "Ma."

Trying To Reverse the Decline Of The Human Rights Commission; Louima Convictions Overturned; The D

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Andy Humm is a former member of the City Commission on Human Rights. He is co-host of the weekly Gay USA on Channel 35 on Thursdays at 11 PM.