

SPECIAL REPORT: “MAYOR BLOOMBERG AND CIVIL RIGHTS: AN ASSESSMENT OF THE FIRST YEAR”

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After a full year in office, it is appropriate for an independent civil rights organization, one that accepts no governmental monies, to assess critically the Michael Bloomberg Administration’s attitudes and record on race and civil rights. After all, Mr. Bloomberg was elected to office at a time of great anxiety about the immediate future of race relations in our city, having succeeded a “racially polarizing” Rudy Giuliani, and having also benefited from the racial tensions that boiled over from the contentious Democratic Party’s mayoral run-off between Freddy Ferrer and Mark Green.

Having been backed by Mayor Giuliani, even as Rudy Giuliani was enjoying his post-9/11 icon-like status, no doubt, brought many undecided voters to Michael Bloomberg’s column. Moreover, some minority voters, bothered by the racial tenor of the Ferrer-Green fracas, switched to Bloomberg, giving the billionaire, first-time candidate for public office decisive and respectable support from black and Hispanic voters. *But has Mr. Bloomberg squandered that modest vote of confidence from minority voters and the New York electorate who expected of him forward-looking, compassionate policies in the field of race relations and civil rights protections?*

Our answer is, “yes.” Mayor Bloomberg, through his constant display of noblesse oblige and personal arrogance, is squandering genuine opportunities to promote racial healing and social cohesion in our city. And, it appears that the civil rights leadership in this town have either been silent or silenced into timidity and a lack of candor about Mayor Bloomberg’s lack of vision and inadequate leadership in the field of race relations.

Indeed, it may be that Mr. Bloomberg’s enormous personal wealth and generosity toward chosen charities—as well as his having tapped some “progressive” former civil rights advocates to join his Administration—have served to camouflage Mr. Bloomberg’s callous and contemptuous inattentiveness toward the poor and powerless.

BLOOMBERG AND RACIAL DEMAGOGUES

Mistakes over race were made at the very outset of the Bloomberg Administration.

The earliest clue that Mr. Bloomberg didn’t know anything about how to bridge the racial divide in our city and to promote positive race relations came when he reached out to and figuratively kissed the ring of New York’s notorious racial demagogue, Al Sharpton. Bloomberg’s rationalization was that he would meet with virtually “anybody” who is a community leader. Except we know from community leaders such as Arab-Americans, and civil libertarians, and civil rights advocates, that Mr. Bloomberg did not meet with them about their work and concerns. He flat out refused to meet, for example, with the members of Mayor Giuliani’s Task Force on Police-Community Relations who wrote to

him (of which the author of this report was a co-signer), wanting to brief him and Police Commissioner Ray Kelly on important strategies for curbing police misconduct and fostering improved police-community relations. Yet, Mr. Bloomberg readily met with Al Sharpton, and in so doing broke with his predecessor's policy of never empowering (through the Office of the Mayor) the man who newspaper columnist Jeff Jacoby has described as a "noxious racial lout."¹

The principals and fans of racial demagoguery cheered the Bloomberg-Sharpton meeting—and no doubt the paternalism behind that meeting emboldened them to come out of the cold where Rudy Giuliani had placed them. Consequently, we have, today, the resurgence and visibility—without an effective Mayoral counterweight—of the likes of City Councilman Charles Barron, a race demagogue who fancies himself as an "elected" black revolutionary. And, likewise, we have a City Council Education Chair in the person of Eva Moskowitz who has winked at white parents on the Upper-East Side of Manhattan who've fought for a so-called "neighborhood public high school" in the guise of, and on the basis that, such a special *neighborhood* public school would help retain white kids in the public school system. Meantime, the Mayor of all the people has either been silent or confused about the highly racially segregated character of the city's public schools. He has thus either failed or refused to take on both the black and white demagogues in this town.

BLOOMBERG DOESN'T BROOK DISSENTING VOICES IN GOVERNMENT

Mayor Bloomberg surrounds himself with a rainbow of advisers and sycophants, they who either work for the city on pain of dismissal at his whim or are charity blokes who, like poverty pimps of the 1960s, enjoy the treasures and trappings of the Mayor's enormous personal wealth. No ethics panels have challenged the use of his fortune, or his private jet, and homes, to "wine and dine" decision makers for the public interest. Rather, this crass and conspicuous use of his wealth is celebrated by the media or overlooked by good government groups who, by and large, think, as does Bloomberg, that it is his own money and he can do with it as he pleases—notwithstanding the specter of buying influence and winning allies to his side, or defeating democratic opposition.

Worse, Mr. Bloomberg lacks tolerance of, indeed displays utter disdain for, dissenters in government. The Daily News has reported, twice, Mayor Bloomberg's threats to fire any government employees, including janitors, who leak information to the media.² Mr. Bloomberg is quoted by the Daily News as saying, "You cannot run an organization if every conversation, while you are formulating policy or having normal discussions, is out in the open."³ Of course, New York City government is not a private organization; it is a government of, for and by the people. It has to be accountable to the people. But so contemptuous of open discourse in government is this Mayor that at the very public ceremony at which he introduced his choices for the Panel on Education (the replacement for the Board of Education) he warned each appointee that they had better not speak to the media, and only to the Schools Chancellor. Shockingly, not one of this group of Mayoral designees for a panel responsible for advising on the development and implementation of educational policy, for connecting parents with the system of school

supervision, was humiliated or spunky enough to resign right there and then or since. Instead, they have subserviently accepted their role as silent partners in a top-down educational enterprise, where two non-educators, Bloomberg and Schools Chancellor Joel Klein, are the font of all authority.

Mr. Bloomberg also displayed his bristling dislike of criticism at another press conference, at which a Channel 7 reporter, N.J. Burkett, inquired about whether there would be an independent investigation into the charges of a whistle-blowing civilian employee of the Civilian Complaint Review Board who had accused the top staff and commissioners of that police monitoring Mayoral agency of conducting half-hearted investigations that were generally biased in the favor of the accused cops. Mr. Bloomberg's face turned beet red as he publicly scolded the reporter for daring to question "the integrity" of the members of the Civilian Complaint Review Board.

POLICE MISCONDUCT AND SPYING ON CITIZENS

In the midst of serious allegations that the acting staff director of the Civilian Complaint Review Board (CCRB) had a supposed bias in favor of cops, an allegation that involved the very integrity of civilian review of the charges brought against police officers, the votes of the Mayoral appointees lined up with the Police Commissioner's appointees on the CCRB Board against the votes (and one abstention) of the City Council's appointees on the panel to hire the acting staff director (the principal target of the accusation) as the permanent staff head of that agency. The Board did not even await the outcome of an internal probe of the allegations. Instead, the majority of the panel members—those representing the mayor and police commissioner, but not the City Council—with obscene haste, and without public action or apology, employed as the permanent executive director of the CCRB someone in whom civil rights advocates had little next to no confidence.

Civil rights advocates drew no comfort from the CCRB Board's hire of its executive director because that employee had no public reputation as a fierce fighter of police misconduct or as a person who engages the communities of color about the problems associated with police-community tensions. Indeed, that employee's style mirrors in distinct ways the obtuseness and arrogance of the Mayor's—who himself has come under criticism for his invisibility in certain communities. The Mayor, as several pundits and casual observers have noted, "doesn't do town hall meetings."⁴

If the Mayor were to hold or even attend town hall meetings on police-community relations he would hear directly from mostly minority youths who still feel that they are under surveillance and are unlawfully hassled by cops, harassment that includes illegal "move-on" orders and racial profiling. Young people of color and gay youth complain regularly that their social gatherings are targeted and broken up by cops. Does the Mayor know this? Does the Police Commissioner? Do they care?

Mayor Bloomberg and Police Commissioner Ray Kelly together pledged that another Diallo-type police shooting would never again occur in this city under their watch. Fair

enough. A man being shot down in a hail of 41 bullets is not something that is likely to occur twice, anyway. But they have given the public the assurance that because of police training, sensitivity and supervision a repeat of questionable police shootings is not likely. Except that the police officials and cops on the beat know better than that; they know that accidents do happen, and mistaken impressions are a part of police work. But, how many more times will there be a police shooting in which the police brass and city officials repeat the same ritual, the same cynical rush to judgment, and folly of quickly putting out the arrest record of the suspect or victim of a police shooting?

Recent police shootings suggest that neither Mayor Bloomberg nor Police Commissioner Kelly yet understand the importance of a dispassionate, independent investigation into every incident involving a police officer's use of lethal force. Neither of these gentlemen has suggested much less called for the appointment of a permanent, state special prosecutor to investigate just such police shootings and allegations of police corruption and misconduct. And it appears that the civil rights establishment in this city have all but given up on persuading the public officials that an independent prosecutor's office, well-resourced, and competently staffed, is the best means of assuring credible probes of police conduct, which is essential to the protection of the civil rights of both civilians and police officers.

Shockingly, the Bloomberg Administration went to court to overturn limited civil rights protections for citizens against police misconduct now contained in the Handschu Agreement. NYPD has proposed modifications in that 1985 consent decree that presently restricts (but doesn't ban) police spying on lawful political activities. NYPD wants more leeway to spy on civil rights and religious groups, and on dissidents—to record their images, and words, listen in on their strategy, and to, yes, compile dossiers, if not an enemy's list, of the activists who've broken no laws. This, the NYPD seeks to do in the aftermath of 9/11, supposedly in the interest of protecting us from terrorists who it contends can easily infiltrate or use the cover of lawful religious and political groups to sow the seeds of disruption and violence in our society.

The NYPD is losing both ground and credibility in its avowed lack of effective tools to combat terrorism without impeding the civil rights and civil liberties of New Yorkers. We thought we'd never see the day in the city that claims to be the world's capital where city officials would deny political protestors their fundamental right to a parade permit, in the guise of the police's inability to protect a lawful assembly and simultaneously safeguard the United Nations from a feared terror attack. This is especially curious in the wake of Mayor Bloomberg having recruited to New York City, with the assurance of adequate security, the G.O.P. National Convention, and the city's apparent and abiding hospitality to cultural and ethnic parades, that are quite sizeable.

BLOOMBERG SHOWS CONTEMPT FOR THE POOR: LET 'EM READ A BOOK!

Forsaking Gracie Mansion for his own luxurious digs and the creature comforts of his Upper East Side townhouse is his business; but, Mayor Bloomberg has exhibited nothing less than brazen contempt for New Yorkers of limited income households. He has

dismissed the charge of exorbitant fees for cable TV subscribers on the grounds that people don't have to have cable, they can just go read a book.

Nor have those without homes, who sleep on the streets of New York, had reason to book on billionaire Bloomberg for relief. Their removal from public spaces and eyesight, and from the steps of churches, and the plan to evict them from city shelters for their failure to accept any apartment offered them, in any neighborhood, 5 and the official threats to place the children of such evicted families into foster care, is not a program of compassion; it is not a tenable housing policy; it amounts to a declaration of war on the poor rather than a declaration of war on poverty.

The city's unapologetic practice of siccing cops on the squeegee "pests" who wash our cars' window shields for coins is a broad sweep of the streets of poor people. But because such persons are seen as menaces to the city's quality of life, there is no effective political lobby or legal defense group for them. Some of these squeegee "pests" are also homeless. According to the Citizens Union, "more people are homeless in NYC than at any time in the last 20 years."⁶

It is a social crisis that has many more people living on the streets, a phenomenon that has been both denied and underplayed by public officials until most recently. It remains to be seen how, and whether, the recent settlement of a 20-year-old lawsuit over the rights of the homeless⁷ (which creates an independent panel and involves the city's homeless advocates as partners in the shaping of long-term policy for homeless families) will actually change the predicament of this otherwise powerless population. For sure, the principal focus of our city and state's political leaders and business moguls will for the immediate and foreseeable future be on whether to finance the building of a stadium on Manhattan's Westside and on the redevelopment of Lower Manhattan so that, to paraphrase Mayor Bloomberg, that section of prime real estate doesn't resemble a ghost town. Equally certain is this--those who sleep on the streets of New York will not be a priority for public assistance so long as they may be removed out of sight or, if they're in our sight, so long as we focus our eyes and noses up in the air.

THE MAYOR'S QUESTIONABLE APPOINTMENTS

A mayor enjoys a great deal of leeway to make appointments, especially of those who are to serve at his pleasure. But it is questionable public policy—especially for the city's top official, who has to be looked to as setting the standard and example of rectitude—for Mayor Bloomberg to bring into city government his children who serve in capacities where they not only gain valuable governmental experience (albeit unpaid) but work alongside of decision makers who answer to the mayor. But, the Conflicts of Interest authorities did not see the obvious.

Likewise, no governmental watchdog questioned, much less challenged, the Mayor's appointment of Joel Klein (over and above persons with the requisite educational credentials and experience in public school administration) as NYC Schools Chancellor.

Mr. Klein could only assume the post upon the receipt of a waiver from the State Education Commissioner, Rick Mills, which was granted to Mr. Klein with obscene haste, and upon the advice and consent of a divided advisory panel to Mr. Mills. This appointment has left a bitter taste of cynicism in the open mouths of minority educators who know the value of qualifications for top jobs because they are so very often told that they are not “qualified” for such work.

It is to the under qualified, untested Joel Klein to whom is delegated the urgent and enormously complex task of reforming our public school system. Mr. Bloomberg accomplished this extraordinarily suspicious hire by recasting the job description of New York City Schools Chancellor to fit the qualifications of a “non-educator,” which was in contravention of long settled equal employment opportunity job validation precedents.

Asked at a public forum whether he believed in merit pay for teachers, in abolishing social promotion, in holding teachers accountable for the lack of academic achievement of their pupils—all things that candidate Michael Bloomberg stood for on the campaign trail—Chancellor Klein declined to express a view point about, demonstrating early on his either being out of the loop or clueless as to what educational policies are required to make education “the” civil rights trophy of the Bloomberg Administration.

Mr. Bloomberg’s appointment of a **City Charter Revision Commission** was perhaps the most glaring example of his high-handed and undemocratic instincts so far.

The Commission was asked to study over the course of only several months, and to propose changes in the City’s governing charter, that would bring into being a system of “non-partisan” elections for the city, as well as changes in the law of succession to the mayoralty. Bloomberg who was himself a newcomer to City government at the time of his election as mayor, was suddenly motivated and unashamedly committed to ensuring continuity in the mayoralty, should something happen to him, through the succession of a seasoned, experienced governmental hand. Reportedly, he wanted a succession scheme whereby an appointed deputy mayor might be able to succeed him, rather than the elected Public Advocate. The man’s capacity for self-importance and arrogance is seemingly unlimited. Luckily, persons whom he appointed to the Charter Revision Commission (no doubt responding to the outcry from citizens’ and government watchdog groups) uncharacteristically broke with the mayor’s wishes and overruled him—this time.

THE CITY’S RUDDERLESS AND INVISIBLE HUMAN RIGHTS COMMISSION

A final word must be said about the city’s Human Rights Commission, the agency chartered to investigate and prosecute cases of invidious discrimination in housing, employment, and public accommodations. An important Association of the Bar of the City of New York report has documented that it has been an agency that is broken, having been for years poorly managed and stymied with a massive case backlog.⁸ The civil rights community has noted that its Chair, once a visible and vocal presence, has been in recent times invisible and muted.

It was our hope that this city agency would be revamped and that new leadership would have the stature of former commissioners like Eleanor Holmes Norton, and the resolve to make the city's campaign against racial and other kinds of discrimination—especially in this post 9/11 climate of anti-immigrant and anti-Arab prejudice—highly visible and effective. We expected the Chair of the Human Rights Commission by now to be a household name, a vigorous and tireless champion, a prominent and persuasive spokesperson for human dignity and equal rights, a convener of town hall meetings, an activist with a pristine reputation for pursuing remedies for victims, as well as a topnotch administrator. A laudatory article in one daily newspaper⁹ about that agency's new leadership and its cutting into its massive case backlog does not turn us into believers that the agency is truly being turned around.

CONCLUSION

The jury is still out on the Bloomberg New York City Human Rights Commission.

But the verdict is in as to Michael Bloomberg's mayoral record so far as to what Blacks, Hispanics, Asians, whites, poor and powerless people, and all New Yorkers concerned about discrimination and race relations, has gotten and what they can expect. Clearly, some minorities have gained access to the City Hall, as employees, advisers to the mayor, and as supplicants; but Mr. Bloomberg's policies do not reflect or promise an open door to or the kinds of meaningful, substantive, and on-going contacts he must establish and nurture with ordinary people in our neighborhoods, with youths, and with their parents, and with those champions of social progress who are today's dissidents, independent civil rights voices, and non-supplicants.

Perhaps the most visible signs of his failure in the civil rights field to date and with the New York population as a whole is the low standing he now has in the polls, where a majority of New Yorkers disapprove of his job performance. Foolishly, Mr. Bloomberg, and typically for him, because of his full sense of noblesse oblige and superior attitude towards people less advantaged than himself, shirks his current low standing in the polls, chalking it off to frustration or resentment on the part of the little people because these are tough economic times, and he is such a wealthy man. In this attitude, he is wrong—again. New Yorkers do not belittle or enlarge a man because of his wealth, and they certainly do not begrudge his fortune. However, they also do not like or appreciate a man who lords his wealth and his high position over them, as if to say that his wealth is his entitlement and his high governmental position accords him the right to be a snob. New Yorkers want and deserve better than that; their civil rights and human dignity in the worst of economic times, are not to be sneered at, even if they want the simplest of wishes, like having a roof over their heads, and being able to afford cable TV.

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End Notes

1. "The Sharpton Hypocrisy," by Jeff Jacoby, Jewish World Review, Jan., 17, 2003
2. "Mike: Deep Throats Will Be Booted," NY Daily News, Jan.17, 2003
3. Ibid.
4. "Despite...Achievements, Bloomberg Gets Scant Credit, NY Times, Jan. 18, '03
5. See, generally, "Evicting the Homeless," by Patrick Markee, Gotham-Gazette, December 16, 2002
6. "Searchlight," November, 2002, article by Mark Berkey-Gerard, at page 3
7. "NY Reaches Deal to End Legal Fight on Homeless," NY Times, Jan. 18,'03
8. A study by Craig Gurian, on file
9. "Languishing Civil Rights Agency Gets New Life Under Bloomberg," by Michael Cooper, NY Times, January 3, 2003