

1/07/1998
MISSING

01/14/1998
NEWS BRIEFS
Conspiracy or plan?

Moss, Heard say board is plotting

Last week's press coverage of a letter from school board member Bill Moss to over 900 political sympathizers either revealed another Bill Moss "conspiracy theory" or an embryonic plan to put a dozen Columbus Public Schools under the control of Ohio State University.

On Tuesday, January 6, the Columbus Dispatch reported on Moss' letter, that charged that a plan was underway to "resegregate" city schools. Dispatch reporter Mary Edwards noted that Moss neither offered any proof of such a plan nor would reveal his sources. Last Wednesday's Columbus Alive contained a column reporting the existence of what appeared to be a Columbus Public Schools pamphlet supplied by Moss.

The 16-page glossy pamphlet, entitled, "Columbus Public Schools in the University District" is not an "official" Columbus Public Schools document, according to the district's communications specialist, Judith Rogers. "To my knowledge, no one in the central office of the Columbus Public Schools worked on the pamphlet, nor did we pay for its printing costs," said Rogers.

"We received a copy of the pamphlet from Campus Partners," Rogers explained. "It's my understanding that 2,000 of them were published." The pamphlet's last page notes that "A Campus Collaborative seed grant" to two Ohio State University assistant professors "provided the basis for producing this brochure." The pamphlet also cites additional support and research assistance from OSU's School of Educational Policy and Leadership and the Educational Administration and High Education Section. Campus Collaborative's publication of the pamphlet raises a whole new set of questions concerning the plans of its parent organization, the controversial Campus Partners.

Nancy Zimpher, dean of OSU's College of Education, serves as chair of Campus Collaborative, Campus Partners' group responsible for reshaping academics in the targeted campus-area "revitalization" zone.

The non-profit Campus Partners, founded by Ohio State ostensibly to clean up the crime-ridden south campus bar area, has been called by its critics a tool of large real estate developers eager to use public money and eminent domain to redevelop the off-campus High Street corridor. Moss charged in his letter that Zimpher is the architect for the plan that would put 11 schools in the "Short North-University District-Clintonville corridor..." under the university's control and set the stage for race and class "regentrification." Moss pointed out that Zimpher was instrumental in the selection of new Columbus School Superintendent Rosa Smith and that Smith's newly hired executive assistant is Greg Brown, who "came directly from Zimpher's office."

Fellow school board member Loretta Heard, who served on the superintendent search committee, said, "Bill is absolutely correct, it was a Nancy Zimpher show. She even allowed her aide and the MacKenzie Group [the private superintendent search company] to vote in meetings." Heard claimed that newly elected Columbus School Board President Karen Schwarzwald, appointed by then-Board President Mark Hatch as liaison to the search committee, turned the meetings over to Zimpher to run. "I was extremely disappointed that Karen allowed Dr. Nancy Zimpher to take charge of the whole process," Heard said.

Both Moss and Heard, the board's only black members in a district where minorities make up a majority of the student population, voted against Schwarzwald's presidency. By Thursday, The Other Paper had Zimpher admitting that plans had been possibly discussed in public brainstorming sessions, but "exclusive operation" was not discussed in "great detail." Moss

responded, "I want to know what they discussed in secret, in private. I know what their plan was and is. They just got caught."

Hatch publicly and heatedly attacked Moss' letter, denying that the school board under his presidency would have anything to do with such a plan. "Well, I'm glad he's denying it, although I would point out that Mr. Hatch is on the board of Campus Partners and makes his living as the executive director of the campus-based Community Crime Patrol," said Moss.

Both Moss and Heard pointed out that Zimpher won a YWCA Women of Achievement award last year. Schwarzwaldner is the YWCA director. Heard further charged that Schwarzwaldner was made board president because of her openness in allowing "chartered schools"—schools run with public money but not under the auspices of their local school board. It's these types of schools that Zimpher admits discussing. Saturday's Dispatch offered a bizarre twist to the controversy by printing Moss' entire letter as a letter to the editor. When asked if he had sent the Dispatch a letter to the editor, Moss laughed. "The only local newspaper I sent a letter to directly was the Columbus Alive. Somehow, Mary Edwards got a hold of it by Monday and called me, leading to the Tuesday Dispatch article. Then Greg Davies called me on Tuesday and asked for a fax, which I sent him. I have no idea how it ended up being a letter to the editor," explained Moss.

Despite Hatch's categorical denial and Zimpher's distancing herself from any plan, the Dispatch's lead editorial on the facing page, entitled, "Urban education: Failure is not an option for big city schools," seemed to back the very conspiracy/plan Moss attacked in his letter. "Also, districts that try innovative approaches, such as charter schools, can show that they understand the importance of improving results, even if this requires doing things differently from in the past," opines the editorial. It further argues: "The legislature in August granted the state's 'big eight' districts the right to create separate charter schools, with their own rules and governing boards. Given a chance, these experiments could revolutionize urban education. But some districts are already ahead of Columbus in planning such experiments."

Both Moss and Heard insist that they're not opposed to an open and democratic discussion of Columbus Public School alternatives. What they are opposed to is a secretive, closed-door process where the schools' agenda is being directed by non-elected public officials.

—Bob Fittrakis

01/14/1998

NEWS BRIEFS

Jail sentencing not a problem

Banks' construction management projects move forward without him

Despite the recent conviction and sentencing of Columbus contractor Thomas G. Banks, at least one of the local projects that includes Banks as part of the construction team is moving ahead, unfazed by the contractor's looming jail term.

An Ohio State official said Monday that the university will make no changes to the construction team it hired for the \$93 million Schottenstein Center as well as the \$52.3 million Max Fisher College of Business; even though Banks, one of that team's main players, will spend three months in jail for an ethics violation.

Banks, who was sentenced last week alongside Governor Voinovich's former Chief of Staff Paul Mifsud, must also pay a \$1,000 fine and do 500 hours of community service after pleading guilty to a misdemeanor ethics violation relating to work his company did on Mifsud's home.

Nevertheless, OSU has no intentions of taking Banks' company off the job. "We hired a construction team, and that construction team is performing without any problems," said OSU Architect Jill Morelli. In fact, Morelli said she wasn't aware that Banks had even been sentenced until contacted by Columbus Alive.

Last year, Alive reported that two construction management proposals submitted to OSU for the Schottenstein project included resumes for Banks that stated he holds a bachelor's degree in business administration from the university. Another form included in one of the proposals said Banks holds an advanced degree in engineering from OSU as well. Neither the alumni affairs office nor the verification department at the OSU Registrar's office has a record of a Thomas Gleason Banks, with Banks' social security number, having been awarded any degrees from the university.

But Morelli said Banks hasn't had a major, hands-on presence at the projects, and she said the university has no qualms about the work being done by the construction team.

"Thomas Banks isn't the specific representative on either of those projects," Morelli said. "You hire the whole team. We didn't hire Thomas Banks the individual, we hired the Gilbane/Banks-Carbone team, and they're performing up to par. So the quick, easy answer is no, we're not anticipating any changes on either of those projects."

Morelli added that OSU's contract with Banks-Carbone stipulates that the university makes payments at the same rate at which the projects progress, meaning that OSU won't be done paying the Gilbane/Banks-Carbone team until the projects are completed.

Construction companies run by Banks were also involved with two other major projects in Columbus: management of construction of the new, \$125 million COSI center; and the city's controversial South of Main housing project, costing more than \$4.2 million. Officials with COSI, as well as KeyBank, the construction lender that selected T.G. Banks Special Projects Division, Inc. to finish the South of Main project, could not comment on the status of Banks' involvement in light of his sentence by press time.

—Bob Fittrakis

01/14/1998

NEWS BRIEFS

The long arm of the law

Mississippi threatens dismemberment

Just when Ohio was on its way to establishing itself as having one of the most conservative state governments in the land, leave it to Mississippi to outdo us.

In this case, Mississippi's conservative consummation came in the form of legislation regarding the touchy issue of marijuana possession. Mississippi House Bill 196, which was introduced early last month by Rep. Bobby Moak (R-Lincoln County), would mandate that persons found guilty of possessing marijuana in Mississippi could face the removal of one of their protruding limbs.

That's right, dismemberment.

According to Moak's bill, the new law would "authorize the removal of a body part in lieu of other sentences imposed by the court for violations of the controlled substances law; and for related purposes."

The National Organization for the Reform of Marijuana Laws (NORML) says the bill is now pending but has little chance of passing. Paul Armentano, spokesperson for NORML, said his organization wasn't even aware of the proposed legislation until they saw an op-ed piece in the Mississippi newspaper The Yazoo Herald.

"That op-ed piece actually came off sounding like the columnist was in favor of [the bill]," Armentano said. "He kind of chided the American public for being too lenient on matters of drug possession."

Last year, Ohio lawmakers were forced to correct a collective bungle on the part of Governor George V. Voinovich and state Attorney General Betty Montgomery, after the two overlooked a provision in a 1,000-page crime sentencing bill that gave an affirmative defense to pot smokers who were using the drug to ease medical suffering. The decision to overturn the provision by the Republican-dominated House and Senate sparked an intense debate, during which supporters of the medical marijuana provision brought in nationally acclaimed doctors to speak on their behalf.

In an interview with The Yazoo Herald, Moak said he introduced the bill after receiving complaints from citizens that not enough was being done to combat drug abuse. He said he didn't expect the legislation to pass, but if it did it would take effect on July 1 of this year. "Sometimes I get in trouble introducing legislation for folks," Moak told the newspaper. "But this type of legislation often does spark debate."

"He's obviously just trying to make waves," Armentano said. "But if this is what it's come to, wow."

Keith R. Stroup, executive director of NORML, issued a statement condemning the bill, no matter how unlikely it is to pass. "[This is] political posturing at its most extreme," Stroup said. "This is a truly barbaric proposal that shocks the conscience."

The bright side of House Bill 196? The convicted amputee-to-be gets to choose which limb gets hacked.

—Bob Fittrakis

01/21/1998

Double standards

Is the chief defending criminal behavior?

by Bob Fittrakis

How many times have you heard law-and-order types whine about criminals getting off on some technicality? Well, it seems to have upset our own Chief of Police James G. Jackson so much that it looks like he had to adopt the tactic himself.

The chief, once again, changed his story when confronted with blatant cronyism. The chief recently upheld the grievance of Sergeant Jeffrey Blackwell. The sarge—who's now suing the city and mayor's investigation team that courageously probed police corruption—was disciplined as a result of a tape found in his desk that reportedly contained a conversation between him and a female. It sounded like he was coaching the woman on how to answer a police probe into embezzlement charges against her. Also, she just happened to work at a dry cleaner where prostitution was being run upstairs. The police disciplined Blackwell for not reporting it to, well, the police. Hey, what's a little unreported vice among friends?

When Blackwell's desk was searched, the tape turned up, he was disciplined and justice served. End of the story. Not exactly. Chief Jackson, with a newfound passion for technicalities, cited an alleged opinion from the police legal division, which overturned the disciplinary actions against Blackwell. Thus, it upheld the sergeant's right to hide tapes in his desk dealing with possible criminal matters that he's involved with. A victory for the fourth amendment and privacy? Hardly. Now the chief admits there was no opinion from the current legal division. It was an older "oral"—that is, undocumented—opinion.

And, what the chief really doesn't want the citizens to know is that Blackwell signed a consent-to-search order and it's on file, according to the legal division. A great victory for technicalities and the inalienable rights of friends of the chief to hide their wrongdoings in their desk, paid for by the public.

P-U Petro

Jim Petro's long-awaited audit of the controversial Jefferson County Jail project, built by The V (formerly Voinovich) Company is finally in. Boy does it reek. The Republican auditor, looking into the Republican governor's brother's work, found that the August 8, 1996 contract between the Jefferson County Board of Commissioners and The V Company was not in fact legally obtained.

Petro found that "the 1996 contract would likely be ruled void as a matter of law" since the county's prosecuting attorney Stephen M. Stern had neither approved nor certified the V contract. Our illustrious auditor, after noting the illegality of the Voinovich contract, bizarrely concluded that Pauly Voinovich and The V Company should be paid anyway, under the principle of "quantum meruit." That's legalese for they did the work, pay them the fair market value for their services.

Prosecutor Stern did not take Petro's opinion well. In a January 5, 1998 letter, he responds: "Surely you are joking!!!" before citing a slew of cases showing that "quantum meruit" cannot apply against government entities when the law mandates a legal contract. Asked for a quote, Stern replied: "Every first year law student learns this. Somehow it eluded the auditor."

Think of the implications of this. Auditor Petro, in a formal opinion, is directing and encouraging Ohio public officials to make payments on illegal contracts. It makes a mockery of state law and any attempt to oversee public spending. Or maybe the law doesn't apply when the Governor's family business is involved. Stern is refusing to accept the decision and has a memorandum from the law firm of Bricker and Eckler that supports his stance.

V Company blackout

While Petro continues to use his office to run interference for the Voinovich family, the Columbus Dispatch maintains a black-out on coverage of possible V Company corruption. A lengthy December 1997 Sunday article in the Akron Beacon Journal documented various strange relationships between Paul Voinovich and two former employees of the North Ohio Valley Air Authority (NOVA). A federal grand jury in Cincinnati continues, although you'd never know it by reading the Dispatch, to look into the tangled web of relationships that suggests influence-peddling by Vince Zumpano and Pasquale "Patsy" DeLuca. Both worked at NOVA when that quasi-public agency received a contract to do air testing at the notorious Waste Technologies Industries (WTI) incinerator in East Liverpool. Ain't nuttin' like hirin' state environmental regulators to get the results you need. "No dirty air here. Show me the money!"

Zumpano, you may recall, was the then-toilet paper salesman who just happened to be at a meeting with Pauly Voinovich when he was negotiating prison and jail contracts. Last April, Zumpano was found guilty of attempted bribery when trying to secure yet another contract for the V Company from the Jefferson County Commissioners. Zumpano claimed that he was drunk at the time and not working for The V Company. The jury didn't buy it. Now that Zumpano has sobered up, reports are that he may want to cut a deal with authorities.

Interesting defense, nonetheless. Maybe the Dispatch could use it when they try to explain why they ignore the growing Voinovich family scandals. Or maybe they can claim they were too busy preparing another Paula Jones expose or going through old Whitewater files for a front page article on a Clinton scandal. Crooked penises are much more interesting than crooked prison contracts.

1/28/1998

Starr must go!

Lewinsky scandal smells of en-Trippment

by Bob Fittrakis

As we used to say in the '60s, "What's her trip?" I mean, Linda R. Tripp. We know she worked for the Army in Brunssum, Belgium, at Ft. Meade, Maryland and Ft. Bragg, North Carolina before coming to the Bush White House in 1991. Just in time to help spread rumors about President's Bush's liaisons with young staffers. Or, was she placed there by someone? Like, say, any intelligence agency connected to the U.S. government or right-wing political organization.

If not, Tripp is the Forrest Gump of modern scandal. She just happened to bring Vince Foster his last lunch order before he left the White House to commit suicide. Foster was under pressure from the same "inquiring" mainstream media minds and rabid right-wing gossip-mongers who were then spreading rumors of an affair between him and Hillary Clinton. According to the mythology of the Rush Limbaugh crowd, Hillary has horizontally recruited virtually every liberal in Washington, male and female.

Thank God that Tripp just happened to be there watching when Foster's torn-up suicide note was found nine days later. Tripp was there to testify before Congress on the "Travelgate" scandal and was there to see the White House staffer's disheveled blouse and smeared lipstick. With Gladys Kravitz of Bewitched fame now departed, we as taxpayers can be thankful that the one-woman volunteer sex-Gestapo is eternally vigilant.

She was there for us, to falsely befriend Monica Lewinsky and tape record the young woman without her knowledge. Of course, she had the foresight to give those tapes to Lucianne Goldberg, a literary agent for a right-wing publishing firm. Goldberg is most remembered for spying on George McGovern for the Nixon campaign in '72 and for pitching a novel on Vince Foster's death to be written by white supremacist cop Mark Fuhrman.

Fortunately, Tripp just happened to be transferred to the same office in the Pentagon as Lewinsky when both left the White House. All the better to spend more time with Miss Lewinsky and lead her into lewd discussions about sex with the president.

Finally, after secretly taping her "friend," Tripp invites her out to dinner on Friday, January 16 and has six FBI agents snatch her, along with prosecutors working for special presidential witch hunter Kenneth Starr. Ms. Tripp, the prosecutors and FBI agents then spent nine hours squeezing Lewinsky to secretly tape other White House staffers including the president's secretary, Betty Currie.

All in the name of the highest morality. Well how's this for immorality? A 48-year-old woman who befriends a young intern and sets her up for a prison sentence. And what about Starr? Has he ever read the Constitution guaranteeing U.S. citizens the right to counsel? Remember, Starr was just about to file a brief on behalf of Paula Jones before he was made special counsel to investigate the president on the 24-year-old matter of the Whitewater land development. Despite broad subpoena powers, he could prove no criminal misconduct there. So, as a last straw, he seized the possibility of getting an alleged perjury charge in connection with the unrelated Paula Jones civil suit.

But what Starr's real agenda is, and has been from day one, is to embarrass the president so he'll be forced to resign. With the type of tyrannical power granted Starr, I believe I could convict just about everyone in the U.S. Congress and most of the residents of Columbus for denying any minor discretion.

Outraged local Republicans are gleefully pointing to Clinton's alleged immorality, but where were they when Buck Rinehart was accused by his 13-year-old babysitter of performing unwanted oral

sex with her? Where were they when the local Republican prosecutor allowed Buck's dream expert to claim she simply dreamt up the encounter? Or when her family was spied upon by the Columbus police?

The president has the same rights as every other U.S. citizen. He is presumed innocent until proven guilty beyond a reasonable doubt. If the Congress wishes to investigate the charge that the president encouraged Lewinsky to lie under oath, that is their constitutional right. If it's true, they can impeach the president for criminal misconduct, for "high crimes and misdemeanors." They can't impeach him based on gossip, hearsay, non-corroborated evidence or immorality.

2/04/1998

FEATURED ARTICLE

A family affair?

Are the Hamiltons using the Bureau of Workers Compensation?

by Bob Fittrakis

Another scandal is brewing that may affect Governor George Voinovich's bid for the U.S. Senate this year. Already mired in scandals involving his former chief of staff and his brother's construction company, the governor's administration may again be forced to do political battle because of what may be ethics violations involving the state Bureau of Workers Compensation.

Columbus Alive has learned that Steven R. Isaac, the former chief operating officer (COO) of the Ohio Bureau of Workers Compensation, was reorganized out of his job after he filed an ethics violation complaint against the Bureau's deputy administrator for special projects, Dale Hamilton.

Alive has obtained documents that are at the center of the alleged ethics violation against Hamilton. Sources familiar with the investigation say that Isaac turned over to state investigators documents linked to Hamilton that invite Ohio cities to receive money back from the Bureau of Workers Compensation for emergency medical services (EMS) and other health services. At the same time that he was working with the Bureau, Hamilton was apparently simultaneously working with Hamilton & Associates, a management consultant firm owned by his father.

Hamilton is the son of Phil Hamilton, a lobbyist and the governor's former transition chief. Phil Hamilton also is a lobbyist for the Voinovich Cos., now The V Group, a construction firm specializing in public projects that is embroiled in various influence-peddling and contract-steering scandals in Ohio. Phil Hamilton's wife is Patricia Hamilton, the chair of the powerful state Board of Personnel Review.

In the documents supplied to the Ohio Ethics Commission by Isaac, Dale Hamilton apparently had a second job in addition to his responsibilities at the Bureau of Workers Compensation where his position involves both internal auditing and external consulting. Dale Hamilton's name is listed on a business card under the heading, "Hamilton & Associates, Consultants to Management." In accompanying documents, a company called EMS Billing offers for a fee to show municipalities how to get up to "\$500,000 per year" from the Bureau, all outlined on Hamilton & Associates letterhead.

Hamilton's fee for this apparent conflict of interest was 15 percent for the first \$250,000 collected on EMS billings or \$5,000 for municipalities that would set up a billing service to the Bureau and take \$15 per claim submitted, according to the documents submitted to the Ohio Ethics Commission.

The events that led to Isaac's job termination reportedly started at a late Friday afternoon meeting in September, attended by the CEO and two other executives from Care System, a software provider. Dale Hamilton and Isaac represented the Bureau at the meeting. Following the 4:30 meeting, the attendees went for dinner. Isaac then returned to his office to find a briefcase with no name attached. When he opened it to find some identification, he told state investigators, he discovered the EMS Billing documents as well as business cards with Dale Hamilton's name on them.

A Hamilton & Associates document entitled "Worker's Compensation Billing" begins: "Cities with a large industrial base have a unique opportunity to recover some of the costs associated with servicing large employers that have industrial accidents. While many cities are reluctant to bill citizens in their communities, the services provided to workers injured on the job are generally covered by Ohio's Workers Compensation system." The paper explains, "For example, if a worker is injured on the worksite, the emergency services provided by and [sic] EMS squad are covered."

Isaac was no doubt shocked by phrases like "EMS Billing is very familiar with the procedures associated with Workers Compensation injuries. We understand the timeframes for eligibility determinations, we know the fee schedules that will be reimbursed and which MCO [Managed Care Organizations] to bill for the specific injured worker. We also are familiar with the billing requirements and how to assist the city in being certified as a valid provider in the workers compensation network."

This was undoubtedly true, as Dale Hamilton was one of the Bureau's internal auditors and a consultant to these same cities. The document notes that "for workers compensation, you have to be BWC certified."

Hamilton & Associates claimed to have established "base billing rates in Lancaster," Ohio and promised "to identify the 'going' reimbursement rate for EMS services for other cities." The documents continue, "we have an EMS certified firefighter on staff that will work with your squads on how to collect needed information in order to maximize your returns."

In the overview of a document entitled "EMS Billing" that Isaac turned over to the Ethics Commission, potential clients are told: "EMS Billing provides municipalities with a billing service to help offset the high cost of providing emergency medical services to the community. Administered by a team of experts familiar with the inner workings of insurance operations..." It is precisely Dale Hamilton's "insider" status that Isaac found unethical, since the funds would be coming from the agency that regulates the payouts.

In a section called "Facts," the document states: "A municipality having 1000 EMS transports per year (three per day) is losing between \$100,000 and \$500,000 per year." The "Solution," according to Hamilton & Associates, is to use their "broad expertise" since they "deal directly with the insurer and communicate with them electronically under their terms. We understand and use their codes and work for the municipality to maximize reimbursement."

The "Fee Structure" is outlined on page seven: Hamilton & Associates receives 15 percent for \$0-250,000 in annual collections; 12 percent for \$250,001-750,000; 10 percent for \$750,001 plus. Or, Hamilton & Associates would charge a "flat fee of \$15 per claim submitted," plus a \$5,000 set-up fee. For an "additional \$5 fee per claim" they promise to identify "the correct insurer for a patient," a service perhaps made easier by Hamilton's position in the Bureau of Workers Compensation.

Isaac reportedly told investigators that after he opened the briefcase to establish its ownership and found the documents, he then copied them and left the briefcase in his locked office to await Hamilton's return. Sources familiar with the investigation say that Isaac claimed he returned to his office at 7 a.m. Saturday, the next day, and the briefcase was gone. Isaac, sources maintain, was incensed over Hamilton entering his locked office.

At the time of the incident, the Bureau's chief administrator, Voinovich appointee Jim Conrad, was in Germany on state business so Isaac contacted the Bureau's staff attorney, John Annarino, who apparently felt that there was enough evidence to forward the documents to the Ohio Ethics Commission. Bureau legal staffer Tom Norris was also aware of Isaac's complaint.

Who wasn't aware, reportedly, was Dale Hamilton, who apparently thought he had retrieved his briefcase without Isaac's knowledge of the contents or ownership. Sources say that when Dale Hamilton became aware of the ethics investigation, he suspected another Bureau employee of turning him in. Hamilton, Bureau staffers report, was defending his actions and complaining of betrayal.

Isaac and Dale Hamilton traveled extensively together on state business in the three weeks following the briefcase incident. Hamilton reportedly admitted writing the documents, and sources say Isaac was appalled that Hamilton would use his position and expertise within the Bureau to

retrieve insurance money for profit for himself and his father. Isaac reportedly told state investigators that he told Hamilton in early October that he had turned him in and that he considered the private consulting and documents unethical and possibly illegal.

Isaac also told Conrad around this time; sources say the chief administrator remained noticeably silent on the matter. On November 7, almost immediately following the November 4 elections in which voters decidedly turned down the governor's Workers Comp reform plan known as Issue 2, Isaac was summoned to Conrad's office and informed that his statutory position—and thus his job—had been eliminated, despite earlier oral representations that he would be employed at least until September 1998.

On November 8, press releases were issued from the Bureau announcing the elimination of his job. A Dispatch November 8 article cited his ouster "amid compliments for his work in converting to a managed-care health system," while a Bureau spokesperson, Jim Samuel, characterized Isaac's termination in an Akron Beacon-Journal article in terms of "poor performance."

Sources say that a stunned Isaac initially went to prominent local attorney Larry James, who told him he didn't think that Isaac had a wrongful termination case.

When Isaac—now the president and chief executive officer of Regents Electronic Commerce—was reached for comment on the ethics complaint last week, he referred Alive to his attorney, Charles Brant.

The elimination of the highly regarded Isaac from the Bureau following last November's election came as a shock to state government watchers. In July 1995, House Bill 7 was passed, revamping the Bureau. It dissolved direct state control of the agency, set up a five-member oversight commission and by statute established the position of chief operating officer. Under HB 7 the governor retained the right to appoint the Bureau's chief administrator and the oversight commission. Voinovich selected long-time political ally James Conrad.

After an extensive national search, Isaac was confirmed by the Senate as the Bureau's first COO on February 1, 1996. The Senate was looking for a COO with private sector experience and expertise. Isaac, who had been vice president and chief information officer for Willis Corroon (Americas), an insurance brokerage firm in Nashville, fit the bill. In the nearly 21 months he operated the Bureau, Isaac managed to shrink the work force by some 630 employees to bring Ohio in line with the National Council of Compensation Insurance (NCCI) standards.

Brant, said Monday: "We don't know why he was fired, we can't say. They've never given us an explanation. And if they don't within the next few weeks, I'm sure there'll be a lawsuit filed by my client."

Brant also forwarded a demand letter dated December 15, 1997 to Conrad asserting that Conrad had told the Ohio Hospital Association that Isaac was removed after a discussion of his "performance problems." Brant insists, "No such conversation ever occurred" between Conrad and his client, Isaac. Isaac demands payment from the time of his termination through August 31, 1998, and an additional \$50,000 for "damage to his reputation resulting from your unlawful act." A copy of the demand letter was sent to the governor, Brant said, also mentioning that the attorney general has appointed a special counsel, Maron Little of Zeiger & Carpenter to the case.

David Freel, executive director of the Ohio Ethics Commission, would neither confirm nor deny that his office was investigating the matter.

J.C. Benton, a media spokesperson at the Bureau, acknowledged, "in late September, concerns were raised regarding Dale Hamilton. Within 48 hours James Conrad requested an advisory opinion from the Ohio Ethics Commission. The Bureau has been in contact with the Commission

and provided all documentation they requested. Additionally, three letters to the Commission have been sent by Conrad asking them to accelerate the investigation."

An attempt to reach Dale Hamilton at Hamilton & Associates by an Alive reporter who did not identify himself was greeted with the telephone response: "No, he's not in; may I take a message?" When this reporter identified himself in a separate phone call and asked for Hamilton, he was told, "Dale hasn't worked here for years, and when he did, it was only part-time." Two messages requesting comment, left on his voice mail at the Bureau of Workers Compensation, were not returned by presstime.

When this reporter attempted to reach Phil Hamilton at Hamilton & Associates for comment Monday, he was told that Hamilton was in but "not available" for comment.

Phil Hamilton, still one of the governor's closest personal advisers and lobbyist for The V Group, was accused of similar charges in 1991 by Joseph Gilyard, the governor's director of the Office of Criminal Justice Services. Gilyard was fired on July 22, 1991 after reporting that Hamilton was pressuring him to grant jail and prison construction contracts to the governor's brother, Paul Voinovich, at the Voinovich Cos.

Hamilton's name surfaced more recently in connection with the Jefferson County jail controversy and the North Ohio Valley Air Authority (NOVAA) scandal now under investigation and the illegal contract probe involving former Voinovich Chief of Staff Paul Mifsud, who was sentenced last year to do time in a correctional facility for ethics violations. A state investigator told Alive during the Mifsud investigation that "Phil Hamilton is the glue that holds it all together."

When asked to comment for this article, Gilyard said, "Look, it's the same players, the same pattern of appearances of impropriety and improprieties, of unethical conduct. In my opinion, and this is just my opinion, Phil Hamilton, Paul Voinovich and the governor are part of an ongoing ...conspiracy that couldn't withstand any close scrutiny."

2/04/1998

**He ain't Chevie, he's my brother
Oklahoma City link should be looked at closely**

by Bob Fittrakis

With Tim McVeigh convicted and sentenced to death and Terry Nichols imprisoned for life for the April 19, 1995 Oklahoma City bombing, John Doe Number Two and "others unknown" remain on the loose. And the best place to look is in the white supremacist, terrorist underground.

Cheyne Keyhoe's recent confession that "I do have knowledge of my brother's involvement in the bombing of a federal building" must be taken seriously. The FBI's immediate announcement that it would probe any connections between McVeigh and Chevie Keyhoe is long overdue. Chevie, an admitted white supremacist, had ties to both the Aryan Nations in the Idaho panhandle and the white supremacist compound in Elohim City, Oklahoma.

Telephone records prove that McVeigh called the Elohim compound on April 5, 1995, just two weeks before the bombing. Also, on October 12, 1993, McVeigh was ticketed within 10 miles of Elohim City on County Route 220, the only access road into the racist compound. Was McVeigh looking for a place to hide after the blast?

McVeigh's highly publicized motive of avenging the Waco massacre eclipses the equally important significance of the April 19, 1995 date for white supremacists. A few hours after McVeigh and John Doe Number Two lit the fuse to the Ryder fertilizer and fuel truck bomb, racist cop-killer Richard Snell was executed in an Arkansas prison. His body was brought to Elohim City by the Reverend Robert Millar for a white supremacist "martyr funeral."

It's also well established that McVeigh took his cues from the neo-Nazi novel, *The Turner Diaries* by William Pierce, a primer for inciting racial civil war in America. Anti-racist activists and investigators have long been fascinated with the testimony of a former manager of the Shadows Motel outside of Spokane, Washington. The manager told authorities that "Days before the bombing, he [Chevie Keyhoe] mentioned to me that there's going to be something happening on the 19th and it's going to wake people up." The manager described Chevie as "ecstatic" when a news flash reported the terrorists' bombing.

Chevie, currently facing trial in our state for a shoot-out with state troopers near the Aryan Nations headquarters in New Vienna, Ohio, was also indicted in December in Arkansas on seven counts of murder, racketeering and conspiracy to bring about an "all- white, Aryan People's Republic." Prosecutors claim that Chevie planned to create their racist republic through "a campaign of murder, robberies and kidnappings," according to the Associated Press.

As part of that indictment, Chevie was specifically charged with "transporting stolen goods from the white supremacist community of Elohim City, Oklahoma, to Spokane in March 1995"—a month before the bombing.

Additionally, Chevie is charged with directing his Aryan Republic cohorts to murder gun dealer William Mueller, his wife Nancy and Nancy's eight-year-old daughter in 1996. Chevie, prosecutors claim, became fascinated with Robert Matthews and his neo- Nazi terrorist organization, The Order. Matthews, after a series of robberies and murders, died in a shoot-out with federal agents in 1985.

Following the conviction of Terry Nichols, the jury forewoman Niki Deutchman said "I think a decision was made early on that McVeigh and Nichols were the ones they were looking for. The same resources were not used to try and find out who else might be responsible." The trial also made it clear that Nichols was not the individual seen with Tim McVeigh just prior to the explosions. Stephen Jones, McVeigh's trial attorney, is currently writing a book examining the

involvement of other racist suspects in the bombing. You can bet Chevie's name will be in the book.

Jones reportedly will elaborate on evidence that he was not allowed to introduce at McVeigh's trial. The evidence suggests that the Oklahoma bombing was planned at Elohim City. An Oklahoma grand jury is already investigating these issues.

Cheyne's recent trial revelation that "Chevie asked me to get involved in the Aryan People's Republic, a white supremacist movement" is anything but shocking. The December 13 front page of Arkansas' Democrat Gazette noted that Chevie's criminal charges stemmed from his desire "to foment a revolution by the creation of a white power group, The Aryan People's Republic." Clinton County, Ohio Assistant Prosecutor Rick Moyer's comments in the January 7 Dispatch are well worth remembering: "The white supremacist issue is for some other trial in some other time and place...all I am trying is a man who came into Wilmington and fired at two law-enforcement officers."

A bizarre and curious comment from a county prosecutor. The Keyhoe brothers shoot-out with state troopers coincided with Aryan Nations' first public rally at the Ohio Statehouse. What were the Keyhoes doing in Ohio? Did they visit the New Vienna complex? What does Cheyne know about Chevie's involvement in the bombing of a federal building?

These are heavy questions, my brothers and sisters.

2/12/1998
News Briefs

Hog-tying incident not over Recent report raises questions about police procedures

"Chief Jackson's account in the Columbus Dispatch, claiming a new study 'vindicates' the officers involved in the hog-tying death of Chris Kinneer, is hogwash," according to attorney James D. McNamara, who recently won a settlement from the city on behalf of Kinneer's girlfriend, Patricia Hetzer. Kinneer was arrested and hog-tied after allegedly menacing a police officer in December 1994 after he and Hetzer had argued in her apartment.

McNamara pointed out "some peculiarities" with the Dispatch's "news account." "First, they lead with the claim that 'A medical expert has reversed his decision that called the police practice of hog-tying prisoners deadly.' Then, they imply that it was the original medical expert that reversed himself, but they go on to cite 'a study by Dr. Tom Neuman,' and only briefly mention without quotes or citation that the original medical expert, Dr. Donald T. Reay 'agreed with the findings,'" explained McNamara.

"And what were Neuman's findings? 'What is killing these people are the drugs they are taking that make them so agitated and so violent.' People need to know that other than alcohol, there were no drugs of any kind in Kinneer's body. And that before they accept the chief's explanation, they ought to read the under-oath testimony of the police and Jackson himself," said McNamara.

A February 6, 1998 Dispatch article quotes Jackson saying, 'This seems to exonerate the officers and their actions, as well as the division.' None of the police officers involved in the hog-tying death of Kinneer were disciplined for their actions.

But, the case itself provides an interesting look into the operations of the Columbus Police Department, and the way police officers are trained. On January 29, 1996, Jackson gave a sworn deposition in the Kinneer case. The chief said that he first learned that hog-tying could lead to death in February 1993. Jackson claimed no "technical knowledge" regarding hog-tying.

On January 30, 1994, Jackson issued Division Directive 3.40 prohibiting placing a hog-tied prisoner on his abdomen. Yet, Kinneer died nearly a year later on December 31, 1994 in that very position. Jackson acknowledged that officers are "required" to know his directives. But, Jackson revealed in his deposition that the officers never "received" his directive and "should not be held accountable because there was a failure in the system."

That failure, according to Jackson, occurred throughout the entire year of 1994.

His directives were supposed to be read and passed out to officers at roll call. Roll call, "wasn't taking place in some cases," particularly for "mid-watch officers."

Mid-watch Officer Steven E. Dean's May 23, 1996 deposition stated that Kinneer "seemed pretty calm ... very calm" when the police arrived. Dean described Kinneer's attitude as "nonchalant, hanging out, not doing anything." Dean swore that Kinneer initially complied with verbal directives and that he could not smell alcohol on Kinneer's breath, but he was moving slowly. Kinneer, according to Dean, was neither told that he was doing anything illegal nor warned that he might face arrest. After Dean "grabbed" Kinneer's "sleeve and tugged it" and said "Come on," Kinneer "pulled his arm back in a clenched fist." That's what led to Kinneer's arrest.

Following the clenched fist and subsequent arrest, Dean "told" Kinneer "to get on the ground." The officer never explained why he didn't have Kinneer simply turn around for cuffing. "And I started to force him to the ground using body weight to pull on his lapels," Dean explained. Dean couldn't recall exactly how Kinneer ended up on the ground but he clearly recalled Macing

Kinneer in the face. Dean conceded that he'd arrested many people who were a lot more violent than Chris Kinneer. Somehow Kinneer ended up on his stomach hog-tied, but Dean's memory is "cloudy" since he was "extremely" affected by the Mace he had sprayed and found it hard to breathe. Dean went to the landing to get some air as the Mace and hog-tied Kinneer lay on his belly.

Officer Dean couldn't remember ever receiving roll call training on alternatives to hog-tying such as flex-cuffs or other restraint devices. He stated that Sergeant Jack Roth, responsible for his training, "never" trained him on restraint devices. He noted, though, that it would have been virtually impossible since Roth started at 11:00 and the mid-watch officers started four hours earlier at seven.

Officer Robert D. Edwards swore that he was unaware of the chief's directive also, and that hog-tying was an accepted practice for Columbus police in 1994. It was Edwards who later checked Kinneer's pulse and found it not beating.

Officer John A. Gall participated as well in Kinneer's hog-tying and admitted under oath that he'd hog-tied up to 30 people between January 1993 and December 1994. Gall also admitted he learned his "hog-tying...on the street," not at the "Academy." He swore in his deposition that he was also unaware of Jackson's directive and said that the Columbus police failed to adequately train him.

With the current debate raging among City Council, Chief Jackson, the Safety Inspector's office and Mayor Lashutka as to the quality and responsibility of police training, the Kinneer depositions are insightful reading.

"Since 1991, for example, we've received about 12 percent of the monies we've requested for training and travel. [In] 1991, I think we received about \$19,000 for 2,000 employees for training and travel. For 1992, we didn't receive one penny for training and travel... '93 we received \$10,000. '94 we received \$10,000, and '95 it was about \$50,000, but all of that is totally inadequate for training," Jackson stated under oath.

The Kinneer depositions reveal that all the officers involved in his hog-tying and subsequent death were unaware of a key directive from Chief Jackson. While Jackson admits that there was a "failure of the system," it's more than that. It's a crisis when the chief's essential directives are not passed on to officers on the street. "The Chief and the department are not exonerated," concluded McNamara, "They've got the same systemic problems they've always had."

—Bob Fittrakis

2/18/1998

Just the Facts, Jim

by Bob Fittrakis

Alive readers may have seen James Conrad's letter to the editor last week claiming that "...the allegations against BWC raised in your article [A Family Affair] are totally without merit."

What you probably didn't see, unless you work at the Bureau of Workers Compensation (BWC), is Conrad's February 6 internal e-mail that starts: "Gosh, what an exciting week: an inch of ice in Columbus; 16 inches of snow in Cincinnati; and then feet of bull in the Columbus Alive newspaper."

Seems Conrad, the Administrator/CEO of the Bureau, has his own peculiar standards for what is merit-worthy. And, he has a propensity to threaten Alive and at least one citizen with his publicly funded lawyers.

What's gotten Conrad so defensive is what he calls "the central implication of the article, that former BWC Chief Operating Officer Steve Isaac was terminated for filing an ethics violation complaint against a fellow employee," that Conrad claims "is completely baseless and irresponsible."

According to his letter, Conrad also assumes Alive and I have malice towards him and the BWC. Nothing could be further from the truth. I've never met the man and my only bias is towards clean government. But what I do have is a "confidential" Interview Summary Memo by BWC investigators based on an interview with Isaac on October 14, 1997, approximately three weeks prior to his ouster by Conrad.

In Alive's February 4 article, I outlined the chain of events that led up to Isaac being organized out of his job at the BWC last November, despite widespread praise for his work. Isaac's termination came just six weeks after he reported that BWC Deputy Administrator Dale Hamilton had in his possession documents linking him and his father's company to an agency seeking to help municipalities in collecting reimbursements from the BWC—an apparent violation of ethics regulations.

In the BWC summary memo, Isaac raises those serious allegations against Dale Hamilton, the son of the powerful lobbyist Phil Hamilton who served as the governor's transition chief. Phil Hamilton and Hamilton & Associates' names have surfaced in relationship to other government scandals covered in Alive.

According to that confidential memo, "Mr. Isaac then noticed business cards that had Dale Hamilton's name on them and some documents regarding EMS Billing." Add this to the documents we previously published on our front page, and even the most cynical should find some merit—the BWC's memo substantially confirms Alive's story.

Curiously, two days after the Alive story, the Columbus Dispatch reported—in an article without a byline—that "Dale Hamilton...prepared an information document for EMS Billing, which he helped form, before taking his \$75,088 Bureau post in January 1996. The material prepared after he took the state job outlines how the Bureau reimburses municipalities for emergency ambulatory services for injured workers. For a percentage of total billings, EMS would help government entities collect reimbursements."

The Dispatch reported that Isaac informed the Bureau's attorney, John Annarino, on September 25 and that Hamilton "disassociated himself from EMS Billing on September 26." So Hamilton, according to Isaac and the Dispatch, was working for the BWC while carrying in his briefcase a stack of business cards and promotional material for EMS Billing, a private company doing business, or attempting to do business, with the BWC or its clients.

Mr. Conrad, let me ever so respectfully refer you to the BWC Code of Ethics, Chapter 4123-15, entitled "Eliminating Outside Influence and Related Issues." It states: "No employee of these agencies shall engage in outside employment that results in a conflict or apparent conflict with the employee's official duties and responsibilities."

What Isaac asserted, according to the confidential memo, "was his belief that the conflict of interest matter was the big issue" with Dale Hamilton. "Mr. Isaac stated that the information relative to the BWC being billed retroactively was the clearest conflict," the report states. Isaac also saw that "it appeared as Mr. Hamilton was funneling BWC information to Hamilton & Associates" and "that the program was either being marketed currently or would be marketed in the near future."

These are just about the last things he saw before he was let go from the BWC, amidst praise for his work. The BWC needs to explain fully why a highly praised public servant like Isaac was terminated after acting ethically and courageously in reporting alleged wrong-doing, while the politically connected Hamilton still works there.

As word of Conrad's termination of Steve Isaac hit the streets last November 8, local citizen Debbie Conley e-mailed Conrad the following message: "Mr. Conrad: I read about Mr. Isaac getting fired. If he did such a good job, what is the real reason for his release? Could it be that he caught someone doing political things instead of doing their job (that the taxpayers are paying this person to do). Seems to me that the wrong person got fired. We need people that do good jobs and get rid of the ones that don't."

Conrad e-mailed her back 13 minutes later on a Saturday noting that his message was of "High" importance. "I'd be real careful about accusations you make. Especially because you have no idea of what you are talking about... Again, if you're accusations are against me, please be more specific. I'd like my attorneys to see them also."

Richard G. Ward, Ohio's Inspector General released a report June 19, 1997, that states after investigating the BWC, "this experience served to illustrate serious deficiency in the ability of BWC to objectively identify, analyze, and deal with allegations of wrongdoing within the agency." Maybe Conrad better contact his lawyers about Ward.

2/25/1998
News Briefs

The Ohio Pen: down but not out

Will the destruction of the Ohio Pen cost Columbus citizens \$10 million? Clifford Arnebeck said it just might: "The city has already forfeited \$6.9 million for the B-4 connector that would have connected Neil to Front, or Nationwide Boulevard, in order to destroy the Pen without a federal historical review. Now it looks like they may lose \$3 million related to the B-2 connector for the Spring-Sandusky Interchange due to their hasty demolition."

Arnebeck is the attorney for the Brewery District Society, the Dennison Place Association and Malcolm Cochran. Arnebeck's plaintiffs are suing the Federal Highway Administration and others in hopes of salvaging the Pen's final Victorian remnant or punishing the city of Columbus for the demolition.

The city of Columbus approved the destruction of the old Pen site, including structures dating from the 1830s, to make way for "temporary parking" related to the Nationwide arena construction project. As part of the Spring-Sandusky Interchange Project, surface street connectors were to be built to facilitate the flow of people from downtown into the northwest quadrant of the Columbus metropolitan area. Nationwide plans to build its arena where the B-4 highway segment would have gone. To accommodate Nationwide's insistence that the Pen buildings be destroyed, the city agreed to pay for the extension of Nationwide Boulevard to Neil Avenue with city tax dollars.

"The Federal Historical Preservation Act prohibits 'intentionally' destroying a building of historical significance without a proper historical review. One of the penalties is the loss of federal funds to the demolished historical site," Arnebeck explained.

If the city loses millions of transportation dollars for destroying the historic Pen facade, it will be a classic case of history repeating itself. On October 22, 1976, the Battelle Commons Company razed the historic Union Station arcade during the night to make way for the convention center. On February 10, 1977, Mike Curtin reported in the Columbus Dispatch that: "Razing the historic Union Station arcade cost Columbus millions of federal dollars for the planned \$80 million convention center." Specifically, the federal Urban Mass Transit Administration (UMTA) "...notified Mayor Tom Moody that the city's request for \$6.2 million for a transportation complex at the convention center had been turned down."

Arnebeck said that he plans to pursue reports that U.S. Representative John Kasich was called upon to influence federal officials to keep the money flowing despite the Pen's destruction. Arnebeck also intends to depose Nationwide CEO Dimon McFerson regarding his reported "master plan" for the area.

"Ultimately the issue here is whether mega-corporations like Nationwide can dominate both our local politics and our federal laws. This case presents perhaps an unprecedented mix of corporate welfare and corporate vandalism in that Nationwide was getting generous tax exemptions from the city at the same time it demanded that the city destroy one of the most valuable and historic architectural properties owned by the people of Columbus," argued Arnebeck.

—Bob Fittrakis

2/25/1998
News Briefs

Stern stuff for the V Group

While questions are finally being raised by the Franklin County Commissioners concerning massive cost overruns by the V—formerly Voinovich—Group's renovation of the Franklin County Jail, a battle continues to rage over the Voinovich jail project in Jefferson County.

In a February 5, 1998 letter from Jefferson County Prosecutor Stephen M. Stern to Auditor of State Jim Petro, Stern contends that his office "...found what appeared to be at least twenty (20) inaccuracies and oversights in your [Petro's] report. Moreover, your report does not say whether the change orders discussed were actually performed and/or paid."

Petro's December 30, 1997 certified audit of the Jefferson County Jail construction project found that contracts between the Voinovich Companies and Jefferson County "would likely be ruled void as a matter of law." The contracts lacked the approval and signature of Stern, as county prosecutor, required by the Ohio Revised Code. Despite Petro's acknowledgment of the illegality of the contracts, the auditor's office recommended that Jefferson County officials pay the Voinovich Companies anyway, since they performed the work.

Stern's letter documents numerous alleged errors regarding construction "change orders" on the Voinovich project. "The fact that at least twenty errors exist in a report completed by your office after a year of investigation brings into question not only the validity of the report but the competency of those to whom you entrusted such an important task," Stern's letter stated.

After raising questions about the Voinovich Companies, Stern found himself the subject of an audit by Petro's office. "I have 'gone on record' in the past stating that I believe your office conducts many audits based upon political consideration or 'pay back.' The audit of the Jefferson County Jail Project, your [Petro's] office's strained support of the Voinovich Companies in that audit and previous experiences Jefferson County has had with your office lend further support to those beliefs," Stern's letter insisted.

"The business of running county government is difficult enough without a state agency going out of its way to sabotage or 'get even' with public officials of a different political persuasion," concluded Stern.

Despite scandal and controversy involving Voinovich jail projects in Ohio, sources report that the V Group is about to begin a large prison construction project in Hawaii in partnership with the Corrections Corporation of America.

—Bob Fittrakis

3/4/1998

FEATURED ARTICLE

Trail of tears

Native Americans spread their sorrow over Big Mountain across the Midwest

by Bob Fittrakis

Last Wednesday, a standing-room-only crowd at the Native American Indian Center gathered to hear about the Big Mountain Resistance, fighting the largest forced relocation of American Native people in the 20th century. Since 1974, a group of Navajo have resisted the U.S. government's removal of them from their sacred mountain in Arizona.

Mark Welch, a Dacotah Indian, welcomed the mixed crowd of Native Americans, Greens, Anti-Racist activists, African-Americans, human rights advocates and others: "The Big Mountain struggle affects not only our people but all people everywhere."

3/04/1998

As the White House spins

by Bob Fittrakis

Heard the latest Clintonian spin on the Columbus/CNN town hall meeting seen 'round the world? After the Slickster of Love's national security trinity—Billy, Sandy and Maddy—fumed, fidgeted and got flustered before 200 million viewers, the first major lie—sorry, spin—went like this: "President Clinton is the only president with the courage to have a town hall meeting on war."

Perversely absurd, but a nice populist touch. Make no mistake about it, Bill Clinton sent his less than terrific trio to Columbus to preside over a pep rally for war, not to hold a town meeting. This was right out of the Prez's political playbook. First, announce it at the last minute, so lawful demonstrators can't counter-organize. Second, keep the location a secret as long as possible. Third, let one director script the pageant: CNN. Fourth, carefully select and screen your extras: ROTC, League of Women Voters, active duty military, alumni, Young Dems, veterans, and "nice" student groups like the "Ohio Staters."

As an example of how poorly planned the alleged town meeting was, take the story of the disgruntled activist who single-handedly brought in the bulk of the protesters. Angry that he had managed to procure only two of the white tickets granting entry to the event the activist took one of them and photocopied it at Kinko's the night before. Most of the protesters who disrupted the proceedings were holders of the fake 80 cardstock reproductions, calling into question the security measures taken before the event—and the administration's outright complacency.

Big Bill's done it before in Columbus. Most recently at a silly little conference at the Fawcett Center where he staged a live TV event with hand-picked questioners lobbing softball queries to the likes of Al Gore.

At the 1992 Democratic Party platform hearing, shown live on C-SPAN, Clinton flaks coerced, bullied, and bought off all but 16 hardcore delegates supporting Jerry Brown. When the party approved my petition for a minority plank to abolish the death penalty, this did not fit into Bill's TV plan for his upcoming made-for-TV convention coronation. By the time I got back to Columbus, there were calls on my answering machine from the Boston Globe and the Atlanta Constitution demanding to know why I'd submitted "fraudulent signatures" on the petition and if I was a neo-fascist "LaRouche-ite."

Although they later backed down on the "fraud" claim, I was forced to sue Bill Clinton to include the anti-death penalty plank in convention debate. I lost.

Clinton's the linear descent of every negative, phony, staged predecessor in American politics. The TV glibness of Kennedy; Nixon's media manipulation; Reagan's stage presence; and Bush's Nintendo Gulf War videos. Clinton knows a good TV image is worth a thousand facts.

Clinton's spinmeisters' second lie following the "debacle" appeared in the New York Times on February 20. It reported that "better advance people 'wouldn't have given tickets to the Spartacus League,' he [a Clinton aide] said referring to a Marxist group." I haven't seen a Spart in the 11 years I've been in Columbus, but they were indigenous to my hometown, Detroit. They once took time out from disrupting political meetings to accuse me of "exhuming the rotting corpse of social democracy." I was.

Local TV "news professionals" joined in Clinton's spin. They referred to those of us demonstrating outside St. John Arena as "professional protesters." Admittedly, some of us are highly skilled amateurs, but nobody sent paychecks for protesting to the assorted pastors, professors, social workers, Quakers, peaceniks, anti-racist activists, Muslim and Arab students, outspoken feminists, veterans and others who stood outside for two hours in a cold rain to call for peace.

Unlike CNN inside, our mic outside was open to everyone and no one had to have a red ticket and a "prescreened question" to speak. Clinton's orchestrated version of an Orwellian town hall meeting, with Stepford wives and their husbands cheering on Big Brother's Nuremberg-rally-style cues, was inexcusable and embarrassing.

Female demonstrators who got into the town meeting were forced to remove any clothes containing pictures, political slogans, or flags. That left one woman standing in her bra and another completely topless. Thank God, the security officers were chivalrous enough to turn their backs, which allowed those women to retrieve their garments.

Another snuck the now-famous "No War" banner in under her skirt. And the only person arrested inside the arena committed the heinous crime of refusing to give up a small picture of a dead Iraqi child, a victim of the UN sanctions. The only person who was allowed to have a picture of dead children was Defense Secretary Cohen. Just another prop in the propaganda war.

Oh, did you hear this week's Clinton spin? You see, Bill used to be a demonstrator himself, and he really staged the event in Columbus because he knew it'd be disrupted and we'd have peace. Ah, as the White House spins.

3/11/1998
News Briefs
Campus backlash

The war of words between campus-area activists and Campus Partners just escalated with the founding of FCP, a new organization opposed to what they claim is "a campus-wide gentrification project" masquerading as a "partnership."

In recent months, Campus Partners has waged a war against fliers posted on utility poles. Julie Boyland, Campus Partners' community outreach coordinator, announced to the local media her non-profit organization's intention to beautify the campus area by ending this long-standing tradition. Copwatch, a campus-based activist organization, reported several callers to their office complaining that their posters had been torn down. Some fliers were mailed back with letters threatening possible legal action from Campus Partners, signed by Boyland, Pasquale Grado, director of the University Community Business Association, and Howard Skubovius, president of the University Area Commission.

One letter began by noting that "...under the City of Columbus Code, it is our understanding that it is illegal to post signs on private property without permission or in any public right-of-way" and then offered the following analysis: "They've [the fliers] become another form of graffiti."

The letter continued, "You will not find poles covered with litter in any other neighborhood in Columbus or in the surrounding communities such as Hilliard, Bexley and Dublin. The University Area Commission has requested—and the City Attorney is reviewing—new legislation which would levy a stiff fine on the establishment promoting an event for each illegally posted flier."

Columbus Alive asked FCP co-founder Don Morris what the initials of his organization meant. He replied, "The CP stands for Campus Partners. You can guess what the F-word is."

While Morris concedes that "revitalization is definitely something that is needed around the OSU area," he insists that Campus Partners has engaged in "land grabs, police harassment of locals. And money-based tear-down-and-rebuild is not the way to go."

Campus Partners, an Ohio State University-sponsored non-profit neighborhood redevelopment corporation, has sparked controversy in the High Street campus corridor and neighborhoods just east of the university since its inception. From the outset, Campus Partners executives openly talked of using eminent domain to take non-campus property on High Street and replace them with businesses they deemed more suitable to the area. South Campus bar owners and small business people are leery that their businesses might not fit in to Campus Partners' blueprint for a revitalized campus corridor.

In August of 1997, the University Community News newsletter lauded the hiring of the architectural firm Goody, Clancy & Associates by Campus Partners. Two current Campus Partners executives and former campus-area progressive activists from the '70s, Boyland and Steve Sterrett are "contributing writers" for the University Community News, published by the University Community Association. Goody, Clancy & Associates were hired to "prepare an urban design plan and a comprehensive development strategy for North High Street from 5th Avenue to Arcadia Avenue," although the article notes that it's "more than just a 'plan,' the products of the urban design effort will include enforceable urban design standards and other revitalization tools for this critical portion of the University District."

Morris argues that what the campus area really needs is "A police presence that is dedicated to maintaining peace rather than enforcing order through fear."

That is one of the tenets in a seven-point alternative campus revitalization plan offered by FCP. The plan also includes: "Better community services"; "Businesses that are actually practical and

relevant to the needs of the area"; "A greater sense of community and responsibility throughout the OSU area"; "Better job and educational opportunities for people with lower incomes and an end to discriminatory hiring practices"; "Fair and equal housing opportunities"; and finally, "An end to the racism and classism that is seen all too often around OSU."

—Bob Fittrakis

3/18/1998

Sabotage?

by Bob Fittrakis

Who's trying to sabotage Columbus Democrat Charleta Tavares' campaign for Secretary of State? Friday's Dispatch noted that Mark Hanni of Youngstown, who's also running in the Democratic primary for that seat, filed a protest claiming that Tavares submitted illegal nominating petitions.

Hanni must be psychic or he's practicing that well-known brand of Youngstown politics that his family is famous for. His father, Don "Bull Moose" Hanni Jr., is the former boss of the Mahoning County Democratic political machine. He and his other son, Don III, were associated with the petition debacle that prevented presidential contender Jerry Brown's name from appearing on the Ohio ballot in 1980—effectively ending Brown's presidential bid. A June 1980 Ohio Magazine article about it is well worth reading.

Bull Moose Hanni was working for Ted Kennedy while Hanni the Younger volunteered that January to help get Brown on the ballot. At the time, the older Hanni was trying to unseat Ohio Democratic Party Chair Paul Tipps. Tipps was supporting Carter, and a Brown candidacy would have drawn votes from Kennedy. So what did the son do for his dad? Plenty, according to the article: "First, Hanni did not circulate petitions and gain the necessary 1,000 signatures to put Brown on the statewide ballot. Second, persons at the Mahoning County Board of Elections where Hanni worked allegedly signed false names on petitions for several slates of Brown delegates. Third, several sheets of Kennedy delegate signatures were reportedly stapled onto Brown petitions. Finally...Brown campaign workers contend Hanni intentionally delayed the batch of petitions in his office so that the courier delegated to transport them to the Secretary of State's office in Columbus could not possibly have gotten them there before the filing deadline."

Now, another Hanni is on the scene, filing his last-second protest based on what he claims was an "anonymous phone call" that purportedly said that the petitions Tavares submitted were illegal because she failed to include the signed original, as required by law. He was wrong, all the Tavares petitions included originals and she had been certified for the ballot.

Oddly, prior to filing, there was a missing original Tavares petition that would have invalidated 2,000 signatures and most likely would have knocked her off the ballot. Greg Haas, a political consultant volunteering in Tavares' campaign, caught the mistake and did not submit the petitions in question.

How did Hanni, or his anonymous caller, know about the missing originals? Why was Hanni confident enough to file a protest without evidence based on an anonymous call? Perhaps the caller, if there was one, or Hanni know more about the missing or stolen original petition than they're telling. Perhaps Hanni would be willing to turn over his phone logs and the approximate time of the call to the appropriate government investigatory agency.

Haas noted that, "All the elements of sabotage are here. Hanni filed a protest over something he anticipated happening, but never happened. Who would be the likely beneficiary? Not the Democratic Party. Only Hanni and Kenneth Blackwell, Charleta's Republican opponent."

Clean sweep

To assume that the homeless have an advocate on the task force charged with advising the city on what to do with homeless people living on the so-called "Scioto Peninsula" is wrong. Task force spokesperson Barbara Poppe, executive director of the Community Shelter Board, theoretically should play the advocate's role.

Now let's deal with reality. After Poppe's migration from Cincinnati less than a decade ago, she served as executive director of the Friends of the Homeless, where she distinguished herself by battling with her staff and purging the grassroots activist elements off her board. She corporatized, sanitized and neutered what was the most militant homeless advocate organization in Columbus.

No doubt this paved the way to her ascendancy as head of the Shelter Board, a partnership between corporate and government interests. Poppe's become the czarina of all shelter policy in central Ohio. The Shelter Board is no longer there to serve the various shelters with different and complementing philosophies; they are there to do her, and corporate, bidding. Thus, if the Open Shelter is standing in the way of development—in this case, on the Scioto Peninsula where COSI will be going—corporate leaders can count on Poppe to push them out without much real debate. Those who have worked closely with Poppe, and I include myself as a former Friends board member, know her magic mantras: "We're not going to talk about that," "It's not on the agenda," and "We'll talk about it later."

So, it should be no surprise to anyone that the Dispatch quotes Poppe as recently saying, "We're not going to have a general discussion about it." The "it" is the relocation of homeless people and two shelters from the peninsula.

What Poppe has yet to talk about is her reported preference for "privatization" of the homeless problem based on "harm reduction" policy. Harm reduction strives to sweep the poor off the street, place them into housing and provide them with clean needles to continue their self-destructive lifestyle in a less harmful manner. Poppe's dream of some Central Park-type hotel where the non-rehabbed homeless cavort in harm reduction harmony may or may not be a good idea. But here's the problem. One of the worst-kept secrets in the city is that there's a "gentleman's agreement" not to allow any more homeless beds into the Discovery District.

Friends of the Homeless and Faith Mission rigidly stress rehabilitation and don't allow intoxicated people in. The Open Shelter is one of the only refuges for the drunk and strung-out homeless. If Poppe's task force closes it, where will it relocate? What neighborhood is that tolerant? Poppe must allow an open and public debate on this issue.

3/25/1998

News Briefs

New life for the Left?

NEW YORK CITY—What's up with the American Left? Usually the best place to find out is the Socialist Scholars conference held in New York City each spring. Although primarily a lemming-like gathering of the America's leading intellectual Leftists—and one should heed the observation of conservative William F. Buckley who once noted that being one of America's foremost radicals or socialists is a lot like being called "the tallest building in Topeka, Kansas"—this conference seemed less focused on political theory and more on activism.

Dr. Manning Marable, former director of Ohio State's Black Studies program and currently professor of history at Columbia University, was joined by a who's who of black radical activists in calling for the formation of a "Black Radical Congress." Founding mother of the Black Panther Party, Kathleen Cleaver, poet-activist Amiri Baraka, and an assortment of black activists from militant nationalists to Marxists have agreed to set aside their theoretical and ideological differences in hopes of creating a new black radical organization. The Black Radical Congress (BRC) advocates are actively engaged in organizing their founding Juneteenth convention to be held June 19-21, 1998 in Chicago.

"There were only 240 people in the Niagara movement led by W.E.B. DuBois, which led to the founding of the NAACP in 1905; the Student Non-Violence Coordinating Committee, 'SNCC,' never had more than 1,000 people when they sat in at lunch counters throughout the South and destroyed the Jim Crow system; and CORE, the Congress of Racial Equality, only had 2,500 members at its height when it led the Freedom Rides into the South," Marable preached repeatedly throughout the weekend.

"We're radical because we want to strike at the roots of the problem. That's what the word means," explained Marable, "And the problem is a system that's building 150 new prison cells a day to lock up primarily black and Latino people."

White activists like Democratic Socialists of America Director Alan Charney wholly support the BRC, so much so that Charney donated his hip TriBeCa loft for a fund-raising reception on Saturday night. Marable, with Cleaver by his side, made an impassioned plea for funds promising that the founding convention "will lead to the establishment of a permanent national structure for a black pluralist left within the black liberation struggle."

"We have been so obsessed with rallying the masses, we've forgotten that a small, dedicated group of people are at the core of every great movement. Just ask Kathleen. The Black Panthers, at their peak, only had 5,000-10,000 members nationwide," added Marable.

Cleaver believes a new black radical organization is long overdue and conceded that the Black Panthers had not anticipated the repression of the federal government that destroyed the party and took a heavy toll on her ex-husband, Eldridge. The Black Panther mystique—mythologized in recent films like Panther—hung heavily in the air.

Kathleen Cleaver, when asked the age-old question of who was right, the late Black Panther leader Huey P. Newton or her former husband, who split over whether the Panthers should remain community-based or push for international revolution, stated: "Martin Luther King is dead, Huey P. Newton is dead, Eldridge is alive, but mentally ill. I learned a lot from Eldridge and think that he was basically right in his understanding that the struggle is international and would continue to be so into the future. It's no longer a question of who's right or wrong. Corporations now operate worldwide and communities are oppressed everywhere."

Filmmaker and TV Nation creator Michael Moore had a similar message in a plenary session entitled, "The Left Speaks to America: Are We Listening?" His answer, spiced with witty

observation and sarcasm, was simple: when the Left speaks, nobody's listening these days. He'd just come from a protest at Nike's premier Manhattan shoe outlet that he'd helped organize for black high school students. "I'm tired of showing up at rallies organized by the left with seven people. So, I organized my own rally by going to public school teachers and going directly to the market that Nike targets for its \$150 sneakers. You should have seen the terror in Nike officials' eyes when their targeted market showed up screaming at them about exploiting workers in the Third World."

Moore chastised the leftists for speaking in outdated Marxist-Leninist. "C'mon, you gotta 'Comrade List' on page six of your conference program. Nobody talks like that. There's also a certain arrogance that comes out of New York and Washington that somehow looks at people like myself from the Midwest as yahoos or bumpkins where you can pull the wool over our eyes. But, we sure kicked Clinton's ass in Columbus when he came in to sell the war. People can't be treated like idiots and with contempt."

At that point, one of the leftists that Moore was chastising who looked a lot like the young Leon Trotsky shouted, "Go Buckeyes!" Hardly high theory, but a pervasive sentiment among conference attendees. Marable also praised the activists in Columbus and stressed the importance of holding the BRC conference in the heartland.

—Bob Fittrakis

4/01/1998

Public or private?

by Bob Fittrakis

"Arena district 'to take off'" screeched the headline of the Columbus Dispatch's front page Sunday edition. The hockey hype is transforming itself into "an arena-area entertainment district" powered by the virtually unstoppable and unholy alliance between Nationwide Insurance and the Dispatch Printing Company. The masters of Columbus have a "master plan." Still, a key question remains unanswered, one of Constitutional importance. Is the arena a private venture, as we've been told—nay, as we demanded after 57 percent of us voted not to finance it with our tax dollars—or is it a public arena or some grotesque quasi-public hybrid?

Perhaps a more important and curious article appears on page 2C in the Metro section in Sunday's Dispatch. Here we learn that the public entity known as the Franklin County Convention Facilities Authority is taking land from the city, other corporations and private businesses. The U.S. Constitution prohibits the taking of private property except for "public use." Throughout most of our history, that meant public spaces like parks, airports and roads. In the 1960s, under the guise of "slum clearance," government entities took private property that was abandoned and condemned. By the 1980s, it became common to use government agencies to take or steal other people's valuable private property to give it to other politically connected private citizens who could make money off it.

Seems that Nationwide, a former mutual insurance company established to help small farmers protect themselves from the robber barons, has transformed into the modern version of the people they were founded to fight. With the Dispatch, they've managed to corral the Convention Authority to do their dirty work. Not surprisingly, the city "gave" three-quarters of an acre of taxpayer property to the Convention Authority for the private arena development. Why do we need to give away property worth nearly a million dollars to mega-buck corporations? We already know that this private for-profit entertainment-arena district will cost taxpayers between \$50-100 million in public investment through building roads, sewers, clean-up costs, legal fees and forfeited federal transportation funds.

More bizarre is that fact that the Convention Authority is offering the Cincinnati-based CP-Maple nearly \$5 million to take 4.3 acres of land where they own and operate parking lots in the newly proclaimed arena-entertainment district. Who will the land belong to? The people? Or will the Authority lease, sell or give it to Nationwide, who then may choose to run their own lucrative private parking lot on the same site? What's this got to do with free enterprise and the market? Absolutely nothing, say it again!

Or even worse, what if you're Harley Greene, a lease-holder on property in the arena district and owner of the nightclub Tabu? Greene, a local pharmacist, started Tabu in July 1996 with his best friend, now deceased. With great personal effort and \$100,000 of their own money, they transformed a decaying and neglected Herbie's Tavern into the premier show bar for female impersonators, cabaret performers—a home-grown La Cage aux Folles.

Hardly the type of entertainment coveted by Nationwide and the Dispatch. Greene delayed many improvements to the plush show bar until the voters in Columbus turned down financing the arena. Unfortunately, he bought the big lie. You remember, you read it in the Dispatch: there is no Plan B—if the voters turn this down there will be no hockey arena. With a 10-year lease on the property from National City Bank, Greene felt secure in spending big bucks remodeling the club. Imagine his shock when he received a call on January 28 from a bank trustee stating that he had to vacate the premises by April 30. If he didn't, the new owners, the Convention Facility, might "evict him" so they could no doubt later give the property to Nationwide. Can you say sports bar, anyone?

Greene said National City Bank told him he would receive no compensation and referred him to the Convention Authority's attorney, Don Plank, of the law firm Schuler, Plank and Morgan, a firm with close ties to Mayor Lashutka. Plank would only deal with National City. The appraisers would only deal with the bank and refused to look inside his bar to consider Greene's improvements.

Plank informed Greene that his business lease was "fraudulent" because it hadn't been filed with the County Recorder's office. Greene found that it would cost him \$600,000 just to buy a comparable downtown business with liquor license and lease. Then there are the moving expenses, the legal fees he incurred fighting the big boys and loss of revenues when he's closed down.

It seemed to Greene as though the Convention Authority, National City Bank, Nationwide and the Wolfe family were in collusion. As Greene puts it: "I have a problem understanding how a private-enterprise arena situation such as this is able to employ the Franklin County Convention Authority for appropriation of the land on which the arena will sit."

Greene would have a variety of remedies if he was negotiating directly with Nationwide as one private business to another in a free market system. But when you can get the government to do your work through "eminent domain" for you and "take" and destroy another person's business without a penny of compensation, it's far more profitable. After all, how do you think the big boys get so big? And why do you think they call it politics?

4/08/1998

BWC under fire

Former COO files suit in connection with termination, Ethics Commission investigation
Steve Isaac, the former second-in-command of Ohio's Bureau of Workers' Compensation (BWC) is now suing his former boss at the Bureau, James Conrad, a long-time political operative for Governor George Voinovich. The suit raises several explosive allegations regarding possible cronyism and corruption in the Voinovich administration. The central allegations in the suit were originally reported in Columbus Alive in a copyrighted story February 4, 1998.

Isaac was appointed Chief Operating Officer (COO) of the BWC in March 1996. His position was specially created by Ohio's General Assembly following the passage of House Bill 7 in July 1995. Under the new law, Isaac's position had to be confirmed by the Ohio Senate. Isaac, with extensive experience in private business, was hired primarily to convert the BWC's care of injured workers' bureaucracy to a privately run managed-care system.

In his complaint filed in federal court, Isaac's lawyer asserted that he met "each of the goals established for him when he accepted the position" and that he was "repeatedly commended" for his performance. A day after Conrad terminated Isaac, BWC issued a memo notifying businesses that there would be a 75 percent reduction in their Workers' Compensation rates. Bureau insiders credit Isaac for many of the reforms that made this reduction possible.

As previously reported in Alive, Isaac alleged in his suit that the real reason for his termination was not his performance, but the fact that in September 1997 he accidentally "discovered billing documents for emergency medical services and other health services and business cards with Dale Hamilton's name on them." Hamilton, who served as the Bureau's Deputy Administrator for Special Projects at the time the documents were discovered, is the son of Phil Hamilton, Governor Voinovich's former transition chief and a powerful lobbyist for the Voinovich Cos. (now known as The V Group). Dale's mother, Patricia, is chair of the powerful state Board of Personnel Review.

According to the suit, Isaac "believed that the documents...showed that Hamilton had used his 'insider' status at the Bureau and the information to which he had acquired access through administering managed care technology, internal auditing, and external consulting for the Bureau, to benefit Hamilton and Associates." Isaac immediately brought the documents to the attention of the Bureau's staff attorney, John Annarino, who forwarded the documents on to the Ohio Ethics Commission, prompting an investigation. Soon after this in early November, Conrad asked Isaac for his resignation.

Sources close to the Ohio Ethics Commission investigation claim that Annarino asked only for an "advisory opinion" on the Hamilton affair and failed to fully disclose Hamilton's relationship with his father's well-connected political firm. Various Bureau insiders claim that the Commission had to use its subpoena power in order to secure all the information surrounding the Dale Hamilton incident.

Isaac refused to resign and Conrad terminated his employment. Isaac's complaint claimed that Conrad "acted outside the scope of his authority as Administrator by unilaterally terminating" him "without Senate approval."

Isaac is also suing Jim Samuel, a BWC spokesperson who issued a press release later picked up by the Akron-Beacon Journal that portrayed Isaac's firing in terms of "poor performance." Isaac also alleges that Conrad advised the Ohio Hospital Association that he "had been removed from his position due to a discussion which had occurred thirty days earlier regarding...performance problems."

Isaac's complaint said: "No such conversation had ever occurred," and that the reasons for termination given by Conrad and Samuel to the media and the Hospital Association "were patently false" and that "at no time during the nineteen months he [Isaac] was employed" by the Bureau did Conrad "ever communicate any concerns."

The suit contends that Isaac was fired, and his subsequent public disparagement, "were done in retaliation for...having reported the Hamilton affair to the Bureau's counsel and the resulting ethics investigation of Conrad and Hamilton."

Isaac's suit raises the following questions of public interest: What actually prompted his termination? Can Conrad produce a paper trail showing poor performance for a well-regarded public administrator? Why didn't Conrad consult with the Bureau's Oversight Board Commission? And, did Conrad act legally in terminating Isaac?

One of the documents reportedly written by Dale Hamilton contained a reference to a contract between EMS Billing, a company associated with Hamilton and Associates, and the city of Lancaster. If Isaac can establish that Dale Hamilton had been working simultaneously for the state and his father's firm, and that his firing is linked to this discovery, that fact may pose significant embarrassment to both Conrad and Governor Voinovich, who's currently running for the U.S. Senate.

Isaac is seeking \$850,000 in damages. But the real damage, if he prevails, will be to the reputation of the Voinovich administration.

—Bob Fittrakis

4/15/1998

Oddi-ous

How Clerk of Courts Jesse Oddi was brought to justice by his staff

by Bob Fittrakis

The sight of Franklin County Common Pleas Clerk of Courts Jesse Oddi led away in handcuffs last Friday, charged with "theft in office," should come as no surprise to Columbus Alive readers. The "Odor of Oddi" is an old story; one known to many political and law-enforcement officials in the county as well as the Columbus Dispatch.

In 1992, Linda Evans was the Democratic candidate for Clerk of Courts, running against incumbent Thomas Enright. Evans explained that she wasn't really running against Enright—who she described as a "nice old guy who golfed a lot"—but his then-Deputy Clerk Oddi, who was the de facto head administrator of the courts. After Enright's victory, he subsequently resigned and Oddi was appointed to the position of Clerk of Courts in January 1995. This a common practice in Franklin County politics.

During Evans' campaign, she said a group of court employees contacted her and "courageously went with me to the Dispatch with information about Oddi destroying court documents." Evans claimed they supplied a young Dispatch reporter with "a photocopy of microfiche that had been destroyed and evidence of possible money-laundering." She recalled that the reporter took the folder to then-political editor Michael Curtin and later the message came back that it was "too close to the election to run the story."

"I celebrate with the honest employees of the Clerk's office who have been vindicated and liberated after their six-year struggle to expose Oddi's corruption," Evans said last week, "but this is only the tip of the iceberg. They should look at sexual harassment, the destruction of public records, using his public office for partisan politics and a variety of other possible illegalities."

Jacque Bracken, who ran against Oddi in 1996, tells a similar story. "I took a lot of very disturbing information about Oddi to the Dispatch, the Democratic Party Chair, and Sheriff Jim Karnes. These were horrendous allegations and I included the names of present employees who were willing to talk. None of them would take the charges by the employees seriously," Bracken bemoaned.

Bracken was "shocked" by the Republican Oddi's obvious connections with prominent Democrats. "The party did nothing for me while Karnes and Oddi were as tight as brothers, and [Oddi] socialized with [Franklin County Democratic Party Chair] Denny White," Bracken noted.

This writer did meet with those same employees and a column outlining many of their allegations appeared in the October 30, 1996 issue of Columbus Alive. A 16-year employee of the Clerk's office explained anonymously that Oddi was "doing something with the dollars...in the Juvenile Division. The dollars aren't jiving with the accountant's books." Rose Kerr, now recently retired from the Clerk's office, concurred with Evans' observation about the extent of Oddi's alleged wrongdoings. "There's a lot more to this that hasn't been looked into yet, and other people are involved."

As it turns out, last Friday Oddi was caught red-handed on videotape lifting \$381 in marked bills from the Juvenile Division, according to police. In addition, Columbus Alive has tracked in several articles over the past year and a half a pattern of possible abuse of the bail bond system in Franklin County. Bail bond forfeitures were apparently not enforced, records were missing, and bail business was reportedly directed toward a single bail bonds company in violation of court procedures, among other seeming irregularities.

"Oh honey, you knew what was going on. Jesse would wait around for the money from Juvenile and only two people were allowed to touch it, Sharon Pennington and Kathy J. Harper, and then

they'd go in the room and close the door and figure up their receipts on the computer. Both those girls are still there as supervisors and they've got to know a lot," Kerr commented.

When asked if she suspected other possible wrongdoings at the Clerk's office, Kerr described irregularities involving local car dealers who would bring in expired 30-day tags in bulk and never be charged the \$5 renewal fee. "And then come election time, Jesse'd send ... two girls around to the car dealers to collect donations and sell tickets for fund-raisers."

"If you knew Jesse like I knew Jesse, you wouldn't be surprised by any of this. He was also the type of guy, if he needed a feel from a woman, he took a feel," Kerr claimed.

One young female staffer who was allegedly pressed for sex repeatedly by Oddi kept a detailed journal about all of Oddi's activities. A review of the journal revealed specific details of possible illegalities regarding not only sexual harassment, but improper political use of a public office by Oddi. Recorded in the journal is an account of three female employees being sent to a prosecutor's office by Oddi in order to intimidate them with the threat of possible criminal charges. Kerr confirmed the incident. "Jesse just scared the hell out of those girls...if they didn't do what he wanted," she recalled.

Kenneth Griffith, Oddi's Deputy Chief and current Acting Clerk of Courts, is no stranger to harassment charges. The May 7, 1997 *Alive* reported that Griffith had "signed a paternity agreement with recently terminated Court employee Diane Cossin regarding two children ages 12 and 14." *Alive* reported that Oddi and Griffith "harassed her and made her fear for her life." Reached for comment on Oddi's arrest, Cossin said she was "not surprised." She also confirmed reports by current employees surrounding a purported confrontation between Griffith and Oddi over missing court money. "Kenny told me that he confronted Jesse over \$400,000 in money that was missing from the court, but that Jesse was lying his way out of it," Cossin said. Cossin, who enjoyed a close personal relationship with Griffith at the time, said the conversation occurred in either late 1995 or early 1996.

After her paternity suit, Cossin reported falling out of favor with Griffith and Oddi in late 1996. "I was beaten in the parking garage, first in November of '96 when they stole my wedding ring, and then I was beaten a second time in December on the day I received my first cash payment from Kenny and it was stolen. Then I was beaten again in January of 1997, a few months before I was fired," remarked Cossin.

The same day that Griffith signed the paternity agreement, Cossin filed report #970084 with the Franklin County Sheriff's office stating that she was attacked in the court's parking garage by "an unknown person" who "kicked her in the left hip, with his foot, for an unknown reason." Cossin frequently contacted the *Alive* in early 1997 reporting beating and death threats. Her supervisor had her phone removed from her desk just prior to her firing. This reporter received similar threats by phone during that time period.

On April 22, 1997, Oddi terminated Cossin's employment. In his termination letter, Oddi wrote: "Since you had no rational [sic] or basis to call me at home and accuse me of being a member of the 'Italian Mafia' and you also accused me of having a 'contract' to have you killed, I am left with no choice but to terminate your employment....You are guilty of defaming me in that you accuse me of being a criminal, such insubordination constitutes misfeasance and malfeasance, which more than justifies your discharge."

In her written response, Cossin claimed, "I, in no way 'accused' Jesse of anything. If anything, he, in the past and present, has 'accused' me of things. He 'accused' me of giving his wife info on his affair he was having, when in fact his wife had an investigation on him."

Cossin said that others had told her that Oddi had reputed ties to organized crime through a relative and that she simply brought it up in the conversation.

"Look, I was afraid for my life when I called Oddi, and I still am," Cossin told the Alive at the time of her termination.

Donna Born, Cossin's former supervisor, confirmed in a 1997 Alive interview that, "My supervisors [Oddi and Griffith] didn't want her [Cossin] there. They knew they had to be careful... the policy was to make life hard for her. Don't talk to her, ignore her, harass her; to instill in the employees that if they were nice to her, they would be the next one fired."

Bob Pond, another former employee of the Clerk's office, filed a wrongful discharge suit claiming harassment by Oddi and others. Pond charged in his suit that he was harassed out of his job by Oddi and supervisor Sharon Pennington while Enright was still the Clerk, because he objected to the "dictatorial" way that Oddi ran the office. Pond contends that "Kenny [Griffith] and Sharon Pennington are just as guilty as Oddi and someone needs to go in and clean house."

In a journal kept by Pond prior to his firing, he noted that "the office is divided into two factions," those that were loyal to Oddi and those that feared him. But it was clear to Pond what was the best way to get ahead in the Clerk's office: "Night of the Galbreath function, Suzy Koch gives me ride home. Tells that she went out with Jesse, three wks. later she becomes the next one in charge of Juvenile..." Alive had previously written about the close personal relationship between Oddi and Koch.

"Oddi has so many friends, I don't trust any of these state and local people. They really need federal auditor and law enforcement people to look at his office. My great sin was when I saw something wrong, I spoke up. I wanted to serve the public, I was politically naive, I wasn't a team player according to Jesse," Pond stated. "To survive there you had to be 'connected,' a 'boot-licker,' like the three monkeys, hear no evil, speak no evil, see no evil."

One anonymous staff member in the prosecutor's office felt something was amiss and took action by supplying Alive with several files regarding Oddi's "car bonding" practices. A May 1997 Alive column entitled "Skimming and Scamming" pointed out that "Franklin County Clerk of Courts Jesse Oddi is responsible for filing civil actions for car forfeitures," but apparently was not doing his job and somebody was having the files destroyed. Alive reported details on three specific cases and noted that: "All of these cases involved the civil forfeitures under the jurisdiction of Jesse Oddi; all of these cases need to be looked into by law-enforcement officials, preferably those not compromised by campaign contributions and political expediency."

Alive also reported questionable practices involving campaign contributions to Oddi and county judges from local bondsmen and irregular bonding practices in the same issue.

In a March 11, 1997 letter signed by Dorothy Carnes, supervisor of the Criminal Division of Common Pleas Court, she noted that she couldn't comply with an Open Records request since, "we do not keep copies of checks paid to the Clerk's Office from any outside entity, bondsmen or not. We also do not categorize or separate the daily receipts that are written as to type." Oddi never tried to hide his odd bookkeeping practices from the public, and they were well documented in a 1996 state audit of the Court.

Despite the Alive articles and the state audit, County Commissioner Dewey Stokes, former head of the National Fraternal Order of Police, told WTVN radio last week that the theft charges against Oddi were "out of character." The Dispatch reported that County Commissioner Arlene Shoemaker was "heartsick...He's [Oddi] always...wanted to serve his constituents." Both called for his resignation.

Kerr worried about the same thing. She pointed out that Oddi will be appearing before "Judge [Michael T.] Brandt, who's a good friend of his." Clerk's office employees seem to share Evans' view that this is the tip of the iceberg, and they also claim that Oddi has done a lot of favors for a

lot of very powerful people in both political parties. According to the Dispatch, "both Michael F. Colley, Chairman of the County Republican Party, and Denny White, Chairman of the County Democratic Party, noted that Oddi had not been convicted." Bracken called White's statement "strange for a supposed member of the opposing party."

Many current employees told Alive that they are afraid that the Oddi affair will be "swept under the rug." As one put it, "there's a whole lot of us here that would love to be put under oath and forced to testify against our supervisors. We're relieved and elated that Oddi's arrested. But we're not sure anything is really going to change."

4/23/1998

News Briefs

Ain't afraid of your jails

Columbus Police settle with campus activists

The tactics of Columbus police in the OSU area just cost city taxpayers \$26,800 in a settlement of the first civil suit brought by the campus-based Copwatch organization. The figure could go much higher with five more cases involving seven claimants still pending. Add to this 11 Antioch students preparing to sue the Columbus police for Macing them while peacefully demonstrating at the federal building, and you get a better understanding of Mayor Gregory Lashutka's and City Council's concern over police training. The same day the case was settled, Lashutka called Police Chief James Jackson's report on police training and conduct "unimpressive," according to WTVN radio.

On Monday, April 20, City Attorney Janet Jackson agreed to the first settlement of \$26,800 in the case of Copwatch member Anne Pussel, arrested for allegedly "obstructing official business" on the evening of October 27, 1996. Her suit claimed she was protesting police "violence" against another Copwatch member, Josh Klein. In her complaint filed in the Franklin County Common Pleas Court, Pussel charged the Columbus police with "assault and battery," "false arrest," "malicious prosecution," violations of First and Fourth Amendment rights, and the City of Columbus for "failure to adequately and reasonably train, supervise, and discipline officers...."

Copwatch describes itself as "a community organization....formed to monitor police activities in response to allegations of police misconduct in the area near the Ohio State University." A Copwatch pamphlet reads: "We have cameras. We have lawyers. We have people who can be seen, and people who can't. We are watching cops rights now in the OSU area." A November 27, 1996 Columbus Alive article, "12th Avenue Freeze Out" documents the group's formation and growth. Copwatch began as an outgrowth of Anti-Racist Action (ARA) on the night of May 17, 1996, when Columbus police confronted campus-area revelers attending the traditional African-American Heritage Festival and Anti-Fest.

Shamus Jones, then a third-year criminology major, was the first to pick up a video camera and use it as a Copwatch tool that night. Jones videotaped police charging down 12th Avenue, firing tear gas and wooden bullets and making numerous random arrests. Consequently he was also arrested, charged with "assault, disorderly conduct, resisting arrest and obstructing official business." Jones rejected an offer from the city to drop all charges in exchange for an agreement not to sue the police. After a week-long criminal trial, the jury quickly found Jones not guilty on all counts. His attorney, Jim McNamara, filed a civil suit against the Columbus police claiming that Jones was illegally "attacked from behind by the police, Maced in the face, knocked to the ground, pushed and struck violently and repeatedly...because he had videotaped improper police action."

Jones' two co-plaintiffs, Chris Wisniewski, an ARA member, and Walter Leake were never arrested but both alleged that they were attacked for criticizing police behavior against Jones. The Jones, Wisniewski, Leake civil trial is scheduled to begin next Tuesday.

In a two-week period between October 13 and 27 four Copwatch members, including Pussel, were arrested on various charges after videotaping and monitoring police activity. On October 13, police arrested Copwatch member Justin Gelenek after he videotaped a police arrest.

Columbus Alive reviewed the tape shot by Gelenek that night. In the tape, Gelenek, after complying with police orders to move a safe distance away from the arrest, is pushed into a crowd of students and is subsequently arrested after he said, "Get macho for the camera," to police. Criminal charges were dismissed against Gelenek, who also has a civil suit pending against the police.

On October 27, Pussel and two other Copwatch members, Josh Klein and Trisha Sikora, were arrested. All criminal charges were dropped against the Copwatchers including what McNamara terms the "ludicrous" charge against Sikora that she was "following an emergency vehicle" after she followed the police paddy wagon to the jail in an attempt to arrange bail for Klein and Pussel. Both Klein and Sikora have civil cases pending against the police.

Finally, the Fraternal Order of Police had had enough and began to put political pressure on City Attorney Jackson not to drop criminal charges against Copwatchers. Soon after that, Pussel and Sikora were again arrested and brought to trial. In Pussel's case, Judge James Fais threw out the case after the prosecution presented its witnesses in November of '97; and on March 26, the city attorney asked that Sikora's case be dismissed after failing to present their case. Both Pussel and Sikora have filed additional civil suits from their second arrests.

The final day of the African-American Heritage Festival and Anti-Fest is slated for May 16 this year, and Copwatch is determined to send a message to the Columbus police and city politicians: "We intend to monitor these events. We'll be looking at police tactics from unnecessary street closings, to interfering with the business of local merchants, to harassment of citizens."

When asked what Copwatch wants, McNamara said his clients "want citizens in the campus area to be treated the same as those in the Brewery District and those attending the Short North Gallery Hop.

"Ultimately, taxpayers are going to conclude that police misconduct is costing them a lot of money. By not training these officers properly, nor disciplining them when they violate citizens' rights, publicly elected officials are complicit in this process," concluded McNamara.

—Bob Fittrakis

4/30/1998

FEATURED ARTICLE

Nightmare

How poor planning and the CEA helped lynch the Africentric school experiment

by Bob Fittrakis

On Saturday morning, Columbus Dispatch readers picked up their newspaper and found a photo of Columbus' Africentric School Principal Wanda Knight—her head bowed as if in disgrace—with the banner headline "Africentric School Overhauled" announcing the lead story. The article informed readers that Columbus Schools Superintendent Rosa Smith had reassigned Knight from the Africentric school after "two years of dissent" between Knight and teachers.

Saturday's photo of Knight originally was printed by the newspaper on July 6, 1997 and showed the principal looking down on two children she was hugging over the headline: "A year of ups and downs." The Dispatch cropped this same picture for last Saturday's article to include only her face, giving the impression of a downcast Knight. One of her supporters likened it to Newsweek's darkening of O.J. Simpson's face in a cover photo to make him look more menacing.

Columbus Alive has obtained internal documents suggesting that, like the photo, there is much more to the story.

The documents outline a two-year battle between Knight and the combined forces of the Columbus Education Association (CEA) and Columbus Schools Deputy Administrator Dr. Phyllis Wilson. They show that the school was plagued from the outset by poor planning on the part of the district, and serious disputes among faculty and administration over discipline policy eventually leading to a full-fledged fallout.

Discipline 101

Internal documents including memos and videotapes support the conclusion that the school was troubled from the beginning by the hasty nature of the school's creation. In a November 3, 1997 memo from Carolyn L. Nellon, the district's administrator of personnel services, to newly arrived Superintendent Smith, five specific problems were noted from "the start-up of the school." According to Nellon, these were: "Ms. Knight was hired in late July or early August of 1996-1997 and provided little or no orientation to the district..."; "Mohawk-Africentric was not included in the planning matrix, as such, school records for the attending students were scattered throughout the district"; "A secretary was not appointed until October, but had to go out on leave in March. In addition the secretary was completely new to the district"; "An administrative trainee was requested, but not received"; "The building had been used for summer school and was not ready to receive students... The curriculum was not fully developed and had to be written this past summer."

Nellon's observations were tempered by bureaucratic restraint. In reality, the highly successful Mohawk School teachers and staff, with a well-deserved reputation for excellence in teaching students with disabilities, felt victimized by the Africentric School taking over their building. When Knight entered the former Mohawk School building she videotaped locker doors glued shut, trash everywhere, missing computers, and human waste scattered throughout the building. Perhaps more disturbing were the messages scrawled on chalkboards and walls, usually accompanied by drawings of children crying: "You are destroying our lives"; "You are taking our school and hurting our children."

Because she had been hastily selected, Knight found herself in the unfavorable position of not being able to select her teaching staff, powers previously granted to the principals of Columbus Spanish Immersion Academy and Kentwood School. Also, she said she found that virtually none of her teachers had been trained in Africentric theory and teaching methods. In addition, the

Africentric School wasn't listed on the Columbus Public School's computer matrix until just before Christmas break.

In August 1996, the school opened amid the chaos of a media feeding frenzy and up to 100 telephone calls a day that Knight had to answer without a secretary or administrative trainee. At the October 26, 1996 meeting of the school board's African-American Advisory Council, according to a council member, then-district Superintendent Larry Mixon said, "Black people are upset with a black administrator for not kicking black children out of the school" in reference to a faction in the Africentric School critical of Knight and urging harsher discipline. "Six weeks into the school year, the school was being touted as a failure by this group," according to Albert Warner, president of ADW Management Systems, Inc. and member of the Africentric School Advisory Board.

The Dispatch noted that, "Much of the disagreement at the school centered around Knight's approach to discipline." From the outset, an immediate dispute erupted between a few teachers who strongly supported the CEA's "zero tolerance policy" toward disruptive pupils and Knight's Africentric approach to discipline. Compounding the problem was some of the public's perception that the Africentric School was more of a military-style academy, like the Malcolm X School in Detroit for disruptive pupils.

Knight's approach to discipline was much less severe and more interactive and participatory in nature. Privately, she confided to friends that she wouldn't allow the children to be "physically abused." Rumors began to circulate that Knight wasn't tough enough to run the school, some critics openly called for a man to be in charge. In Warner's assessment, "In December of '96, there became a declared war on this administrator [Knight]. Secret meetings started being held all around town, at libraries, at restaurants, in people's homes."

The July Dispatch article noted that "Discipline issues—and Knight's handling of them—have raised concerns among some parents and teachers."

The next fall, the discipline controversy grew more intense. In a September 12, 1997 letter, Knight told Ms. Darryl Johnson, a sixth-grade teacher, that "telling a first grader that you will 'break his finger off and shove it down his throat' was intimidating and inappropriate." Records show that the first grader withdrew from the school.

Johnson was also accused of publicly "humiliating" a sixth grader in front of the entire sixth-grade class by telling him that he did not "belong in this program." A September 19 letter of reprimand was issued by Knight to Johnson.

Knight also wrote art teacher Lisa Hendricks that same day that she "cannot and will not support intentional acts of disruption, disrespect or inanity," and warned that "any repetition of this or similar violent acts may result in disciplinary action." Knight had accused Hendricks earlier of "insubordinate behavior in our staff meeting on June 2 [1997]."

That same week in September, CEA Vice President Rhonda Johnson conducted a union meeting at the school. Six teachers signed a memo dated September 29 to CEA President John Grossman complaining about Rhonda Johnson's comments at the meeting. The memo reads in part: "The entire meeting centered around propaganda and malicious statements... Rhonda made several comments such as 'This is how you can get rid of her' [Knight]."

"We expected our union should not be in the business of 'targeting' or slandering our administrator," the teachers complained. The CEA's activities came as no surprise to school board member Bill Moss, who said, "The CEA is the chief mischief maker in the district. Always beating up on principals, particularly black principals that want to make teachers accountable."

Relations between Knight and the CEA continued to deteriorate when on Wednesday, October 8, she attempted to deliver a message from Personnel Director John Tornes to teacher Sharlene Sommer. CEA union steward and vocal music instructor Huey White and Hendricks refused to allow Knight to talk to Sommer in private. On October 10, Knight requested that White and Hendricks "be cited for insubordination."

These incidents were the impetus for a report by district Administrator of Personnel Services Nellon on November 3. In Nellon's four-page report, she requested "permission" from Superintendent Smith to both "move the teachers who are in conflict" and "negotiate the same staffing rights for Ms. Knight and the Africentric School as exist in the Columbus Spanish Immersion Academy."

Permission was never granted. Conflicts between Knight and White and Hendricks continued throughout the fall of 1997.

On December 16, 1997, Stan Embry, principal at Fifth Avenue International Alternative Elementary School, visited the school. He would later write a memo to Knight: "I had a wonderful experience in your building. You have accomplished much in a very short period of time. Believe me—you have much to be proud of." Embry was named last Friday to replace Knight and the Dispatch reported that "The Africentric School under Embry is likely to take on a more multicultural approach."

OSU students' observations

On March 25, Dr. Linda James Myers, executive director of the Center for Optimal Thought, sent Phyllis Wilson an "evaluation summary" of the school's progress. Myers cited four problem areas: "Lack of trust among staff," "ambivalence on many levels to the process of improving professional relationships and engaging in Africentric educational practices," "rejecting or minimizing the assistance of those in a position to aid," and "resistance" to "work together" despite central administration directives.

Myers found that "Principal Knight is simply trying to wear too many hats to be as effective as we need her to be in the current environment. Office assistance is needed (seasoned clerical support, e.g., records and attendance clerk), as well as some sort of assisting administrator." On the divisive issue of discipline, Myers recommended "at least two special education units (for emotional/behavioral problems and learning disabilities) are needed at the school to address the special educational needs that so many of the children seem to have." Myers also noted that the central administration "would only be able to support 50 percent of the consultive services" that were necessary for the school.

Myers, also a Black Studies professor at OSU, allowed her graduate students to observe the Africentric School. The different styles of discipline stand out in their reports. One observer described a fourth-grade teacher as having "frequently scapegoated and put down" students; a student observing a sixth-grade class noted that the "name calling and labeling, contradicts a supportive emphatic learning environment"; another called the experience "dismal" as "children were disciplined in front of the other students regardless of the degree of the problem" and suggested that "the teachers need to become more aware of their own development."

Heather Frazier observed "a couple of teachers grab children by the jaw and forcefully shake the child's head around. The children are given threats to make them do what's right." Ansha Saunders described a first-grade class atmosphere as "definitely negative," and reported "the separation of one student in a closet" for "at least 30 minutes."

Meanwhile, PTA Vice President Michael Straughter recalled that Hendricks had taken to stopping parents, grabbing their arms as they entered the building and whispering "We've got to get rid of that woman" in reference to Knight.

The March 12 PTA meeting spun out of control when a group of teachers, not on the agenda, demanded that the PTA back their faction supported by the CEA against Knight. Straughter remembers the evening well: "You had Phyllis Wilson taking over the meeting and talking about all sorts of private staff issues that should not have been discussed in public. We told Wilson and the teachers that we weren't going to take sides in the dispute."

Wilson referred all comment on this article to Superintendent Smith.

When asked about the discipline issue, Straughter praised his son's first-grade teacher, Baba Hancock, for his use of "The Circle of Justice." He said, "I hadn't realized that this Africentric practice was not used in all the classes." In the Circle, an offending student is placed in the middle and allowed a fellow student as an advocate to plead his case. The students decide his punishment, such as "no snack today," subject to the approval of the teacher. "They don't have discipline problems in that class," Straughter laughed.

But the school's discipline dispute continued unabated. On March 30, Ms. Adrienne Davis wrote the school complaining that Hendricks had repeatedly called her sixth-grade son a "rapist." On April 3, Yvonne P. Jones of Gladstone Elementary sent a memo to Wilson after evaluating the Africentric School. She immediately called for "a Vice Principal" to be assigned and pointed out that "the issues associated with transportation are monumental" with 13 buses a day arriving from all over Columbus.

On April 5, Lynda Paynter, a resource teacher, wrote Superintendent Smith. Her letter began, "Again! Once again the same few teachers secretly got together with Dr. Wilson to complain about the same ol' thing—that Mama Knight is to blame for their problems with student discipline." Paynter demanded, "Let the whining end and those 'bitch sessions' end. They are one-sided, negative, divisive and create discord...."

The next day, second-grade teacher Sheila Welch wrote Wilson: "...The meetings have only fanned the fire of hostility towards our administrator... Teachers are making accusations that I know are not true. I view the meetings as more of a witch hunt than seeking to resolve the issues.... Last, myself and several other staff members believe the meetings to be biased and totally ignoring the culture and philosophy of our school."

As pressure mounted from Wilson and the union on Superintendent Smith, it was just a matter of time before Knight's sacrifice and highly public lynching.

CEA President John Grossman told the Dispatch that "even before Smith's announcement, 13 of the school's 18 teachers had applied for transfers." But the roster provided by the PTA shows 25 full-time teachers, not 18. School data suggests that Grossman arrived at his number by including as transfers three vacancies, now being filled by permanent subs; four unfilled new positions; and four teachers who are "698's," those hired after October 15.

In response to a request for comment, Grossman said Tuesday: "We have had difficulties with the Africentric School since it opened. The problem is that they did not have a core group of teachers or a curriculum, two essentials for any alternative programs to start from day one. As a result, we have had continuous grievances and problems. We do know that 13 staffers have submitted resumes to apply for other positions; other faculty may be denying it, but they have applied elsewhere. We support the superintendent's action and a new staff will be selected from teachers and parents from that community. This protects teachers' rights," Grossman continued.

When reached for comment, Knight acknowledged that two teachers have interviewed and were likely to leave, although they hadn't officially requested it, prior to her ouster. She refused any other comment on why Grossman's data was so distorted.

Data distortion is also the theme of accusations leveled by Warner, the member of the Africentric School Advisory Board. Warner was investigating data concerning the transfer of students from the school that he thinks may have been falsified to make Knight and the school look bad. In an effort to substantiate his data, he made a massive public records request on April 22, 1998—just two days prior to Knight's reassignment. In a letter to Smith, Warner requested "any and all information regarding the administrative affairs, minutes/notes of meetings held with or in regard to the Principal of Columbus Africentric School..."

Warner wrote in a draft report dated April 23, 1998 that initial problems occurred when "the staff was integrated with CPS [Columbus Public Schools] teachers and community people. Many of these community people were suggested and/or recruited from the African Nationalist Party in Columbus. Some of these people were of the same deliberation that this should be an independent school, operated as though it were a private school, absent of any interference from the CPS."

An April 24, 1998 letter of response from Smith said that he would receive a response mailed to him by April 29.

Alive has obtained a draft copy of Warner's report that includes a section entitled "The Miracle of 74." Warner wrote: "On February 21st [1998], much to my astonishment the numbers that came back from Ms. Roman's office were significant.... Out of a registered class of 82 students, documentation indicated that 74 had requested transfer.... The accuracy was verified on no less than four separate occasions [with the central administrative office]."

Warner calculated that for the numbers to be right, 66 of the 82 students would have had to apply for transfer in a 21-day period, according to available administrative data.

The report stated that the numbers "could cast the school and the district in a bad light" and "could be a set up." His report noted that: "On April 7th, a miracle occurred. Of the 74 students who had 'undoubtedly' put in requests for transfer from CAS [Columbus Africentric School] after an exhaustive 'review' only 36 valid applications could be found, 16 of which had accepted transfers. This is particularly interesting since this only occurred after a Board member and the principal requested copies of the applications that had been alleged to have been submitted."

The possibility of sabotage against Knight and Columbus' only Africentric school is not unthinkable. Columbus School Board member Moss, one of the Africentric school's earliest advocates, recalled the history of the controversial project: "People need to remember the immediate resistance from [Dispatch Publisher] John F. Wolfe and the Columbus Dispatch to the concept of an Africentric School. Bob Teater was the school board president back in February 1995, and both he and Superintendent Larry Mixon lobbied against the creation of the school." Moss said that Mixon and Teater fought the idea up until the spring of 1996, when they embraced the concept as a strategy to get the black community to support a school levy ballot proposal.

The initial public debate over the Africentric School was at best heated and often turned ugly. The original Africentric Advisory Board (of which this writer was a member) recommended the school be promoted as another cultural choice, like the French and Spanish immersion schools, within a diversified school district. The public debate never really focused on African culture and instead centered around the race issue. At one point the board debated the idea of calling it the "African Immersion School" to move beyond the fear and hostility coming from much of the mainstream press.

In Moss' assessment, the school's "overhaul" was all too "predictable." He contended that "Mixon and Teater threw this thing together at the last minute. They put it in a white neighborhood, German Village, that didn't want it, and brought in Knight as a sacrificial lamb. Mixon used her. She didn't know what she was getting into. She came in with a pure heart and clean hands, but she was politically naive."

In January 1997, Dr. Mixon announced his resignation as superintendent as attacks against Knight escalated. "Rumors of her not being certified to be a principal surfaced... Rumors that she was not Africentric enough or that she was Euro-centered began to take root. Verbal attacks against her family, her style of dress, her pride, her moral character, etc., were all being circulated in an attempt to assassinate her character..." Warner wrote.

A January 6, 1997 peer evaluation statement from fellow principals Barbara Blake and Joyce Hackett noted that "Dr. Knight has managed to remain very positive under very difficult circumstances with constant conflicts between the administration, staff, students and parents. Dr. Knight has continued to strive for positive outcomes in very trying situations."

Hopeful parents

Despite the school's problems, PTA Vice President Michael Straughter signed his son up for another year. "He is in first grade, but he knows Martin Luther King's speech, reads at a second-grade level and knows all the planets in order. We like the black role models. My son has been exposed to 12 black teachers in one year—more than I was in my whole education in Columbus Public Schools."

05/07/1998

News Briefs

Africentric School revelations continue to unfold

Was the Africentric School and its first principal, Wanda Knight, set up for failure?

Knight was removed as principal of the Mohawk Africentric School on April 24. Additional documents obtained by Columbus Alive shed light on the ongoing controversy. The new documents point to a battle between Knight and the central administration over special education services.

School Board member Bill Moss, who pushed for the Africentric School's creation, said that one of his great fears was that the school would not be treated as similar alternative schools, and would instead become a dumping ground for students with behavioral problems. "We wanted the school to be a model for Africentric education, but then-Superintendent [Larry] Mixon fought us on that," said Moss.

Sources familiar with the special education needs of the Africentric school claim that as of January 1998 approximately 180 of the 400 students had been referred for special counseling because of behavioral, developmental and disability needs. At the time of Knight's ouster, documents indicate that there were no full-time special education teachers at the school for the 180 students in need. Internal documents and a draft report on the Africentric school being prepared by Albert Warner of the African-American Advisory Board of the Columbus Public Schools indicate that the special education issue was pivotal in Knight's removal.

In October 1996, just after the school opened, Knight met with Community of School's leader Peg Wilson and requested a special education unit. Due to the accelerated school opening, which some say was hastened to garner black votes for the fall levy, no special education unit had been officially assigned. On October 11, Wilson contacted Lou Mazolli, the executive director of the Special Education Department, and worked out "intervention strategies" for the remainder of the first year, according to Warner.

Wilson sent a memo dated December 3, 1996 to Mixon outlining the "review of special education identified students" completed by her and Mazolli. In January, Mazolli had developed a four-point plan for temporarily meeting the special education needs at the school with a part-time staffer. On January 21, he forwarded two memos on the subject to Dr. Phyllis Wilson, the district's assistant superintendent.

On April 29, 1997, a memo indicated that Knight contacted Mazolli regarding the school's special education needs for the following 1997-8 academic year. A May 2 memo from Mazolli to Knight promised that "one special education unit will be placed at Mohawk for next year. This unit will be cross categorical..." serving both slow learners and students with disabilities. The much-needed special education unit never arrived.

On June 3, 1997, according to the Warner report, Knight received a call from Bess Sherard, a special education teacher at Siebert Elementary, indicating that she was to be the new special ed teacher at the Africentric School. Sherard also said that she would be bringing five fifth grade boys with disabilities from Siebert. This was news to Knight who was not expecting a special education unit solely for disabled students. At the time, the reported waiting list at the Africentric School was some 800 students. Knight questioned whether or not the five disabled students should bypass the lottery waiting list, whether they could be "mainstreamed" into the school's general population, and whether it was wise to push two fifth grade class sizes from their limit of 25 students to 28 and 27 respectively.

A June 13 memo from Marie Tooker, Special Education administrator, to Mazolli noted that Knight was insisting that "the unit assigned must fit in with her school program and that we could not assign any students to the class, now or later. All students must be assigned through the

lottery..." Also, the memo noted: "She [Knight] had not planned to assign the teacher [Sherard] a classroom, she had decided it would be an inclusive model" in reference to Knight's belief that the students with disabilities would not be segregated. The memo suggested "...keep the unit at Siebert or move it to another location" other than the Africentric School. The special education unit remained at Siebert and the Africentric School started its second year without the promised "cross categorical" unit. Students with behavioral and disability problems at the Africentric School continued to mount. Conflicts over how to discipline the students split the teaching staff as described in Alive's cover story last week.

Knight could not request additional special education services until January 1998. By that time, almost half the school's students had been referred for special education counseling, sources say. In the month prior to her ouster, school documents indicate that Knight continued to demand an "inclusive...cross categorical" special ed unit for the Africentric School.

While other alternative school principals had been granted broad authority to hire their own staff in line with their school's philosophy—a power immediately given to Knight's replacement, Stan Embry—Knight was never granted such power.

An April 21, 1998 memo from Stefanie Rivers, Africentric school psychologist, to Dr. Phyllis Wilson appears to place the blame on Knight for failing to accept special education services. The memo states that, "I spoke with Ms. Sherard about her not being at the school and she informed me that when she came to the school to deliver her classroom supplies she was told by Ms. Knight that she did not have a classroom for her."

Sources say that Knight claimed that the incident described by Rivers between her and Sherard at the Africentric School never happened.

—Bob Fittrakis

5/14/1998

FEATURED ARTICLE

See no evil, Hear no evil

Mum's the word at the State Employment Relations Board

by Bob Fittrakis

Does SERB refer to Ohio's State Employment Relations Board or Serbia, a repressive state where dissent is not tolerated? A member of the State Employment Relations Board seems to find little difference between the practices of the two.

Chauncey Mason, one of the three members of SERB appointed by the governor, filed suit in April 1997 seeking to halt "closed 'pre-meetings,'" and "to issue dissenting opinions." Mason's suit was the culmination of what he contends was a four-year partisan-driven battle with the chair of SERB over everything from rules of conduct to affirmative action implementation. Mason claims that his protests with the two other board members over several matters have been silenced by the board in violation of state open meetings laws, and that ultimately the right of an American to offer a dissenting opinion is at stake.

On April 15, 1998, Franklin County Common Pleas Judge James J. O'Grady ruled that: "The court concludes that plaintiff, as a board member, does not have to sue SERB and its board members with respect to decisions or conduct in which he [Mason] participated." The court dismissed it without ruling on the merits of the far-reaching case. But Mason, who is footing the expense of the lawsuit, said that his attorney, Fred Gittes, plans to appeal.

"Public" meetings

SERB exists to administer Ohio's collective bargaining law for public employees. It also conducts public sector union elections and investigates charges of unfair labor practices. Mason's original suit contended that board members illegally met with staff and discussed labor issues that the board would later rule on at closed meetings prior to the public discussions. Such closed meetings, according to Mason, made the SERB's public meetings "perfunctory, denying the public access to deliberations of the board."

Mason claimed that board and staff illegally discussed policy decisions, "including the standards to be applied in certain types of unfair labor practice cases, the timing for board determinations related to civil service employees and various procedural matters."

His complaint alleged that the other board members were meeting secretly, excluding him, to decide whether to appeal court decisions. "The idea that decisions are being made by two members of the board in secret and without my participation as to whether or not court decisions should be appealed is not only a violation of Ohio's Open Meetings Laws, but a calculated effort to eliminate any opposing views from these discussions," Mason charged.

Partisan problems

Governor George Voinovich appointed Mason, a Democrat, to SERB in January 1993 for a six-year term. By law, only two members can be from one political party. Mason's reputation as a pro-management Democrat, who also happened to be an African-American, made him a logical choice. In March 1994, the governor appointed Republican Sue Pohler to chair the SERB.

Soon after Pohler's appointment, Mason contended, the board began holding "pre-meetings"; Pohler called them "information meetings." More than information was exchanged at these meetings, in Mason's opinion: "Staff recommendations are often changed as a result of the 'pre-meeting' to better comport with the position of a majority of the board.... This occurs without any public deliberation and has tended to eliminate the need for public deliberations. The public

meetings themselves where such determinations are required by law to take place, have been reduced to a mere formality."

Mason's suit alleged that "The 'pre-meetings' included pre-arranged discussions of the public business of SERB Board by a majority of its members, and were not preceded by a prior notice of the Board's intent to hold an executive session." Since the public was neither notified nor given access to the pre-meeting, and since no minutes were kept at the pre-meetings, the suit claimed Ohio's Open Meeting Act was violated.

Also at issue in the suit is Mason's right to make public his "dissenting opinions," different from the board's Republican majority. SERB minutes reflect a history of clashes between Mason and Pohler dating back to at least 1996. The July 20 SERB minutes from that year stated: "Board Member Mason stated that he reviewed the report [on the SERB's 1997 Affirmative Action Plan] and could not support it because the compliance report for 'Quantitative Goals and Timetables' is false and misrepresents composition of SERB's workforce." Mason attacked the SERB plan to report recently reclassified black secretaries as "professional" administrative assistants rather than "clericals."

"Board Member Mason further stated that when he voted to approve changing the title for the agency secretaries to administrative assistants he was told that this was merely a routine paperwork change; he would not have supported this change if he had known they would be falsely classified as professionals in the EEO report," the minutes read.

On July 16, 1996 Mason filed a discrimination complaint with Ohio's Department of Administrative Services (DAS) asserting that the SERB Affirmative Action Plan was "a deliberate attempt to hide the apparent disparate effects of SERB's hiring and promotion practices." His complaint noted that: "All of SERB's secretaries and clerks are female. 60% of SERB's African American staff are secretaries. These individuals are being improperly reported to give the false impression that SERB is exceeding its EEO objectives."

On August 20, Merelyn Bates-Mims, the deputy director of DAS, wrote Mason refusing "to process your complaint" since "your complaint fails to state an individual cause of action for which relief can be granted."

The clash between Mason and the other two SERB members over affirmative action triggered a larger dispute over Pohler's practices as chair. The next day Mason fired off a six-page letter to Governor Voinovich detailing his concerns about Pohler.

"When Donna Owens was Chairman, SERB was committed to Ohio's Equal Employment Opportunity (EEO) program. Chairman Pohler's record in this area indicates a troubling pattern of deception and subterfuge," his letter stated. The letter also accused Pohler of granting "unwarranted and excessive pay increases" to cronies and political friends at the SERB. Mason detailed his charges with half a dozen examples including "a 13.9% increase in salary" for SERB's General Counsel and a "parking benefit...not previously provided for this position...and not approved by the entire SERB Board."

At the crux of Mason's complaints was the belief that Pohler was using perks such as salaries, parking privileges and state cars to buy the loyalty of SERB staff and enhance her control as board chair.

"Chairman Pohler has engaged in lavish agency spending. In addition to generous salaries and perks provided to favorite employees, and the frenzied spending near the end of each fiscal year, SERB has spent hundreds of thousands of dollars on office furniture, artwork, copiers, computers, computer auxiliary personnel, as well as extensive painting, renovation, and remodeling of its office," Mason informed the Governor.

On September 17, 1996, Mason replied to Bates-Mims noting that he was "discouraged by this action." He stated: "Notwithstanding your legal counsel's narrow interpretation of 'standing,' I believe that as an officer of the State of Ohio I have an ethical obligation to report fraudulent practices of state administrators. As an African-American, I know that I have a moral obligation to stand up and oppose racially discriminatory practices of state administrators.

"It was my understanding that your agency was responsible for advocating and regulating equal employment opportunities. If you will not enforce these basic administrative reporting requirements, what hope is there for actual equal employment opportunities for the historically disadvantaged? How will anyone ever know that African Americans are often restricted to the lowest classes of jobs when your erroneous numbers contradict this fact? Your failure to properly address and correct this situation is disheartening," Mason's letter to Bates-Mims concluded.

Along with this conflict over SERB's EEO filing, Mason also found himself at odds with Pohler over his right to issue his dissenting opinions on SERB decisions. On August 5, 1996, the SERB, in a 2-1 majority decision, stopped what Mason, in the minority, believed to be a lawful strike by health care workers at the Park Health Center.

Within two weeks of the decision, Mason and the other two board members exchanged draft copies of the opinions they planned to publish in the SERB journal. Once Pohler read Mason's opinion, she refused to publish it.

His controversial dissent read in part that: "Strike deadline pressure has been proven to be a most effective method for resolving labor negotiation impasses. The ten-day period before a scheduled strike is a time to consider compromises, reach settlement agreements, and avert a strike. However, the majority's ruling conveys a perturbing message: A public employer's deficient contingency plan [for a strike] will result in the loss of public employees' statutory right to engage in a lawful strike. This message also suggests an unsound public policy."

There was agreement between Mason and the majority that his opinion would not be published pending legal research on the majority's ability to suppress the minority's opinion. An August 29 memo from legal intern Tom Somos to Russ Keith, SERB's general counsel, sided with Mason's right to issue a dissenting opinion. Somos noted that: "There are examples of Supreme Court cases where the justices have not stated any reasons for their decisions, and only offer either concurring or dissenting opinions." Moreover, Somos outlined: "The Ohio Administrative Code which governs the adjudicative practices of the committee poses few restrictions on how members need to render their opinions." Despite Somos' memo, Keith delayed his decision.

On October 16, Mason wrote Pohler a memo demanding to know the status of the legal research being done to justify the censoring of his opinion. "My patience is exhausted," he noted. Keith's reply is dated the same day. Instead of following Somos' legal reasoning, Keith found that "The Unemployment Compensation Board of Review, a three-member board, is the only board or commission to address this question directly. It has done so through an administrative rule." Since the rule allowed for dissent, and since SERB had no such rule, then Keith reasoned, "There is nothing in the law or administrative rules authorizing the insurance of a concurring or dissenting opinion without the simultaneous release of a majority opinion, unlike the Unemployment Compensation Board of Review's administrative rules. Therefore, if SERB were to issue only a concurring or dissenting opinion, Board action authorizing its release is needed."

An outraged Mason, upset by Keith's twisted legal logic, next turned to Attorney General Betty Montgomery for assistance on the Open Meetings problem. On October 20, 1996, Mason requested that "an attorney be appointed to advise and represent me as an individual Board Member."

"The Chairman of the Board, Sue Pohler has in my opinion unlawfully established herself as the principal executive officer of SERB with the sole authority to make important legal and operational decisions without the advice and consent of the full Board," Mason wrote Montgomery.

"I also believe that the Board majority frequently violates the Open Meetings Act (Revised Code 121.22) by meeting privately to conduct public business.... The Chairman has conducted other private meetings where SERB legal, managerial and legislative business has been discussed and decided. I am routinely excluded from these latter meetings," the letter explained.

Finally, Mason complained that: "Revised Code 4117.18(B) provides that 'No person shall...prevent or attempt to prevent any member of the Board...from performing his lawful duties.' In addition to excluding me from participating in the management and operation of this agency, Chairman Pohler has directly acted to prevent me from performing my lawful duties as a member of the Board by refusing to allow me to officially issue my opinions."

In an October 31 memo refuting Keith, Mason wrote: "To restrict any view, particularly by majority action, deters the development of Ohio's public sector laws and defeats the inherent advantages of our pluralistic legal and administrative system."

Mason's plea for a marketplace of ideas fell on deaf ears at Attorney General Montgomery's office. Mason's February 14, 1997 letter to Assistant Attorney General Dan Jones ends: "Stephen L. Carter, the author of the best selling book Integrity, eloquently makes my case when he argues that, 'Democracy is about making sure that every voice is heard, that no voice is privileged, and that everyone plays by the rules.'" Montgomery declined Mason's request for an attorney and instead provided legal counsel to Pohler when Mason decided to sue last April.

05/14/1998

Oddi ain't the only one

by Bob Fittrakis

Disgraced former Franklin County Clerk of Courts Jesse Oddi ain't the only problem. Sure, Oddi's got that odor, but he picked up that smell from the political sewer known as the Franklin County Court system. What Republicans will never admit and most Democrats are too cowardly to mention is that the Franklin County courts are an old-style, political patronage machine similar to Chicago in its heyday of corruption under the boss, Mayor Richard Daley.

The Republicans' highly fortified "Fortress Franklin County," protected by PR propaganda from the Dispatch, is really nothing more than the old "spoils system" outlawed at the federal level in the 19th century. Psssst, don't tell anybody that we don't have civil servants in the courts—we got them good old-fashioned deputy clerks, each and every one of them serving at the pleasure of the Clerk of Courts. If he don't like ya, he can fire ya, with no questions asked.

Oddi—who awaits trial on theft charges—had over 200 of these deputy clerks. If you refused to hawk his campaign fundraiser tickets over the counter on public time, you could be canned; if you refused to work in other Republican campaigns, hit the road, Jack. The politically connected could always find a spot for a family member.

And it's not any different in the Municipal Court where Paul Herbert has 150 deputy clerks, last time I looked. Just ask Oddi's sister who's over there in the Accounting Division or another deputy clerk, the daughter of Oddi's old boss, former Clerk of Courts Thomas Enright.

Interim Clerk of Courts Bill Shimp, the former County Prosecutor with a reputation as a political fixer, knows that his job is to blame it all on Oddi but keep the political machine in place. Shimp will get plenty of help demonizing Oddi from the Dispatch. But, what they're trying to do is difficult, akin to trying to dump Hitler while ignoring the Nazi party.

Let's go back to Oddi's election in 1996. On February 1, the Dispatch noted that, "The departure last year of some longtime Republican Franklin County officeholders didn't spell the end of their hold on county politics.... The former holders of perhaps the county's two richest patronage offices—former Clerk of Courts Tom Enright and William J. Dawson, former Municipal Clerk of Courts—will leave their appointed successors well-heeled to meet the challengers."

The Dispatch reported that Enright left Oddi campaign funds of "more than \$37,000, helping Oddi amass more than \$111,000 during the year—the highest total for any county officeholder." Oddi immediately oiled the county Republican machine "by giving or loaning more than \$12,000 to the Franklin County Republican Party."

With his political coffers stuffed with cash, Oddi could count on the Dispatch to downplay any dirt on him and polish his image. On March 3, a Dispatch article on Oddi led with, "Tired of waiting for computer-imaging technology to come to him, Clerk of Courts Jesse D. Oddi is taking his idea on imaging to the Franklin County Data Processing Board." Images of the high-tech Oddi danced in the electorate's head as the headline screamed: "Clerk of Court pushed for study on efficiency."

As some of Oddi's braver deputy clerks met with the Dispatch staff, risking their jobs to expose possible wrongdoing by Oddi, nothing appeared in the Big D. We did learn that "Oddi aims to take Clerk of Courts office to the people" on October 1, 1996. The regular-guy-working-his-way-to-the-top political yarn spun by the Dispatch had just the right touch for Columbus. "His 27-year career began on the bottom rung. While a business student at Ohio State University, Oddi worked part time affixing embossed seals to motor vehicle titles and filing papers in the domestic court." The article had it all—OSU, embossed seals—but no mention of the booty calls that his female deputy clerks continually complained about to the media.

The mandatory Dispatch endorsement followed on October 23. Its political spin on Oddi was so good it had to be repeated: "While a business student at Ohio State University, Oddi worked part time affixing seals to motor-vehicle titles and filing papers in court." Ah, the stuff of legend.

The Dispatch endorsement downplayed the campaign of Jacque Bracken, Oddi's Democratic opponent: "Bracken had taken the well-traveled challenger's route of attacking Oddi on such issues as alleged unhappiness among employees and soliciting campaign funds from the staff. She also says the Clerk's office has been in Republican hands since 1962 and that it's time for the change. Her case has not been a compelling one."

After all, if the Clerk's office went Democratic you wouldn't have the one-party Republican domination of the county, except for Sheriff Jim Karnes. But Oddi had all his bases covered when he admitted on October 25 that he'd contributed money to Karnes' campaign as well.

With Bracken "Dispatched," Oddi could run on "accountability." His campaign literature stated: "Jesse Oddi's office has an extraordinary record of handling and safeguarding over \$90 million dollars in fees each year." Oh, he guarded it all right. At the time of the Dispatch endorsement, Oddi had raised over \$117,000 in campaign contributions. Bracken had only \$5,000. Oddi had enough money in his coffers to donate to Republican Recorder candidate Richard Metcalf in the only close race in Franklin County. That's how the machine works. Shake the deputy clerks down for cash and turn them into political campaign zombies for the party.

The Franklin County Republicans want you to hate Oddi and ignore the political machine that created him.

5/21/1998

NEWS BRIEFS

**OSU unrest prompts Copwatch action
Group threatens lawsuits**

The city of Columbus can expect another round of lawsuits from the campus-based Copwatch organization following Saturday night's clash between the police and crowds of people mingling on High Street. Copwatch—a group that monitors police activity in the campus area armed with video and still cameras—was out in force because of past problems associated with the aftermath of the African-American Heritage Festival at Ohio State University.

On Monday, Copwatch activists released video footage of a conflict between police and citizens near the corner of 10th and High. Copwatch members had no criticism of police actions on Friday night when 16 people were arrested, primarily for disorderly conduct and open container violations. The Copwatchers noted that the police gave the large crowd gathered in the 7-Eleven store parking lot a 10-minute warning before sweeping the streets at 4:30 a.m. early Saturday morning.

At nearly the same spot the following night, the Copwatch video caught the police moving in at 2 a.m. As the primarily African-American revelers peacefully socialized in the parking lot, the police twice announced that "The 7-Eleven parking lot is now closed," the videotape revealed. No warning to the crowd to disperse is audible on the tape. As if by design, a military-style armored personnel vehicle is seen moving into the picture and the police assuming a military formation. Twice again the police inform the crowd that "7-Eleven is now closed. Vacate the lot now."

The police again issued no specific warnings on the tape. The video next captured a volley of shots—wooden riot-control 'knee-knockers'—fired by the police into the crowd. The tape records the words of a panicked black bystander who shouted, "They're trying to kill us!" The obviously intimidated crowd scattered; the police followed with another volley of knee-knockers before charging in to clear the parking lot. Twelve people were arrested, mostly for disorderly conduct.

The police version of the what transpired appeared in Monday's Dispatch: "A dozen people were arrested between 10:30 p.m. Saturday and 2:30 a.m. yesterday after police were pelted with rocks and bottles." Copwatch videotape appears to document that the police started the confrontation with the unprovoked firing of wooden bullets, and Copwatchers insist if bottles were thrown, it was in response to the police shootings.

Eight Copwatch activists took spent knee-knocker canisters, wooden bullets and the video footage to City Council on Monday to illustrate their complaint against the cops' behavior. The police told council that they have their own video supporting their version of events. Earlier, at Copwatch headquarters, one member pointed out that several of the wooden bullets were "unsuffled" and had been fired "not at the ground, as they are supposed to, but in the air directly at people."

A Copwatch press release attacked "most media coverage" for focusing "on a few isolated acts of bottle-breaking and mischief—which was actually in reaction to the unjust, inciteful and escalative actions by the police..." Copwatch claimed, "This was no 'alcohol-fueled riot' as they claim—trying also to implicate and scapegoat campus bar owners...[there was] no reason to act with the impatience—sweeping the streets right at bar close, or the blanket use of force—indiscriminate Macings, stampeding of crowds that they did."

Just last Friday, Copwatch attorney James McNamara filed three suits on behalf of three plaintiffs against the city of Columbus and various Columbus police officers as a result of police actions during last year's African-American Heritage weekend.

—Bob Fittrakis

5/28/1998

Springtime for Hitler

by Bob Fittrakis

Neo-Nazi propaganda is sprouting in the campus area. Anti-Racist Action activists report finding National Alliance fliers from as far north as 18th Avenue to as far south as W. Eighth Avenue. The fliers would make Goebbels proud. Perhaps you've seen them. The text on the fliers is identical, but it comes with two different pictures. One has a young Aryan poster child doing her homework in a seemingly blissful suburban setting; the other has a preschooler with a puppy on the lawn. The headline blares: "She Needs The Truth" and asks "Where Will She Find It?"

Not, according to the National Alliance, "On television, with its racially mixed couples and multicultural propaganda" or "In her classroom, which has been converted into a neo-Communist brainwashing pen" or "On the streets, where she stands a greater than one in four chance of being raped, probably by a non-white."

The National Alliance assures the reader that: "We are here to make sure that more and more young people like her will have access."

I don't claim to have "truth" like the National Alliance, but I do know some facts about them. The organization, National Youth Alliance, sprang from the hate-filled racist 1968 George Wallace for President campaign. Its goal: "To liquidate the enemies of the American people." Initially controlled by Willis Carto, the head honcho behind the anti-Semitic Liberty Lobby, the group became ardent admirers of Adolf Hitler. They sell and promote Francis Parker Yockey's Imperium, a 600-page tome intended as the "second Mein Kampf."

In 1970, former members of George Lincoln Rockwell's American Nazi Party split with Carto and renamed the organization the National Alliance. It's fearless leader: William L. Pierce, an American Nazi and author of the infamous Turner Diaries. Convicted Oklahoma City bomber Timothy McVeigh was an avid reader and enthusiastic proselytizer of the Turner Diaries. The book was intended as a primer for promoting race war in America. There is a graphic and strikingly similar account between the bombing of the Murrah Federal Building in Oklahoma City and a bombing in the Diaries.

Pierce professes that his calling in life is to "save white people from themselves." He runs his neo-Nazi organization from a isolated heavily wooded 400-acre compound in West Virginia. Recently, National Alliance members were indicted in Florida as part of an alleged 12-state terror network with plans to plant bombs around Disneyland to distract the police so they could rob banks for their movement.

The most disturbing thing about the flier is the local post office box in Hilliard, Ohio. These neo-Nazis stand for death and genocide. If you know who they are, out them.

Africentric fire sale

Just when things were calming down at the Mohawk-Africentric School, the parents have another reason to be up in arms. According to PTA Vice-President Michael Straughter, parents were told in April by the recently reassigned principal, Wanda Knight, that the nearby athletic track and field stadium at the northeast corner of Grant and Livingston would undergo renovation for use by the school. Newly assigned Principal-to-be Stan Embry also promised parents the same thing. "Stan said there'd been talks with Mike Rotunda of the Central Administration about renovating the field and using it for a soccer team," Straughter said.

So imagine Straughter's distress when, at the May 19 Columbus school board meeting, school board member Bill Moss demanded to know if the stadium property was being sold without his knowledge. Moss specifically accused school board President Karen Schwarzwalder and Bob

Teater, chair of the Business and Operations panel, "of selling the school's assets parcel by parcel, behind the back of the public and without proper bidding."

When asked for proof, Moss produced two documents. One is a letter dated April 24, 1998 from Warren W. Tyler, then vice president at State Savings, to Schwarzwald, stating, "This letter is follow-up to the asset reuse ideas we discussed on December 19th, and at our meeting with you and Bob Teater on January 20th... Since our last meeting, the investor group has been assembled which has the real estate development experience and financial capability needed to undertake a mixed-use development of the scale we discussed. The principles have a demonstrated commitment to urban Columbus and are convinced that a contemplated investment in the range of \$50 to \$60 million in the District is rational." Tyler requested that he be allowed "to present a project concept to the Business and Operations Panel" during May.

Moss' second document is a May 18 Briefing Report from the Business and Operations Panel which notes, "The panel recessed into executive session to discuss the sale of property. The panel gave direction to staff to gather some additional information so the Board could respond to an offer."

A source familiar with Tyler's investment group claimed the idea of a consortium of black business and community leaders building two- and three-bedroom luxury apartments with a view of Columbus' downtown skyline was initiated by Sam Gresham of the Urban League. Tyler and Gresham, according to the source, have already solicited support for the project from various well-known people such as the Rev. Timothy Clark, Fred Parker of the NAACP, local businessman Al Warner, Jerry Hammond and Larry James, among others.

"If this thing is as far along as I think, and I haven't been informed, there's going to be trouble. When we passed the resolution for the Africentric School in 1995, it was for an elementary, middle and high school. And they all can fit in Mohawk and use that field. That stadium is a public asset and there won't be any deals struck behind closed doors.

"They want to sell it, they'll have to put it up for bid," Moss vowed.

6/04/1998

News Briefs

Who's afraid of Virginia Barney?

Last Thursday, the Franklin County Republican Party tapped the little-known Virginia Barney for the County's Common Pleas Clerk of Courts position. Barney replaces the better known but widely discredited Jesse Oddi, recently arrested for alleged theft in office. Barney's selection came only after the Republican Party failed to persuade more high-profile local Republicans to screen for the job, including Franklin County Commissioners Arlene Shoemaker and Dorothy Teater, County Treasurer Bobbie Hall, and State Representatives Priscilla Mead and E.J. Thomas.

Franklin County Democratic Party insiders believe that Anthony Celebrezze III, son of Ohio's former Attorney General, can beat Barney in November. "Look, it's going to be a quarter-of-a-million-dollar race. Celebrezze is the only one interested in the job who can raise that kind of money," said a high-ranking Dem official.

At stake in the probable Celebrezze-Barney electoral match-up is the patronage-rich Clerk's office—with over 200 political appointees. The Republicans' domination of both the Common Pleas Clerk's office and the Municipal Clerk's office is considered central to its control of Franklin County politics. The Republicans have won every Common Pleas election since 1962.

Barney's enthusiastic support for last year's Issue 1—a taxpayer-funded "private" arena and soccer stadium for billionaire Lamar Hunt—looms large as an issue in the race. Fifty-six of the voters turned down the issue. "There's an interesting pattern to the Republican Clerk of Courts: first Oddi steals more than a quarter of a million dollars from the taxpayers and Barney wanted to take a quarter of a billion dollars from the same taxpayers to give to Lamar Hunt," commented Franklin County Democratic Chair Denny White.

Barney served as the Community Development Council's (CDC) secretary. The CDC was "a non-profit corporation created to develop a downtown stadium and arena for Columbus," according to the Dispatch. Worthington Industries Chairman John H. McConnell chaired the Council; there was one other member.

Barney's ties to the rich and powerful emerged as an issue during the Republican Party's selection process for Clerk of Courts. Her CDC activities, which include stumping for the defeated sales tax, were not included on the resume she submitted to the Republican Party. A May 25 letter from Republican County Chair Michael Colley listed Mayor Greg Lashutka, Ohio's Speaker of the House Jo Ann Davidson, Commissioner Arlene Shoemaker, City Councilwoman Jeanette Bradley, developers Jack Chester and Jack Kessler, and Merom B. Brachman as members. Reportedly, Bill Debolt, the 66th Ward Committeeman, complained that the screening committee that appointed Barney lacked any Central Committee members. Twenty-third Ward Committeeman Bill Neill wrote Colley a letter stating that the lack of elected committee persons "has the appearance of impropriety..." and "brings an unfavorable light on the process."

"The fact that Virginia Barney was forced on the Committee as the only decision has brought a true crisis of faith on me," Neill continued, "Many people have expressed to me that they have the burden of being forced to work for candidates without having the privilege [of screening them].... The grass roots members are being alienated and ignored by the Party. When candidates are chosen by the elite...then they are only campaigning to the elite and the press, thus leaving out the true mass of the Party."

Despite Barney's low public profile, she has an impressive political resume. Barney lists being awarded a B.S. in business management from Bradley University in 1970. Since 1977, she's owned and operated the Barney Corporation, which she describes as an "industrial distribution

company which distributes filtration products to the chemical, pharmaceutical, electronic, automobile industries." Barney is the company's president.

Following her recent appointment as Clerk, Barney told the Dispatch that she plans to continue working part-time for her business while serving as Clerk.

Barney also plans to remain on the board of Central Ohio's Solid Waste Authority, where she's served as chairperson since 1994. She became chair the same year the Authority was forced by federal court rulings, the U.S. EPA and community activists to close its trash-burning power plant. The Authority has been sued several times in local courts, and four lawsuits still were pending in Common Pleas Court as of June 1, which raises the question of conflict of interest for Barney in her new position.

Barney served on the Upper Arlington City Council from March 1987 until December 1995. In 1992-93, fellow Council members elected her to the dual roles of Council president and mayor of Upper Arlington. She was the second female mayor in the history of that city. The Dispatch reported that Barney's agenda was "to help the city foster more commercial and retail development to increase Upper Arlington's tax base."

In August 1992, Barney concocted a controversial plan to have a private group buy up property bounded roughly by Lane Avenue, Riverside Drive, Trabue Road, and the Scioto River and donate it to the city for a Quarry Park. Questions arose as to whether "the private group came forward on its own," or was it "coaxed to pursue the project" by the mayor, according to the Dispatch.

In 1995, her last year on the Upper Arlington City Council, Barney voted with the Council's majority to give lucrative pay raises and multi-year contracts to the Upper Arlington City Clerk Margie Halk, City Manager Rich King and City Attorney Sharon Pfancuff. Halk received a four-year pact from the Council, which raised her salary from \$53,892 to \$59,978 the first year, an 11.3 percent increase. By the end of the pact, Halk's salary would be approximately \$71,000. King's salary rose in three years from \$82,000 to \$94,000 plus a \$350 per month car allowance regardless of actual mileage driven.

In 1996, Barney served as president of the Upper Arlington Community Improvement Corp., a quasi-public body that promoted commercial growth in the city. The corporation's plans to put a medical office building next to the Upper Arlington municipal building created a public outcry when it requested that the city "donate" the land to a private company. This activity is also absent from Barney's resume.

6/12/1998

Bits and pieces

by Bob Fittrakis

Putting together the bizarre bits and pieces to see the bigger picture we call Ohio "pay to play" politics isn't always easy, but it's steady work. Last week, the picture got much clearer for the average Ohioan, thanks in part to some fine reporting by Sandy Theis of the Cincinnati Enquirer, and similar stellar work by the Cleveland Plain Dealer. Per usual, the Dispatch is either ignoring the story or missed it entirely. On June 3, Theis reported how ex-Voinovich Chief of Staff Paul Mifsud occupied his time "consulting" after leaving the Governor's staff and serving a six-month stint in jail.

Mifsud received over \$450,000 in so-called "consulting fees" over the last two years from Ohio Edison, an Akron-based electric company. The Enquirer reported that Ohio Edison paid over \$300,000 to the Kingwood Consulting Group. Mifsud is its president. It's no surprise that Mr. Mifsud appears to once again be in the middle of a political influence-peddling scandal. Recall when he was sentenced for destroying public records surrounding a questionable hundred thousand dollar construction discount from controversial builder T.G. Banks, who went on to become Ohio's foremost taxpayer-funded minority contractor, the judge noted that the crux of the problem was "influence peddling."

Mifsud resigned in July 1996 "to spend more time with his family" with the press hot on his trail in the Banks scandal. The next month he received an initial \$30,000 installment from Ohio Edison. It also should be no surprise that the state legislature is about to hand Ohio's utility industry one of the biggest welfare checks in U.S. history. Hiding behind the Orwellian phrase "utility deregulation," Mifsud and assorted other Voinovich cronies are attempting to engineer one of the greatest consumer rip-offs in memory. The bill essentially kills competition and penalizes the most efficient and environmentally-conscious companies by allowing them to "strand"—with us—the cost of their dangerous nukes and filthiest coal-burners.

Since Mifsud isn't "lobbying," only "consulting," Ohio law does not require that he report these blatantly political activities. Under federal law, Mifsud would have had to wait a year after leaving his post before making contact with government officials and to disclose his activities. The only reason we know of the new scandal is because a merger involving Ohio Edison required a disclosure with the Federal Energy Regulatory Commission in Washington, D.C. Them damn pesky feds. No wonder Voinovich favors "state's rights."

The legislative architect behind the utility bail-out is Republican Senator Roy Ray of Akron, who the Plain Dealer listed as receiving \$161,000 in consultant fees from Ohio Edison. Prior to pleading guilty on September 3, 1997, Mifsud was busily at work on behalf of his former boss, Governor Voinovich. In January 1997, the Dispatch reported that Mifsud was "working on electric industry deregulation on behalf of the Ohio Alliance for Affordable Power." The group is an industry "astroturf-roots" lobby concocted by high-priced consultants to fool the average voter. Utility companies have given the group more than \$600,000 to craft "deregulation." Affordable energy, my ass.

The Dispatch also noted that Mifsud "attended a \$1,000-per-person fund-raiser in Miami, Fla., attended largely by utility officials, benefiting Voinovich's U.S. Senate campaign." Does this begin to parse?

The picture grows clearer when you add assorted other Voinovich fund-raisers, pals and pols: Alex Arshinkoff, a major Voinovich fund-raiser and Summit County GOP Chair, received \$110,000 in consulting fees from utility companies in 1996-97; Edward Flask, former head of the scandal-ridden Mahoning Valley Sanitary District (MVSD), received \$74,000 in consulting fees between 1995-7; Kurt Tunnel, former Chief Legal Counsel for the Governor, is also in on the utility

gravy train; and R. Gregory Browning, the former Budget Director, admitted to the Plain Dealer that he's negotiating a deal with the utilities.

Remember that last August, Ohio Auditor Jim Petro released a special audit documenting that Flask had collected more than \$1.9 million in legal and consulting fees from some of the very same vendors who are under contract to the MVSD.

The Voinovich administration's record beginning with the prison building by his family business, the direct correlation between state development and grant money and political donations, the Mifsud contract-steering scandal, spilling over to the Bureau of Worker's Compensation and ending with a utility consumer rip-off will most likely be regarded by future historians as one of the most systematically corrupt in our state's history.

But there is a ray of hope. Prior to the utility scandal, political handicappers were already saying that Voinovich appears beatable in November. Of course he is. In the last two years he's enthusiastically backed two unpopular referendums—the so-called Worker's Comp reform and the misguided school funding fiasco—both losing by crushing margins. Add to this: a K-12 state school funding system declared "unconstitutional" by a Republican-dominated Ohio Supreme Court that's still never been fixed; a higher-education system that dropped from 37th in state public funding to 44th in the nation; an atrocious environmental record highlighted by the Governor's attempt to build a six-state nuke waste dump in Ohio; and one corporate mega-farm with permits to house 18 million chickens and tons of chicken shit, and you see why Governor V needs the utility cash.

The portrait of King George's reign is clear. The voters need to revolt against his "long train of abuses" this November.

06/18/1998

Concrete jungle

Will the Spring/Sandusky Interchange spell ecological disaster?

by Bob Fittrakis

The name is innocuous enough—the Spring/Sandusky Interchange Project—but the reality of the nearly three-decade-delayed federal highway expansion has central city residents fighting mad. At the May meeting of the Victorian Village Society, members voted to sue the Federal Highway Administration over the project.

"As a historic district, we are protected under federal law from impacts pertaining to traffic, noise, visual intrusion, etc. The Federal Highway Administration has blatantly ignored its own rules while shoving commuter traffic down our throats," stated an article in June's Village Vibe, the newsletter of the Victorian Village Society.

The Victorian Village Society is part of a greater alliance, the Urban Oasis Coalition, that has a laundry list of concerns beyond the projected traffic congestion. The Coalition is a self-described "alliance of organizations committed to protecting and restoring the river corridor of the Central City." The organization contends that widespread environmental degradation will result from the project: over 1,100 feet of the Scioto River will be relocated; 31 acres of inner-city hardwood trees removed; 11 new bridges constructed; and at least 18 acres of wetlands destroyed.

The 16-member coalition brings together five city commissions including the Historic Resources Commission, both the German and Italian Village Societies as well as environmental and recreation organizations such as Rivers Unlimited and the U.S. Canoe Association. Only a massive project could spawn such a diverse coalition of opponents.

The project's name itself causes confusion and indifference among the general public. The Spring/Sandusky Interchange Project presumably referred to the original two streets that would intersect with the freeway entrance and exits, though where Sandusky Street is located remains a mystery to many today. Some people have actually confused it with Sandusky, Ohio. Conceived in the late '60s, the highway project is colossal in its scope.

Generally, the plan is intended to straighten 315 as part of the overall effort to complete I-670. The original plan was the product of an affluent and less environmentally aware America that dreamed about making commuting easier for people who migrated to the burgeoning northwest suburbs but worked in downtown Columbus. The project's Environmental Impact Statement (EIS), required by federal law, was completed in 1983. It relied on environmental assessment documents from as far back as 1971, the year the construction plans were completed. According to Jeff Skelding, executive director of Rivers Unlimited, the Ohio Department of Transportation (ODOT) didn't "revisit" those documents until recently. At an April 8 speech before the Central Ohio Sierra Club, Skelding contended that "there's an emerging awareness over the value of downtown urban rivers. We have much more information today on the impact of these highway projects on the watershed, on the land use. It's just not chemical discharge anymore. Historically, we've looked at these urban rivers as waste conduits, a place to discharge our waste and sewage."

Skelding told the audience that ODOT probably thought "no one was watching. We're 27 years into the project, there's lots of people from Dublin driving cars downtown. We have to do it." ODOT scheduled a December 5, 1997 public hearing about its request for a federal boilerplate 404 Permit from the Army Corps of Engineers, required under the Clean Water Act to begin construction. The hearing was postponed at ODOT's insistence after more wetlands were "discovered." The project was temporarily delayed while environmentalists and government officials agreed on a "mitigation" or replacement plan for the wetlands.

Some suggest that ODOT's recent discovery is disingenuous since its own files contain letters and hand-drawn maps dating back to 1978 from an avid local fisherman, Charles Miller, showing the location of the "newly discovered" wetlands. Miller had accurately informed ODOT of the existence of eight of the wetlands totaling more than 60 percent of ODOT's December 1997 "discovery." Miller also included the location of his favorite fishing spots. In a January 11, 1978 letter Wayne Kauble of ODOT told Miller that "recent developments have made it desirable to now reconsider these detailed plans, we will take into account the relocation of the Scioto River, the wetlands, the type of wildlife in and around the river and the layout of I-670 itself." An August 11, 1978 news article reported a promise from Warren Baas, chief engineer for ODOT, that "engineers will work with the BES [Bureau of Environmental Services] throughout the project's planning phase...the BES will evaluate effects of the new design on traffic flow, noise level, and local residents."

A January 5, 1998 letter from Tim Wagner, the corresponding secretary of the Urban Oasis Coalition, to Federal Highway Administrator Leonard Brown, raised a dozen or so additional environmental issues. The Coalition claimed that "new information" existed "regarding environmental impacts at Rickenbacker (Confluence) Park" including "an area of wetlands...not identified as such in the EIS review of the property 15 years ago." Wagner noted that "the new identified values of the area [wetlands] will be taken by the relocation of the Scioto River 150 feet northward."

Next, the letter raised concerns that the project would infringe on recreational activities such as canoeing, fishing and crewing. "To what extent do you believe the 5,100 lineal feet of rock channel protection (ODOT specification 18-30" diameter rock) in various locations on the Scioto and Olentangy Rivers will impede the access at those points for persons using the riverbanks...," Wagner asked.

Standard ODOT construction practices call for the removal of all trees and vegetation on the riverbank and its replacement with controversial rip-rap—those "big white sterile-looking boulders," explained an environmentalist. The boulders serve to protect the bare riverbank from erosion. Skelding put it more bluntly at the Sierra Club meeting: "It's denuding the stream bank of green space, of trees and vegetation."

ODOT contends that rip-rap is an acceptable alternative and serves as habitat for small-mouth bass. Environmentalists are skeptical of these claims, and believe the rip-rap will destroy the habitat of many forms of wildlife along the riverbank. Skelding champions a newer approach to erosion control called bio-engineering that would actually use some of the 31 acres of removed hardwood trees instead of rocks. Though the trees would be dead, they would spawn new vegetation and more natural habitat for wildlife. One of the Coalition members complained that when you tried to explain a new concept to "ODOT bureaucrats, they just stare blankly or reach for their book of specs."

The Coalition's letter specifically complained about the "cumulative effects of the loss of habitat and habitat fragmentation" on wildlife. The letter also goes on to question whether human uses such as bike paths were considered in creating and engineering the new riverbank. Chain-link fences—described by one high-ranking state official as "standard ODOT ugly"—and 100-foot-tall light fixtures are not, in Wagner's words, "consistent with current human environment and usage."

The Coalition also invoked the specter of "historic preservation" and asked: "What consideration has been given to the historic cultural resources impacted by the project including the reconstruction of the Spring Street Bridge, the Franklinton Cemetery, and the Near Northside Historic District?" According to the Village Vibe, "the Near North Side Historic District agreed to contribute \$500" to the planned lawsuit against the Federal Highway Administration. The District is specifically concerned, according to the Coalition, with "the impact of traffic, noise, aesthetics and other impacts."

Perhaps the most disturbing part of the Coalition's letter dealt with the issue of "contaminated sediment" on the Scioto River bottom caused by past industrialization. The thought of the project literally dredging up this buried contamination when the river is moved 150 feet scares environmentalists. An Ohio Environmental Impact Statement noted "some of the disturbed sediments may contain relatively high concentrations of heavy metals." The Coalition fears that these "resuspended toxic substances may poison aquatic life and migratory waterfowl." The letter demanded that ODOT commission a supplemental Environmental Impact Statement before continuing with the project.

On January 29, Brown and the Federal Highway Administration sided with ODOT in turning down the Coalition's request. As Brown explained, ODOT "recognized the importance of the river habitat" since they originally wanted to relocate 8,200 feet of the river and scaled it back to under 1,200 feet.

After being dismissed by Federal Highway authorities, Wagner and the Coalition found an ally at the United States Environmental Protection Agency (U.S. EPA). Jeri-Anne Garl, Office of Strategic Analysis director in Region 5, informed Coalition members that since the Spring/Sandusky Interchange Project had "formally closed out its NEPA [National Environmental Policy Act] process" in 1983 by submitting its Environmental Impact Statement, there was another provision in the law that may be applicable. "When a project is not initiated for five years or longer following submission of the final EIS, the applicable NEPA guidelines of the Council on Environmental Quality require that a re-evaluation be made of the project's likely environmental consequences." Garl's admission sets up the possibility of a successful lawsuit.

In a letter to the U.S. EPA dated March 12, Wagner informed the agency that he had turned up a 1983 letter proving that both the city of Columbus and ODOT had agreed to coordinate with the U.S. EPA and the U.S. Fish and Wildlife Service to "develop a mitigation package to minimize impacts of 1,100 feet of channelization and loss of 31.3 acres of wooded habitat." Wagner also forwarded his sworn affidavit claiming that Tom Linkous, assistant environmental administrator at ODOT, "advised" him "that ODOT had not coordinated or otherwise met this condition during this period of time."

Despite Wagner's and the Coalition's complaints, ODOT began "segmenting" the project—carving the construction into small pieces in order to get around U.S. environmental regulations. Each smaller construction segment would, ODOT argued, have only a minor environmental impact. But Wagner and others wanted the whole project considered. Wagner wrote the U.S. EPA complaining of "massive riverine habitat destruction." A letter from Brown conceded that "the project has been advancing incrementally over the last 15 years and had not required a re-evaluation... The only design changes were minor."

Even as the city and ODOT's old promise was made public, acres of inner-city trees were cleared, rip-rap placed and the river's environment irreversibly altered.

On March 14, Wagner wrote Dave Ullrich, Region Five administrator, alleging that ODOT had "illegally filled" wetlands. Soon federal officials were in a memo war. U.S. EPA official Michael MacMullen wrote Brown stating that a "supplemental EIS would have to be prepared and distributed." On April 16, MacMullen met with Federal Highway and ODOT administrators who pleaded their case. A letter from Brown summarizing the meeting stated "...we knew that there were no changes to the project that would result in significant environmental impacts that were not previously evaluated."

Wagner had a different take on ODOT's conduct. In a May 11 letter to MacMullen, he argued that "the record shows that ODOT has possessed extensive information about the wetlands in the project area for 20 years" and "waiting until the project was under construction to evaluate information that it possessed for 20 years" was unacceptable and possibly a violation of law.

On June 3, Wagner and 60 other citizens attended the Army Corps of Engineers public hearing on ODOT's request for its 404 Permit. A dozen or so people spoke. Wagner's statement demanded that ODOT "be required to consult with engineers about new technologies that have been developed during the past 15-20 years."

Skelding believes that there's a fighting chance that the issue could turn into one of "ODOT vs. Columbus." Right now the public doesn't understand the project since by 1990s standards, "the scope of the project is unimaginable and hard to believe," Skelding explained. He's banking on the fact that big monied developers understand that "people will pay to live" near a scenic river.

How the Spring/Sandusky dinosaur fits into the new plans for a nine-mile stretch of the Scioto and Olentangy river corridor being drawn up by the Riverfront Commons Corporation (RCC) remains unanswered. Neither public green space advocates nor developers are likely to be rip-rap fans. The RCC's three public forums in 1996 drew some 750 citizens who overwhelmingly insisted on the protection of the rivers, access to the river and continued recreational use of it. Skelding reminded his audience that the project, as conceived in the late '60s, would destroy the "scenic value" of the downtown rivers. "For an urban area, it's really a very nice place," he added.

A sympathetic state ODOT adviser, who requested not to be identified, said the agency's "thinking is stuck in the past, this is what destroyed L.A. They want to turn the place into a concrete jungle."

But as Skelding and others have pointed out, often the rivers and Mother Nature have the last word. Destroyed wetlands and paved floodplains have caused massive flooding in recent years across the U.S. and rivers unnaturally ripped from their beds have often found their way back home despite the best efforts of the bureaucrats and engineers.

06/25/1998

Bits and pieces

by Bob Fittrakis

The great Buckeye Lake land squeeze is on.

Recently, Ruth Lewis sold her lakefront house for \$5,000. Hard to believe? She owned the house for 16 years, but not the land it sat on. The land is owned by the Buckeye Lake Park Company as part of the Carlin estate administered by the law firm of Shaller, Campbell and United of Newark. In 1982, Lewis bought the property for \$15,000, made substantial improvements and sold it at a \$10,000 loss. All because she lives in a village where originally seven families owned all the land. Sounds a bit like Guatemala.

The trailer park practice of leasing land works well when you have a mobile home, but not when you have a fixed structure. Lewis saw the cost of her land lease double from \$300 to \$600 a month, yet that was only part of her problem. The company would only give her a year-to-year lease, so when she tried to sell her home (initially for \$70,000, then \$50,000, then \$35,000), no one was interested. Most rational people won't invest \$35,000 to \$70,000 and risk losing it after a year.

This is not hyperbole. One of Lewis' neighbors received a letter from the Shaller law firm that gave her less than a month to move out. The letter read in part: "This is to inform you that your lease expires on March 31, 1997 and the Buckeye Lake Park Company has decided not to renew your lease for another term. Please remove all personal property from the premises on or before the 31st day of March." She had the option of moving her house on short notice or selling it to the company at "fair" market value. But you can see where fairness got Lewis.

This is all part of an out-with-the-riff-raff and in-with-the-rich movement sweeping the heretofore socio-economically mixed lake. Class segregation of the worst sort is afoot. On the far eastern corner of the lake, a 159-acre residential resort called Heron Bay has the well-to-do upgrading their summer homes and replacing them with year-round mansions. As the Greater Buckeye Lake Chamber of Commerce gushes: "Traveling up and down the lake's channels, it is unbelievable the houses that are being built."

Equally unbelievable and unconscionable are the houses being stolen from the less affluent. I wonder how much public money has gone in to dikes, dams and dredging of the lake so that the truly affluent can enjoy it?

Whatever happened to Dale Hamilton?

Sources inside the Bureau of Worker's Compensation (BWC) say there's yet to be an announcement of Dale Hamilton's quiet and untimely departure. The son of the politically powerful Hamilton clan, rumored to sit at King George Voinovich's right hand, left the Bureau during an ethics investigation. Once touted as a possible successor to the highly regarded chief operating officer, Steve Isaac, Hamilton is reportedly now working for Anthem Blue Cross/Blue Shield.

Columbus Alive reported in a copyrighted story last February that Isaac was fired from the Bureau after he found documents in Hamilton's briefcase that, according to a "confidential" memo, "it appeared as Mr. Hamilton was funneling BWC information to Hamilton and Associates [his family firm]."

Isaac, you recall, has since filed a federal lawsuit against the Bureau. An investigator retained by Isaac told Columbus Alive that the Lancaster Fire Chief admits to being solicited by Dale Hamilton with a proposal to go back two years and bill the state for past EMS services covered by the BWC.

With the recent revelations involving alleged abuse of consulting fees by the energy industry seeking "deregulation," new questions are being raised concerning a similar practice used by the BWC. Insiders claim that prior to coming to the bureau, Dale Hamilton was paid a substantial consulting fee for a study on the bureau's rehabilitation center. One insider termed the study "recycled material, nothing original." Another claims it was "outside Hamilton's area of expertise." Stay tuned.

King's calling

New owner of Ohio's Call and Post newspaper chain, Don King, should bring some savvy street connections to the paper. After all, Spy Magazine puts the amount of people he's killed at two and Jim Neff, Kiplinger Professor at Ohio State, goes into details on a King murder in his book, Mobbed Up. Investigative reporter Jack Newfield claims that King promoted the Muhammad Ali vs. Chuck "The Bayonet Bleeder" Wepner fight with alleged mob money.

Still, it's got to be good news for Governor Voinovich. Yes, it was the Guv, then a Cleveland politician, who wrote a letter helping to spring King from the joint. The rest is history. From promoter to publisher. Can a Pulitzer be far behind?

P.S. Skyhawk: Please contact me. The project you wrote me about is proceeding.

7/02/1998

FEATURED ARTICLE

Money for nothing

by Bob Fittrakis

For more than a year, the Columbus Division of Police Intelligence Bureau has investigated the practices of bail bondsmen in the Franklin County court system. The bureau has found that open bail bond solicitation allegedly occurs on a daily basis in violation of city law.

Internal memos and investigative reports obtained by Columbus Alive indicate that despite police recommendations dating from late October 1997 to charge six bondsmen for soliciting in the court, Police Chief James G. Jackson and City Attorney Janet Jackson have yet to enforce the law. Meanwhile, bail bondsmen allegedly continue the illegal practice directly under the noses of judges and police inside municipal courtrooms.

A May 7, 1997 Columbus Alive article, "The Gatekeepers: Striking it rich in the bail bond business," described the practice of bail bondsmen using a court "interview room" as "a high-powered office for the SMD/HLS Bonding Company." The interview room is next to Municipal Court Room 4D where daily criminal arraignments take place. Little has changed since the story, except the bondsmen have moved from their "office" into the hall of the Halls of Justice, and into the courtroom itself

The law appears to clearly prohibit the very activity documented by both the Alive and the Police Intelligence Bureau. Columbus City Ordinance 2317.48(A) states: "No person, with purpose to solicit business for bail bondsmen, shall loiter in or around any court or public place."

A June 15 memo from Lieutenant Edward B. Devennish of the Intelligence Bureau to Public Safety Director Thomas W. Rice Sr. suggested that the failure to prosecute the bail bondsmen for their blatant daily solicitation rests with Democratic City Attorney Jackson. "My recollection of the City Attorney's expressed concern is that while the ordinance prohibits solicitation on behalf of a bondsmen, it doesn't prohibit the bondsmen soliciting for themselves," Devennish wrote. Rice, in a June 19 memo to Jackson, referred the issue back to the city attorney.

This week, Jackson confirmed that she finds the bail bondsmen solicitation ordinance to be "ambiguous and unenforcable." The city attorney told Columbus Alive that she hasn't located any legislative history to indicate whether the ordinance was designed to keep state-licensed bondsmen out of the courthouse, or just unlicensed third parties acting on behalf of bondsmen. Jackson, a former Franklin County judge, pointed out that for at least the last decade, the practice has been for bondsmen to solicit business in the courthouse.

While she wouldn't elaborate on meetings she's had with city officials—Jackson said it would be an absolutely unethical violation of attorney-client confidentiality—the city attorney did tell Alive that she has already started rewriting the bondsmen ordinance language. Jackson anticipates a draft may be completed within 30 days and forwarded to City Council. Action may be taken as early as September 1.

Surety bonds are free money

An August 13, 1997 investigative report from Detectives James M. O'Brien and Jeri L. Morgan outlined a much broader probe of which the solicitations are just one of five allegations involving the court's operation: "Bonding companies are not paying court-order bond forfeitures"; "Funds collected by the Clerk of Courts on behalf of defendants are refunded to bonding companies who should then refund their clients but fail to do so"; "The ten percent rule on surety bonds is not followed as required by law"; "Accounting practices by the Clerk of Courts are suspect as to proper billing and accounts receivable for bonding companies"; and "Bonding companies are working outside the Municipal fourth floor court room in violation of Columbus City Code."

All of these allegations have been raised in past Columbus Alive stories and columns. With former Republican Common Pleas Clerk of Courts Jesse Oddi currently under indictment on 49 felony charges of theft in office, the court investigation raises new concerns over the practices of Republican Municipal Clerk of Courts Paul Herbert, where most of the allegations are being investigated.

The solicitation allegations are the least complicated in the court investigation. Bondsmen cluster daily around the Municipal Arraignment Courtroom. Municipal Court judges set bond for felons who may later be indicted by a grand jury and tried in the Common Pleas Court; routinely, those charged with felonies are arraigned and bonded on the fourth floor of the Municipal Court. Just as routinely, the charges are dismissed a few days later, pending a "possible future indictment." A short time later, when alleged felons are indicted by the grand jury, they must post a different bond all over again.

Many other court systems carry the bond from Municipal Court over to Common Pleas Court. In Franklin County, this is not the case. As former bondsman Bill Neill put it, "With felons, it's money for nothing, and the person being let out of jail is being scammed by the bondsmen. It's no risk. The bondsmen know the charges are going to be dismissed in Municipal Court and it won't matter whether the defendant skips or not. It's free money. That's why they hang out at the arraignment room."

The Ohio Supreme Court has long recognized this double bonding problem. In 1972, then-Ohio Chief Justice C. William O'Neill told the Columbus Dispatch, "In 90 percent of the cases the bail bondsman renders no service and takes no risk, but keeps his profit." Criminal Rule 46 of Ohio Rules of Criminal Procedure addresses the question of "pre-trial releases in felony cases." The rule says that judges should use "personal recognizance" or an "unsecured appearance bond" as the "preferred method of release."

Still, many judges who also have the option of securing appearances of alleged felons through property assets prefer so-called "surety" or insurance bonds provided by bondsmen. If a defendant's bond is set at \$50,000 in Municipal Court with an "appearance bond," the defendant would post \$5,000 in cash or assets. When the defendant shows up for court, all but 10 percent, or \$4,500, would be refunded. If a bail bondsman posted a "surety bond" of \$50,000 for the defendant, none of the \$5,000 would be refunded when the defendant shows up in court. With this often risk-free cash available, it's no wonder the bondsmen swarm the Municipal Arraignment Courtroom.

Bondsmen named in investigation

On September 3, 1997, an investigative report filed by O'Brien and Morgan recorded their trip to Common Pleas Arraignment Court. "As we sat in the courtroom, a male/black, later identified as Mike English [a bail bondsman], came up to Detective Morgan and asked, 'Are you here to bond someone out of jail?' ... The next solicitation happened as both Detectives were sitting in the courtroom. A male, white, later identified as Greg Powers tapped Detective Morgan on the shoulder and asked her 'Who are you here for?' Detective Morgan answered, 'Why do you want to know?' Greg Powers said, 'I'm Greg, with Columbus Bail Bonds.'" The report also notes that bail bondsman and former Franklin County Chief Deputy Al Clark was in the courtroom along with bondsman Harvey Handler.

Detective William J. White reported that on September 4, he was "approached" by a white male claiming to be a "bail bondsman" who gave him "his business card from Columbus Bail Bonds and asked that I call him if I need their assistance. The name on the card was Jeramy May." Within 25 minutes, he was approached again by a white female named "Candie" who "then handed me a business card from American Bail Bonds and said 'Call us if you need us.'"

On September 5, Detective James D. McDevitt filed a report that "Harvey Handler was observed approaching people sitting in the courtroom and he was overheard asking them if they were trying to get someone out of jail. At one point, he attempted to give an individual a business card, however, was turned down because she had been given a card from another person in the hallway." Bondsman "Lowell Fox was observed in the hallway outside the courtroom questioning people about who they were trying to get out of jail."

McDevitt's report ended with "Handler, Fox and the unknown couple had copies of the Arraignment sheets in their hands." The arraignment sheets show which defendants are being arraigned and what they're being charged with. Handler, Fox, Clark and English all work for the politically powerful SMD/HLS Bonding Company.

Even attorneys don't have this much freedom in the courthouse, under threat of being disbarred. The Ohio Supreme Court's Disciplinary Rule 2-103 prohibits attorneys from approaching people to solicit business in courthouses, hospitals or any other public place (except for advertising).

Following the early September 1997 solicitation of undercover detectives by bondsmen, a meeting was held on Thursday, September 25, at the Intelligence Bureau to discuss the ongoing bail bond investigation. Notes on the meeting show that those present included Assistant Safety Director David Wilson, Intelligence Section Commander Walter Distelzweig, Lieutenant Devennish, Detectives O'Brien and Morgan, and two sergeants. Those present agreed that "The next step will be the enforcement of City Code 2317.48, Soliciting Business for Bondsmen," and the investigation would continue.

Detective Cynthia Shaw "observed" bondsmen Handler, Woody Fox, English and Al Clark all in court on September 30. Woody Fox is a former Columbus police officer and the brother of Lowell Fox. "Mr. [Woody] Fox talked to persons at the defense table and the prosecutor's table several times and even exited the door to [judges'] chambers once." Shaw also reported, "...a defense attorney, approached Mr. Handler at the rear of the courtroom and ... [told] him he had a client for him tomorrow."

On October 1, Detective Anthony Rogers, in plain clothes, "was approached by Harvey Handler" outside Municipal Arraignment Court Room 4D. Rogers' investigative report recorded the following exchange: "Mr. Handler stated 'Can I help you?' ... 'Who are you here for?' Detective Rogers stated 'An employee ... are you a prosecutor?' Mr. Handler stated 'No, I am a bail bondsman.'"

Another bondsman, James Barnhart, got on the elevator with Rogers as he was leaving and told him: "'Those guys will solicit you upstairs and will charge you too much.' ... 'I can make you a better deal.' ... 'Call me'" as he handed Rogers a card.

Political bedfellows

Rogers' report ended with the observation that "While waiting in the hallway outside of courtroom 4D, prior to Mr. Handler approaching Detective Rogers, Detective Rogers observed [Franklin County Prosecutor] Ron O'Brien go up to Mr. Handler and exchange pleasantries. Mr. O'Brien smiled and walked into courtroom 4D."

The money flowing from bondsmen into the political coffers of the county prosecutor, city attorney, clerk of courts, judges and between the various Republican campaigns has been fluid, according to campaign finance reports. For example, in June 1993, Handler contributed \$225 to then-City Attorney Ron O'Brien. On March 14, 1996, Handler contributed \$175 at an O'Brien political fund-raising event. On June 17, 1996, Citizens for Paul Herbert gave O'Brien \$100. Eleven days later at another fund-raiser, Herbert gave O'Brien another \$500. The Oddi for Clerk Committee kicked in \$100 and Handler coughed up \$250 more for O'Brien.

Of the four Municipal Court judges who served as arraignment judges at the time of the police investigation—Michael T. Brandt, James Green, Dwayne W. Maynard and Marvin Romanoff—all but Romanoff received money from bail bondsmen for their election campaigns. Romanoff was the only of the three who ran unopposed. City Attorney Jackson also received political contributions from bail bondsmen during her last campaign.

Deputy clerks in the courts have long complained that Oddi and Herbert shook them down for campaign contributions under threat of losing their jobs. Many came to regard Handler as a hero, telling Alive that he would often buy tickets to campaign fund-raisers from the deputy clerks so they could meet their "quotas." As one court insider explains it, "Look, if Handler buys in cash a \$25 ticket or two every day, he doesn't have to report that money. It's not a check, it's not over \$100. There's no record of it. It's an easy way to purchase political influence."

On October 2, 1997, two undercover Columbus Police recruits were sent to Municipal Court, where they were solicited by both English and Fox and "described their experience with the aforementioned bondsmen as 'vultures swooping down on you' and very intimidating," according to an investigative report filed by Detectives O'Brien and Morgan.

Two more recruits were sent in on October 10 and one was solicited again by English. Morgan and O'Brien's report noted that the recruits "observed Harvey Handler, Woody Fox and Mike English sitting at the table directly facing the judge and also observed Al Clark and Mark Glaser sitting in the audience section of the courtroom. Both recruits stated Mr. Glaser was 'all over the courtroom, even entering and exiting the courtroom through doors located behind the judge's bench.'" All of these bondsmen work for SMD/HLS Bonding Company.

In 1994, the Dispatch reported that "Bondsman Jack Bates said his nose was bloodied and his face bruised when Mark Glaser, a bondsman with Harvey Handler's bail bonding agency struck him in the face on the fourth floor of the Franklin County Municipal Court."

Bondsmen battles are legendary in the Franklin County Court and on the street as well, where many bondsmen carry weapons in pursuit of bail jumpers. On February 3, bondsmen Greg Powers and James Barnhart had their guns confiscated by Deputy Sheriff Donald Eurez as they entered the courthouse, according to an incident report.

The access of Handler's bail bondsmen to judges and elected officials has long been the envy of other bail bondsmen. This Columbus Alive reporter first mistook Handler for an attorney after he watched Handler approach a judge and negotiate a reduction in bond during an arraignment. As Neill explains, "I've seen them approach some of the most unapproachable judges. You know why? Who approaches the biggest, meanest dog in the neighborhood? The person that feeds it."

Police recommend enforcement

On October 28, 1997 Detectives O'Brien and Morgan sent their investigation summary on bail bond solicitation to Acting Deputy Chief Curtis Marcum. "Officers and recruits that attended the different court sessions report that bondsmen operate daily as if the courtroom was their business office," the detectives wrote. Their summary recommended that "Greg Powers, Jeremy May, Harvey Handler, James G. Barnhart, Mike English and Woody Fox ... be charged with Soliciting Business for a Bondsman" in violation of the City Code, a third-degree misdemeanor.

One investigator told Alive that enforcing the no-solicitation law was the first and most obvious step in cleaning up the widely discredited Franklin County Court system and restoring public confidence. An investigative source said that Marcum initially concurred but quickly changed his mind after conferring with Police Chief James G. Jackson.

On December 4, 1997, Chief Jackson forwarded copies of the investigative summary to City Attorney Janet Jackson and wrote her explaining the situation: "Apparently this conduct has been the norm for a number of years, and has been observed by the Court, the Prosecutors as well as members of the Division of Police. It is unknown which, if any, of these persons were aware that the conduct was a violation of law."

Chief Jackson continued: "After our initial observations we recommended that criminal charges be filed as discussed against those bail bondsmen whom we had observed soliciting business. However, following meetings between Division of Police investigators, yourself and members of your staff, the section as written, may be unconstitutionally over-broad and vague. Also, since bondsmen apparently have been permitted to solicit in and around the courts for a considerable period, it would be more reasonable to announce a change in enforcement practice prior to implementing it, and then only after we have a rewritten, enforceable law."

Chief Jackson concluded by requesting that the city attorney's office "seek to have this section either rewritten to be enforceable, or repealed; thereby permitting all concerned to do their duties if the conduct as it is occurring is something that your office and City Council feels should be prohibited."

Further complicating the matter is the fact that a former girlfriend of Chief Jackson, Charlynn English, is the wife of bail bondsman Mike English. The chief has admitted under oath that the Englishes visited him at his Bryden Road house around the time that Ms. English was under criminal investigation.

Chief Jackson also admitted that Commander Marcum had talked to him in January 1996 about then-Columbus Police Officer Cass Long passing out business cards as a bail bondsman in Municipal Court. This activity occurred just prior to Long's retirement. Chief Jackson, however, did intervene last year and order police to the courthouse when informed that a Municipal Court supervisor was seen shredding bond documents after hours.

A June 1 memo from Detectives O'Brien and Morgan noted that no action had been taken by the city attorney's office six months after the December meeting where City Attorney Jackson and her staff argued against the enforcement of the law. "The conduct by bondsmen in Franklin County courtrooms as documented by this investigation goes on daily. Some type of control should be placed on bondsmen to ensure the citizens of Columbus are treated in a professional manner. This should be done by the enforcement of the City Code and/or court administrative procedures," recommended Detectives O'Brien and Morgan.

A November 1996 letter from Paul Herbert to Columbus Alive stated, "I have not been designated, nor do I have any authority to enforce the use of the conference room next to Court Room 4D... The rules for the use of the room have been clearly posted on the door." In April, at Jesse Oddi's arraignment, Columbus Alive observed eight bondsmen in the hall outside Court Room 4D.

A June 2 memo from Lieutenant Devennish to Chief Jackson took issue with the city attorney and police department's decision not to prosecute the bondsmen: "In my opinion, the law is quite clear. Failure to enforce it could cast the division in a bad light in spite of the opinion rendered by the City Attorney and Municipal Court judges. However, attempting to enforce a law which the prosecutor does not believe is prosecutable in dealing with a situation which the judges do not perceive is a problem could also be counterproductive."

7/09/1998

Pimping for bondsmen

by Bob Fittrakis

In the wake of patriotic celebrations for Fourth of July, it's time once again to reflect on the notion of "justice for all." Theoretically, Justice is an eminently fair woman. She purposely blinds herself so she can hear just the facts, Jack. If Justice is corrupted, then nothing is safe.

Neither is due process, our right to be treated fairly in the justice system, nor constitutional rights which the courts safeguard. That's why the bail bond issue is so important in Franklin County. If judges, prosecutors, clerks of court and the city attorney look the other way while bail bondsmen fleece people, then the Franklin County courts are systematically corrupt.

Last week, Columbus Alive published another in-depth article documenting the bondsmen's iron grip on the court through their political contributions. Major donors make politicians say and do the craziest things. Take, for example City Attorney and former judge Janet Jackson. Columbus' City Code states, "No person, with purpose to solicit business for bail bondsmen, shall loiter in or around any court or public place." Jackson says the law is vague and unclear, and it just might mean that third parties can't solicit "for" bondsmen. The ordinance hasn't been enforced in anyone's memory. Bondsmen routinely run their businesses—and run amok—in the fourth floor hallway of Municipal Court.

Columbus Police Intelligence Bureau Lieutenant Edward DeVennish says the law is clear: No person ... shall. Now, what do you suppose the ordinance means? "Some people shall," "Some bondsmen shall," "Some major donors shall" or "No person shall"?

Let's substitute prostitutes for bail bondsmen: "No person, with purpose to solicit sex for prostitutes, shall loiter in or around any court or public place." In Janet Jackson's reading, this would mean that only the pimps would be breaking the law, not the whores soliciting on their own behalf.

Bail bond solicitation is only one of five serious allegations investigated by the Police Intelligence Bureau. Two other allegations—that the bonding companies are not paying court-ordered bond forfeitures, as required by law, and that the Municipal Clerk of Court's "accounting practices" are "suspect"—are more important.

DeVennish believes that "The best way to determine the validity of these allegations would be a full-blown audit." He's recommended "that the Division of Police formally notify the auditor [Hugh Dorrian] of these allegations." Remember, State Auditor James Petro found that the Municipal Court used "non-standard" business practices in its record-keeping. The Municipal Court must be audited by Dorrian, preferably with the help of the Police Economics Crime Unit. The only question is whether Dorrian's got the guts to do it—to make some very important people in very impressive black robes look bad.

The people of Columbus need to know if certain drug traffickers or violent felons are posting bond and walking. We need to know if the court is forcing the bondsmen to pay the bond forfeitures when the felons flee, putting us all at risk. Particularly after the Oddi affair in Common Pleas Court, we need to know if Municipal Clerk of Court Paul Herbert's office is clean.

Another allegation in the investigation involves whether the bondsmen are keeping funds posted by defendants for the Crime Victim's Compensation Program. Every person who posts bail is also charged a fee for this program. Felons arraigned in Municipal Court have their charges routinely dismissed pending future indictment by a grand jury in Common Pleas Court, as our Constitution mandates. The bondsmen keep their bail money, and force people to post a new bond in Common Pleas.

But what about the \$31 Crime Victim fee? The court gives it back to the bondsman to refund his bond client, sort of on the honor system. But some bondsmen say it's tax-free money, since the vast majority of the cash never makes it back to its rightful owner and instead lines the bondsman's pocket.

Neither does it end up helping crime victims. As DeVennish put it, "Apparently, there is a problem in this area. One person, when asked if he received such a [Crime Victim fee] refund, replied incredulously, "What? Get money back from a bondsman?"

DeVennish correctly noted in a memo to Police Chief James Jackson, "Two problems in this area are ignorance of the entitlement to a refund and difficulty in tracking down the people who are so entitled." DeVennish offered a novel concept: "Establish a rule requiring bondsmen give their clients itemized receipts advising them as to what fees they are paying and what portion of those fees may be refundable." Hell, other insurance agents—and that's what bail bondsmen are—must by law send the money back. Why shouldn't the bondsmen?

The bail bond issue is a simple and patriotic one. Is there justice for all or can judges, prosecutors and city attorneys establish a system to perpetuate their political careers that allows bail bondsmen to rip-off defendants?

7/16/1998

FEATURED ARTICLE

The Shapiro murder file

Police accidentally release a report linking

Leslie Wexner and the Mob

by Bob Fittrakis

The ghost of Arthur Shapiro—a prominent local attorney who was slain in a 1985 "mob-style murder"—continues to haunt the City of Columbus. Shapiro's doomed soul was resurrected recently when the Columbus Division of Police released the controversial—and once believed destroyed—document investigating his death.

Columbus Alive obtained a copy of the "Shapiro Homicide Investigation: Analysis and Hypothesis" report through a public records request on Friday. As previously reported in Alive, the report confirms that the name of central Ohio billionaire Leslie Wexner was linked "with associates reputed to be organized crime figures." The names of businessman Jack Kessler, former Columbus City Council President and current Wexner associate Jerry Hammond and current City Council member Les Wright also appear in the report.

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In June 1991, the document's potentially explosive revelations caused Columbus Police Chief James G. Jackson to order the public record destroyed the same month it was completed. When confronted by Channel 4 News with the document last week, Jackson said, "I thought I got rid of it." He termed the report "scandalous."

Another high-ranking law enforcement official familiar with the Shapiro investigation disagrees. "The report is a viable and valuable document in an open murder investigation, although it's a horrible mistake to make it public," the official said last week.

City Attorney Janet Jackson called Columbus Alive Tuesday and confirmed that the unredacted document was accidentally released to Alive in response to our public-information request. The report "was released quite frankly in error," Jackson said, adding that publication of its details could be "very embarrassing" to many people.

In response to a request to Police Chief James Jackson for comment on the release of the file, Sherry Jones of the Columbus Division of Police said Monday, "The chief has no comment."

In 1996, following a mayoral investigation of Chief Jackson and other top police officers, the Columbus Civil Service Commission found Jackson guilty of destroying the Shapiro report. He received a five-day suspension for the destruction of a public record and another charge of showing favoritism in the discipline of Commander Walter Burns.

Elizabeth A. Leupp, an analyst with Columbus police's Organized Crime Bureau, began researching and writing the report in early 1991. She sent the report to Intelligence Bureau Commander Curtis K. Marcum on June 6, 1991. Sources say the report remained "hidden" until

Jackson ordered its destruction. Marcum bypassed the police legal bureau in carrying out Jackson's order, according to the mayoral investigative team.

This team, initiated by Safety Director Thomas W. Rice Sr., and under the direction of Assistant Safety Director David D. Sturtz, stumbled on to the destruction of the Shapiro report while investigating missing documents relating to escort services and prostitution. A ledger seized from Marcum's office contained a reference to Jackson's order to destroy the report. Reportedly, the only reason the document still exists is because Deputy Chief Robert Kern gave a copy to the Columbus FBI office.

Following the sensational mob-style slaying of Shapiro on March 6, 1985, the report noted that "an analytical project" was started "because of the strong similarities between this homicide and a Mafia (L.C.N.) [La Cosa Nostra] 'hit.'"

Shapiro was a partner in the now-defunct Columbus law firm of Schwartz, Shapiro, Kelm & Warren. The firm "represented the Limited," according to the report, and "prior to his death, Arthur Shapiro managed this account for the law firm." Homicide squad investigators described Shapiro as "a quiet, shy, private, secretive person" who "tended to be a 'loner.'"

Just prior to his murder, Shapiro "was the subject of an investigation by the Internal Revenue Service because he had failed to file income tax returns for some seven years prior to his death, and he had invested in some questionable tax shelters," the report stated. His death "occurred one day prior to Shapiro's scheduled appearance before a Grand Jury in the I.R.S. investigation, and there was some conjecture that Shapiro was in position to provide information to the Grand Jury that would have been damaging to some other party."

Who wanted Shapiro killed and why remains a mystery to Columbus police.

"Thus, while the motive remains unclear, the suspect is an individual who (a) knew Shapiro and had some personal/professional contact with him; (b) would benefit from his death or from ensuring his silence; (c) had close contact with L.C.N. figures or trusted L.C.N. associates; (d) had the personal financial resources to afford the cost of the contract ('hit')," reads Leupp's analysis in the report.

The Shapiro report relied on information from Columbus Police Intelligence summaries, reports from the Organized Crime Bureau, information from both the Pennsylvania Crime Commission and the New Jersey Crime Commission, major media news reports and intelligence data from MAGLOCLEN—a law-enforcement data bank that gathers and verifies reports on organized crime.

The report analyzed "unusual interactive relations between the following business organizations" and then listed: the Major Chord Jazz Club, in which Jerry Hammond was a principal; The Limited; Walsh Trucking Company; the re-named Schwartz, Kelm, Warren and Rubenstein law firm; Omni Oil Company; the Edward DeBartolo Company of Youngstown, Ohio; and local developer John W. Kessler.

Wexner's business "relations" with Francis J. Walsh, the owner and chief executive officer of Walsh Trucking Company out of New Jersey, were explored. Alive found that a Limited spokesperson told Women's Wear Daily in the July 25, 1987 issue that "Walsh has done an excess of 90 percent of the Limited's" trucking business around the time of Shapiro's murder. The spokesperson estimated that the current figure was "30 to 35 percent of the Limited's business." The Limited, Inc. was described as "Walsh's single largest customer."

In July 1984 the New York Department of Law Organized Crime Task Force issued a subpoena for Walsh's bank records. National Westminster Bank of New York, in response to the subpoena,

notified Frank Walsh Financial Resources Company. "The notice was addressed to Frank Walsh Financial Resources at One Limited Parkway"—the address of The Limited.

"Both [Youngstown real estate developer Edward J.] DeBartolo and Walsh have been identified as associates of the Genovese-LaRocca crime family in Pittsburgh (now called simply the Pittsburgh Family)," the police report states.

As Columbus Alive previously reported, Walsh Trucking Company was incorporated in the state of New Jersey in May 1973 and has had a controversial business history. In August 1984, a federal jury ordered Walsh Trucking to pay \$39.6 million to a smaller competitor that had sued, claiming that Walsh sabotaged its business in New York City's garment district and destroyed its truck routes. The jury found Walsh Trucking guilty of conspiring to monopolize apparel shipping. In 1987, a U.S. Appeals Court overturned the verdict.

In 1988, the Philadelphia Inquirer reported that Walsh was charged with making "illegal pay-offs to reported mob figures and officials of Teamster Local 560 which had been under judicial control in an effort to rid it from mob influence." The May 16, 1988 indictment drew media interest when it named as "unindicted co-conspirators" convicted Genovese crime family boss Anthony "Fat Tony" Salerno, alleged crime family captain Matthew "Matty the Horse" Ianniello and three former officials of Local 560—the Provenzano brothers, Anthony, Nunzio, and Salvatore. The Provenzanos, alleged mobsters, have been convicted of various charges in the past and linked in media accounts to the murder of former Teamster President Jimmy Hoffa.

"DeBartolo and Walsh were still considered associates of the Genovese/LaRocca crime family, and Walsh was still providing truck transportation for The Limited," in 1990, the report stated.

In 1984, DeBartolo and Wexner were partners in a two-month takeover war against Carter-Hawley-Hale stores, the largest West Coast retailer and owner of the prestigious Nieman-Marcus and Bergdorf Goodman stores. Two-and-a-half years later, in November 1986, The Limited and the Edward J. DeBartolo Corporation again attempted a hostile takeover of Carter-Hawley-Hale stores with a \$1.8 billion cash offer.

The New York Times described the DeBartolo Corporation as "the nation's largest developer of shopping centers." The Times referred to Wexner as the "restless, aggressive chairman" of The Limited. Forbes magazine estimated Wexner's personal fortune at \$2.7 billion in 1987, stating, "On paper, at least, he is one of the dozen richest people in America."

A 1989 New York Times article described "the DeBartolo organization" as a company that "develops shopping malls and owns sports enterprises ranging from the San Francisco 49ers and the Pittsburgh Penguins to small tracks in Louisiana and Ohio." In September 1990, Edward DeBartolo Jr. was fined \$500,000 by NFL Commissioner Paul Tagliabue, according to the Los Angeles Times, "for transferring ownership of the team to Edward DeBartolo's Corporation without league approval three years ago."

DeBartolo Jr. made national news late last year when he resigned as chairman and chief executive officer of the 49ers on December 2, 1997 because he was the subject of a federal grand jury hearing in Baton Rouge, Louisiana on charges of gambling fraud. DeBartolo bought the 49ers for a reported \$17 million in 1977, becoming the youngest NFL owner at age 30. The Rocky Mountain News reported on April 2 this year that DeBartolo was negotiating a deal subject to NFL approval whereby he "would gain full ownership of the franchise in return for giving up his share in the family-Edward DeBartolo Corporation."

Leupp concluded, "From the predicate facts presented, it appears that Les Wexner had established contact with associates reputed to be organized crime figures, one of whom was a major investment partner and another was using The Limited headquarters as a mailing address."

"It is not known whether there are other such figures among Wexner's associates, but it can be hypothesized that the Genovese/LaRocca crime families might consider Wexner a friend," Leupp speculated.

The Shapiro report noted that "the primary illegal activity of the LaRocca family is gambling.... Its operation extends into the West Virginia panhandle and eastern Ohio. The family has also become well entrenched in legitimate businesses. These include, but probably are not limited to, construction, trucking, food service and vending businesses." At the time the report was written, the Genovese crime family was considered "second in strength, power, and wealth to the Gambino LCN family."

A 1991 report by the Pennsylvania Crime Commission assessed that the Genovese/LaRocca network "appears to be strong and capable of continued growth throughout another decade. It has asserted itself as the primary crime group in the [Pittsburgh] area and, by becoming more active in narcotics, has demonstrated its ability to be a full-service criminal organization."

While investigating the Shapiro homicide, Leupp probed the relationship between the former City Council president and Les Wexner: "Like Arthur Shapiro was, Wexner is considered a very secretive, very private person, and little is known about his business transactions that might raise questions of ethics and legality. For example, while it cannot be proved, it is hypothesized that W & K Partnership was an investment of Wexner and Kessler in Jerry Hammond's Jazz Club hoping to influence favorable zoning and annexation considerations for 'Wexley.'"

Sources close to the Shapiro investigation report that early on, investigators wondered whether or not Shapiro had been involved in the preliminary stages of Wexner's New Albany development project.

John W. "Jack" Kessler co-founded the New Albany Company with Wexner. The Cleveland Plain Dealer explained the genesis of the New Albany project in a February 21, 1993 article: "Legend has it that in 1986 or so, Jack and Les were cruising in Les' Land Rover near New Albany, about 12 miles from downtown Columbus. They saw acre after acre of empty farmland. Virgin soil. And thus the billionaire, getting a vision thing, declared to his buddy, this will be my new home." This account places the New Albany project just after Shapiro's murder.

The politically controversial New Albany project initially involved a tremendous amount of secrecy. As the Plain Dealer explained, "Wexner and Kessler formed the New Albany Co. and spun off a bunch of paper corporations to cover their footprints. Then their minions knocked on doors and made the proverbial offers you couldn't refuse."

One of the keys to the development's success was changing a Columbus policy dating from the 1950s that refused to extend water and sewage contracts to such developments unless they were annexed into the City of Columbus.

The Shapiro report noted that "SNJC Holding, Inc. is named as an investor in the [Major Chord] Jazz Club. It was incorporated August 6, 1987 by James H. Balthaser, attorney with Schwartz, Kelm, Warren and Rubenstein. This law firm was/is legal counsel for The Limited." SNJC Holding shared Suite 3710 at the Huntington Center with the Wexner Investment Company.

"It was reported that Jerry Hammond purchased Suite 405 in Waterford Tower in August 1988, and there was some question of whether Mr. Hammond's income at the time would support the mortgage payments. Within the next 18 to 24 months, Mr. Hammond left his position with City Council and with the gas company and the jazz club closed," Leupp observed.

Contacted for comment on the report Monday, Hammond gave the terse response, "Don't know anything about it."

Leupp's report stated that "Arthur Shapiro was reportedly in direct contact with Vice-Chairman Robert Morosky ('Number Two') at the Limited." And that in June 1987, Morosky "abruptly and inexplicably left his employment with The Limited amid rumors of friction with Les Wexner." Details of the Morosky-Wexner break-up were covered in the September 1987 Columbus Monthly.

The Shapiro report raises significant questions concerning the business practices of Ohio's wealthiest citizen, Les Wexner, particularly his association with alleged organized crime associates. As Leupp noted, "While there is no question of ethics or legality on the surface, it is noted that some business organizations and individuals have co-located and become submerged without merging with Wexner and his varied business interests. Most notably is Stanley Schwartz and the large Schwartz, Kelm, Warren and Rubenstein law firm."

Alive called Wexner's spokesperson, Al Dietzel, four times for comment about the allegations raised in the police report. After initially offering a phone interview at a specific time Tuesday, Limited spokesman James Temple later said that Dietzel would not be available for comment.

Chief Jackson, under oath during the mayoral investigation, at first couldn't recall any order to destroy the Shapiro file. Later, when confronted with the ledger and other evidence, both Jackson and his attorney Bill Wilkinson claimed that he destroyed the public document because the chief said it contained bizarre and half-baked theories implicating prominent people that would expose the city to possibly billions of dollars in damages if the document ever became public.

That's one hypothesis.

The Shapiro report has its own "concluding hypothesis." Leupp wrote: "Arthur Shapiro could have answered too many of these sorts of questions, and might have been forced to answer them in his impending Grand Jury hearing; Stanley Schwartz might now be able to answer some of the same questions for the same reason, but does not face a Grand Jury, is immersed in the pattern himself, and now has a powerful incentive to maintain discretion."

Schwartz has since passed away and his law firm closed. Attorney James Balthaser found employment at Thompson, Hine and Flory, the same firm that employs Jackson's lawyer, Wilkinson.

One of the recommendations made by the mayoral investigation team into the practices of the police department was that Chief Jackson should reconstruct the "Shapiro Homicide Investigation: Analysis and Hypothesis" report. With the report now public, Jackson needn't worry about this recommendation. The Shapiro murder remains unsolved.

7/16/1998

Truth in Sentencing

by Bob Fittrakis

The state of Ohio may owe a big apology to Governor Voinovich's ex-Chief of Staff Paul Mifsud. Mifsud spent six months in jail for his involvement in altering a public record in connection with a suspected sweetheart construction deal on his then-fiancee's house.

On July 7, Judge James J. O'Grady of the Franklin County Common Pleas Court sentenced the flamboyant former statehouse lobbyist Thomas S. Strussion to just 30 days in jail, 300 hours of community service and fined him \$1,250 for the same falsification of documents as Mifsud. Strussion also pleaded guilty to attempted bribery, an ethics violation, failing to register with the state as a lobbyist and failing to disclose his lobbying expenses.

Ohio Inspector General Richard G. Ward's executive summary of the Strussion affair provides a detailed and disturbing account of the relationship between the former Ohio Department of Insurance Deputy Director David J. Randall and Strussion. In the late 1980s, both Randall and Strussion served as aides to former State Senator and current U.S. Congressman Robert W. Ney.

Randall joined the Voinovich administration on March 1, 1991 serving as deputy director until he resigned on April 18, 1997. Since 1993, Strussion had acted as a lobbyist primarily for insurance and health industry clients. High-ranking state officials and lobbyists are required to avoid even the "appearance of impropriety."

Inspector General Ward opened a joint investigation with Ohio's Legislative Inspector General Thomas P. Charles of Strussion and Randall's relationship on June 6, 1997. Columbus Alive reported last August that Strussion was under investigation by state and federal authorities and that Tony's Restaurant was targeted as part of the probe.

Ward's report includes an account of Randall's bachelor party that took place on August 21, 1993 at a local Holiday Inn. Strussion rented two limousines from Aladdin Limousines "to transport guests from Tony's Restaurant located at 16 W. Beck St. in Columbus to the site of the party." Strussion paid \$246 for the limousines, \$267.60 for a hotel room but was later charged "an additional \$70" after "a bed in Room 125 was broken by dancers."

According to Ward's report, "Holiday Inn representatives state that the party was unauthorized but recall Strussion providing a business card for Fantasy Productions, apparent sponsors of the dancers." Ward's report is unclear what activities the dancers were engaged in when the bed broke, but noted that, "Initially, Strussion denied, under oath, paying any of these expenses."

On September 25, 1993, Randall married and a wedding reception was held at the New Albany Country Club. One of the checks submitted by the newlywed Randalls was "drawn on the account of Strussion Consulting Service, Inc., in the amount of \$2163.38." Ward's report again noted that "Initially, Strussion denied, under oath, making any payment towards the expenses of the Randall wedding reception." He did, however, admit to the payment after he was "convicted."

At the beginning of 1994, Randall traveled to Scottsdale, Arizona, to attend a conference on Strussion's credit card: the cost, \$1181.38. A year later, they traveled to Washington, D.C., together. Strussion picked up the \$629.21 tab. Four months later, on May 2, 1995, Randall and Strussion both stayed at the Four Seasons Hotel in New York City.

"Strussion admitted that the purpose of this trip was to make contact with the New York Department of Insurance to assist one of Strussion's clients in securing a license to do business in the State of New York. Strussion admitted that he was paid the sum of \$10,000 as a bonus for his New York efforts. In addition to his \$4,500 monthly retainer from the company. In his sworn statement, Strussion stated that he was to receive a similar \$10,000 bonus for his assistance on

each additional state licensure and that Randall assisted him in making these contacts," reported Ward.

A month later, Randall and Strussion were back in New York. This time they stayed at the Renaissance Hotel for three days. Strussion paid \$100 of Randall's expenses, and Randall submitted the invoice paid by Strussion for reimbursement to the state of Ohio. They switched to the Le Parker Meridian Hotel for the last two days of their stay. Strussion paid Randall's \$443.21 bill, including a \$67 "health club massage."

Randall also began using Strussion's telephone calling card. "A total of 414 long distance calls were billed to the Strussion credit card number and traced to Randall," according to Ward. Strussion and Randall chatted almost daily. Between March 1993 and April 1997, 1,351 calls were made from Randall's office to Strussion's lobbying firm.

On February 11, 1997, Strussion bought Randall a \$4,248.89 laptop computer in accordance with Randall's handwritten specifications. "Initially, Strussion denied, under oath, the purchase of a computer for Randall," wrote Ward.

Just prior to Randall's resignation, Strussion hired his friend's wife, Courtney B. Randall, as a "Medicaid trend consultant." The report states that "Witnesses familiar with Courtney B. Randall's work experience uniformly opined that she was in no way qualified as such a consultant... Strussion stated that no work product was ever provided by Courtney." Strussion also admitted to giving Randall between \$7,000 and \$10,000 in "the last couple of years."

In return, Ward established that Randall intervened on behalf of Strussion's client, Genesis Health Plan of Ohio, to allow them to participate in Ohio's Medicaid program without first securing a Certificate of Authority from the Ohio Department of Insurance. Randall also intervened on behalf of MedOhio Health Plan, Inc., another Strussion client, but "MedOhio's application was so deficient that it was otherwise rejected," said the report.

In February 1996, the Health Insurance Association of America (HIAA), another Strussion client, wanted to change Ohio's administrative rules pertaining to long-term health care. "Randall personally went to the offices of Strussion Consulting to participate in a conference call with HIAA representatives to these changes," Ward found. In a sworn statement, Strussion admitted that Randall participated "in approximately 50 such conference calls" in order to "work out problems with ... his clients."

Ward termed Randall and Strussion's activities "a de facto joint venture." The Inspector General concluded that "Randall told Strussion that he was 'for sale' if Strussion and his clients were willing to pay." In sum, they were "clearly motivated by greed."

Strussion also paid for Representative Michael A. Fox's ticket to fly to Scottsdale, Arizona where he stayed at Strussion's residence with a woman. Representative Fox was censured by the Ohio Legislature on June 26, 1997. In late May or early June of 1997, Strussion was seen in the Solid Gold exotic dance club passing \$50 bills to an Ohio legislator, who reportedly tucked them into a dancer's G-string. There's no record of Strussion reporting these gifts to the legislator.

After hearing all these facts, Judge O'Grady sentenced Strussion to 30 days in jail.

7/30/1998

Mining could cause Dysart Woods to dry out

by Bob Fittrakis

The war being waged over Dysart Woods—pitting the Ohio Valley Coal Company against citizens and environmental groups—escalated last week. Eleven organizations and 18 Dysart Woods area residents appealed the decision by Ohio's Division of Mines and Reclamation (ODMR) that allowed mining within 2,100 feet of the woods.

On July 20, the groups filed a 14-page appeal claiming that Lisa Morris, Chief of the Division of Mines and Reclamation, failed to properly assess the probable impact of the mining activity on Dysart Woods' water table. The appellate organizations and individuals also alleged that the agency issued a permit that does not have an adequate plan to control the subsidence or collapse of the surface associated with longwall mining.

Longwall mining removes underground coal seams, causing the area above it to sink downward. Ohio Valley Coal has a separate permit pending before the ODMR to mine an additional 758 acres using the traditional "room and pillar" mining technique under a portion of the Woods.

The 55-acre Dysart Woods, in Belmont County, is the last pre-European conquest old growth forest in Ohio. The woods are part of the larger 455-acre Dysart Woods Land Laboratory affiliated with Ohio University. The U.S. Department of the Interior designated Dysart Woods a "National Natural Landmark."

ODMR issued Permit D-0360-7 (Permit #7) to Ohio Valley Coal in June. This was the first time that mining was allowed under part of the Dysart Woods watershed. The permit reversed a decades-old policy by the state of Ohio to protect the woods as historically and environmentally significant.

The Buckeye Forest Council released statements from various environmental scientists supporting their position outlined in the appeal. Dr. Mary Stoertz, an assistant professor of geological science at Ohio University recommends a buffer-zone "beyond the watershed boundary of the woods to protect the primary recharge area."

The issue of "dewatering" is central to the appeal. The council cites Dr. Henry W. Rauch, professor of geology at West Virginia University, as stating, "permanent dewatering may extend up to 700 feet above mines in extreme cases."

The contention that longwall mining will disrupt the water table, and potentially kill the woods, is denied by Ohio Valley Coal. The company argues that the Dysart trees have shallow roots and receive all their necessary water from the soil.

Buckeye Forest Council points to "a parallel case to that of Dysart Woods in underground coal mining near and under the Lilley Cornett Woods, a track of old growth forest owned by Eastern Kentucky University." Dr. Ralph Ewers of Eastern Kentucky's geology department testified in court that longwall mining "will provide a kind of under-drain that will remove ground water, particularly during times of low rainfall and, thereby, reducing the amount of water available to the forest."

Ewers noted that "the effects of the dewatering were visible on infrared imagery that was taken from satellites... the vegetation appeared to be under stress."

After the permit was issued, Floyd Simpson, who owns a farm just north of Dysart Woods, complained that ODMR believes that "somehow water has quit running downhill so this permit could be approved."

"I'm sure that such a break in science and technology has to be as exciting as the cold fusion discovery a few years ago," Simpson observed.

In January, the ODMR sent the permit back to Ohio Valley Coal requesting 393 revisions before it could be processed. The department's 35-page report documented serious problems with the original application. One of those was the fact that one of the landowners, Simpson, has a wetland on his property that has a foreseeable use. "Revise to show this wetland on the map and indicate how adverse impacts will be mitigated or prevented," the report stated.

On Friday, Athens environmentalist Chad Kister met with ODMR officials and Dan Schrum of the U.S. Department of the Interior Office of Surface Mining and Reclamation and Enforcement. Kister presented ODMR officials with a 1995 Biological Report from the U.S. Interior Department that was critical of the state's environmental policies regarding old growth forests.

"The natural-areas program of the Ohio Department of Natural Resources devotes more attention to bogs, ferns and other Pleistocene relics that can be managed conveniently in small reserves as living museums than to the forest ecosystems that once dominated the state," the report noted.

Lisa Morris and two other ODMR officials refused to discuss the specifics of Permit #7 since it is now under appeal. Schrum outlined how the U.S. government in 1977 created the process for filing a "Lands Unsuitable for Mining Petition" (LUMP). Since LUMP's creation, the federal government has approved only two petitions in Ohio, the last in 1987 which is still being fought by the mining company. Morris stated the obvious when she told Kister that ODMR "will have to defend and support any decision" her department makes.

Others like Simpson are contemplating expanding the debate from the bureaucratic realm into the political arena. "I have one-and-a-quarter miles of frontage along State Highway 147 here in Belmont County... Someone has come to me with an offer to buy billboard space already. I asked what they planned to advertise, they said 'Save Dysart Woods, Impeach Governor Voinovich!'

"I'm thinking that one over yet. But I can probably make more money from tourists to see the water that doesn't run downhill anymore," Simpson said.

8/06/1998

NEWS BRIEFS

POER's warnings went unheeded, led to federal probe

The federal government has put the city of Columbus on notice that its police officers may be violating citizens' constitutional rights. "Columbus Division of Police (CDP) ... officers are engaged in a pattern or practice of using excessive force, making false arrests and lodging false charges and conducting improper searches and seizures in violation of the Fourth and 14th Amendments to the Constitution," Acting Assistant U.S. Attorney General Bill Lann Lee wrote in a July 21 letter to Columbus City Attorney Janet Jackson.

The letter, which threatens a federal civil suit against the city, was the result of a three-year investigation by the U.S. Justice Department that included an examination of internal police files, documents from civil lawsuits and more than 300 citizen complaints.

It is possible that the federal probe and potential lawsuit could have been avoided if local and state officials had listened to the complaints made by one Columbus organization. James Moss, president of Police Officers for Equal Rights (POER), said that his organization's "loud cries for justice went unheeded" in Columbus for years.

"I attempted many times, as did members of POER, to sit down with Chief James Jackson to talk about these problems. He refused, claiming the FOP is the only outfit in a position to be representative of anyone. Ours was the first organization in the city to back him for chief," Moss said.

"Also, we could not get an audience for a matter as important as this one from the highest law enforcement office in the state. Ohio Attorney General Betty Montgomery didn't have time for us either. Only City Councilmember Jennette Bradley took our concerns seriously," Moss, who is also a former Columbus police officer, claimed.

It was the predominantly African-American POER that initiated contact and provided information to the U.S. Justice Department about problems with the Columbus Division of Police. Last month, Moss reported that two shots were fired into the POER office on the east side. The police have termed them a "random" shooting, but Moss thinks otherwise.

"One of the bullets went into the chair where I sit. I don't think it was an accident," Moss stated. "I took and I still take threats to me, my office and my family by white officers, former members [of POER] and dissenters very personally, just as I take the hundreds of complaints from Columbus citizens to the United States Department of Justice seriously."

Moss said that the majority of the citizen complaints concerned "the excessive use of force." He claimed to have sent certified mail to Jackson—to which the chief never responded—that included not only the complaint but copies of hospital records and doctors' statements regarding injuries to citizens. Moss' injury list included "broken ribs, severe bruises, lacerations, fractures and other injuries."

"We found it astonishing that in some cases the City Attorney's office paid cash settlements to some of our complainants in the same case in which the Police Internal Affairs Bureau found no violation," said Moss.

Despite the voluminous evidence cited by the Justice Department, Chief Jackson called the charges against the CDP "unsubstantiated and unwarranted."

A preliminary investigation by Columbus Alive documents an escalating pattern of successful civil rights and false arrest legal settlements against Columbus police—at an escalating cost to Columbus taxpayers.

- 1990: There were 6 car accident settlements, 1 civil rights settlement and 3 false arrest settlements costing the city \$115,135;
- 1991: 3 accidents, 1 civil rights and 2 false arrests totaling \$176,289;
- 1992: 1 civil rights arrest and 1 false arrest totaling \$171,449;
- 1993: 4 accidents, 1 civil rights and 1 false arrest totaling \$34,555;
- 1994: 3 accidents, 2 civil rights and 1 false arrest totaling \$146,500;
- 1995: 4 accidents and 8 civil rights totaling \$959,550;
- 1996: 4 accidents, 3 civil rights and 1 false arrest totaling \$988,530;
- 1997: 1 accident, 5 civil rights and 2 false arrests totaling \$272,750;
- 1998: 4 accidents, 22 civil rights and 1 false arrest totaling \$549,894, with five months left in the year.

Local civil rights attorney James McNamara, who has filed several successful suits against the CDP, told Alive that he's planning to file another suit on behalf of a 21-year-old man who was shot by police with wooden bullets in the aftermath of the recent African-American Heritage Festival in the OSU area. McNamara denounced the "Macing and herding" of citizens who he contends were not violating any law as they gathered on the sidewalks of campus on a weekend night.

The Justice Department letter noted that "Victims frequently are African Americans, or are young, female, or lower income whites."

Moss concurred with this observation, stating, "Complaints with racial overtones, where use of the 'N-word' and name calling existed, were routinely ruled 'unfounded' by Internal Affairs even when strong evidence and the testimony of witnesses contradicts officers."

Moss also charges that the Internal Affairs Bureau engaged in "a pattern of discrediting witnesses... The police officer's statement is always ruled to be truthful over the statements of citizens."

Since 1996, the campus-based Copwatch organization has taken to videotaping police actions to both document and serve as a deterrent to potential police misconduct. Members of the organization have been repeatedly arrested, only to have all charges dropped, and have won several civil lawsuits against the city.

Moss concluded that "the fact that we had to go all the way to Washington D.C. to make our case is a sad commentary on a very sad department."

8/06/1998

Justice Dept. probe should have been expected

by Bob Fittrakis

Last Thursday's revelation that the Civil Rights Division of the U.S. Department of Justice is considering filing suit against the city of Columbus and the Columbus Division of Police (CDP) should come as no surprise to readers of this column and Columbus Alive. We've been reporting about these allegations and the just-concluded investigation for nearly two years.

The July 21 letter from Bill Lann Lee, acting assistant U.S. Attorney General, to City Attorney Janet E. Jackson, stated: "As a result of our investigation, we have determined that CDP officers are engaged in a pattern or practice of using excessive force, making false arrests and lodging false charges, and conducting improper searches and seizures in violation of the Fourth and 14th Amendments to the Constitution."

No surprise there, either. Reading the testimony of officer after officer under oath, one gets the distinct impression that Fourth Amendment protections against unreasonable search and seizure and the 14th Amendment rights of "equal protection" of the law and "due process" are foreign concepts to the Columbus Division of Police—not fundamental American rights.

The Justice Department could have easily thrown in First Amendment violations as well, considering the police division's storied history of suppressing free speech and organized demonstrations.

Following the L.A. riots over the Rodney King verdict in 1992, the U.S. Congress in 1994 gave the Justice Department jurisdiction to investigate allegations of federal civil rights laws against citizens by law enforcement officers. Only two other cities have been accused of similar misconduct since the law was passed: Steubenville, Ohio, and Pittsburgh, Pennsylvania.

Columbus is now part of this unholy trinity primarily because Police Chief James E. Jackson and a small group of his cronies are stuck in a time warp. They still think it's the 1950s, and certain protected cops can do whatever the hell they want as long as they're the chief's buddies. The overwhelming majority of Columbus police officers are not the problem. Some of them are the solution—and my best sources on police misconduct.

Lee wrote, "The officers involved in misconduct many times have a history of complaints against them, and failed to report accurately to their superiors what transcribed in the incident."

Political activists are all familiar with the notorious triple whammy that is routinely handed out against citizens engaging in constitutionally protected peaceful protest. Certain officers have on more than one occasion charged lawful demonstrators with "assaulting a police officer," "resisting arrest" and "disorderly conduct." During the Gulf War, I recall two of CDP's finest standing around and laughing as pro-war demonstrators physically assaulted peace demonstrators in the OSU campus area. The police exchanged high-fives with the pro-war thugs as a clear sign of their approval.

In the spring of 1995, Antioch students were assaulted by the CDP during a peaceful demonstration at the federal building against cuts in student loans. The mainstream media hysterically repeated absurd tales of crazed hippies attempting to sodomize police horses with nonexistent icicles. Videotapes revealed no ice or snow present, but plenty of Mace spraying at fleeing students.

Of course, I speak here as a journalist who was Maced in my face by the CDP a couple blocks into a march against police brutality in the fall of 1996. I never sued over the incident, but I could have. The female officer who instigated the event made a terrible error in judgment when a demonstrator inadvertently stepped off the sidewalk into the street. She raced into the crowd of

demonstrators to corral the alleged "jaywalker." The backup officers who Maced me were simply trying to save their comrade from the middle of a tug-of-war match with a pissed-off crowd over the "perpetrator."

Or I can mention the 1997 Aryan Nation rally where it took me 45 minutes to get through the metal detectors, and then I was immediately thrown out by a SWAT team officer under the direction of a Columbus police commander about whom I'd previously written in a way he didn't like.

Most of the police who've recently been successfully sued for violating citizen's rights are pitifully ignorant of the U.S. Constitution and civil rights and liberties laws. This points to the other key problem, also tied directly to Chief Jackson, which is the pathetic state of police training. Remember, it was police officers who leaked to the press that the CDP had reportedly hired 29 recruits who had admitted to felonies, including running a crack house and a prostitution ring. If anyone needed good training, these folks did.

The Justice Department letter noted that "Victims frequently are African American, or are young, female, or lower income whites." They might have thrown in the gay community, whose members were roughed up in a bizarre series of gay bar raids earlier this year.

To some degree, this behavior is tolerated by the public at large. Students "drunk walking" on campus—arrest them! But you're tailgating at an OSU football game—thumbs up! When the police themselves broke their code of silence in the Exline case a few years back, it was a Columbus jury that sided with the cop charged with assault over the testimony of other officers.

James Moss and his organization Police Officers for Equal Rights should be given much credit for taking citizen's complaints directly to the Justice Department. They took them to the city first, and except for Councilwoman Jennette Bradley, were pretty much ignored. Moss' group also went to state Attorney General Betty Montgomery who refused to acknowledge their complaints. So the next time you hear Montgomery or Governor George Voinovich talking about "devolution" and "state's rights," listen to the echoes of that old racist Governor George Wallace of Alabama.

As for Chief Jackson, his bogus claims of racism against the city and the mayoral investigation were thrown out last week, and then the Justice Department letter arrived as a damning indictment of his management style. But the chief's denials continue.

8/13/1998
News Briefs

Cops watch copwatchers and critics

As federal investigators look into charges of abusive practices by the Columbus Division of Police, allegations surfaced last week that the police may be spying on law-abiding citizens. James Moss, a former Columbus Police officer and current president of the Police Officers for Equal Rights (POER), charged that the CDP routinely placed its critics under surveillance and that there are "secret files" in both the Intelligence Bureau and Internal Affairs.

Both the POER and Copwatch gave testimony to U.S. Department of Justice Civil Rights Division investigators regarding alleged cases of police abuse against citizens. Two weeks ago, the Justice Department informed the City of Columbus that it had plans to sue the city unless they can reach agreement on how to end a "pattern or practice" of misconduct and abuse.

Earlier this year, two Columbus Police Intelligence Bureau officers admitted in sworn depositions that the OSU campus-based organization Copwatch is under surveillance by the Columbus police department's Intelligence Bureau.

Contacted for comment Tuesday, Sherry Jones, spokesperson for Police Chief James Jackson, did not deny that the department conducts surveillance of individuals involved in these groups. She said that affiliation is not the reason for placing certain individuals under surveillance. "Affiliation with any group has nothing to do with surveillance. It [surveillance] is simply a tool," she said.

In a February 20, 1998 deposition, Police Officer Terry Woodland, a 21-year veteran of the Intelligence Bureau, answered "yes" when attorney James McNamara asked him if he had prepared reports about the organization Copwatch. Woodland described the Intelligence Bureau's mission as "[To] investigate organized crime as far as criminal behavior or...any group or person that would be involved in criminal behavior."

Officer Woodland confirmed to McNamara that he's only allowed to investigate individuals or groups that would be involved in criminal behavior and that it would be unlawful or unconstitutional to investigate persons not suspected of criminal activity.

When asked for an example of the types of groups under surveillance, Woodland offered "abortion clinic violence" and "motorcycle gang members." He admitted that the bureau spies on violent "right wing" political fringe groups like the neo-Nazis and Klan. He also stated that there was a classification for "left wing" political groups as well.

Left-wing groups need neither advocate nor actually commit violence to come under surveillance, according to Woodland's testimony. When asked, "What would a group do to fit in the classification of left wing?" Woodland replied, "I would think if there was a potential for a large gathering... if that had the potential of growing to the size that might get into the street or be a public safety issue, then—then that might be considered left as opposed to right."

McNamara told Columbus Alive that Woodland's comments are "profoundly disturbing. By his definition, Red, White and Boom is a left-wing event."

Woodland justified his surveillance of Copwatch and non-violent peace demonstrations at the federal building by noting, "Well, if they are in the street or if it becomes—if they become agitated to the point where it becomes criminal activity or if in the past they have been involved in criminal activity..."

Despite repeated complaints of police harassment of the peace movement during the Gulf War and numerous arrests of Copwatch members, Woodland had a different take on why the Intelligence Bureau monitors "law abiding citizens."

"If it turns into a march to the Statehouse and it's larger than the sidewalks can accommodate, then we will need to make the necessary arrangements to get uniform protection maybe in the first lane of traffic if it's a large group and they're going somewhere, in order to protect them. And that's basically what we would be doing, is—is coordinating," Woodland explained.

Woodland couldn't recall his first contact with Copwatch, but admitted to preparing reports and sending "an information summary" to patrol units about the organization.

Woodland said he didn't know how Copwatch came under surveillance and that there would be no paper trail as to who referred them to the Intelligence Bureau. He speculated that information "would have just been sent to the Intelligence Bureau as something that perhaps should have been catalogued as a group." Woodland continued, "I would imagine that it [information on Copwatch] was sent by a patrol officer."

Early in his deposition, Woodland claimed that he had "never been to a Copwatch demonstration...nor do I think I know anybody in Copwatch." Columbus Assistant City Attorney Patricia Delaney cut off Woodland's testimony when McNamara confronted him with a Police Intelligence document incorrectly containing the name of this writer as one of the co-founders of Copwatch. McNamara was the other name in the surveillance report.

Asked if POER members or Copwatch members were under surveillance, Sherry Jones of the Division of Police, said, "Maybe some of the members had" been, but not because of their affiliation with these groups. She denied that the department collects information on POER in an effort to target certain individuals. "We obviously don't conduct surveillance on officers just because they belong to a certain group."

On April 29, Intelligence Bureau Commander Stephen P. Gammill also admitted that "there were some summaries in there that discussed Copwatch." Gammill explained that "We basically keep information on anything that may result in the need for police presence in an area."

"If we receive information that there's going to be a demonstration of any nature, whether it's an anti-abortion demonstration, a labor demonstration or any demonstration where there's going to be a crowd there and there's a potential for violence or potential for disorder, we provide the information to patrol so they can provide necessary staffing to the area," Gammill said.

The Police Intelligence Bureau was once known as the Organized Crime Bureau, but in Gammill's view, "there's really no organized crime groups in Columbus per se as most people perceive—for example, Mafia or anything like that." This, according to Gammill, has moved the Bureau in the directions of conducting surveillance on "motorcycle clubs that were involved in the sale of narcotics" and groups like the Klan and Copwatch.

Local publications may be receiving the same treatment. A bureau officer previously admitted to surveillance of the Columbus Free Press and police sources have reported that Columbus Alive is also being monitored. The bureau has failed to respond to a more than a year-old public information request on any documents regarding whether Alive is being monitored.

Moss said that you can add POER to the list. "I know they've been keeping surveillance on the POER," Moss insists. "I've caught them following me in unmarked cars, and I know what an unmarked police license looks like. I used to work in that bureau."

McNamara said the widespread sharing of information between the Police Intelligence Bureau and patrol officers needs to be investigated, particularly when it involves nonviolent political activists protected under the First Amendment.

City Attorney Janet Jackson's spokesperson Danita Jones declined comment on the police surveillance tactics "at this time."

8/20/1998

Steel City consent decree reins in misconduct

by Bob Fittrakis

Insiders report that the top brass of the Columbus Division of Police are hunkered down in their police bunker in full-metal denial. If the experience of police in Pittsburgh is an indication of what's in store for Columbus cops, they will soon have to emerge from that bunker into the light of public scrutiny.

The 83 stipulations in the consent decree between the United States Department of Justice and the Pittsburgh Bureau of Police (PBP)—one of only three cities, along with Steubenville and Columbus, to be threatened with a civil suit for police misconduct by the feds—looms as a harbinger of hard times to come for our top cops.

While denying all allegations of police misconduct, the Pittsburgh police entered into an iron-clad agreement on April 16, 1997 that reshaped the management and organizational structure of the police department. Pittsburgh's no-wiggle-room agreement with the Justice Department was designed to stop the Pittsburgh police from engaging "in a pattern or practice of conduct by law enforcement officers of the PBP that deprives persons of rights, privileges, and immunities secured and protected by the Constitution and laws of the United States."

Here in Columbus under Chief "Stonewall" Jackson's administration, vital parts of the Constitution have been treated as null and void, specifically First Amendment rights of political expression, Fourth Amendment rights against unlawful search and seizure, and 14th Amendment guarantees of "equal protection" under the law.

The Columbus police are facing the same allegations as those in Pittsburgh. The Pittsburgh consent decree dictates that they "shall...establish a database" that monitors "its officers, as well as a statistical model to identify and modify the behavior of problem officers." In Pittsburgh, this is known as "Early Warning System" to detect bad cops.

The city of Pittsburgh was given 12 months to put its computer warning system in place. The decree forced the PBP to store in the database every citizen complaint against a given police officer—including the text of the allegations, what section of the city the incident occurred in and all internal investigation reports. And that's just the beginning.

The officers' database would also include information involving any shootings; commendations and awards; and the officers' disciplinary, training reassignment, transfer and mandatory counseling histories.

It gets even better for full-disclosure public-records junkies. The Pittsburgh database requires "a detailed description of all criminal investigations of possible officer misconduct; a detailed description of all civil or administrative claims filed against the city arising from PBP operations; a description of all other civil claims or suits that the officer is a named party to involving allegations of untruthfulness, physical force, racial bias, or domestic violence."

Moreover, Pittsburgh police are required to submit detailed data on every arrest in the city, the location of each arrest, the race of each arrestee, and the section of the criminal code that was violated. Pittsburgh's Early Warning System is designed to detect patterns of police abuse by individual officers, police squads, zones, shifts and special units such as SWAT.

If such a system was in place in Columbus, it would clearly reveal a pattern of police misconduct on the near east side, the campus area and parts of the south side. It would also establish a practice of abuse against blacks, college students and poor whites. This is exactly what the Justice Department concluded after its three-year investigation here.

Of critical importance in the Pittsburgh agreement is the focus on police officers' filing "discretionary charges of resisting arrest, disorderly conduct, public intoxication or interfering with the administration of justice."

Peaceful protesters in Columbus have long been abused by such discretionary charges. A special "drunk walking" ordinance exists just to harass OSU-area students. Some state senators and representatives regularly stagger out of downtown establishments drunk and the ordinance is never enforced. Ordinances against aggressive panhandlers are passed to harass the homeless and poor while billionaires legally beg for money from the public to finance private arenas.

In Pittsburgh, the officers can no longer use "strip searches" in a way to humiliate and harass minorities and the poor. Stipulation 14 in the Pittsburgh consent decree compels "professional standards" in strip searches and goes into specific details on how they must be conducted. Police conduct involving "the use of force," "warrantless searches" and the "warrantless seizure of property" are restricted in a similar detailed fashion. Every "traffic stop," "frisk," "pat down search" and every "racial epithet" uttered must be documented in detail. And all of it goes into the police data bank.

Three complaints in a given year or five in two years and an officer is given retraining, counseling or transferred and reassigned from the area. The agreement rightly holds the top brass accountable for changing the culture of the police department that they created. And all the time, a court-appointed auditor is looking over their shoulder making sure they comply with every aspect of the agreement.

The great irony, and beauty, of this is that Chief Jackson was not forced to resign, and so in the near future, hopefully, we can look to a figuratively hog-tied Jackson being forced against his will to rein in a police department that he allowed to run amok, provided they kissed his butt. Of course, there needs to be a special 84th stipulation for Jackson: Thou shall not spy on your critics.

8/27/1998

News Briefs

The strange sojourn of John Strange

by Bob Fittrakis

Whatever happened to John Strange? Last February 18, the Columbus substitute teacher confronted Secretary of State Madeleine Albright at OSU's St. John Arena before 200 million worldwide CNN viewers over the issue of U.S. policy in Iraq. Albright promised Strange a personal audience after the raucous town hall meeting, but she failed to show up.

Michael Moore of *Roger and Me* and TV Nation fame recently had his TV production crew videotaping Strange in Washington, D.C., as he searched for Albright. A Madeleine and Me-type episode should air on the BBC in Britain and possibly on HBO in the U.S.

Yet, it's been more than comedy episodes for Strange since his encounter with Albright. In mid-March, he joined forces with the Interaction Center in New York to openly challenge the U.S. embargo of Iraq in what he called "an act of civil disobedience." On May 5, Strange and 82 people associated with the center flew to Amman, Jordan, with \$4.5 million in medical aid for the people of Iraq.

"Only one U.S. pharmaceutical company agreed to contribute, but backed out after pressure from the U.S. government," Strange told a recent Pastors for Peace gathering in Columbus. "The U.S. Treasury Department threatened to fine them \$75,000 for each piece of medicine they contributed."

Because of U.S. sanctions, there are no flights from Jordan to Iraq. Strange detailed his "grueling 18-hour bus trip across the desert to Baghdad." He said the delegation stayed at the Al Rashid Hotel in Baghdad where the entrance is marked by mosaic tile floor forming the figure of President George Bush. Below his face the word "Criminal" is spelled out in English and the locals seemed to enjoy watching U.S. citizens walk on it.

But Strange is no fan of Saddam Hussein. He noted that "Saddam's picture is everywhere. If you criticize Saddam, you disappear."

He called the medical conditions in Baghdad "completely overwhelming." At a local hospital, he recalls a line of 150 parents and relatives swarming the prescription window in hopes that the U.S. delegation had brought something of possible use for their sick and dying children. He described a large crowded hospital room full of sick children and a doctor's prediction that "all but one will be dead within a month."

Strange made it clear that he feels all of these deaths are directly linked to the Gulf War and the subsequent U.S. embargo on food and medicine for Iraq. "There's malnourishment and sickness due to unclean water from the U.S. bombing of the water and sewage plants," he said, adding that what they need most is anti-intestinal parasite medicine and chlorine pills. "Normal supplies of medicine would save these children.... There's a lack of basic items like IVs, bandages and Tylenol."

He concluded that it is "unconstitutional to restrict the travel of U.S. citizens" and says he plans to continue his humanitarian efforts on behalf of Iraqi citizens. Whether he can eventually raise these issues again with Secretary of State Albright remains unanswered.

9/13/1998
News Briefs

Convicts need not apply

by Bob Fittrakis

Those applying to be bail bondsmen in Franklin County will now find their pasts coming under closer scrutiny. Franklin County Municipal Court Clerk Paul M. Herbert has added a new section to the bond-writer application that seeks to prevent convicted criminals from doing business with local courts.

According to changes Herbert made to his court's "Application to Write Bonds," anyone "convicted of a felony within the last 10 years," "convicted of any crime involving a weapon within the last five years," "convicted of any offense of violence within the last five years" or "convicted of any crime of dishonesty within the last five years" is now prohibited from writing bail bonds.

"I believe this new section addresses some legitimate concerns that have been expressed," commented Herbert.

Last year, Columbus Alive reported on questionable bail bonding practices in "The Gatekeepers: Striking it Rich in the Bail Bond Business" (May 1, 1997) and criminal convictions of certain bondsmen in "Who Are These Guys?" (October 1, 1997).

"After investigating the situation, I realized that the state of Ohio Department of Insurance did not have the resources to do a full background check on all bail bond applicants, so we've stepped into the gap and will be protecting the public interest," Herbert explained.

This is the court's second major reform in bail bonding practices this year. Earlier, Herbert began returning court fees directly to defendants whose cases were dismissed in municipal court rather than to bondsmen who had posted the bond and fees.

Some individuals had complained in the past that their court fees had never been returned to them. "I asked for an advisory opinion from the Franklin County Prosecutor's Office and they advised that this was a legal and proper way to proceed," Herbert said in a recent interview.

Herbert conceded that the new changes in the bond writing application form legally does not affect the current bond writers, but will go a long way in creating a new atmosphere and direction in the profession. "People coming into this court need to know we're not going to let them be victimized and that there's equal justice for all," he said.

9/10/1998

FEATURED ARTICLE

Endangered beauty

Will M/I Schottenstein kill Pickerington Ponds?

by Bob Fittrakis

The unspoiled beauty of Pickerington Ponds must be seen in person to be appreciated. Amid a serenity that belies its proximity to the city—the only sound is that of leaves rustling in the breeze—geese, ducks and other waterfowl float on top of gently rippling, clear water. The pond is lined with reeds at the marshy edge of the water, surrounded by tall grass and a colorful display of wildflowers, all in front of a wooded backdrop.

Natural habitats like this are becoming more and more rare in central Ohio as commercial and residential development sprawls into the countryside. Do the math: Franklin County encompasses nearly 600 square miles of land. It has just one wildlife refuge, called, you guessed it, Pickerington Ponds.

Located on the far eastern border of Franklin County near the intersection of Wright and Bowen roads, Pickerington Ponds encompasses a mere 514 acres, less than a single square mile. Over 260 different species of birds are known to frequent the Ponds, which became a Metro Park in 1979. The wildlife refuge is famous among midwest naturalists because of its blue heron nesting area.

Those who care about this beauty and the ecological significance of the refuge have decided to draw a line in the sand: The encroachment of development stops here. This 1/600th of the county's land mass represents an environmental Alamo for local residents as they take their last stand against the powerful and politically connected M/I Schottenstein Homes.

M/I Schottenstein has an option on about 250 acres of land where it wants to build the massive Allen Glenn apartment complex of 1,150 units in Columbus and 302 single-family homes in Fairfield County adjacent to Pickerington Ponds. M/I Schottenstein Homes reported building 3,246 homes in 1996 with a total sales value of \$560 million. Its 1996 annual report called the company "the 19th largest U.S. home builder (based on total revenue) as ranked by Builder Magazine."

In July, a draft 77-page report by the Franklin County Water and Soil Conservation District found that the development could unbalance the water levels at the Ponds and contaminate them. The report documented an underground connection between the Ponds and the proposed Allen Glenn apartment complex site, meaning the development could "dewater" the Ponds.

Sixty southeast Columbus residents and neighbors of the Ponds, concerned about sustaining a viable and diverse wildlife habitat in the midst of booming urban development in the area, have organized against the proposed development under the name Planning Effectively for Tomorrow (PET). On August 11, Richard Sahli, attorney for PET, gave comments to the Metro Parks Board that the Schottenstein development as planned "implies some 6,000 people and over 2,500 vehicles...be allowed on the Ponds' doorstep." He noted, "Now there will be only a 3-acre buffer of trees alone" to protect the Ponds.

Robert Schottenstein, CEO of M/I Homes, addressed the concerned citizens attending the August 11 Metro Parks Board meeting, assuring them that his company would never do anything to harm the Ponds. But, last December, M/I Schottenstein Homes issued a brief six-page report claiming that there was no problem with their planned development, which at its closest point is a mere 100 yards from the Ponds, although they promised to include additional artificial wetlands on some of the flood-prone land they owned.

The ultimate decision about M/I Homes' bitterly contested Allen Glenn development, on Bowen Rd. about a half-mile north of Pickerington Ponds, lies with Columbus City Council, which will consider the zoning variance needed by M/I. Council now has an environmental impact report prepared by the Metro Parks Board; as no timetable has been set, M/I will be able to incorporate the report's suggestions before proceeding with a revised zoning variance request if it chooses.

Nearby lots in Fairfield County are limited in density; each house must sit on three acres of land, specifically to protect the semi-rural nature of the area and the wildlife refuge. On the Franklin County side, by contrast, M/I is proposing a development with a density—when the 1,150 apartment units are factored in—that is staggering for the area.

Initially, PET members feared that with M/I's enormous financial clout and its willingness to hire scientific experts, Columbus City Council would quickly cave in. But that hasn't been the case, thanks in large part to PET's tenacity.

The Ponds' controversy started three years ago when Columbus City Council approved major developments south and east of the refuge. Ponds area residents were startled and shocked that such a major annexation into Columbus and a development rezoning could occur so quickly. Last year, when M/I Schottenstein Homes proposed its Allen Glenn development at the northwest corner of Wright and Bowen, area residents began organizing.

PET member Eileen Painter recalled that when she first began organizing, many of her neighbors "just laughed" at the thought of taking on the developers. She said some had received letters from developers warning that if they "actively opposed" developments near their property there wouldn't be any "buffer zone" built into the project.

The citizens organization initially had two goals: to protect the Ponds from the proposed Allen Glenn development and to ensure that the city of Columbus completes its "Southeast Plan." This plan would serve as the city's future guide in all development and rezoning matters, but little had been done with it in the two years following the original annexation and rezoning. PET activists saw the preliminary Southeast Plan lacking any regulations to rein in developers. Moreover, many feared that Mayor Greg Lashutka's planning division lacked the political will to stand up to the likes of M/I Homes and other powerful builders swarming the area.

PET members actively opposed the Southeast Plan draft put forward by Lashutka's staff. Last September, the Columbus Development Commission unanimously voted against approving the plan, citing the lack of specifics in the draft. The Southeast Plan is still pending. Meanwhile, PET members worry that this political vacuum places the Ponds in a precarious and vulnerable position by allowing developers to run rampant with no official oversight.

After Lashutka's staff approved M/I Homes' Allen Glenn proposal without reservation and sent it on to the City Council to be rezoned, PET members immediately escalated their activity. "We still have to fight the negative impression that we're trying to stop development, that we're NIMBYs [Not In My Back Yard]," Painter explained.

Last January, PET took issue with what they saw as M/I Homes' six-page "non-study" of the Allen Glenn development. PET and Sahli won a substantial victory when zoning committee Chairman Matt Habash agreed that too many questions remained concerning the health of the Ponds and that a serious study was called for. Habash also insisted that work on the Southeast Plan resume.

On April 21, the Pickerington City Council adopted a resolution opposing any dense residential developments in close proximity to the Ponds. "The ecology of such wildlife habitat is extremely fragile and strong measures are necessary to maintain its unique character," the resolution stated.

Violet Township Trustees in Fairfield County had already limited development east of the Ponds to just one or two houses per acre. The Lashutka-approved Allen Glenn development allowed up to six units per acre.

Habash requested that the Metro Parks Board study the impact of the M/I Homes development on the Ponds. Despite PET's highly visible role in securing the Metro Parks study, Sahli said he didn't hear from the Metro Parks Board until late May when he called them. On June 4, PET members and Sahli met with John O'Meara, the newly appointed Metro Parks Director.

"We were told at this meeting that there had been many meetings between Metro Parks and the developer's people...and that Metro Parks had no scientific data 'to quantify' the extent to which the density of the Allen Glenn development would affect the Ponds' habitat," said Sahli.

Dismayed that they had been left out of the preliminary meetings and afraid that the board's report would not address the density issue in a serious way, a PET research team began pulling its own data off the Internet. In just a few hours, according to Sahli, PET members found "several university professors who volunteered to help Metro Parks."

According to the academics PET contacted, there was more than sufficient data available on the impact of high-density developments on wetlands. Many of these reports dated to the 1960s.

On June 24, Sahli wrote the Metro Parks Board asking them to start the study over with an expanded committee of technical assistants and community representatives. He believed that the original Metro Parks study had relied too much on governmental and bureaucratic sources like the U.S. Department of Fish and Wildlife and the Ohio Department of Natural Resources.

Sahli and PET members received the Metro Parks Board's initial draft report on July 7. The draft report did not accept two recommendations from the Water and Soil Conservation District report, recommendations that would have mandated the creation of a 10-acre wetland at the southeast corner of the proposed development and rerouted the Bowen and Wright Rd. intersection to the north of the Ponds. These were the "two most effective recommendations in the report," according to Sahli, since they would have "created a spatial buffer, a groundwater recharge site and an early warning system of any potential dewatering while rerouting the intersection would remove the worst source of surface water contamination at the Ponds."

The Board's draft report instead accepted the "minimal" option recommended by the Water and Soil Conservation District report. Only three acres of trees would separate the last wildlife refuge in Central Ohio from the encroaching Columbus development and 10,000 potential new residents, if all the rezonings are approved.

On Tuesday, August 11—at 4 p.m., when most people are scheduled to work—the Metro Parks Board met as 60 concerned citizens packed the room. William C. Wolfe Jr., the Metro Parks Board chair and member of the powerful Wolfe family, informed PET members that Metro Parks' draft report would be sent the very next day to Councilmember Richard Sensenbrenner, not to Habash who had originally requested it. Wolfe informed those present that the board would neither take comments nor deliberate on the report, but there would be a chance for a few questions after director O'Meara's comments.

O'Meara took the position that the report had "no legal effect" and that since the Metro Parks Board was not a regulatory agency, they didn't have any role in the zoning process.

As O'Meara and board members repeatedly insisted that they could do nothing to stop development, the crowd grew increasingly hostile. PET partisans accused the board of dereliction of duty, with the brief question period eventually lasting an hour. Metro Parks Board members, under heated cross-examination, promised to begin buying up land around the Ponds.

Finally, at the end of the meeting, Wolfe offered a small concession. The Metro Parks Board would hold off sending its report to City Council until it had reviewed the four pages of comments submitted by Sahli. As one activist put it, "No one is holding their breath for that to occur."

PET members privately complained that they had been "railroaded" since they didn't buy the board's argument that the board could do nothing. Sahli pointed out that "Metro Parks owns the Ponds and is the public trustee for that habitat and its inhabitants."

He also dashed off a letter to Habash on the meeting. "Needless to say, the community was very unhappy and disappointed. The general feeling is that Metro Parks, both board and staff, is dominated by Wolfe and he has made a political call not to ruffle the development community. Wolfe didn't display the slightest sensitivity to the fact that he is responsible for a nature refuge," Sahli wrote Habash.

Sahli included a recent article from the Akron Beacon Journal reporting that songbirds are in decline in Ohio. The Ponds serve as a nesting area for many lesser-known birds that are growing increasingly rare. Marsh wrens, swamp sparrows, rails, coots and bitterns all nest at the Ponds. Sahli has argued that the refuge's "most notable feature is that it's a growing stopover place for migrating birds; as their habitat gets destroyed elsewhere, the Ponds become a major landing zone" in central Ohio.

Chairperson Wolfe proved to be a man of his word. On August 28, the Metro Parks board released a new version of its Pickerington Ponds report to Columbus City Council. Sahli called the "substantially amended" report "much better." He noted: "They now fully acknowledge their inadequate work on the density issue, but even better, add a great deal of narrative about their concerns on this point and flatly ask city council to discourage development of all kinds in the immediate environs of the Ponds which Metro Parks says it will buy."

Councilmember Habash, who had originally requested Metro Parks' report, was pleased with the results, saying the report will be helpful. "They actually took the study a little further than just the Allen Glenn rezoning area and looked at a larger area," Habash said. "Basically, they're suggesting that they need to protect their watershed, and probably over the course of time need to be acquiring more land."

"This gives us more information as we look at...trying to put the Southeast Plan back together and look at development pressures around there," he continued. "Allen Glenn did not fall into that watershed, but there are obviously other concerns that the community has about it."

Habash said he will ask the Metro Parks Board to present the report to council and answer questions about the report. Because the rezoning hearing has not yet been scheduled, M/I Schottenstein, if it chooses, can take time to incorporate the changes suggested in the report before submitting a revised development plan. Said Habash, "I'll be waiting for the developers to get back to us as to how they want to proceed."

Telephone calls to M/I Schottenstein seeking comment were not returned by presstime.

How City Council and Robert Schottenstein respond in the near future greatly concerns PET members. But their clout is clearly growing, and they are likely to make this a long, nasty fight, a fight that M/I, for all its power, just might lose.

Says one PET supporter: "This could drag on and it's really up to Bobby Schottenstein whether he wants to tarnish his family's good name. Right now he can choose to be known as a heron killer or a hero."

9/10/1998

On semen and cigars

by Bob Fittrakis

Yessir, America's got a big ol' important political scandal. The President had sex in the Oval Office and there was the immoral spewing of seed that rightly should lead to an Old Testament-type stoning. By gosh, by golly.

Thank God the Lewinsky story upstaged the documented fact that CIA operatives were responsible for the crack epidemic in America's inner cities. If you can tear yourself away from the tabloids, you might want to pick up a copy of *Whiteout: The CIA, Drugs and the Press* by Alexander Cockburn and Jeffrey St. Clair and *Dark Alliance: The CIA, the Contras and the Crack Cocaine Explosion* by Gary Webb.

Once you've had enough of what Monica did with that cigar and her possible \$6 million book contract on giving the President head, you might want to read the two above-mentioned books to put the word "scandal" in perspective. Hell, we've got a better sex scandal being covered up right now in the Ohio legislature, but those are Republicans like Dan "I Hate Scumbags" Burton, so we can't go into those legislators on videotape.

Anyway, you may remember Webb, perhaps the most wrongly vilified and courageous journalist in modern American history. On December 13, 1997, Webb resigned from the San Jose Mercury News after being transferred from the state capitol bureau in Sacramento to someplace called Cupertino. Webb was being punished for his August 1996 series, *Dark Alliance*, that established the link between America's crack plague and the CIA's involvement with the Contras and cocaine smuggling in Nicaragua.

The Washington Post and the New York Times both used Webb's departure as proof that the CIA was not involved in drug smuggling. A December 19 Times story ran under the headline: "CIA says it has found no link between itself and the crack trade." The story, citing unnamed sources, reported that a leaked CIA internal document found "no direct or indirect link" between the CIA and cocaine traffickers.

Curiously, Webb's highly criticized original story relied on accidentally released government documents and grand jury testimony under oath. No wonder the New York Times questioned his journalism.

Early last year, while the Washington Post and elite journalists from the New York Times scrambled to verify the existence of a semen-stained dress, the CIA quietly released a declassified version of its official whitewash. The mainstream media duly reported CIA Director George Tenet's absurd claim that "the damage to the CIA's reputation may never be fully reversed." And that, "the allegations may have left an indelible impression in many American's minds that the CIA was somehow responsible for the scourge of drugs in our inner cities."

Had the elite press managed to tear itself away from the Drudge Report and actually read the declassified document, they would have found that it verified Webb's original *Dark Alliance* series.

The CIA confessed that it directly intervened in the so-called Frogmen case to prevent American citizens from learning of the relationship between "CIA assets," people that work for the agency and supply information, and cocaine traffickers. In the Frogmen case, the FBI popped "CIA assets" with 400 pounds of cocaine valued at \$100 million.

In March, had the Times and Post reporters broken away from their regular illegal briefings by Ken Starr, or torn themselves away from Tripp's illegally made tapes, they might have reported that CIA Inspector General Fred P. Hitz appeared before the House Intelligence Committee to update the "ye without sin" Congress on the agency's continuing quest to investigate itself.

Hitz told distracted Congresspersons, more concerned with Monica's real and imagined oral sex techniques, that "there are instances where [the] CIA did not, in an expeditious or consistent fashion, cut off relations with individuals supporting the Contra program who were alleged to have engaged in drug trafficking activities." Hitz also confirmed that the alleged drug trafficking occurred in the United States.

In what should have been a bombshell from coast to coast, more important than semen and cigars, Hitz told the Monica-fixated representatives that there was "a rather odd history... The period of 1982 to 1995 was one in which there was no official requirement to report on allegations of drug trafficking with respect to non-employees of the agency, and they were defined to include agents, assets, non-staff employees." Hitz testified that a secret agreement had been "hammered out" between U.S. Attorney General William French Smith and the CIA in 1982.

The highly moral Reagan administration had brokered a gentlemen's agreement in the pursuit of godless communists—godless, I say—to look the other way on what Reagan called "the moral equivalent of our founding fathers"—Contra cocaine runners like Danilo Bandon and Norwin Meneses.

Now, if I can just get the Drudge Report or Ken Starr to leak to the elite press that Bandon and Meneses have the actual cigar used by Monica to perform indecent acts, maybe, just maybe, a few Americans will go out and read *Dark Alliance* and *Whiteout*.

Or maybe I could spread the rumor that *Whiteout* is about Bill's attempt to sponge the semen off the dress. Yeah, that's the ticket.

9/17/1998

Above the law

by Bob Fittrakis

A recent article by a U.S. Justice Department official provides insight into the current negotiations between that department, the city of Columbus and its police department in the wake of a federal investigation into an alleged pattern of misconduct by Columbus police. The article by Steve Rosenbaum of the Justice Department's Civil Rights Division, adapted from his Congressional testimony, appears in the July-September issue of Rights, published by the Center for Constitutional Rights.

"When Rodney King was brutally beaten by police officers, the Justice Department had the power to bring criminal prosecution against those officers. And we did, successfully prosecuting two of them," Rosenbaum reminds readers. "But we did not have the power to reform management practices of law enforcement agencies that countenance such misconduct."

In response to the 1992 King beating, the Democratic-dominated Congress authorized the Justice Department in the Omnibus Anti-Crime Bill of 1994 to file lawsuits to eliminate a pattern and practice by law enforcement officers that violates federal civil rights laws. Laws relevant to police misconduct and brutality are few and far between in U.S. history. The only previous relevant legislation that addressed police brutality was the Civil Rights Act of 1871 that allowed, for the first time, federal intervention into local police matters where a record of abuse existed.

While legislation dealing with police brutality has been rare in U.S. history, several court cases have clarified the issue. In 1989, the Supreme Court in *Graham v. Connor* ruled that excessive force during an arrest or stop falls under the Fourth Amendment to the U.S. Constitution. In 1985, in *Tennessee v. Garner*, the Supreme Court determined that the use of deadly force to an apparently unarmed fleeing suspect also violated the person's Fourth Amendment rights.

But not all Supreme Court rulings have served to curtail police abuse and brutality. In *Anderson v. Creighton*, the Supreme Court established the concept of the "qualified immunity" defense for police officers. In defense of their actions, police may argue that a trained officer would not have known that his actions would violate a person's constitutional rights at the time of the incident. In 1986 in *Whitley v. Albers*, the Court held that unreasonable force in and of itself is not a constitutional violation; only "unnecessary and wanton infliction of pain" constitutes "cruel and unusual punishment" under the Eighth Amendment.

Rosenbaum writes that the 1994 statute "is still new, and these are not simple investigations. The exercise of our pattern and practice authority must be based on competent, concrete evidence of systematic problems of great magnitude."

The first city to be charged under the law was Pittsburgh. The second was Steubenville, Ohio. Both entered into extensive consent agreements with the Justice Department. Both consent agreements established mandatory guidelines for police training, supervising and disciplining of officers. The agreements also established methods for investigating and responding to civilian complaints of police misconduct.

Columbus is just the third city charged under the 1994 Statute. Both the local Fraternal Order of Police and Police Officers for Equal Rights have pointed to Police Chief James Jackson and top level police managers as a key part of the police problem. Rosenbaum confirms this critique: "Our investigations on the civil side in our lawsuits are very different from criminal investigations and prosecutions which are focused on bad apples, isolated acts of misconduct. Our focus is on police management."

"We are finding that where a department has systematic problems, management systems exist that could help better train, supervise, and monitor and discipline police officers. What we try to

do in our cases is require implementation of these kinds of systems," Rosenbaum reveals. "If the police chief deserves credit for a drop in crime, the chief must also bear the blame when officers engage in police brutality. The key is accountability."

Paul Chevigny, Professor at New York University Law School and one of nation's leading experts on police abuse, recently argued that politicians are to blame as well as police managers. "It's a disease of western democratic governments to appeal to voters on the basis of their fears for their security. 'We're gonna protect you'...that kind of rhetoric and that kind of populist politics is really calling on the police to do justice themselves without the intervention of the rest of the criminal justice system," Chevigny stated. "It's really a call for vigilantism."

Gerald LeMelle, executive director of Amnesty International, asked Congress for "greater transparency in the investigation of complaints of ill treatment against police officers in order to ensure police accountability and confidence in the process."

Rosenbaum concludes that, "The managerial task I've outlined can have enormous impact, not just on civil rights abuses, but on effective crime fighting. A bedrock principle of effective law enforcement is community support for the work of the police."

9/24/1998

News Briefs

What does Ben Pittman know?

by Bob Fittrakis

Black leaders are calling it the "public lynching" of Ben Pittman. While Columbus Dispatch editorial writers have led the charge for his ouster, the mystery continues as to why a slender majority of Columbus School Board members is so insistent on the school treasurer's termination.

School Board President Karen Schwarzwaldler and members Mary Jo Kilroy, Bob Teater and Mark Hatch favored the non-renewal of Pittman's contract as treasurer, while Dave Dobos and the board's two African-American members, Loretta Heard and Bill Moss, supported retaining him when the board voted 4-3 on Monday in favor of Pittman's termination. The September 21 meeting was disrupted several times by the noisy protests of several Pittman supporters.

Moss then called for a public hearing, to be held under his community relations committee, to investigate Pittman's allegations that his ouster is the result of fraud and discrimination. The board voted 4-3 in favor of holding the hearing, with Hatch joining Pittman supporters in calling for the investigation.

"Mr. Pittman is being forced out or lynched because he dared to stop some major banks, contracting companies and other businesses that our district purchases services from, from overcharging or ripping off tax dollars," Heard said at the meeting.

Letters obtained by Columbus Alive between Schwarzwaldler and Pittman's attorney, Dennis M. McGuire, add to the saga by revealing a strange buy-out attempt. A week ago, in anticipation of "the possibility of non-renewal" of Pittman's contract, school board meeting, Schwarzwaldler made him a last-minute "offer."

"The Board of Education certainly wishes to find a way for you to obtain your 30 years service credit for retirement purposes," wrote Schwarzwaldler in a letter to Pittman dated September 14. Schwarzwaldler offered to "pay your employee share and the Board of Education's employer share of the SERS [State Employees Retirement System] contribution to purchase what we understand is your 3 years of military service."

The Board President also offered to "employ you, upon your resignation as treasurer effective December 31, 1998, as administrative assistant to the treasurer at your current salary of \$95,000 per year for calendar year 1999."

Schwarzwaldler gave Pittman until the next day at 3 p.m. to accept her offer. With a host of black ministers and community activists packing the school board meeting in support of Pittman, the school board opted to go into a closed-door executive session that included State Auditor Jim Petro. Two school board members supporting Pittman claim that other school board members seeking Pittman's ouster cited the appeasement of Dispatch Publisher John F. Wolfe as a key reason for Pittman's termination.

On July 9, the Columbus Dispatch ran a negative article on Pittman's performance titled "School treasurer not at head of the class." On September 11, Pittman accepted the Certificate of Achievement for Excellence in Financial Reporting that was awarded to the Columbus Public Schools by the Government Finance Officers Association of the United States and Canada for its comprehensive annual financial report. Pittman personally received an Award of Financial Reporting Achievement as the individual responsible for preparing the award-winning report. Pittman's report was cited for its "spirit of full disclosure."

Moss said Petro admitted in the executive session that most of the school's financial problems are historical in nature. "I don't know why they want to hang all these problems on a black face when Ben Pittman's the man who's been cleaning up the mess," Moss insisted.

The Columbus Post recently noted that "For the first time in 19 years, State Auditor Jim Petro conducted an audit of the Columbus Public Schools [CPS] and was critical of Pittman for not erasing some practices that had been in place for one to two decades, even though changing such practices would involve changes in other departments of CPS."

"Jim Petro let Oddi steal all that money and never did anything, but he'll investigate a black man or a Democrat at the drop of a hat in an election year. Petro's office is the one that needs to be investigated, preferably by the FBI or federal government," said Moss.

The board's other African-American member, Heard, stresses Pittman's accomplishments. "He saved this district over \$5 million the last few years, \$3 million in health care, over \$2.5 million because of his investment decisions and he saved us hundreds of thousands in our accounting system," Heard explained.

On September 15, Pittman's attorney responded by writing CPS attorney Gregory Scott and asserted that the treasurer's forced resignation "has the potential to open Pandora's box at the Columbus Public Schools. We do not want to do that."

McGuire wrote, "We believe there are race, public policy, misconduct in office and fraud issues in this matter. I would rather not discuss those at this point, but if you wish, I will detail them upon your request. Once such issue would involve Columbia Gas and another would involve insurance. I am sure that you have knowledge of these issues."

Scott told Alive that he had responded last Thursday to McGuire's letter: "I wrote him that 'If you or Mr. Pittman have any knowledge regarding violations of ethics laws or fraud with regard to the Columbus Public Schools, you and he should take these concerns to the Ethics Commission or to law enforcement officials.'"

"So far Mr. McGuire's not been able to specify any specific areas of wrongdoing and he's terminated talks on a settlement with Mr. Pittman," said Scott.

9/24/1998

The real Voinovich legacy

by Bob Fittrakis

Next time you see one of those nauseatingly slick campaign ads touting Voinovich for Senate, ask yourself where he got the millions of dollars to pay for the propaganda.

Harken back to 1990. Remember Governor-to-be Voinovich in a canoe claiming to be the "green" candidate? Voinovich's real legacy is one of utter corruption and environmental degradation.

Earlier this month, Voinovich's Ohio Environmental Protection Agency allowed 25 businesses—all under orders for mandatory environmental clean-up—to "voluntarily" clean up their highly polluted properties. The program will work as well as allowing people to "voluntarily" pay taxes.

In central Ohio, Georgia-Pacific, best known for voluntarily blowing up its facility on a regular basis, was given the right to voluntarily comply with the state's environmental laws.

Throughout the Voinovich administration, the governor systematically destroyed the enforcement power of the OEPA, turning it into "Every Polluter's Advocate," particularly those who donate big money to the governor's campaign coffers.

After weakening the OEPA, the Voinovich administration pushed through the so-called Ohio Audit Privilege Law. That's an Orwellian way of spinning what in reality is the Polluter's Secrecy Law. The basic thrust of the law provides Voinovich's big donors with immunity and secrecy if they complete an "environmental audit." In essence, companies that are spewing toxic waste can secretly assess and calculate the environmental destruction. If their neighbors happen to find out that the large tumors growing in their bodies are linked to the toxics, the "secret" contamination data can't legally be used against the company.

By self-auditing, the companies, in effect, insulate themselves from the most severe penalties in Ohio's environmental protection laws. The state's biggest polluters gave more than \$567,000 to winning proponents of the Polluter's Secrecy Law in the 1996 election. That's chump change compared to the cost of lawyers and one large verdict in favor of a dead kid against one of these polluters.

Our "environmental" governor created total self-regulation for his corporate polluter buddies while the Ohio Environmental Council, the Ohio Chapter of the Sierra Club, Rivers Unlimited and Citizen Action filed a legal petition in January 1997 asking the U.S. EPA to take over the enforcement of federal environmental law in Ohio. The action by real environmentalists, as opposed to the phony guy in the canoe, held up the polluter's dream law and forced some minor changes in it.

On July 1 this year, Governor Voinovich signed into law a modestly amended version of the Polluter's Secrecy Law. Just in time for it to go into effect on September 30—and just in time to allow companies like Georgia-Pacific, Rockwell, Ashland Chemical, Ford Motor, Cooper Tire and Rubber, Ullman Oil and others to get to "auditing" themselves. And just enough time for those corporate officials to write those big checks to the Voinovich for Senate campaign.

The governor also had time to steer a few last multi-million dollar contracts to dear old friends. Just last month, the highly touted \$272 million Multi-agency Radio Communication Systems project was awarded to TRW/Motorola by Voinovich's Department of Administrative Services. The final cost of the contract is almost \$100 million over the original estimates. But that's not a problem for Governor Voinovich. He'll just collect a few more large campaign donations and run some of those hypocritical "I'm just an efficient tax-cutting guy" commercials.

Daniel Slane, a Columbus developer with his hooks deep into the governor, stands to make more than \$160 million off the project. Slane's fees are in addition to the \$272 million project, making the total cost to taxpayers \$432 million. Slane also happens to be a fund-raiser for Governor Voinovich and a Voinovich appointee to four state boards. According to the Cleveland Plain Dealer, "Slane's company stands to reap \$8.1 million a year for 20 years by leasing radio towers to the state if officials exercise all the lease options available."

The gov's crony, Slane, conveniently entered the cellular telephone tower construction business at the same time the project was being bid three years ago. The radio communications system is one of Ohio's largest state-funded public projects this decade. Voinovich has denied that Slane's role as a political fund-raiser and hack for the Voinovich administration had anything to do with the contract. Many critics claim the project will be obsolete upon completion and should have used more high-tech digital technology.

Regular readers of this column won't find it surprising that ubiquitous lobbyist Phil Hamilton, one of the Guv's main political squeezes and fixer, represented Motorola. Motorola's partner in public largess, TRW, happened to contribute more than \$100,000 to promote Governor Voinovich's much-scoffed-at unsuccessful sales tax increase for school funding that lost by 80 percent in May.

Senate Finance Chairman Roy Ray, a Bath Township Republican, assured Ohioans that he would be taking a close look at the contract as a member of Ohio's Controlling Board that just approved \$25 million for the first phase of the project. Ray, you recall, was exposed earlier this year for secretly taking hundreds of thousands of dollars in "consulting fees" from Ohio utilities lobbying for deregulation. Oh, by the way, the Department of Administrative Services disqualified Ericsson Inc. on their lease bid, which was \$14 million, and instead accepted the TRW proposal, which was 11.5 times higher.

Hey, don't worry about it. I'm sure the governor's got a commercial in the can telling you not to worry, that he ran a clean administration, a moral administration—but in reality, he screwed us without ever unzipping his fly.

10/01/1998

News Briefs

Tax dollars at work

by Bob Fittrakis

Sister Marge Eilerman reported to federal prison in Lexington, Kentucky, this past Monday, September 28. Eilerman, a 61-year-old Franciscan nun from Ft. Loramie, Ohio, is serving a 14-month prison sentence: six months for trespassing with an 18-inch white cross at Ft. Benning, Georgia, and eight months for participating in spray-painting the words "School of the Assassins" on a welcome sign at the military base.

Ft. Benning is the home of the U.S. Army's School of the Americas (SOA). Since its inception in 1946, SOA has trained more than 60,000 Latin American and Caribbean troops in counter-terrorist and counter-insurgency tactics to "stabilize" their nations. Critics, including U.S. Representative Joseph Kennedy (Democrat, Massachusetts) and Senators Richard Lugar and John F. Kerry, have long charged that the SOA soldiers are not taught to defend their borders from invasion, but to repress their fellow citizens.

SOA trains between 1,000 to 2,000 foreign nationals a year. Army officials claim that its curriculum promotes democracy and includes human rights instruction. Sister Eilerman disputes this statement.

"Teaching democracy at a military installation? I don't believe so," countered Eilerman, who spoke to *Alive* the day before her incarceration. "Look at the school's history. The military is no place to teach democracy, nor is it a democratic institution."

Founded in Panama in 1946, the school's reputation for training military dictators quickly earned it the nickname "Escuela de Golpes" or "School of Coups." In 1984, SOA relocated to Ft. Benning after being forced out of Panama under terms of the Panama Canal Treaty. Panama's President Jorge Illueca denounced it as the "biggest base for destabilization in Latin America" and a major Panamanian newspaper gave it its infamous nickname, the "School of Assassins."

Eilerman said she peacefully violated the law on two occasions--a year ago September at the spray-painting, and trespassing last November with 600 other demonstrators--because SOA is "one of our best kept secrets; people would be shocked if they knew what our tax dollars are going for."

In 1991, a scandal erupted when the Bush administration admitted that it had "discovered" SOA training manuals produced by the Pentagon that recommended interrogation techniques including torture, execution, blackmail and the arresting of relatives of those being questioned.

The National Security Archives, a Washington-based research organization, noted in its analysis of the manuals that non-violent and even strictly oppositional electoral organizations were equated with terrorist activities and targeted for repression. One manual warned that subversives might "resort to subverting the government by electoral means." Another manual described Tom Hayden, currently a California State Senator, as "one of the masters of terrorist planning."

Eilerman pointed out that in the small country of El Salvador alone, SOA graduates were responsible for the massacre of six Jesuit priests, their housekeeper and her daughter; the assassination of Archbishop Oscar Romero; and linked to the rape and murder of three U.S. nuns and a Catholic layworker, among other atrocities.

The United Nations Truth Commission Report on El Salvador released March 15, 1996 supports Eilerman's claim. Of the 60 Salvadoran officials cited for the worst atrocities during El Salvador's brutal civil war, 48 were alumni of the SOA.

Other SOA alumni have similar records: 100 of the 146 officers in Columbia cited for "war crimes" by a 1993 International Human Rights Tribunal; 19 high-ranking officers linked to the notorious Honduran "death squad" Battalion 316, including its founder, General Luis Alonso Discua; former President General Manuel Noriega, now serving 40 years in a U.S. prison for drug-trafficking; Colonel Julio Roberto Alpirez, implicated in the torture and murders of U.S. citizen Michael Devine and Efraim Bamaca in Guatemala; and General Juan Lopez Ortiz, commander of troops responsible for the 1994 massacre in Ocosingo, Mexico.

In September 1996, a New York Times editorial said of the SOA, "An institution so clearly out of touch with American values and so stubbornly immune to reform should be shut down without further delay." A former SOA instructor, Joseph Blair, a retired U.S. Army major, claimed "The School of the Americas is a cold war dinosaur and should be closed." A Veterans of Foreign Wars resolution noted, "The SOA runs contrary to the very principles of human rights and democracy for which our nation's veterans have sacrificed."

Sister Eilerman said she has no regrets about going to prison. "I'm glad--very, very glad I did it. I admit it. We went there and wrote on their sign. `Home of School of Assassins.' `School of Shame.' `SOA=Torture.'"

Eilerman ended her interview by urging Alive readers to attend a vigil and memorial service at the main gate of Ft. Benning on November 21-22. "Last November, 600 people crossed the line onto Ft. Benning property in a funeral procession," she said. "This year, I'm hoping it's a thousand. It's to commemorate the slaughter of the Jesuit priests."

Eilerman concluded, "Make sure you call me in prison and tell them you're with the media. If I call you, they limit the amount of time I can talk."

10/08/1998

Bizarro elections

by Bob Fittrakis

I recently woke up in a parallel bizarro universe. My first clue that I wasn't in Columbus as I know it anymore was when the bizarro world's Democratic candidate for governor, Lee Fisher, announced his educational policy for the bankrupt and "unconstitutional" Ohio public education system.

Bizarro Fisher--sounding significantly to the Right of Barry Goldwater, Ronald Reagan and Benito Mussolini--was promising to cut over a billion dollars in property tax with the money going disproportionately to the wealthiest homeowners. The bizarro Republican candidate Bob Taft--sounding like the great commoner William Jennings Bryant--quickly and correctly scolded Fisher for his unconscionable policy that hurt poor and oppressed schoolchildren in Ohio. Hmmmmm. Taft was clearly right, I mean Left, I mean rational, thoughtful and intellectual. And Fisher? A gutless, unprincipled panderer.

In this new bizarro universe, the Republican Franklin County Prosecutor Ron O'Brien was a kickass crime fighter recommending a 10-year prison sentence for a tearful and repentant bizarro Jesse Oddi. What happened to the old Oddi we knew, the odor of Oddi, "the little stud that could?" And what about the long-standing Franklin County tradition where Republican county prosecutors "see no evil, speak no evil, hear no evil" when it comes to evidence against fellow Republicans?

Then I saw an actual attack ad against corrupt Franklin County Republican officials, put out by the Franklin County Democratic Party. I couldn't sleep.

Tossing and turning in the middle of the night I realized that I wasn't in a bizarro universe but that I should check under my bed for those big ugly pods last seen in the Invasion of the Body Snatchers. A little voice in my head kept screaming "He not my Party Chairman. He not Denny White!" I knew the pod people had snatched the docile, mushy-mouth Denny White and replaced him with Terry Casey's guts and brains.

White's commercial is right. Oddi's not the only thing the pod people are hiding. They've also snatched Municipal Clerk of Courts Paul Herbert and replaced him with a pod Herbert who now spends most of his time thoughtfully reforming his court.

There are unexpected moments of joy on the new pod planet/bizarro world. Like when I was driving down Third Street and saw the giant red sign with a couple burnt out lights that said, I swear, "Ohio's Greatest Ho__ Newspaper." Finally, truth in advertising. I always knew Voinovich was the Dispatch's Mack Daddy.

National Association for the Advancement of Certain People

To continue the theme, expect to see the unexpected spectacle of grassroots African American activists like Bill Moss, James Moss and Jerry Doyle picketing this Friday's NAACP banquet at the Hyatt Regency.

On Tuesday night, a group calling itself the Boycott Columbus Committee met and planned their demonstration against the country's oldest civil rights organization. Their signs read: "The NAACP of Columbus has sold us out," "Boycott the NAACP Freedom Fund Banquet" and "NAACP selling out as usual."

School Board Member Bill Moss and the committee are urging a boycott of Columbus until "this city can be persuaded to support a decent, fair and equitable school system for the city's children and to refrain from oppression and exploitation for personal gain." In an open letter sent to

thousands of companies, organizations and individuals, the committee points out that before busing and white flight, "the [Columbus school] district enrolled 110,000 pupils,

77 percent of whom were white. [T]he Columbus schools now have only 64,000 students enrolled of whom 60 percent are black."

Moss said, "As the nasty downtown Columbus lunchtime joke runs, the suburban and `urban gentry' kids will work in the skyscrapers by day and the city kids will clean them by night."

The committee's message comes through loud and clear on their website: "If you or any of your family or friends belong to a church group, service organization, professional society or trade association that holds conferences or conventions, we earnestly request that you not choose Columbus, Ohio, as your choice city. If your organization has already planned to come here, we ask that you cancel such plans." The NAACP refused to comply with the committee's agenda by holding their event at the downtown Hyatt.

Bill Moss told those present that the NAACP's long-standing traditions aside, the current organization in Columbus is acting like "a corporate media front for the downtown power structure." The committee claims that Friday's protest is just the start of a continuing campaign that they hope will force the city of Columbus to "do the right thing and act justly."

10/15/1998
MISSING

10/22/1998

Picks and pans

Bob's election day guide to the candidates

by Bob Fittrakis

It's that time of year: the mass media is flying political sorties in your face day in, day out. Most of us know that the worst way to debate public policy is through 30-second propaganda attacks disguised as political advertising. We all know from such propaganda that George Voinovich is the greatest guy in the history of Earth: he heals the sick, raises the dead, and "de-evolves" everything to the state level.

If I was just passing through town and didn't know his administration's actual record of corruption, his role in defunding education and weakening environmental laws and his dream of making Ohio a multi-state nuclear waste dump site, I'd be tempted to vote for him. Plus, de-evolution ain't a new idea. The racist George Wallace ran on it 1968 and called it "state's rights."

So, if you're incredibly wealthy, have some factories you want to move to Mexico to exploit 58-cents-an-hour labor and like environmentally destructive mega-hog and chicken farms, Governor V is your choice for U.S. Senate.

Cuyahoga County Commissioner Mary Boyle doesn't have King George's gold, but she does have the endorsement of Ohio's Sierra Club. She's called for legislation to protect Ohio's communities and family farms from waste generated by factory farming. Also, the Columbus Dispatch called Voinovich "uniquely qualified" to serve in the Senate. I've always seen him uniquely qualified to serve in prison like his Chief of Staff Paul Mifsud. Of course, we could adopt the old "pass the trash" approach and vote for Voinovich just to get him out of Ohio.

Remember when the Lee Fisher vs. Bob Taft for governor race was supposed to be bland and boring? It's de-evolved, so to speak, into the key issue of our day: "liar, liar, pants on fire." Taft's an awful campaigner, heir to a conservative political legacy not to my liking. But, he's also got a reputation for clean government and if he won, he would no doubt disinfect the governor's office after the last two regimes. A lot of Lysol's going to be needed when the V Group leaves town.

Sure Lee Fisher's smarmy and a shameless political huckster. But hey, what do you expect from a career politician? I wasn't even surprised when he staked out political territory far to the right of Taft--that's conservative President Howard Taft--on tax cuts. The man wants to win, and in Clintonesque fashion he's jettisoned some of his principles. Yet, he's dead right on health care, good on the environment and he's got a decent Lieutenant Governor in Michael Coleman. Recently, Coleman was the only elected official invited by grassroots environmental groups to address local issues at a public hearing on the south side.

If you want to make Franklin County less corrupt--ending the decades-long one-party monopoly on county government--the election of Anthony Celebreeze III for clerk of courts and Mark Pfeifer for auditor are essential. Now, I'm not vouching for Pfeifer, because I don't know the man, but his campaign produced the single best political cartoon this year. In it, 11 elephants are sitting in chairs from county auditor to county prosecutor and treasurer and the caption reads: "Who's checking who??" In Pfeifer's case, it's simply a case of knowing when to "turn the fat hogs out and let the lean hogs in."

Celebreeze's another matter. When he served on staff for then-State Senator Dennis Kucinich, Tony worked closely and diligently with C-PRO (Citizens Protecting Ohio) in opposing Voinovich's six-state nuclear waste dump. Most environmentalists and progressives are comfortable with his ethics and politics.

Virginia Barney--hand-picked by Columbus' fattest cats to replace the odious Jesse Oddi--is the current clerk of the Common Pleas Courts, where felonies are heard. Barney, not to be confused

with the more benign purple dinosaur, has a disturbing legacy. She led the charge to get taxpayers to cough up a quarter of a billion dollars for a private arena to be built for the billionaire Lamar Hunt. She also was Board President of SWACO (Solid Waste Authority of Central Ohio) when it clashed with local residents of the trash-burning power plant over some of the highest levels of toxic emissions ever reported. She's the good ol' boys' good ol' gal.

The best way to keep the ever ambitious John Kasich in check, and to break up his current romance with the Christian Coalition, is to vote for his opponent Ed Brown, even though Brown's a lifelong Republican running as a Democrat.

In the judges' race, don't buy the hype. Guy Reece is a "quitter" who left last time without finishing his term. He also was presented with compelling evidence that a police officer in Powell unnecessarily shot a pizza deliveryman through a closed car window and he found the officer not guilty. The pizza driver is now paralyzed and can't speak, and Reece brags about being "police endorsed."

Finally, a vote for the Republican-endorsed Justice Paul Pfeifer is a vote well cast for courage and integrity. His principled swing vote led to the Ohio Public School funding system being declared unconstitutional. Bless him for telling the truth.

And always remember, when in doubt on Election Day, consult your Stonewall endorsement sheet, still the best general reference guide in town.

10/29/1998

ELECTION '98 SPECIAL SECTION?

Ballot bulldozer

Mayor, Michael, MORPC and many more say "no" to Issue 39

by Bob Fittrakis

"Let me see if I got this straight--used car dealers, a discount furniture store, a political consultant and a small band of folks, most who don't even live in the neighborhood, put this on the ballot without a study, without any community input and without any concern for the families living in the 39 homes that this would destroy," Clintonville Area Commissioner Tom Erney wondered aloud prior to last Thursday's Mid-Ohio Regional Planning Commission (MORPC) meeting. "Sure seems like a bizarre way to make public policy and spend \$17 million."

MORPC board members unanimously agreed later that evening and recommended against Issue 39, the Rathbone Avenue extension across the Olentangy River, better known as the Morse-Bethel connector. The next morning in a joint press conference, Republican Mayor Greg Lashutka and Democratic City Council President Michael B. Coleman urged voters to vote "no" on Issue 39.

Paid political consultant Bob Lidle, spokesperson for Citizens for a Morse-Bethel Connector, sees it differently and argues that ballot initiatives are part of a democracy. "My response to whether this is a bad way to make public policy is simple: 'we the people.' This is how democracy works." Lidle, despite MORPC's recommendation, is still urging voters to vote for Issue 39.

The vast majority of citizens speaking at the MORPC meeting fear that Lidle, while lining his own pockets, is playing a dangerous game with one of the city's last pockets of undisturbed river green space.

Joanne Leussing presented a position paper for Priorities Partners, Inc. (PPI), a non-profit group formed after the completion of the Priorities '95 environmental project sponsored by the city of Columbus. PPI members are dedicated to promoting the recommendations of the final Priorities '95 report.

"The citizens that participated in drawing up that comprehensive environmental plan for Columbus were very clear what our greatest natural resource and natural attraction is in central Ohio. We don't have an ocean, we don't have mountains, all we really have is these two rivers and they must be protected," she said.

The draft MORPC problem statement dated August 27 put the river up front: "The Olentangy River is a barrier to travel."

The PPI paper points out that the \$17 million Morse-Bethel connector runs counter to seven specific recommendations in the Priorities '95 report: both MORPC and the Franklin County Soil and Water Conservation District are charged with developing a Greenways Plan; Columbus' "green space policy" will emphasize the "protection, maintenance and enhancement of waterways and parks;" city zoning is to protect and "preserve Clintonville ravines;" neighborhood groups are to be developed "to restore and protect stream corridors;" city agencies and citizens' groups would "work together...to identify areas along water courses that could be restored to natural riparian [river] habitat;" the city would "acquire floodplains;" and also "use conservation easement along riparian corridors."

Another citizens' group, NICE (Neighbors Interested in the City Environment), vehemently stressed that before they vote, voters should take a trip to the Delawanda/Kenny Park area that the Morse-Bethel connector will destroy. NICE members Saira and Jim Priest produced a stunning set of postcards from photos they took at the park. Passing the postcard around last Thursday, they asked all who would listen, "Does this look like a place they should pave over and

build a road through?" The postcards depict tranquil scenes of ducks floating on the river, vibrant yellow flowers, trees with red berries and August wildflowers at the entrance of the park.

Saira Priest said the quality of the Delawanda/Kenny Park is "every bit as scenic as the Metro Parks, it's that pristine. We have very high water quality there."

That last fact is not lost on yet another citizens' group, FLOW (Friends of the Lower Olentangy Watershed), which sponsored a Delawanda/Kenny education day on October 12. FLOW called the section of the river where the bridge would cut through "one of the most beautiful sections of the Olentangy."

NICE activist Chris Kasselmann pointed out that a recent EPA sampling found 15 species of fish, including small mouth bass not usually found in urban rivers, in the area slated for a Morse-Bethel bridge. "There's a variety of habitat for fish and other river species because of the alternating riffles and pools that occur from a normal, natural river. If they go in there and channelize it with concrete, those species won't be there," said Kasselmann.

"What people need to realize is that construction of a bridge would take large, heavy equipment into the river, causing a heavy sediment load which would impair these natural habitats, filling in crevices where fish and mussels feed and breed," she added.

Kasselmann said there are six state endangered species, one state threatened species and four federally endangered species among the fish, plants, birds and mussels in Issue 39's targeted area. Citizen and environment activists have strongly hinted that Issue 39 could be tied up in federal courts for years to come, adding additional costs to the cautious \$17 million price tag.

Others, like Clintonville Area Commissioner Sandra Simbro, stress the human cost of the project. "Perhaps lack of planning with development has led us to the 'crossroad' where we find ourselves today.... It's really all about money--not people or their homes," she recently wrote.

While the Northland Community Council has endorsed the Morse-Bethel connector as a possible panacea for the economic decline of the Northland Mall area, Peggy MacElroy, president of the Northwest Civic Association, is strongly opposed to Issue 39. "Our association unanimously opposes the issue. It will undo and impact all the development standards we fought for over the years," MacElroy said. "If it goes through, the Refectory, one of the city's finest restaurants, will be gone. They'll have to widen Bethel and all the work that we've done that we're so proud of could be destroyed."

Tom Pappas, chairman of Citizens for Columbus Neighborhoods, which opposes the Rathbone route, called MORPC's decision a victory for the northside of Columbus. He argued that Issue 39 backers are masquerading as traffic engineers and drawing up bizarre schemes on their kitchen tables.

"You just don't do that to citizens and residents in Columbus. One day TeeJay's Restaurant is gone, then it's 45 homes where people live. Oops!--the next day they meant only 41 homes. It's absurd," Pappas insisted.

Paul Carringer, the chairperson of the Clintonville Area Commission and a self-described conservative, stated that the area the connector would destroy is where people "live, work and play... Letting Northland Mall and car dealers decide the future of communities is just wrong."

In his remarks to MORPC members, he noted, "We stand tonight at the edge of a new era in Columbus, a defining moment in the history of our city. The proposed Morse-Bethel connector as set forth by Issue 39 destroys a neighborhood, a place where people live.... It completely ignores the absolute requirement of dialogue between we the people of Columbus in order to develop real solutions for real problems."

Erney shares that sentiment: "Look, in 1999, the city, through our elected representatives, has already earmarked neighborhood projects that enhance our quality of life, make our streets safer and improve city services. These projects will have to take a back seat for one small connector that services only one neighborhood and saves a few minutes of travel time. Almost 20 percent of planned projects will have to be cut to make room for the almighty Morse-Bethel connector because a handful of people have rented a political consultant, who last time was pushing casino gambling, who's now dressing up as a traffic engineer for Halloween. Tell your readers to vote 'no.'"

10/29/1998

ELECTION '98 SPECIAL SECTION?

Bail jumpers

Barney fails to collect on reform promises

by Bob Fittrakis

Despite her funding ties to the Republican political machine that placed her recently convicted predecessor Jesse Oddi in office, Franklin County Clerk of Courts Virginia Barney has been running as a "reform" candidate since her appointment last May.

Oddi pleaded guilty to all 49 counts of his indictment last month in the common pleas court he used to control. He admitted stealing more than \$448,000 from the Franklin County Juvenile Court account.

Oddi was also repeatedly criticized by Columbus Alive for not immediately collecting large amounts of bond forfeitures as required by Ohio law. In a recent statement to the League of Women Voters, Barney pledged "to collect every dime due the county." The most current Bail Bonds Forfeiture Report obtained by the Alive, dated September 30, reveals that bail bondsmen owe on 56 bonds totaling \$422,700 to county taxpayers. A local banker told the Alive that the money owed by the bondsmen would yield \$151 a day in interest--or \$55,150 a year--roughly the cost of employing two additional clerks at the court.

But Barney has continued the practices of her predecessor, Oddi, by giving bondsmen up to a year, interest-free, to pay forfeited bonds on accused defendants who jump bail and do not show up for court.

According to the Ohio Revised Code ORC, bondsmen are given "not less than 20 nor more than 30 days" from the date that the court notifies the bondsmen that the defendant failed to appear in court, to forfeit the posted bond or show just cause why it should not be forfeited. The ORC further requires that if a bail bondsman can't produce "the accused...the court or magistrate shall thereupon enter judgment."

The purpose of bonds and the job of bondsmen is to ensure that the accused appears in court. State lawmakers crafted the law to punitively punish bondsmen who couldn't produce their accused clients. By requiring bondsmen to immediately pay forfeited bonds, the law creates an incentive to prevent bondsmen from bonding out the most high-risk defendants. A potential bail-jumper loses only 10 percent of a large bail bond if he can get a bail bondsman to secure his release from jail.

One of the unpaid bonds secured the release of Norman Wallace Jones Jr., reputed leader of the Linden Avenue Crips gang. Jones was originally arrested for assaulting a police officer and released on a \$5,000 bail. He failed to appear before the court on May 1, 1997. Oddi's office ordered that 20 percent of Jones' forfeited bond due by July 11, 1997 and the bondsman was given a year to pay the remaining 80 percent. As of September 30, 1998, the 80 percent remains outstanding and owed to Barney's office.

Jones, while a fugitive from justice, was charged with a 16-count indictment on May 14. The charges included two counts of involuntary manslaughter, several robberies and other gang-related offenses. One of the manslaughter charges accused Jones of planning the kidnapping, robbery and slaying of Capital University student Anthony Kacir. The other linked him to the fatal shooting of store owner Mustafa (Steve) Rabia during a hold-up at Don's No. 1 Quick Stop in 1997. Jones skipped bail for more than 15 months until he was picked up on August 21, 1998.

John L. Buckner is another current bond fugitive. He was convicted of aggravated robbery for driving the getaway car in the February 11, 1987 slaying of Edith Marcum, a Rite Aid Pharmacy

employee. After his release from prison, Buckner was charged with a felony count of drug abuse. After posting bond, Buckner fled November 7, 1997 and remains at large. On December 4, 1997, the bondsman was ordered to pay 20 percent of Buckner's \$2,500 bond and was given a year to pay the remaining \$2,000. All \$2,000 is still outstanding as of September 30, 1998.

One of the accomplishments that Barney is touting in her "reform" campaign against Anthony Celebreeze III is her office's computerization of the bail bond forfeiture collections. The Alive was able to obtain the figures in this article from this computer database as well as verify the failure of her office to collect the forfeited bonds.

Barney continues to campaign on her "Barney Reform Agenda," pledging, among other things, an "electronic data management system and much more." She has promised voters "to demonstrate her ability to transform the Clerk of Court's office" and her literature says "she is well on her way." Results of the election on November 3 will reveal whether Barney's "reform" campaign strategy was successful.

11/05/1998

The Justice Files

by Bob Fittrakis

You've had a day or two off since the election--quit your slacking. It's time to "get up, stand up. Stand up for your rights!"

There's already a tentative plan for a December 5 meeting in Columbus of Senator Paul Wellstone's Presidential exploratory committee. Wellstone's economic populism and social liberalism is just the antidote to this year's sorry electoral debate.

Don't expect Al Gore, busy shaking down Buddhist monks for donations, to point out that the average chief executive of a major corporation has seen his income go from 40 times that of his average employee in the 1970s to 195 times larger than employees' income today. Wellstone, like Jerry Brown, could be the last man standing against the New Democrat Gore. But unlike Jerry Brown, Wellstone will likely establish grassroots social justice organizations across the U.S.

Yes, my brothers and sisters, there's work, so much work to do. The Pennsylvania Supreme Court recently denied Mumia Abu-Jamal's appeal for a new trial. Abu-Jamal is facing the death penalty for allegedly killing a police officer, a charge he vehemently denies. What is clear, whatever your position on his guilt or innocence, is that police and prosecutors conspired to railroad him in his original trial. In a statement from death row, Abu-Jamal writes, "Once again, Pennsylvania's highest court has shown us the justice that FOP money can buy. Ignoring right reason, their own precedent and fundamental justice, they have returned to the stranglehold of death."

The best single comment in this year's gubernatorial race came from Reform Party candidate John R. Mitchel, who noted that he could not support the death penalty until the poor had equal access to those \$400-an-hour Gucci-wearing attorneys who speak for the rich.

Abu-Jamal writes that "Every time our nation has come to a fork in the road in regards to race, it has chosen to take the path of compromise and betrayal." Hyperbole? Hardly. African-Americans, who constitute 14 percent of our nation's population, make up 51 percent of the 1.1 million inmates in state and federal prisons. In 1997, a report by the Sentencing Project in Washington, D.C. documented that 14 percent of all African-American men are currently or permanently barred from voting due to current incarceration or previous felony conviction. This is the intended consequence of the all-too-obvious racial disparity in who gets locked up in this country, primarily because of the government's bogus "war on drugs."

On October 8, the long-anticipated second volume of the CIA's Inspector General's report was released. Not surprisingly, the Columbus Dispatch ran a small blurb on page 11A with the headline: "CIA says it didn't tell all about Contra trafficking." Guess they forgot to insert the words "drug" or "cocaine" in between Contra and trafficking. Oh, I forgot, semen is a front page story. The CIA's involvement in drug trafficking needs to be kept from us for our own good.

The short of it is that the CIA now admits, among other things, that 14 of its pilots in the Contra resupply network, coordinated by Columbus' own General Richard Secord, were flying drugs into the United States.

Hey, forget about the story of the century. There's some black male predators that need locking up. And what are conditions like in Ohio's prison industrial complex, where there's much profit to be made in the interstate convict market, courtesy of the Voinovich family and the Corrections Corporation of America? Remember the lesson of Youngstown, where a so-called medium security prison turned into a dumping ground for some of Washington, D.C.'s most violent felons. In barely over a year, more than a dozen stabbings and two murders occurred. It took a court-ordered study to reclassify and transfer 113 of the inmates to maximum security.

And there's plenty that needs to be read these days. The Rampac (Republicans Against Montgomery's Political Action Committee) website includes unneeded "rumors" about Betty Montgomery's private life, but does a good job of summing up the real legacy of the first four years of the attorney general's administration.

Of course, inquiring minds will want to take a look at the recently filed complaint by court employee Diane Cossin against former Franklin County Clerk of Court Jesse Oddi and his former Assistant Deputy Kenneth Griffith. Here's a brief sampling: "Oddi sexually propositioned and harassed plaintiff and other female employees at work by stating, for example, that he would 'love for her to come and sit on his face.' Oddi had an 'Italian Stallion' plaque on his desk to boast about his real or imagined sexual prowess."

Exposing corruption and fighting for social justice doesn't pay well, but it's steady work. And once a year, you get to celebrate. This Saturday, I'll be hosting the Free Press "Libby" Awards dinner. We're honoring some of Columbus' finest community activists and freedom fighters: Roberta Booth, Southside activist extraordinaire; Local District 1199 SEIU President Dave Regan; hunger and poverty fighter Lisa Hamler-Podolski; Art and Cindy Strauss, environmental and peace advocates; and the late Selma Walker, founder of the Native American Indian Center.

The values, organizations and constituencies that these people speak for could be the embryonic progressive coalition much needed in Columbus politics. The dinner is a 6 p.m. at the Unitarian Universalist Church, 93 W. Weisheimer Rd. Hope to see you there.

11/12/1998

News Briefs

Money machine

Inside the V Group's pattern of alleged laundering and contract steering

by Bob Fittrakis

The recent money-laundering allegations against Governor George Voinovich should come as no surprise to readers of Columbus' alternative newspapers. The lame duck governor and U.S. senator-elect allegedly approved a \$60,000 illegal payment from his 1994 gubernatorial campaign fund to the V Group, an architectural and construction company headed by his brother, Paul Voinovich.

In a sworn deposition, Vincent Panichi, the governor's 1994 campaign treasurer, told investigators that he was present at a meeting when the governor authorized an allegedly illegal reimbursement to his brother's company and former Columbus lobbyist Anthony Fabiano for Waste Technologies Industries (WTI) for hiring labor leader Ray Gallagher, a Voinovich partisan. Allegedly, the money was to be laundered through a third party, the political firm of Mamais & Associates.

On May 7, 1997, FBI and IRS agents raided Fabiano's Columbus office and seized his files and financial records as part of a secret grand jury investigation in Hamilton County.

Campaign cash for contracts

Panichi, who the Columbus Dispatch called a "longtime friend" of the governor, has served as Voinovich's campaign treasurer since 1978. In 1995, Panichi formed the Friends of Voinovich Exploratory Committee with the Federal Elections Commission to launch the governor's successful Senate bid. Panichi is a senior partner in the Cleveland accounting firm of Ciuni & Panichi Inc.

This is not Panichi's first brush with money laundering allegations. On June 30, 1996, the Akron Beacon Journal reported that an obscure construction company, Banks/Carbonne, had "hired the governor's campaign treasurer [Panichi] as its accountant" in 1993. On April 5, 1993, controversial minority contractor Thomas Banks, his brother Robert, his brother's wife and his nieces Kelli and Jennifer all contributed \$1,000 to the Voinovich campaign on the same day. Since Panichi served as Banks/Carbonne's accountant and the governor's campaign treasurer, allegations arose that the governor was financing his re-election bid through a money-laundering "pay-to-play" scheme.

Banks/Carbonne Construction Company was founded in February 1991, one month after Governor Voinovich took office. Members of the Carbonne family of Cleveland are longtime financial supporters of the governor. Banks, then a 30-year-old former city "parking officer"--or meter reader--established the company as a minority business enterprise. Despite Banks' scant experience in major public construction projects, Police Chief James Jackson, OSU President Gordon Gee and Mayor Greg Lashutka appear on his 1991 resume as references.

By mid-1996, Banks/Carbonne had secured at least \$3.7 million in no-bid minority construction contracts from the Voinovich administration. The company was part of nine out of 16 largest state projects, including OSU's Jerome Schottenstein Center.

A Columbus Alive cover story on September 4, 1996, stated: "All evidence suggests that since the onset of the George Voinovich administration in January 1991, the governor's recently resigned chief of staff and former V Group vice president, Paul Mifsud, systematically engineered the steering of contracts and public funds to political backers and Voinovich family members." Mifsud spent six months in prison in 1997 and '98 as a consequence of a sweetheart construction deal from Banks. He also took the "Fifth Amendment" against self-recrimination in Inspector

General Richard G. Ward's 1996 investigation of an alleged political contribution for state construction contract steering schemes to finance Voinovich's 1994 re-election bid.

On July 22, 1991, Voinovich's Criminal Justice Administrator Joe Gilyard was fired after writing a memo claiming that Phil Hamilton and Paul Voinovich were pressuring him for illegal jail and prison contracts that the then-Voinovich Company planned to build during Voinovich's tenure in office. Former State Inspector General David Sturtz was investigating whether or not Hamilton, the governor's original transition chief and V Group lobbyist, had helped engineer the creation of Banks/Carbonne to steer money into the governor's political coffers. He was fired while pursuing these allegations.

Voinovich's strange bedfellows

From the beginning, the Voinovich administration and the V Group have faced allegations of money laundering and questionable associations with suspected organized crime figures. Voinovich appointed Umberto Fideli(?) to the Ohio Turnpike Commission; he nominated Carmen Parisi to the same commission and later withdrew the nomination after public outcry. According to law enforcement sources, Fideli(?) has reputed ties to the Mafia and Parisi is a reputed mobster and loan shark.

In 1990, Voinovich ran on a campaign promise to "streamline" Ohio's environmental regulations. One of his first acts as the self-proclaimed "Environmental Governor" was to allow the start-up of the world's largest hazardous waste incinerator 1,100 feet from an elementary school in East Liverpool, Ohio. The man behind the toxic waste incinerator, according to an April 1992 Columbus Free Press article, was Arkansas billionaire Jackson T. Stephens, who also introduced the Bank of Credit and Commerce International (BCCI) into United States financial markets. BCCI later collapsed and left a trail of paper linking it to drug dealers, international terrorists, black market arms merchants and the U.S. national security apparatus.

The CIA admitted using BCCI for its own secret financial transactions. In 1983, David Melocik, the DEA's congressional liaison, informed a congressional committee that Afghanistan rebels backed by the CIA were making "their money off the sale of opium." The opium revenues were traced into BCCI accounts. A Pakistani, Agha Hasan Abedi, reportedly founded BCCI with the opium revenue.

In April 1991, the Free Press reported that the Swiss firm Von Roll Ltd. was simultaneously being investigated for illegally supplying war materials to Iraq while building the incinerator in East Liverpool. WTI, which operates the incinerator, became a subsidiary of Von Roll. On March 20, 1991, the Swiss newspaper Neue Zuercher Zeitung reported that Von Roll had declared materials to be forging presses that had actually been intended for construction of the Iraqi "supergun" to attack Israel.

Recently, a grand jury investigated ties between Paul Voinovich and two former employees of the North Ohio Valley Air Authority (NOVAA), Vincent Zumpano and Pasquale "Patsy" Deluca. Zumpano and Deluca were investigated for telling people that they had pull with the Voinovich administration to get environmental regulations waived for a price.

In April 1997, Zumpano, a former toilet paper salesman who also happened to be at dinner business meetings with Paul Voinovich, was convicted of offering a bribe to a Jefferson County Commissioner in exchange for the V Group getting a construction management contract for the county jail. Zumpano's defense was that he was drunk at the time and didn't remember his illegal activities. Jefferson County Prosecutor Steven(?) Stern portrayed him as a "bagman" for the V Group.

Players in the money laundering game

The federal grand jury and Internal Revenue Service investigation into the recent Voinovich money laundering allegations took depositions from Panichi, Fabiano, Gallagher and Frank Fela, a V Group vice president. Fabiano, a lobbyist for Von Roll and the hazardous waste incinerator WTI, allegedly arranged to pay the Voinovich campaign money to Gallagher and claim it was for non-existent "voter program development." On Sunday, the Akron Beacon Journal reported that "in late 1993, WTI paid Fabiano \$28,000 a month plus expenses to lobby the Voinovich administration in Columbus. Around the same time, Fabiano started paying the V Group a \$6,000 monthly retainer; those payments ended around the same time Fabiano stopped lobbying for WTI in 1997."

Gallagher, no stranger to controversy, runs a political consulting firm, Ray Gallagher & Associates. The Cleveland pipefitter remains the chairman of Pipefitters Local 120's "regulative committee," according to his deposition, and admitted to a felony conviction for "theft in office."

Gallagher helped secure labor endorsements for Voinovich in his initial 1990 gubernatorial campaign. In 1991, Voinovich rewarded Gallagher with an appointment to a regional board of the Ohio Industrial Commission, a \$34,500 a year job, and made him chair of his Labor Advisory Board.

In late 1993, Voinovich appointed Gallagher to the Ohio Industrial Commission's statewide governing board, a job paying \$79,780 a year. As Gallagher awaited confirmation, news broke of his felony conviction, torpedoing his final appointment.

As Gallagher tells it, he approached Fabiano about a job: "I let him know I wanted something. I knew he--you know, I don't know, he was looking like he was successful, whatever he was doing."

Gallagher said that Fabiano "told me that he had a contract for campaigning for Voinovich." In 1994, Fabiano & Associates paid Gallagher \$25,000. He recalls that when he worked for Fabiano, "I was? never used--I never had no desk or anything like that."

When asked about Voinovich Company (a V Group subsidiary) activities, he replied, "The only two people that I knew was Paul Voinovich and Frank Fela that you asked me about."

The U.S. Merit Systems Board barred Fela from holding public office for 18 months after he coerced Akron Metropolitan Housing Authority employees to give money to the Republican Party. Fela served as an authority personnel director until 1986. He later became the finance director of the city of Cuyahoga Falls, but the federal order forced his resignation in July 1988.

In 1989, while barred from public office, Fela was the treasurer of Cuyahoga Falls Mayor Don Robart's re-election bid. The mayor rewarded Fela by appointing him Cuyahoga Falls development director. That same year, the Summit County Board of Elections pressured Fela to resign amidst a scandal involving \$2,700 in anonymous donations to the campaign. Fela resigned in July 1990.

In January 1991, Fela emerged as a vice president for the V Group (then known as the Voinovich Group), at the same time as the Ohio Elections Commission leveled a \$500 fine against Mayor Robart's election committee.

Before he was fired by Governor Voinovich, Gilyard claimed that Fela was the Voinovich Company point man who was pressuring him to meet with Phil Hamilton, the company's lobbyist. As director of criminal justice, Gilyard had bonding authority. Three times a year, he could sign and the state of Ohio would issue \$50 million in bonds for prison and jail construction. On Gilyard's sixth day as director, he alleged that Hamilton lobbied him to illegally "divert \$30 million in bonds to the V Group."

In 1993, Franklin County Commissioner Arlene Shoemaker reportedly accompanied Fela and other Voinovich Company employees to Russia to meet with sculptor Zurab Tsereteli who wanted to locate a more than 300-foot-tall statue of Christopher Columbus in Columbus, Ohio. Shoemaker became the project's strongest public advocate. Fela lobbied Franklin County Commissioners for an unbid contract to renovate the Franklin County Jail. Voinovich-Sgro, the architectural firm associated with the V Group, initially estimated a \$2.2 million renovation. On May 9, 1995, the V Group later signed a contract to renovate the jail for a little less than \$5.4 million. The Voinovich Companies, also part of the V Group, was hired by Shoemaker and her fellow commissioners to "act as construction managers" and keep the cost of the V Group contract under control.

By October 1995, the project's costs rose to \$9 million. Final costs were approximately \$13 million. In 1996, V Group Vice President Clark Miller gave Shoemaker a \$900 contribution for her re-election campaign.

In 1997, State Auditor Jim Petro's investigation of the Mahoning Valley Sanitary District detailed some \$2.7 million in illegal or improperly spent public funds. Once again, the V Group was involved in the scandal. Petro's audit showed that the V Group was paid \$2.6 million by the Gilbane Construction Company as a consultant on the first phase of a district project. Petro estimated that the V Group's profit margin on the project was 80 percent.

If Governor Voinovich is found guilty by the Ohio Elections Commission of campaign money laundering, he could be removed from office, barred for life from ever holding public office in Ohio and fined \$10,000. The punishment does not apply to the U.S. Senate seat he won last week.

11/19/1998

Law and order
by Bob Fittrakis

Trying to figure out the "big picture" concerning the recent complaints filed against Senator-elect and current lame duck Governor George Voinovich? Wondering just exactly who Vincent Panichi (pronounced pa-nicky), the Governor's campaign treasurer, is? Here's another piece of the puzzle about the man who testified under oath that the brothers Voinovich allegedly agreed to launder campaign money to pay Cleveland labor boss Anthony A. "Ray" Gallagher.

Last week, Alive readers were reminded that Panichi was also the accountant for the controversial Banks-Carbone Construction Co. But equally interesting is the fact that Panichi was also on Ohio's Development Financing Advisory Board. A September 4, 1996 Alive article outlined the "payers and players" in Governor V's 1994 re-election bid. One example of an apparent quid pro quo is the case of Orlando Baking Company of Cleveland. On September 30, 1993, the company received a state 166 Direct Loan under the Ohio Enterprise Bond fund for \$3.57 million to purchase equipment and machinery and to expand its existing facility.

Per usual, just two months earlier, the company's owner, Nick Orlando, contributed \$4,000 to the Voinovich for Governor Committee, campaign Treasurer Vincent Panichi. The Advisory Board justified the loan on the grounds that the Orlando Baking Company was building a bakery that would lead us "into the next century." And guess who was listed as Orlando Baking's accountant? The accounting firm of Cuini & Panichi, Inc. Remember, he was also on the Development Financing Advisory Board that granted the loan, although he was absent from the meeting when the Orlando application was approved.

Here a Panichi, there a Panichi, everywhere a Panichi-niche.

Gilyard's back and the Guv could take a beating, hey now, hey now

The Guv's former Director of the Office of Criminal Justice Services (GOCJS) is back and has said that he may personally file charges against the brothers Voinovich for corruption. Ironically, in 1990, Gilyard prepared an extensive Memorandum of Law for Paul Pfeifer outlining the "Common Law Powers of the Ohio Attorney General" in his race against Lee Fisher for Attorney General that year. Pfeifer barely lost to "Landslide Lee" and now sits on the Ohio Supreme Court. Gilyard's memorandum--originally designed to attack former Attorney General Anthony J. Celebrezze for not ferreting out corruption during Governor Richard Celeste's administration--stands as the last best hope in exposing the far worse practices of the Voinovich years.

Gilyard's argument--embraced at the time by Secretary of State candidate Bob Taft, soon to be sworn in as Ohio's governor--is that "Ohio, like many other states, has vested its Attorney General with not only statutory powers, but also `constitutional' or `common law' powers that are inherent to the office. As such, Ohio's Attorney General has the power to initiate suits and investigations independent of, but not in contravention of the General Assembly's dictates."

Moreover, Ohio Revised Code 109.83 authorizes that the Attorney General "may" investigate any organized criminal activity in Ohio when "directed" by the Governor or General Assembly. Gilyard noted that "organized crime activity" as defined in ORC 177.01(E)(1) includes "any criminal activity that relates to the corruption of a public official."

In 1992, Gilyard, Taft, Pfeifer and Voinovich charged that Attorney General Celebrezze "'aided and abetted' in any public criminal wrongdoing that went undiscovered in the Celeste administration...."

Gilyard hints that he may personally file charges against the Voinovich administration. When asked how a private citizen could do this, he quickly points to Ohio Revised Code 177.02

Complaint Alleging Organized Criminal Activity. "Let me read you the law, Bob," Gilyard explained. "'Any person may file with the organized crime investigations commission a complaint that alleges that organized criminal activity has occurred in a county.' What do you suppose 'any person' means?"

The thin blue line

On October 26, Columbus officials agreed to fork over \$150,000 of taxpayers' money to west side resident Carl Lampart. It seemed a little light to me for the victim of a "wrongful shooting" by Columbus police officer Dennis Prestel. After all, Lampart, according to his attorney, has a hole in his scrotum and bullet fragments in his penis.

Lampart, a Hilltop resident, was stopped for a suspected "traffic violation" in front of his own home in the middle of the day. Officer Prestel exited his police cruiser with his gun already drawn, according to public records. This is a direct violation of Columbus Division of Police directive that specifically limits an "unnecessary or premature display of firearm."

In a sworn deposition, Prestel testified that he was unaware of this directive. He cited the street practice that officers can draw their guns "anytime they wish." So many jaywalkers, so few bullets.

Following Officer Prestel's shooting of the unarmed Lampart, the Columbus Police Detective Bureau issued a media information statement purporting to tell the public the truth of the justified shooting. The Columbus Dispatch dutifully reprinted the police version that "As Mr. Lampart exited his vehicle he had his hand in a pocket." Big problem for Officer Prestel: it turns out Lampart was wearing sweatpants at the time that didn't have any pockets. A Lieutenant Ralph Casto has since acknowledged that he wrote the fictitious version of the event. A second version came forward and was quickly discredited by eyewitnesses including the sworn statement of Prestel's partner, Officer Patricia Gibson.

Good thing you can count on the Dispatch to uphold the thin blue lie.

FEATURED ARTICLE

11/26/1998

Gunslinger

I dreamed I saw Joe Gilyard last night (IS THIS PART OF THE TITLE?????)

by Bob Fittrakis

Joe Gilyard, a larger-than-life political figure, died of a massive and sudden heart attack at 3:04 p.m. on Friday, November 20. Gilyard, 47, the chair of the Worthington Community Relations Board, was at Worthington City Hall interviewing candidates for promotion to police sergeant at the time of his death.

As reported in Columbus Alive last week, Gilyard, formerly head of the state's Office of Criminal Justice Services, said he was preparing to file criminal charges against Governor George Voinovich and his brother Paul Voinovich for "organized crime activity" as defined in the Ohio Revised Code 177.01(E)(1).

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As reported in Columbus Alive last week, Gilyard, formerly head of the state's Office of Criminal Justice Services, said he was preparing to file criminal charges against Governor George Voinovich and his brother Paul Voinovich for "organized crime activity" as defined in the Ohio Revised Code 177.01(E)(1).

In January 1991, then-newly elected Governor Voinovich appointed Gilyard to his cabinet as director of Criminal Justice Services. As a "cluster director," several state departments reported directly to Gilyard, including Corrections, Youth Services, Liquor Control, the state Highway Patrol and the Ohio Alcohol and Drug Addiction Services. Additionally, Gilyard controlled Ohio's multi-jurisdictional drug task forces and the state's jail-building program. These last two responsibilities proved his political undoing.

In an unpublished manuscript that Gilyard completed just prior to his death, he recalled how the U.S. Justice Department became "strident in their demands for an audit" because of allegations of impropriety by then-Franklin County Sheriff Earl Smith's Drug Task Force. Then-Lieutenant Governor Mike DeWine, now a U.S. Senator, urged an audit of Smith for "political capital," or so Gilyard believed at the time. Gilyard's 1991 memo detailing alleged illegal activity by the drug-enforcement network, together with his accusations that the governor's brother was using his sibling's office for professional gain, proved to be Gilyard's political undoing.

Gilyard recounts the height of the "audit war" in his manuscript: "Earl was now fully ballistic," he said. Smith brought criminal charges against Gilyard for allegedly using a state car to visit a girlfriend in Cleveland. "[Smith] called me to say he knew of the illegal campaign contributions Voinovich had taken from the waste hauling companies and if we did not back off, he would expose it to the media. As a warning shot across our bow, Earl had his deputies stop garbage trucks on the street, charge them with being overweight, making them dump their excess right there on the street," Gilyard wrote in his manuscript.

Voinovich and DeWine appeared to offer Gilyard as a sacrificial lamb after Gilyard wrote a memo to DeWine claiming that Paul Voinovich and Paul Mifsud, then the Governor's chief of staff, were pressuring him to illegally release \$30 million in bond money to the Voinovich Cos. The governor fired Gilyard on July 22, 1991; Gilyard was tried and acquitted on all criminal charges. Still, both his health and political career were shattered by his tumultuous six-month tenure in the Voinovich cabinet.

But the political dirt was not as easily shaken off by the governor and Mifsud. In 1997, Mifsud went to jail for ethics violations in connection with a sweetheart deal with a local contractor who went on to win several million dollars in state construction management fees. The governor, who was recently elected to represent the state in the U.S. Senate alongside DeWine, is currently being investigated by the Ohio Elections Commission for alleged money laundering in connection with his 1994 election campaign.

The pursuit of allegations of corruption in the Voinovich administration may have begun with Gilyard, who in the early 1990s turned to then-Ohio Inspector General David Sturtz to investigate Governor Voinovich. As Gilyard tells the story, "The first FBI agent we were assigned blew us off. He said it sounded like a bunch of petty political squabbling to him. He filed his report and was out of here right now. The second agent was not much better. Sturtz said the guy was 'whistling through the cemetery.'

"Sturtz continued to investigate...at one point he told me he believed his life was at risk. He also told me he went undercover and was in a certain residence that he expected might explode at any moment," wrote Gilyard.

While Sturtz' final report on the Gilyard affair failed to bring criminal charges against key players and friends of the Voinovich administration, most political observers believe it did prompt the governor to remove Inspector General Sturtz from office in 1995.

A week before his death, Gilyard called Earl Smith and told the former sheriff he was right about the governor's alleged corruption. "He [Gilyard] knew that I knew what was really going on. When he came in to audit me, he gave me a wink. It's a sad commentary, what happened to his political career. He was very intelligent and faithful to his bosses. When he wouldn't go along with their corruption, they destroyed him," Smith told the *Alive*.

When asked to comment on his passing, Sturtz stated, "Joe Gilyard was hard-working, intelligent, politically astute, but made the mistake of swimming with some sharks. He tried to swim with the real big sharks and when he drew the line in the sand on corruption, they made him pay for it. He thought he had some very powerful friends, but they left him hanging."

The Sunday before he died, Gilyard was a guest on my local political talk show on WSMZ radio. He commented on recent allegations of money laundering by the 1994 Voinovich re-election campaign. As a former writer for the *Cleveland Call and Post* newspaper and media man for Cleveland City Council President George Forbes, Gilyard was a perceptive media analyst. The last page of his manuscript summed up his view of Columbus political coverage: "The newspapers, particularly the *Columbus Dispatch*, pilloried the Celestials [the Celeste administration] for their corruption," while he characterized the Voinovich administration as getting away with much worse. Gilyard, in particular, felt that the Voinovich administration and its alliance with the Voinovich Companies and their lobbyist were unethical and illegal. "To that end, the federal and state RICO statutes should be brought to bear in the interest of the people of the state of Ohio."

As Gilyard saw it, "I began my political career as a poet, prospered as a gunslinger, and died as a whistleblower."

12/03/1998

Computer quickie

The bloom is off the Rosa

by Bob Fittrakis

Tryin' to decipher what went on at the November 17 Columbus Board of Education meeting? And the meaning of the mysterious \$30 million unbid computer contract? Three hours of questioning by school board members of school administrators may have confused matters somewhat, but the paper trail never lies.

On November 5, Acting Chief Information Officer for Columbus Schools, Curtis G. Bishop, wrote a memo to Superintendent Rosa Smith regarding "The Instructional Technology Leasing Proposal." Bishop pontificates on how the unbid mega-computer contract for Columbus Public Schools and the secretive process that brought it about "satisfies Ohio law."

Bishop informed Smith that the Ohio Revised Code "specifically exempts from competitive bidding the acquisition of educational materials used in teaching and computer hardware and software for instructional purposes." On the other hand, common sense would suggest that school administrators first draw up a plan with parent, teacher and community involvement for implementing the computer hardware and software into the curriculum before a secretive sweetheart deal is sneaked through.

In Bishop's attached proposal, he casually notes that "A presentation was made to the board finance panel on October 27, 1998," and the lease proposal was set for approval at the November 17 board meeting.

The proposal states that "All equipment ordered will be installed by December 1998." During "phase 1 of the leasing project," some 7,000 computers were "already ordered." Talk about a quickie. Not even a kiss. After all, the little-known "Inacom" and their better-known partner "IBM understand the nature of our business and the populations we are serving."

On November 6, Smith sent a memo to board members. Informing them that they must move quickly on this deal, she wrote, "It is critically important that this plan be voted on at the November 17, 1998, meeting if we are to receive in the next few weeks the computers allotted for year one of the lease." Is this what you call a pressure sales tactic? Maybe Sun would still be in business if Rosa ran their sales department.

That same day, a board "Authorization Resolution" was drawn up to enter into a three-year contract with the IBM Credit Corporation for \$30 million. SchoolNet Plus was to provide \$4 million during each of the three years and Columbus schools would kick in an additional \$6 million a year from the general fund.

Four days later, the deal began to unravel. As Smith explained in another memo to the board, "This morning in a conversation about my sons, the question was raised regarding where my younger son works. I replied, 'Inocom.' [sic] The response was, 'Isn't that our technology recommendation for IBM/Inocom?'"

A shocked--shocked, I say--Smith told board members, "This was absolutely the first time that the thought of Todd and his place of employment entered my mind as it relates to my work in the Columbus Public Schools. I saw Inocom in Friday's materials to the board and it still did not register with me...until this morning."

After adopting the time-honored Alzheimer's defense, Smith removed the unbid mega-quickie contract for the firm her son works for and IBM from the agenda in a November 11 memo. But, she'll be back „I“ the Terminator on January 19, 1999, with a new technology contract. Maybe it's

time the board thought about her termination instead of the \$30,000 raise and one-year extension they're giving her in a "re-negotiated" contract.

At least we know why Rosa's friends on the board recently fired school Treasurer Ben "I Don't Play That Shit" Pittman.

Panichili Panichula

'Round and 'round he goes. Where Vincent Panichi shows up, only the Governor knows. At the latest sighting of the illustrious and ubiquitous Panichi--Banks-Carbone accountant, long-time campaign treasurer for Governor Voinovich and recent snitch to the Cincinnati federal grand jury probing corruption allegations against the Brothers Voinovich--he was as an accountant for a well-known labor union in Cleveland.

Let's try the simple math that Governor Voinovich is fond of pushing in the massively underfunded Ohio public school system. Two is equal to Panichi's testimony that the Brothers Voinovich allegedly agreed to launder money from the Governor's 1994 re-election campaign to pay off Cleveland labor boss for Pipefitters Local Union 120 Ray Gallagher. Two is also equal to the fact that on August 15, 1997, F. Leo McDonough, CPA, was terminated as the accountant of Local 120. Now, kids, put two and two together and it equals the new accountant for Ray Gallagher, paid-off labor boss. C'mon, try hard... The new accountant is... Panichi!

Can you say $2 + 2 = 4$? Or, in the case of a good accountant, whatever you want it to be.

You may have missed it in the Dispatch, primarily because they didn't print it per usual, but the Brothers Voinovich's good friend Vince Zumpano, convicted briber, has been found guilty on four additional counts. You remember Vince, who claimed he was too drunk to recall bribing a Jefferson County Commissioner on behalf of Paul Voinovich and the V Group?

Anyway, he's facing 12 more years for two felony counts of perjury related to depositions he gave about his relationship with Paul Voinovich and two misdemeanor counts of falsification. Tom Rosenberg, V Group attorney, told the Akron Beacon Journal--which regularly prints what the Dispatch misses on purpose--that the V Group did nothing wrong in meeting with the self-proclaimed drunk Zumpano.

Rosenberg said that brother Paul V did nothing but advise Zumpano and another man "to pay their taxes, get a lawyer and call a Columbus lobbyist, Phil Hamilton," according to the Journal.

What? He didn't ask for a contribution?

12/11/1998

Excessive force

Verdict finds "custom" of abuse at police department

by Bob Fittrakis

The Columbus Division of Police received another black eye last week in its fight against allegations of civil rights abuses when a state appeals court awarded a huge verdict to a local man who was the victim of excessive force at the hands of an off-duty Columbus police officer. The court's decision stated that the abuse was in part caused by the department's and the city's "deliberate indifference to the excessive use of force by CDP officers."

In a separate action, the city is currently negotiating a consent decree with the U.S. Department of Justice, also in regards to an alleged pattern of civil rights abuses within the Columbus police department.

Ohio's 10th Appellate District Court of Appeals issued an opinion on December 1 that awarded approximately \$1.6 million to Gregory L. Miller, one of the largest judgments ever against the city of Columbus in such a case. "We had a mountain of evidence, 33 witnesses. The city basically failed to mount a defense," John Jaklevich, Miller's attorney, said of the judgement.

Miller sued the city of Columbus over civil rights violations when he was shot in Worthington by an off-duty Columbus police officer who flashed his badge. The officer later emptied his gun at a car Miller was driving and left Miller with bullet fragments in his shoulder and permanent nerve damage. Miller offered to settle his claims against the city for \$330,000, Jaklevich said, but the court record indicates that "Columbus never responded to this offer."

The city is expected to appeal the case to the Ohio Supreme Court.

Miller's saga began during the early Sunday morning hours of July 23, 1989--his long-time friend Terry S. Hunt's wedding night. Following the wedding reception at the Delaware Eagle's Lounge, Miller agreed to drive Hunt, who had been drinking, back to his wedding suite at a Worthington hotel. Neither Miller nor the groom made it to the hotel that night. Miller ended up with a bullet in his shoulder from the gun of off-duty Columbus Police Officer Jeffrey Leesburg.

Miller was driving his wife's 1981 Toyota Tercel when he encountered Officer Leesburg on Wilson Bridge Road. According to Miller and Hunt, Leesburg was following closely behind the Tercel in his own car and repeatedly flashed his headlights as Miller drove. Hunt, the groom, admits that he made an obscene gesture to the unmarked car. After crossing a series of railroad tracks, Miller--thinking it might be someone from the wedding party--pulled the car over.

Hunt got out of the car and approached Leesburg, who was dressed in civilian clothes. A confrontation ensued between the newlywed and the off-duty police officer. Leesburg, according to all parties, flashed his badge and ordered Hunt back into his car. When Hunt refused, he claims Leesburg flicked a burning cigar in his face. Hunt responded in kind with his cigarette. Hunt claimed that Leesburg then shoved him, and he shoved the officer back.

Hunt said at that point, Leesburg punched him at least four times in the face and knocked him repeatedly to the ground. Documents of the newlywed's swollen face support Hunt's version of the incident. Miller, seeing his just-wed friend being pummeled on his wedding night, exited the Tercel in an attempt to break up the altercation. He said Leesburg proceeded to shove him to the ground as well. Miller said that after being knocked to the ground, he believed the best course of action was to get Hunt into the car and drive away as quickly as possible.

Miller returned to the Tercel and began slowly backing up to where Hunt lay beaten on the road. Officer Leesburg left where Hunt was laying and ran toward the Tercel. In Miller and Hunt's version, the slowly moving car backed into Leesburg's left leg and broke it. This was also

Leesburg's original testimony to public safety personnel. Leesburg then pulled his 9mm semi-automatic pistol and fired 15 shots at the Tercel. At least six of the bullets struck the auto and, according to the appeals court decision, "one of which entered near the rear license plate, passed through the backs of the rear seat and driver's seat, and lodged in Greg's [Miller's] left shoulder."

Hunt, who was still laying on the road as shots were fired, managed to get to his feet and flee into a nearby field. Eventually, with Hunt now driving, a wounded and unconscious Miller arrived at the Ohio State University Hospital at approximately 2 a.m. They were met by Ohio State University police officers who immediately notified the Columbus police. Officer Leesburg had instructed his son, a passenger in his vehicle, to call 911 and report the incident.

Leesburg later testified under oath that Miller had turned the Tercel around and attempted to run him down "at a high rate of speed." Leesburg swore that he was struck in the left leg by the Tercel's front bumper. He claimed that he fired his weapon only because he feared that Miller "might make another attempt to run him down." Fearing that the Tercel was backing up for an alleged second attempt to hit him, he fired "six or seven rounds at the Tercel" in self-defense. After the initial shooting, Leesburg contends that the crazed Miller first drove forward and then defiantly attempted to run him over again so he was forced to shoot his "remaining eight or nine rounds at the Tercel."

The appeals court noted that "the evidence presented at trial discredited much of Officer Leesburg's version of the events." Jeffrey Bookwalter, a mechanical engineer specializing in trajectory analysis and interior and exterior ballistics, pointed out that at least one of the six bullets that hit the Tercel could not have been fired from the position described by Leesburg. Columbus Police Detective Fred Kaufman testified that he could not find the powder burns on the road surface that should have been left as a result of Leesburg's version of the event. Moreover, testimony indicated that Leesburg had told Worthington Police Officer James Moran, Worthington Paramedic Lieutenant Jay Arnholt and his treating physician at Riverside Hospital that his leg had been injured in a low-speed impact when the Tercel was backing up.

A warrant obtained by the Columbus Division of Police on July 24, 1989, to search the Tercel stated that the Tercel had "back[ed] into and over" Leesburg's leg. These facts did not stop Leesburg from swearing out a criminal complaint against Miller charging him with felonious assault on a police officer and "knowingly" causing "serious physical harm" by "willfully running him down."

On June 4, 1990, after a six-day trial, the jury found Miller not guilty on two counts of felonious assault. On July 23, both Miller and Hunt filed separate legal suits against Officer Leesburg, the city of Worthington and the city of Columbus. The suits languished in the court system until February 1997, when the combined cases finally went to trial. The jury awarded Miller \$750,000 and Hunt \$250,000. A trial court judge later reduced Hunt's award to \$100,000.

The court decision also speaks to an alleged pattern of civil rights abuses on the part of Columbus police, a pattern that extends to the department's top "policy maker," the city of Columbus. Both Miller and Hunt sued under Section 1983, Title 42 of the U.S. Code arguing that Leesburg had acted "under the color of state law" by using his badge and gun in the incident and that his conduct had deprived Miller and Hunt of a "federal constitutional or statutory right."

In order to win their case, Miller and Hunt had to prove that "a government custom exists where government employees engage in a practice which, although not expressly authorized, is so persistent or widespread that it can be said that the government's policy making officials had either actual or constructive notice of the practice, but failed with 'deliberate indifference' to correct the practice." Also, they had to prove that the city of Columbus "had a custom of tolerating misconduct prior to the incident in question."

Both the trial jury and the appeals court found that Miller and Hunt had proved their case against the Columbus police officer and the city. The appeals court reminded the city of Columbus that, "it is well established that a municipal police officer is without authority to detain or arrest a person outside the geographic boundaries of the municipality by which he is employed for a traffic offense committed outside such geographic boundaries." The appeals court decision stated: "As a result, Officer Leesburg's `seizure' of Terry [Hunt] and Greg [Miller] was per se unreasonable for purposes of the Fourth Amendment."

"Plaintiff's testimony, Leesburg's statements immediately after the incident, and the testimony of a ballistics expert, all indicate that Officer Leesburg fired 15 shots from his pistol at Greg [Miller] in response to an accident which was itself caused by Leesburg's misconduct, and that Leesburg's use of such deadly force continued long after anyone could have reasonably believed that Greg's [Miller's] operation of the Tercel presented any threat to Officer Leesburg," the appeals court decision states.

The appeals court also noted that "Plaintiffs presented statistical evidence that CDP officers reported 202 uses of force during the 1988 calendar year, and that only one of the 202 reported uses of force resulted in any disciplinary action." From January 1974 until the confrontation on Hunt's wedding night, Officer Leesburg reported more than 50 uses of force. The appeals court stated that, "Although most of the reports involve minor or moderate uses of force, the reports do suggest a pattern of Officer Leesburg losing his temper and becoming verbally and physically abusive. Nonetheless, every report was resolved in Officer Leesburg's favor."

In a particularly damning passage, the appeals court noted: "Under the IAB [Internal Affairs Bureau] system, even credible complaints regarding a Columbus police officer's excessive use of force are rendered meaningless, while at the same time, the weight given to the involved officer's statements are enhanced based solely upon his status as a police officer." The court continued, "Additional evidence of the CDP's policy maker's deliberate indifference to the excessive use of force by CDP officers is found in the department's complete failure to seriously investigate Officer Leesburg's conduct, or to punish him in any manner."

Of particular interest to the appeals court was the fact that "no one ever inquired into the obvious inconsistencies between Officer Leesburg's statements immediately after the incident and his subsequent formal statement to police." Leesburg, instead of being investigated for perjury, was promoted to sergeant. "The CDP's reaction to Officer Leesburg's gross abuse of his authority and utter disregard for the public safety speaks volumes about the existing disposition of the CDP's policy maker towards his officer's use of excessive force," concluded the appeals court.

In letting the jury's \$750,000 verdict in favor of Miller stand, while adding on 10 percent interest from the date of the incident almost a decade earlier, and reasonable attorney fees, the city and taxpayers are charged with a \$1.6 million verdict.

Why? Because the appeals court believes that the jury correctly found "that the effect of this flawed investigatory and disciplinary scheme was to encourage the use of excessive force by Columbus police officers, and that the CDP's policy maker perpetuated and acquiesced in this custom with deliberate indifference when he failed to take action to correct the situation."

12/17/1998

Carpetbaggers

The out-of-town mayoral race

by Bob Fittrakis

As an enthusiastic political activist and commentator, I've always marveled at the blatancy of the Columbus Dispatch's agitation/propaganda campaigns. Surprisingly, the Other Paper is mimicking the howl of the Wolves in two of the more absurd recent schemes.

The first--which really goes to the heart of the Dispatch's unashamedly plantation-style rule in Columbus--is to convince citizens of the city that affluent white suburbanites are the best candidates for mayor. Now, what if I told the people of, say, Upper Arlington or New Albany, that a black urban activist like Bill Moss was the best candidate to be their mayor? You know, Ben Espy should be mayor of Grove City if you think about it.

But, the ministers of propaganda at the Dispatch and the sound-alike wannabes at the Other Paper are busy writing headlines like "3 potential mayors live outside of city" (Dispatch Metro section front, December 3) and "Mayor's race '99: Buck the sequel" (Other Paper cover, December 3). Their stories tout such candidates as U.S. Congressperson Deborah Pryce, a Perry Township Republican; former Republican mayor Buck Rinehart, who's resided in Dublin for years; or Franklin County Commissioner Dewey Stokes, a Republican from Galloway.

Now, we're going to hear how greatly honored less-fortunate Columbusites are to have the likes of Congressperson Pryce move from her suburban splendor into the deep, dark city. White woman's burden, so to speak. The Dispatch went so far as to quote Rinehart as saying it would be "no problem" to pack up "some boxes" and move back to the city. Stokes assured Columbusites that he "could be in the city in 24 hours." Thanks, oh great B'wana! You would do that for us?

The thought of gays, people of color, poor whites and the urban riffraff running amok without the guiding lily-white hand of our "betters" is just too much for Suburban News Publications and the Dispatch owners to bear. Did I tell you there's a really good Ohio Senator candidate living in Kentucky? And a really good potential U.S. President living in Canada?

The second campaign involves using any means necessary to justify Columbus Public School Superintendent Rosa Smith's unconscionable raise. The December 3 Other Paper, in seeming acceptance of the \$30,000 raise, compared Smith to a sports star: "Are they crazy giving her that kind of money? Don't they know it takes Albert Belle almost two entire games to earn that much?"

The real question is, does the Other Paper know that the medium income in Columbus is \$26,000 and that 44 percent of city families earn less than \$21,000 a year? The children in the Columbus school system are the poorest of the poor, the truly disadvantaged. Remember, 40 percent of the school children in Columbus, overwhelmingly from more affluent and predominantly white families, go to suburban schools under the Orwellian-named "Win-Win Agreement." Meanwhile, more than 60 percent of Columbus public school kids are minorities. What gives Rosa Smith the right to renege on a four-year contract she signed a little over a year ago and demand to re-negotiate, as if she's some millionaire prima donna sports star? \$120,000 a year isn't enough? One thing that permits this behavior is the attitude of the Other Paper.

The Dispatch used a Sunday, December 6, editorial titled "Just compensation" to sell Smith's raise to the ignorant and unenlightened masses. The editorial gave Smith credit for raising 1998 test scores by 5 percent. The problem is that Smith has only been on the job since late September 1997, and it's hardly likely that she had much impact on the '98 scores. Most shocking is the Dispatch's visible campaign against the school board's only two African-American members, Bill Moss and Loretta Heard.

Both Moss and Heard had voted against Smith's raise, mostly because of recent revelations that she tried to push through a quickie unbid \$30 million computer contract to a firm where her son works. The Wolfe family editorial writers called Moss and Heard's act of conscience and courage "an embarrassment to Columbus schools, and their criticisms of Smith and fellow board members are seldom, if ever, grounded in fact and rational thinking."

Now, let me see if I understand "facts" and "rational thinking" here: According to the Dispatch, I should care less whether Ms. Smith breaks her word and her contract and sends her lawyer to blackmail the school board into renegotiating her contract on the threat she'll leave after a year. I should completely ignore the unbelievably high, 22 percent rate of poverty in Columbus and the fact that her raise is \$4,000 more than the total household incomes of half the families in the city. Not only that, it's wrong to think of her as a public servant and educator; rather I should compare her salary to what "a chief executive of a \$460 million private enterprise would earn."

And, if the two black school board members, who recognize the real plight of Columbus school children, dare speak up against the official party line or Columbus' version of Pravda, then, just as in the former Soviet Union, I should question their sanity and ability to reason.

I think I understand. It is the manifest destiny of the rich from the shining shores of Buckeye Lake, Bexley and New Albany to control and dominate all of Columbus from the north city limit to the south. From the east to the west. Long live neo-colonialism! All power to the carpetbaggers!

12/24/1998

News Briefs

White power

Electing the supremacists among us

by Bob Fittrakis

How does the local daily newspaper cover the retirement of a "stalwart conservative" state representative? By overlooking ties to white supremacist groups, of course. The December 20 Columbus Dispatch featured a Section C front-page story covering the retirement of House Speaker Pro-Tem William G. Batchelder, a Republican from Medina. The article, written by Dispatch Statehouse reporter Lee Leonard, described Batchelder as "a rock-ribbed conservative."

Leonard followed the next day with a laudatory Forum piece on Batchelder's retirement as the second most powerful man in the Ohio House. In Leonard's analysis, "Batchelder longed to be Speaker of the Ohio House and might have been, except that he refused to exchange his conservative principles for today's go-along practical politics." Leonard's articles are vague on the specifics of Batchelder's vaulted "conservative instincts."

Leonard ended his opinion piece by quoting Republican House Majority Leader Randall Gardner, who claimed, "There are few people who can't be replaced. Bill Batchelder is one of them."

Leonard's article and Forum opinion piece failed to mention that in April 1997, Columbus Alive revealed that Batchelder was listed as a member of a little-known and highly secretive far-right Council for National Policy (CNP). Author and investigative reporter Russ Bellant and Chip Berlet of Political Research Associates both told the Alive that the CNP had ties to white supremacists. Berlet described CNP members as "not only traditionally conservative, but also [ascribed to them] nativism, xenophobia, theories of racial superiority, sexism, homophobia, authoritarianism, militarism, reaction and in some cases outright neo-fascism."

Well-known CNP board members include: the Reverend Pat Robertson, a right-wing TV evangelist and former Republican presidential candidate; the Reverend Jerry Falwell, leader of the now-defunct Moral Majority; Phyllis Schlafly, leading anti-feminist; and Joseph Coors, whose family finances an interlocking network of ultra-conservative and far-right institutions.

Less prominent members of the CNP are more telling of the organization's politics, according to Bellant. For example, one member is R.J. Rushdoony, the theological leader of America's "Christian Reconstruction" movement that advocates that Christian fundamentalists take "dominion" over America, abolish secular humanist democratic government and institute strict Old Testament law. Rushdoony argues that to restore morality in America: "Homosexuals...adulterers, blasphemers, astrologers and others will be executed." White supremacists like Richard Shoff, a former Ku Klux Klan leader in Indiana, and John McGoff, a well-known supporter of the former South African apartheid government, are also members.

Bellant says that the Council's creation was inspired by business and political leaders who are also leaders of the John Birch Society. Founded in 1958, the John Birch Society was initially identified by scholars as a racist and anti-Semitic organization. The Birch Society and the CNP had been intertwined since the Council's inception in 1981. Tim LaHaye, a Moral Majority leader, received backing from the late Texas billionaire Nelson Bunker Hunt, who is a member of the Birch Society's National Council, to found the CNP.

In 1982, Tom Ellis succeeded LaHaye as CNP President. Ellis formerly served as director of the Pioneer Fund, a foundation that finances efforts to prove that African-Americans are genetically inferior to whites. Eugenicists William Shockley, Arthur Jensen and Roger Pearson are recipients of past Pioneer grants. Pearson is on record advocating that "inferior races" should be "exterminated."

Bellant and Berlet warned *Alive* readers that while Birchers are regarded as "extremists," their allies in the CNP, like Batchelder, are routinely accepted as mainstream Republican Party leaders, despite the company they keep.

Similarly, the *Washington Post* reported on December 11 that one of President Bill Clinton's most ardent foes, Republican Representative Robert L. Barr Jr. of Georgia, acknowledged that he had given the keynote address earlier this year at the Council of Conservative Citizens (CCC) national board meeting. The CCC has a racist and anti-Semitic agenda similar to the CNP.

"Take 10 bottles of milk to represent all humans on Earth. Nine of them will be chocolate and only one white. Now, mix all those bottles together and you've gotten rid of the troublesome bottle of white milk. There too is the way to get rid of the world of whites. Convince them to mix their few genes with the genes of the many. Genocide via the bedroom chamber is as long lasting as genocide via war," reads a paragraph on a CCC website.

Barr, an ardent supporter of impeachment, recently said, "I came to the conclusion long ago that this President has brought disgrace to the office of the presidency and that something had to be done." Barr voted yes on all four counts of impeachment against Clinton on Saturday.

Batchelder, after 30 years in the Ohio House, will become a Medina County judge.