



## BOARD/COMMISSION RECOMMENDATION

### Human Rights Commission

#### Recommendation Number: 20161128-3a: Reaffirming Austin's Commitment to Inclusion, Equity and Freedom for All

WHEREAS, the city of Austin ("City") welcomes all people and recognizes the rights of individuals to live their lives with dignity and equal respect for others, free from physical harm, discrimination, insults, intimidation and ridicule based on their race, color, disability, religion, sex, national origin, age, sexual orientation, and/or gender identity (collectively "protected status"); and

WHEREAS, the City values individuals' rights, under the First Amendment of the U.S. Constitution, to engage in free speech and peaceable assembly; and

WHEREAS, the City seeks to enshrine those values in its laws, policies, and its distribution of public goods and services; and

WHEREAS, in the period leading up to and immediately following the November 8, 2016 general election, several policy proposals were introduced at the federal and state level that, if signed into law, would harm individuals and groups based on their protected status; and

WHEREAS, in the period leading up to and immediately following the November 8, 2016 general election, several persons seeking public office, through the exercise of their free speech rights, singled out and scapegoated persons and groups, inflicting emotional harm upon them based on their protected status; and

WHEREAS, in the period leading up to and immediately following the November 8, 2016 general election, our country, our region, and regrettably our City, has experienced a rise in hate crimes and hate incidents made against persons based on their protected status including the following:

- The Southern Poverty Law Center, a nonprofit organization that tracks hate groups and hate speech in the United States, reported ten hate incidents arising within the City of Austin during the one-week period from November 9, 2016-November 15, 2016. A few examples are described below:<sup>1</sup>
  - A business was tagged with a spray-paint message "no more illegals 1/20/17"

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<sup>1</sup> See Exhibit A, 11/15/16 email from Kirsten Bokenkamp, Communications Director at the Southern Poverty Law Center, including photos of graffiti which appeared overnight on 11/12 in the Austin neighborhood of St. John, east of I-35. The bulleted examples are illustrative, not exhaustive.

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- A Latino man walking on a sidewalk had garbage thrown into him by men driving past in a truck, who yelled out the window “you are going back to where you came from”
- A woman’s front door to her home was defaced with the words “DYKE”, “#trump” and a swastika
- White school boys taunted Latino children in a school hallway, telling them they were going to be deported and waving goodbye at them
- A group of young African-American men were insulted by white men in a truck that yelled insults as they drove by
- Two swastikas were painted in a sidewalk in front of a children’s bus stop
- The University of Texas Campus Climate Response Team, a university-wide team that responds to reports of bias incidents affecting the University of Texas Austin Community, has reported that since November 8, 2016, it has received more reports than the average, of written and verbal conduct targeting individuals based on perceived citizenship, nationality, race/ethnicity, and/or religion<sup>2</sup>.

WHEREAS, there was also one incident reported, immediately after the election, in which a white male was attacked by a crowd of bystanders based solely on his political expression, in violation of his First Amendment rights<sup>3</sup>; and

WHEREAS, this behavior is unacceptable and contrary to the City’s values of inclusion, equity, and freedom for all.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and each member of City Council personally challenge himself or herself to:

- hold fast to the City’s values of inclusion, equity and freedom for all by promoting laws, policies and the distribution of public goods and services in a manner that does not discriminate, but promotes dignity and equal respect;
- employ their First Amendment rights as well as their political power to actively resist and vigorously oppose any policy proposal, including those offered at the state and federal level, that would harm individuals and groups based on their race, color, disability, religion, sex, national origin, immigration status, age, sexual orientation, and/or gender identity, including, but not limited to Texas SB 92 (2017) and other legislation that would void any local law prohibiting discrimination on a basis not set forth in state law (e.g. sexual orientation, gender identity, and HIV status);

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<sup>2</sup> See Exhibit B 11/25/16 email from Dr. Betty Jeanne Taylor, Assistant Vice President for Inclusion and Equity, Division of Diversity and Community Engagement, University of Texas at Austin.

<sup>3</sup> See Exhibit C, Ben Wear, *Muslim Woman Shields Trump Supporter as March Ends in Brief Fracas*, Austin-American Statesman, Nov. 15, 2016.

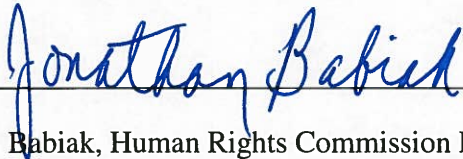
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- provide safe, non-violent, public spaces for the people's exercise of their First Amendment rights, including the right for individuals and their family members and children to participate in demonstrations and counter-demonstrations within the City;
- shine the brightest possible light on instances of harassment and bullying in our City while honoring and respecting the privacy rights of those subject to harassment and bullying;
- offer those subject to harassment a safe, supportive environment to bear witness to their experiences, should they feel comfortable doing so; and
- seek to enhance empathy and understanding among persons from all groups by prioritizing anti-bias and anti-bullying programming in Austin schools, community centers, libraries, and all levels of our civic institutions.

Date of Approval: November 28, 2016

Record of the vote: Commissioner Brown motion, Commissioner Buls second, adopted 7-1-1;  
Commissioner Royall against, Commissioner Miller abstain, Commissioner Yang absent.

Attest: \_\_\_\_\_



Jonathan Babiak, Human Rights Commission Liaison

City of Austin Human Resources Department