

Testimony Presented on HB1537 to the

House Judiciary Committee

Representative Lawrence R. Klemin, Chairman

Barry Nelson, Interim Executive Director, ND Human Rights Coalition

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Chairman Klemin, members of the House Judiciary Committee, I wish to speak in support of HB 1537. My name is Barry Nelson, I am the Interim Executive Director, North Dakota Human Rights Coalition. I live in Fargo. As a lifelong resident of the state of North Dakota I can attest to the resiliency, the tenacity, the community spirit of my home state. As a white, cisgendered male, I can also testify that I have experienced nothing but respect and dignity from my fellow residents.

Sadly, in the past decade, I have been confronted over and over again that not everyone in our great state can say the same thing. And, what consistently has been the case is that some of the same people that treat me with this level of dignity and respect do not afford the same amenities to our communities of color, of people from other parts of the world, to members of the Lesbian, Gay, Bisexual and Transgender communities and to our friends and neighbors with disabilities. I have heard too many stories of people being mocked, ignored, dismissed and, yes, physically attacked and injured.

I am asking that you vote DO PASS on HB 1537 which would provide peace officer standards and training when dealing with hate crimes, would provide criteria around data collection, and direction on penalties for hate crimes.

I wish to share some examples:

- Almost 20 years ago, two young men were brutally assaulted and beaten in the doorway of their apartment. They were assaulted by the manager of the apartment building and two of his adult children. While beating them they were using racial epithets. As a result of their injuries, one of the men had permanent damage to his vision. The police chief at that time called this an obvious hate crime, perpetrated on these two men only for the reason that they were black, originally from Sudan. This was my first introduction to the immense impact of a hate crime. At a community forum shortly after the attack hundreds of people from communities of color and immigrant communities gathered to speak of the fear this unprovoked attack had upon very of them. Fear that made them keep their children indoors, of not feeling safe to shop or walk the streets. It was then I learned that North Dakota did not have hate crimes laws.
- In 2017, I had the opportunity as organizer with North Dakota Human Rights Coalition to work with High Plains Fair Housing and the Afro American Development Association to

develop a community response to an anticipated spike in hate crimes directed at people because of real or perceived national origin. Some learning moments for me:

- 1) From FBI reports North Dakota was the second highest in per capita hate crimes in the United State in the years, 2014, 2015 and 2016! Although we have lost our high ranking, the numbers of reported hate crimes continue to rise, with 23 reports in 2020.
 - 2) Three community forums were held in Fargo. Dozens of people, all people of color, came forward to tell of stories of attacks, verbal and physical. They us of incidences of one, two five years before. Stories of being harassed, of the local mosque being targeted by speeding cars and graffiti spray painted. There was There was a story – verified – of a man who literally had his nose bit off. Of individuals being trailed when leaving work.
 - 3) In the spring of 2017, another man originally from Somalia was seriously beaten by wo men – as he was moving into his new apartment. He was beaten, strangled, sending him to the emergency room. I personally met with him the next day after he was released.
 - 4) Not a month later, in a highly publicized incident, a middle-aged women was videotaped threatening three young Somali women, saying that all Moslems should be killed.
 - 5) In Bismarck another videotaped incident showed several masked men surround two Indigenous men as they were attempting to leave a hotel.
- In 2016, a Somali restaurant in Grand Forks was firebombed with \$270,000 in damages.
 - In September, 2019, I participated on a panel hosted by the ND Commission on Civil Rights, where I heard evidence of anti-Semitic activities in Grand Forks, and an incident where an Indigenous person was dragged out of a Sweat Lodge by law enforcement.
 - In the summer of 2020 the lack of hate crimes again was front and center. During a peaceful march in Fargo protesting the death of George Floyd, a man gunned his pickup into a group of marchers. One of the marchers in an attempt to shield a group of children, jumped in front of the pickup was carried on the hood of the pickup for a considerable length of time, and ultimately was seriously injured.

As I have attempted to illustrate, hate or bias crime has been around for a very long time. The time to address this with serious consideration is now.

At minimum, I ask that members of this committee and members of the full legislature, despite one's opinion, attend this conversation with the seriousness and due deliberation it deserves. I say this as I watched the process two years ago. I was profoundly affected how some members seem to approach this with a dismissive if not comedic intent.

This is particularly concerning given the most recent report of a harassment incident between two North Dakota high schools in which a student of color was seriously racially taunted by members of the audience. I'm not sure what is worse: the totally inappropriate actions of the

students, or the initial lack of serious reaction by the officials and adults in the room. This does not rise to the level of a hate crime. But, as elected leaders in our state, you have a responsibility of setting the tone by which the manner in how we treat each other is established. Until we can clearly outline the level of respect, support, of ALL our residents toward each other, we will continue to fail as a state that is promoting safety and security for all.