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Delaware Public Housing: Defenseless by Decree

After an investigation by the Caesar Rodney Institute revealed the state's public housing authorities prohibit gun ownership, the National Rifle Association says it will take legal action if the gun bans are not withdrawn.

By Lee Williams

WILMINGTON – Thousands of Delaware's most vulnerable residents, forced by their socio-economic status to live in some of the state's most dangerous neighborhoods, are prohibited from possessing the means to defend themselves from the drug dealers and thugs who infest their communities.

A five-month investigation by the Caesar Rodney Institute has revealed that all four of the state's public housing authorities ban their residents from owning firearms – despite clear protections in the Delaware Constitution, the Second Amendment to the U.S. Constitution, Supreme Court decisions and recent rulings by lower courts that have found similar bans to be unconstitutional.

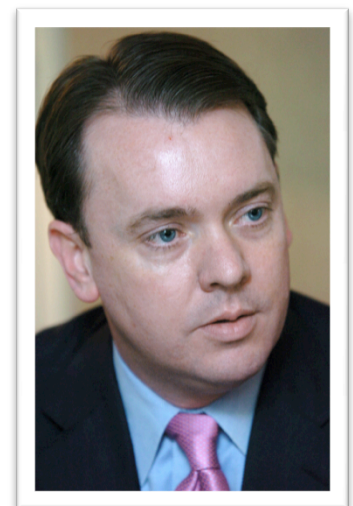
Violating the gun ban can result in eviction. For many families, an eviction from public housing would leave them with nowhere to go but the streets.

There are already plenty of guns in public housing, these residents say, but they're in the hands of criminals who pay no heed to state law, much less housing authority rules or regulations. All that taxpayer-funded gun bans accomplish, they say, is to prohibit law-abiding tenants from legally acquiring the means to defend themselves.

Chris Cox is the chief lobbyist for the National Rifle Association and executive director of the NRA's political arm, the Institute for Legislative Action. He's been called the most powerful lobbyist in America.

Cox has a simple message for these worried Delawareans, once he learned they feel trapped in their homes by armed thugs outside their doors.

"Help is on the way," Cox said.



CHRIS COX

“We appreciate the Caesar Rodney Institute bringing this information to our attention. We are currently in the process of determining our best option. Rest assured, all options are on the table,” Cox said.

The NRA recently settled a lawsuit against the San Francisco Housing Authority, forcing the authority to remove a firearms ban that was very similar to the bans on the books in Delaware. Several years ago, a similar NRA suit forced a public housing authority in Portland, Maine to remove their firearms prohibitions.

This would be the first time that the nation’s oldest civil rights organization would challenge gun bans in all the public housing authorities of an entire, albeit small, state.

Cox said most politicians should know these types of firearms prohibitions are unconstitutional, and not a policy worth pursuing.

“I am disgusted and dismayed, but unfortunately not surprised,” he said. “We obviously think it’s wrong for a public housing authority – or any official – to deny the Second Amendment rights to anyone based on socio-economic status. It’s clearly a violation of the U.S. Constitution and it is illegal.”

The public housing gun bans also violate the unambiguous protections built into Delaware’s Constitution, which were added in 1987 by amendment after two years of effort by the Delaware State Sportsmen’s Association, and by design, are more strongly worded than the Second Amendment.

Article 1, Section 20 of the Delaware Constitution states: “A person has the right to keep and bear arms for the defense of self, family, home and State, and for hunting and recreational use.”

“It doesn’t say anything about public housing residents being exempted,” said Dover attorney John Sigler, a retired Dover police captain, CRI board member and immediate past-president of the NRA.

“To deprive the poor, the elderly and the disabled who are forced to live in public housing of their constitutional right to keep and bear arms for self protection is both morally reprehensible and legally indefensible,” Sigler said. “I was a police officer in the City of Dover for 20 years, and I have very vivid memories of the criminal element that preyed upon the hapless, hopeless and helpless God-fearing and law-abiding citizens who simply wanted to live and let live in those neighborhoods.

“I can remember good folks whose only crime was to be poor, elderly or disabled being victimized time and again by the thugs, druggies and gangsters who found them to be easy targets; and I can remember some of those folks telling me that when the police left, they still had to live in fear in their own homes.”



JOHN SIGLER

The use of public funds to facilitate gun bans has outraged the former two-term NRA president.

“This unconscionable practice by public officials and governmental entities of using taxpayer dollars to systematically strip law-abiding grandmas, disabled vets and destitute single-moms of their constitutional right to keep and bear arms, and their God-given right of self defense through threats of eviction and fear of homelessness cannot be tolerated; and to the extent that such practices are in play here in Delaware, those practices must end, and they must end now,” he said.

Delaware State Housing Authority executive director Anas Ben Addi was appointed by Gov. Jack Markell, whose record on Second Amendment issues is far

from clear.

Neither Ben Addi nor Wilmington Housing Authority executive director Frederick S. Purnell, Sr. were willing to be interviewed for this story.

Neither Dover Housing Authority executive director Ami Sebastian-Hauer nor Newark Housing Authority executive director Marene Jordan responded to phone calls or emails seeking comment for this story.

Cox had some advice for the four uncommunicative executive directors.

“Do the right thing. The people you swear to protect and serve, the people who pay your salaries deserve better,” Cox said. “We can do it the easy way or the hard way. I strongly encourage you to do it the easy way, and do the right thing.”

For the public housing residents, whose neighborhoods contain the scattered detritus of a vibrant drug trade – crack vials, blunt tubes and the occasional shell casing – help cannot come soon enough.

“I just want to be safe.”

It was just after midnight on September 20, 2008 when Tremain D. Hoskins took aim at a rival group of youths socializing outside a home in the 400 block of New Castle Avenue, which is located in one of Dover’s more infamous public housing communities.

The 24-year-old Felton man started firing his pistol. The crowd scattered.

Brandon L. Beard was struck in the back by one of the rounds as he ran for cover. He died in the hospital a short time later.

Hoskins was arrested, convicted of second-degree murder and sentenced to 43 years in prison.

Cristin Brown, 20, and her three-year-old son Sincere live not far from the murder scene, easily within pistol range.

The soft-spoken single mom worries daily – at times hourly – about the crime that pervades her community.

“Some of the people around here – they’ll rob you for a dollar in your pockets,” she said.

Brown rarely leaves her home because of the crime in the neighborhood. She does not allow Sincere to play outside by himself.

“I just want to be safe,” she said. “I want a gun but I’d be kicked out for having one.”

Brown said her neighbors are also scared.

“Everybody would feel better if they had a gun,” she said. “It just doesn’t make any sense that we can’t – especially with the way people are being robbed around here. I would go to training classes, or do whatever I had to do. I just want a gun for protection.”

“Security is a joke.”

Larry Jones, who has lived in the Wilmington Housing Authority’s Compton Towers for the past five years, says the young women living in government housing are the most vulnerable.

“One guy started following this young lady here in Compton. He was fixated on her. He followed her to her apartment, pounded on the door and got in. Thank God her boyfriend was there. These young ladies need something, a pistol, for protection,” Jones said. “I know a lot of people who say if they had a gun, they’d feel safer – especially the young ladies, the single moms.”

“Security is a joke,” Jones said. He too would want a firearm if the restrictions were withdrawn.

“There is too much going on in here,” he said. “The manager may ban someone, and put them on the ban list, but they’re not banned for very long. They’re back inside, even if they’re banned for assaults or drug dealing. The drugs are the problem here, and the prostitutes. The young girls come in here every day.”

“I got my dukes.”

Cecil Guy, 74, lives in the Wilmington Housing Authority’s Parkview Apartments.

He’s a big man, and strong. Guy doesn’t want a firearm.

“I got my dukes,” he said, holding up two meaty fists.

Still, Guy is worried when he walks out of the building.

The weapons ban, he said, criminalizes the law-abiding residents, as “a lot of them got them guns anyway.”

“They need to change the policy.”

Steven Kendall has lived in the Delaware State Housing Authority’s Mifflin neighborhood, along with his wife and three children, for one year.

He’s smelled marijuana around the complex and seen evidence of other problems. Shortly after his family moved in, a hit-and-run accident ended in gunfire.

Kendall, a black belt in Karate, feels safe in his home despite the firearms ban because of his martial arts training. Still, he believes the ban should be lifted.

“If someone can legally qualify to own a weapon, they should be allowed to have one,” he said. “They need to change the policy. If people can qualify to own a gun, they should be allowed to have one.”

“I’d feel better with one than without one.”

As a child growing up in New Jersey, Josephine Byrd would accompany her father on hunting trips.

“We’d go for duck or deer,” she said. “We went bear hunting in Canada. I was a tomboy. I’ve shot handguns, a rifle or two, shotguns and even a crossbow. I was raised with guns.”

Byrd, 70, has lived in the Wilmington Housing Authority’s Parkview Apartments since she was displaced from the Crestview property in 2006, after a fire closed the building.

She learned more than marksmanship from her father, who worked as a chemical consultant for DuPont.

“He enjoyed doing things for the right cause,” she said. “He was from Virginia. He hated racism. He had one brother, an adoptive brother, who was killed by a white man. He was hung – lynched. My father could never get over that. He was a very peaceful man, but he fought for his rights, the rights he thought were good.”



Wilmington Housing Authority resident Josephine Byrd, 70, does not feel safe in her small apartment. Byrd, who supplements her meager Social Security by sewing, wants to buy a pistol for self-defense. CRI photos by Carla Varisco-Williams.

Byrd accompanied her father on several civil rights marches that were organized by the Reverend Dr. Martin Luther King, Jr.

“It’s something I’ll never forget,” she said. “He was a man of such peace.”

Nowadays, Byrd lives in a tiny apartment crammed with boxes and two sewing machines. She does alterations to supplement her Social Security.

She’s encountered crime in Parkview, although it’s not as bad as

Crestview, which was notorious.

“I’ve seen drugs in the hallways, people using

drugs, drinking in the hallways, old men with the young girls, prostitutes, and then there was the killing in Crestview,” she said.

Byrd wants a pistol for self-defense.

“Me, I’d feel better with one than without one,” she said. “My locks are good, but they’re not 100-percent. Doors mean nothing to people any more. If they want in, they’re in. If someone tries to break in, I want to stop him at the door, before he gets in. I need a gun. I can’t do it with my slippers. They’re too soft. If I had the opportunity, I would own a pistol and it would be loaded.”

“This is racism.”

Sheena Sharp lives in subsidized housing south of Dover with her two-year-old daughter Shanyce. She frequently visits a friend living in the Dover Housing Authority’s Simon’s Circle.

Like many single moms in government housing, their children are only allowed to play outside with supervision.

Both young women want to own firearms for protection, as both homes have been burglarized.

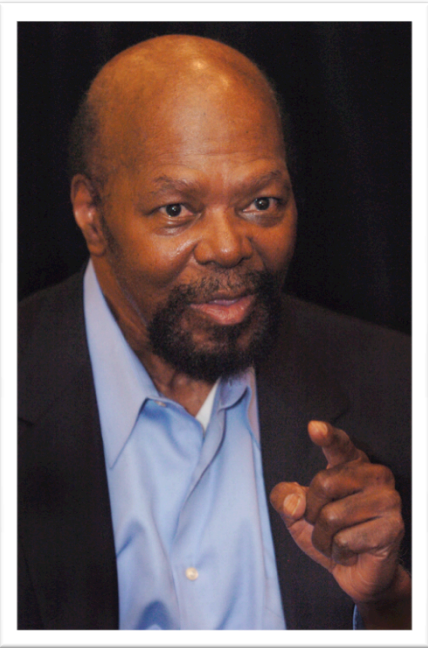
Both think the firearms ban is racist.

“I just think we need something for protection. We need to be able to protect ourselves,” Sharp said. “Because most of us are black, it’s like they’re saying if we have guns, there would be more crime. This is racism.”

Racist bans

Roy Innis is the National Chairman of the Congress of Racial Equality (CORE), the last surviving member of Dr. Martin Luther King’s inner circle, and a board member of the NRA.

Two of Innis’ sons were shot to death in street violence. Since then, he has become one of the most vocal Second Amendment advocates, especially when it involves the rights of law-abiding citizens to own firearms for self-defense.



ROY INNIS

“These bans are racist. The gun laws in general have an inception in racism,” Innis told the Caesar Rodney Institute. “The old definition: a free man is free to bear arms. There’s always a connection to being able to bear arms and freedom, and therefore denial is clearly racist.”

Innis had some advice for Byrd in her quest for a pistol.

“The way she fought with Dr. King and the great leaders of the civil rights era, she needs to continue fighting. She needs to get her sons, daughters and grand kids to fight with her,” he said. “She needs to see the NRA as her friend. She needs to know her friends are fighting together with her for her civil rights, in exactly the same way Dr. King fought for her civil rights. We need to continue the battle for the Second Amendment.”

Denying the protections afforded in the Second Amendment to African Americans and the poor, Innis said, is the most egregious civil rights violation.

“The resulting action is an increase in crime, because the people are not armed,” he said. “They’re innocent, poor, unarmed victims. We need to do a real education job of the people in the minority communities, to let them know they need to stand up for their constitutional rights. Criminals like to prey upon them because they are not armed. They are the ones who feel the brunt of the violence.”

Duped mayors

For years, Wilmington Mayor James Baker has been calling the shots at the Wilmington Housing Authority.

Baker appoints members to the WHA board, and his public relations team snaps into action whenever the media raises questions about the housing authority. After questions were raised about safety in the housing authority’s high-rises, Baker organized hearings with city, state and federal officials to examine the allegations.

Sitting mayors can exert tremendous pressure on the housing authorities operating within their cities, setting policy through their appointees, or like Baker, by working behind the scenes.

Baker, along with the mayors of Newark and Dover, have all been members of the Mayors Against Illegal Guns (MAIG), which was founded by billionaire New York Mayor Michael Bloomberg, whose anti-gun crusade and fiscal resources have no equal.

Second Amendment advocates say despite the group's noble title, MAIG is nothing more than a thinly-veiled front group that lobbies Congress in support of new federal gun control restrictions, and opposes pro-gun reforms.

MAIG has lobbied Congress against national reciprocity for concealed-carry permits, spoken out against reforming the Bureau of Alcohol, Tobacco, Firearms and Explosives, and fought against protections to shield gun makers from civil suits.

According to the NRA, "some mayors have joined or been duped into joining this anti-gun Bloomberg crusade."

"Duped" is nearly how Dover Mayor Carleton E. Carey, Sr. described his entry into MAIG.

"My thought on joining that group was to fight people involved in sales of guns without background checks," Carey said. "I didn't understand their total goal. Some of the items I saw I agreed with, but evidently there was an agenda other than that."

Newark Mayor Vance A. Funk III had a similar experience.

"Some things they were promoting I was very much in favor of, such as registration at gun shows," Funk said. "I liked the way [MAIG] was operating at the beginning, but it seemed it got farther afield, off the main objective. It morphed into prohibiting guns, period, as opposed to illegal guns."

While Baker, who did not respond to phone calls seeking comment for this story, remains an active MAIG member, both Carey and Funk withdrew from the organization, after being contacted by their constituents and the NRA and told of MAIG's real intent.

"I was informed by the NRA through correspondence of their dissatisfaction with the chair [Bloomberg] of the group," Carey said. "I made a few phone calls, did some investigating, and felt it was in the best interest of the city and for me to withdraw from that group. I don't think it was in anybody's best interest to remain on that. I do support the Second Amendment. I have weapons myself."



Former Cincinnati Mayor J. Kenneth Blackwell says public housing residents are often treated like second-class citizens. CRI photos by Carla Varisco-Williams.

Carey supports lifting the gun ban at the Dover Housing Authority.

"If they're legally owned, and everyone's background-checked, I don't have any problem with it," he said.

An insider's perspective

Few people know more about public housing than former Cincinnati Mayor J. Kenneth Blackwell.

Blackwell grew up in public housing. As mayor, he oversaw the city's public

housing programs. Later, he became an undersecretary at the U.S. Department of Housing and Urban Development, which oversees every public housing authority in the country.

It has always been the inclination and general practice of most government bureaucracies to treat public housing residents as second-class citizens, Blackwell said.

Blackwell, who's always been a defender of the Second Amendment, views gun ownership as "an extension of our natural right to self protection. Then to deny anyone access is to again, relegate them to second-class citizenship, and to attempt to abridge their God given rights."

"Gun control measures, from the slave gun bans of the 1700s to the Brady Bill of the 1990s, have unfairly targeted African Americans, and have worked to curtail a number of constitutional rights of those citizens," Blackwell said.

"The intent is one of racism; the effect is one of racial disparity," he said. "There's enough tangible, measurable, observable data to suggest that's the case."

The bans defined

The Caesar Rodney Institute filed Freedom of Information Act (FOIA) requests with every public housing authority in the state that operates its own low-income housing: the Delaware State Housing Authority, the Dover Housing Authority, the Newark Housing Authority and the Wilmington Housing Authority.

As it maintains none of its own low-income units, the New Castle County Housing Authority was not included in this report.

In the FOIA requests, CRI sought copies of all rules and regulations governing the residents' conduct, in addition to leasing agreements, guides and tenant handbooks.

All four had written gun bans.

The Wilmington Housing Authority bans firearms in its lease, which states:

Residents shall be obligated not to display, use, or possess or allow members of the Resident's household or guest to display, use or possess any firearms, (operable or inoperable) or other dangerous instruments or deadly weapons as defined by the laws of the State of Delaware anywhere on the property of the Authority.

The Newark Housing Authority, under a section of the Resident's Handbook titled: Tenant's Responsibilities, requires that tenants "Do not possess explosives, firearms or flammable material on NHA's property."

The Dover Housing Authority has "House Rules to provide a maximum level of comfort, safety and convenience for all tenants," which all tenants must sign. According to the Rule 9: "Firearms and explosives are not allowed on DHA grounds."

The Delaware State Housing Authority lumps its weapons ban in a section that also bars criminal activity, alcohol abuse and drug crimes. It prohibits: "The use, display or possession of any firearms or other offensive weapons as defined by State Law anywhere in the unit or elsewhere on the property."

Police oppose bans

After a 21-year career in the FBI, which included a stint as Special Agent in Charge of the Bureau's New York City Office, Pat Murray served as Delaware's Secretary of Public Safety for then Gov. Mike Castle.

The combination of such high-level federal and state law enforcement experience is rare.

As a Special Agent, Murray traveled the world. He's served in the Caribbean, South East Asia, and across the United States.

Police, he said, face no threat from armed, law-abiding citizens.

"I have never seen it where someone who has legally obtained a firearm to defend themselves, has ever shot a cop," he said. "Guns serve as a tremendous deterrent to criminals, and they establish the ground rule of the Castle Concept: This is my home, this is my castle."

Murray strongly opposes the public housing bans.

"It's horrible, awful. I can't believe this is going on in Delaware," he said. "It's absolutely illegal, and should be taken down immediately. It tears at the very fabric of society. Now, they can also ban free speech or assembly. Look at the people in public housing. They're old, disabled or poor. They're preyed upon by the thugs. If they don't have a gun, they're at a loss."

Murray is not the only senior police official opposed to the bans.

J. Richard Smith joined the Dover Police Department in 1976. In 1992 he was appointed chief of police. He retired in 1997.

During his storied 21-year career in Dover, he spent a lot of time patrolling the city's public housing neighborhoods. He's quick to point out that the vast majority of public housing residents are good, decent law-abiding people, who live in low income housing because they're disabled, elderly or because of their economic status.

Smith still knows the neighborhood well.

"If I was forced to live there, I would definitely want a firearm," he said.

A small percentage of public housing residents – the criminal element – is responsible for most of the crime in the neighborhoods, Smith said. The gun ban has no effect on criminals.

"It's just another piece of paper to them. We already have laws against drug dealing, prostitution and criminal mischief, but that doesn't stop them," he said. "If we stop the law abiding people from having guns, the only people with guns will be the criminal element."

Like others have expressed, Smith sees the gun bans as discriminatory.

"I think the bans are totally unfair," he said. "Honest, law-abiding citizens have the right to keep and bear arms for self-protection. It's really wrong to deny them the same rights the rest of us have. It seems crazy that law-abiding citizens forced to live in public housing do not have the same protections as the rest of the citizens who lease a house anywhere else in the State of Delaware."

Police, he said, have nothing to fear if these law-abiding public housing residents can arm themselves without the risk of eviction, as he sees them as allies of law enforcement.

“These people should have the same right to protect themselves and their property as anyone else,” he said.

Sigler, who worked with Smith at the Dover Police Department, strongly agrees.

Said Sigler: “These public housing gun bans constitute the most cruel form of social and economic discrimination that anyone could possibly imagine. How dare they tell law-abiding citizens living in the highest crime areas of the state that because they are poor they are therefore some lesser form of citizen who cannot be trusted to own firearms to protect themselves, their homes and their families? How dare they deprive these folks of their constitutional rights while they, themselves, enjoy those same constitutional protections in the comfort of their plush homes and neighborhoods on the other side of the tracks?”

Contact investigative reporter Lee Williams at (302) 242-9272 or lee@caesarrodney.org

The Caesar Rodney Institute is a 501(c)(3) non-partisan research and educational organization and is committed to being a catalyst for improved performance, accountability, and efficiency in Delaware government.

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