

HB

534

# HOUSE COMMITTEE REPORT

(7)

Date Referred: February 18, 1992

FURTHER REFERRAL ..

Judiciary  
Finance

Date of Committee Action: 3/20/92

The STATE AFFAIRS Committee considered:

HB 534

HOUSE BILL NO. 534

CIVIL AND HUMAN RIGHTS

"An Act relating to civil and human rights."

**RECOMMENDATIONS:**

be replaced with CS HB 534 (STA)  the same title  
 a new title

have attached amendments(s)

do pass

do not pass

no recommendations

individual recommendations

additional referral to the \_\_\_\_\_ Committee

ADOPTS: \_\_\_\_\_ letter of Intent

ATTACHES NEW FISCAL NOTE(S): \_\_\_\_\_ (Dept)

APPROVES PREVIOUS: \_\_\_\_\_ (Dept/Date)

<sup>Indeterminate</sup> fiscal impact Admin

fiscal note(s) \_\_\_\_\_

<sup>2</sup>  zero fiscal note Pub. Safety Admin

zero fiscal note(s) \_\_\_\_\_

SIGNING DO PASS	DP	OTHER RECOMMENDATIONS	DNP	NR	AM
<i>Eugene H. Kubera</i>	<input checked="" type="checkbox"/>				
<i>[Signature]</i>	<input type="checkbox"/>				
<i>[Signature]</i>	<input type="checkbox"/>				
<i>[Signature]</i>	<input checked="" type="checkbox"/>				
<i>Mike Miller</i>	<input checked="" type="checkbox"/>				
<i>[Signature]</i>	<input type="checkbox"/>				

*Eugene H. Kubera*  
CHAIRMAN'S SIGNATURE



happy passover!

A



לְעֵדֻקָּם לֹא



1. And the wickedness of the Jews abounded... And Der FUHRER's anger waxed hot against them, And he caused that they should be cast from his land.
2. But Satan and the Jews stirred up the hearts of men against him and in their blindness did the Nations rise up with their armies to destroy him.
3. And a sore curse did come upon Germany and the Jews did cause the gentiles to believe many falsehoods.
4. He who hath eyes let him see and he who hath ears let him hear for the true victims of the HOLOCAUST can be found in the rubble of Germany.
5. And it shall come to pass that in the LAST DAYS der FUHREF will rise again...

**FISCAL NOTE**

**STATE OF ALASKA**  
**1992 LEGISLATIVE SESSION**

**BILL NO. HB 534**

Revision Date: \_\_\_\_\_

Department Affected: Administration

Title: "An Act relating to civil and human rights."

BRU: Public Defender Agency

Component: Public Defender Agency

Sponsor: Gruenberg

Requestor: House State Affairs

COMPONENT SERIAL NO. 

1	6	3	1
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Expenditures/Revenues: (Thousands of Dollars)

OPERATING	FY 93	FY 94	FY 95	FY 96	FY 97	FY 98
PERSONAL SERVICES	.	.	.	.	.	.
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>	.	.	.	.	.	.

CAPITAL	.	.	.	.	.	.
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REVENUE FUND SOURCE:	.	.	.	.	.	.
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FUNDING: (Thousands of Dollars)

GENERAL FUND	.	.	.	.	.	.
FEDERAL FUNDS						
OTHER FUND SOURCE:						
<b>TOTAL</b>	.	.	.	.	.	.

POSITIONS:

FULL-TIME	.	.	.	.	.	.
PART-TIME						
TEMPORARY	.	.	.	.	.	.

Estimate of current year impact: \_\_\_\_\_

ANALYSIS: (Attach a separate page if necessary.)  
 (See attached)

Prepared by: John Salemi, Public Defender  
 Division: Public Defender Agency

Phone: 279-7541  
 Date: March 4, 1992

Approved by Commissioner: Nancy Bear Usery  
 Agency: Administration

Date: 3/5/92

Distribution (by preparer): Leg. Fin., Legislative Sponsor, Requestor, OMB/DBR, Gov. Legis. Ofc., & Impacted Agency(ies).

**FISCAL NOTE**

**STATE OF ALASKA  
1992 LEGISLATIVE SESSION**

**BILL NO. HB 534**

**ANALYSIS: (continued)**

**Title: "An Act relating to civil and human rights."**

Section 1 increases the seriousness of the crime of interference with constitutional rights from a class A misdemeanor to a class C felony.

Section 2 makes it unlawful for the State to engage in State-related business in establishments or facilities that discriminate on the basis of sex, race, creed, color, religion, ancestry, national origin or physical or mental disability. Money of the State can not be expended in connection with meetings or other activities held in such establishments nor can officials, employees or agents be reimbursed for memberships in such a facility.

Section 3 raises the level of seriousness of willfully engaging in unlawful discriminatory conduct to a class A misdemeanor.

Section 4 provides that in a civil action based upon a violation of civil rights the court can award treble punitive damages.

This proposed legislation may have no fiscal impact upon the Public Defender Agency. While these crimes are already currently on the books in reduced severity, a quick poll of the agency could not find a single prosecution of this crime. Without further information with regard to anticipated cases from the Department of Law, fiscal impact is speculative.

**FISCAL NOTE**

**STATE OF ALASKA**  
**1992 LEGISLATIVE SESSION**

**BILL NO. HB 534**

Revision Date: \_\_\_\_\_

Department Affected: Administration

Title: An Act relating to civil and human rights.

BRU: Office of Public Advocacy

Component: Office of Public Advocacy

Sponsor: Gruenberg

Requestor: House State Affairs

COMPONENT SERIAL NO. 

		4	3
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Expenditures/Revenues: (Thousands of Dollars)

OPERATING	FY 93	FY 94	FY 95	FY 96	FY 97	FY 98
PERSONAL SERVICES	0	0	0	0	0	0
TRAVEL	0	0	0	0	0	0
CONTRACTUAL	0	0	0	0	0	0
SUPPLIES	0	0	0	0	0	0
EQUIPMENT	0	0	0	0	0	0
LAND & STRUCTURES	0	0	0	0	0	0
GRANTS, CLAIMS	0	0	0	0	0	0
MISCELLANEOUS	0	0	0	0	0	0
<b>TOTAL OPERATING</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>

CAPITAL	0	0	0	0	0	0
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REVENUE FUND SOURCE:	0	0	0	0	0	0
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FUNDING: (Thousands of Dollars)

GENERAL FUND	0	0	0	0	0	0
FEDERAL FUNDS	0	0	0	0	0	0
OTHER FUND SOURCE:	0	0	0	0	0	0
<b>TOTAL</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>

POSITIONS:

FULL-TIME	0	0	0	0	0	0
PART-TIME	0	0	0	0	0	0
TEMPORARY	0	0	0	0	0	0

Estimate of current year impact: \_\_\_\_\_

ANALYSIS: (Attach a separate page if necessary.)  
 \_\_\_\_\_  
 \_\_\_\_\_

Prepared by: Brant McGee, Public Advocate  
 Division: Office of Public Advocacy

Phone: 274-1684  
 Date: February 26, 1992

Approved by Commissioner: Nancy Bear Userra  
 Agency: Administration

Date: 3/5/92

Distribution (by preparer): Leg. Fin., Legislative Sponsor, Requestor, OMB/DBR, Gov. Legis. Ofc., & Impacted Agency(ies).

**FISCAL NOTE**

**STATE OF ALASKA  
1992 LEGISLATIVE SESSION**

**BILL NO. HB 534**

Revision Date: \_\_\_\_\_ Department Affected: Public Safety  
 Title: "An Act relating to civil and human rights." BRU: Alaska State Troopers  
 Component: Detachments  
 Sponsor: Representative Gruenberg  
 Requestor: House State Affairs COMPONENT SERIAL NO. 

	7	9	9
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**EXPENDITURES/REVENUES: (Thousands of Dollars) (inflation not included)**

OPERATING	FY 93	FY 94	FY 95	FY 96	FY 97	FY 98
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>	<b>-0-</b>	<b>-0-</b>	<b>-0-</b>	<b>-0-</b>	<b>-0-</b>	<b>-0-</b>

CAPITAL	-0-	-0-	-0-	-0-	-0-	-0-
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REVENUE FUND SOURCE:	-0-	-0-	-0-	-0-	-0-	-0-
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**FUNDING: (Thousands of Dollars)**

GENERAL FUND						
FEDERAL FUNDS						
OTHER FUND SOURCE:						
<b>TOTAL</b>	<b>-0-</b>	<b>-0-</b>	<b>-0-</b>	<b>-0-</b>	<b>-0-</b>	<b>-0-</b>

**POSITIONS:**

FULL-TIME	0	0	0	0	0	0
PART-TIME	0	0	0	0	0	0
TEMPORARY	0	0	0	0	0	0

Estimate of current year impact: \_\_\_\_\_

**ANALYSIS: (Attach a separate page if necessary.)**  
 No fiscal impact is anticipated.

Prepared By: Francis C. Allan Phone: 269-5691  
 Division: Alaska State Troopers Date: 2/27/92  
 Approved by Commissioner: *Richard L. Burton* Richard L. Burton  
 Agency: Department of \_\_\_\_\_ Date: 3/02/92

# NSV REPORT



VOL. 7 – NO. 4

A QUARTERLY OVERVIEW OF THE NATIONAL SOCIALIST VANGUARD

OCT/DEC 1989

P.O. Box 328, The Dalles, Oregon 97058

ST DIRECTOR R.E. COOPER – MANAGEMENT  
ST DIRECTOR D.H. STEWART – OPERATIONS

## NAZIISM & APPLE PIE

(Editorial by Dan Stewart)

That's right, folks! Naziism is as American as apple pie. Naziism was actually started here in the USA by a very creative American. I will explain. Early in this century, a bunch of Marxist Jews went to Henry Ford, Sr., to beg money for their communist revolution in Russia. Mr. Ford was flabbergasted by the Jews' request. Mr. Ford threw the Jew-communist parasites out of his office. Henry Ford was a real man! The commie Jews were so angry at Ford for snubbing them that they tried to take the Ford Motor Company away from Mr. Ford through the courts. Mr. Ford had to fight like Hell to keep the company that he had created.

Through their own devilment, the Jews had created another capable enemy. Mr. Ford proved that he was as good a researcher and writer on the subject of Jews as he was an innovator. Ford wrote weekly in his *Dearborn Independent* about Jewish machinations. Ford's most famous book is *The International Jew, The World's Foremost Problem* (the complete 4-Volume set, unabridged, approx 1000 pages, is available from Liberty Bell Publications, P.O. Box 21, Reedy, WV 25270, for \$29.90, postage paid). Years ago, when you bought a new Ford car, you got a set of these books with the car. It is strange to some people when they go to a large library, looking for *The International Jew*, and they find that it is not even listed. Your Jewish "brothers" have been censoring books long before you were ever born. In the history section of the smallest libraries, you can find all manner of books written by Jewish liars.

Henry Ford exposed the whole secret underworld of the Jews. At this same time, there was a little man living in Austria who loved to learn and read everything he could get his hands on. He read everything Henry Ford wrote. This man's name was Adolf Hitler. Much of what Hitler knew about Jews came from Henry Ford. That is why I say Naziism is as American as apple pie and the Ford automobile. Propaganda says Naziism is

German. Naziism is actually pan-Aryan. Propaganda says communism is Russian. Sorry, folks! Communism is Jewish!

I have always said it takes a great man to recognize another great man. Hitler and Ford were the best of friends. Each kept a picture of the other on his desk. Hitler was already a millionaire from the sales of *Mein Kampf* (also available from Liberty Bell Publications for \$13.80, postage paid) but Ford still wanted to do his part to help fight the Jewish underworld. Henry Ford gave Hitler a million dollars in cash. The Jews eventually won the battle but the war is still in progress.

## MANAGEMENT

**ABOUT NATIONAL SOCIALISM (NAZIISM):** Most of you know the basic meaning of National Socialism, or "Nazism" as it is more commonly called, but this particular report will be reaching a lot of new people. The following is partly based on the talk that Director Cooper gave at the Skinhead Solution Seminar at Hayden Lake, Idaho, on April 20, 1989, titled "National Socialism in America." When the German NSDAP used the term "National Socialist", it was meant to describe a person who was both a nationalist (one who loves his country) and a socialist (one who loves his race). The original National Socialists never referred to themselves as "Nazis"—that term first appeared in the Jewish-controlled German newspapers and was a slang term used to deride National Socialists. Adolf Hitler realized that the highest purpose of anything in nature is for the preservation of its own kind whether that kind be animal, insect, vegetable or any of the World's many races—not simply for the maintenance of a state, government or country. In this vein, National Socialism serves as a political vehicle for our White race towards its self-preservation and thus is a means to an end—not an end in itself. National Socialism centers on the race issue with all other issues such as taxes, economics and social structure being secondary. When George Lincoln Rockwell founded the American Nazi Party in 1959, his beliefs were essentially the same as Adolf Hitler's but Rockwell showed originality in expressing himself to people and getting the message across.

Rockwell viewed National Socialism as the White Aryan man's defense against communism, Bolshevism, Judaism, and democracy. Rockwell simultaneously defined Marxism as the organized mutiny of biologically inferior peoples, led by the Jews, against those peoples who create civilization. Some people think that all socialisms are the same. This is not true. Comparing National Socialism to Marxist Socialism, one can readily see major differences. The two largest differences are in the areas of race and personality. National Socialism recognizes that the various races differ in their abilities to create and invent, and recognizes the individual personality that articulates within the racial community to not only benefit the individual himself but to benefit his community as a whole. Marxist Socialism does not recognize any difference between races other than physical appearance and does not recognize the uniqueness of the individual personality. The Jews Karl Marx and Sigmund Freud negate the value of race and exclude personality from all fields by insisting that the differences among races and individuals stem from social, environmental and economic factors. Another difference is that National Socialism allows private ownership of property whereas Marxist Socialism believes the state should own all property. In regards to income taxes, National Socialism believes that the more a person works, the more he should receive and that the worker should not be penalized or relegated to serf status by an oppressive graduated income tax whereas Marxist Socialism believes "from each according to ability to each according to need", meaning a hard worker who needs little gets little regardless how hard he works while the lazy worker with a great need receives far more in return for the relatively little work that he does. National Socialism allows for gun ownership for all citizens whereas Marxist Socialism is against private gun ownership. Most of the other openly recognized socialisms such as Leninism, Stalinism, Maoism etc. are bastard offshoots of Marxism but are generically still communist and anti-White.

There is no official National Socialist religion. Hitler, who was never excommunicated from the Catholic church, was not concerned what religion the German people wanted but he did recognize that the vast majority were Christian and he criticized the various Christian denominations for fighting among themselves while the mortal enemy of all Christendom, the Jews, laughed. Rockwell, a professed agnostic, likewise was not concerned what religion the White Americans wanted. While religion is a matter of personal conscience, the welfare of our race is every White person's business. National Socialists and other White Nationalists differ in their religions, personal views and opinions but the one concern that they put ahead of all others is their concern for the White race. Those of us who profess to be Christians are usually Identity Christians—the other self-professed Christians are approaching Identity Christianity since the Judeo-Christians are either rarities or agents. Some of us are Odinists, some Dualists, some agnostics and some atheists. Looking back through some 6,000 years of history, the White race has always had some type of religion in which there was a god or gods and an afterlife in which an individual was either

rewarded or punished depending upon his actions during his tour in the physical world. Of course, there have always been the atheists because of the lack of solid evidence on either side to convince the other—divine creation versus evolution. The theists have the largest following but none of them can explain who got the god(s) started. The evolutionists insist that their explanation is scientifically possible but the actual probability of all the world's upright bipeds originating from that time when Godzilla pooped in a swamp 40 billion years ago is virtually nil. And so the debate goes on and on for some people but not for us. We can see that it is the nature of our race to believe in at least one god and an afterlife regardless of logic, right or wrong. For this reason, any religion that does not include these two characteristics will never be accepted as a religion by the White masses. Judaism recognizes no afterlife although some individual Jews may believe in one. For the most part, Judaism is a practical and profitable way for Jews to survive in the physical world, and is a belief system that would be rejected by the White masses. For the same reason, the White masses will reject even pro-White religions such as Matt Koehl's New Order (NO) and Ben Klassen's Church of the Creator (COTC)—neither offer a god or afterlife. The most the NO or COTC can do is engage in an effective project or help in a general White racial awareness but neither will become a major religion of the future although they could reach cult status if that much. On a final note, we are not discouraging people from supporting anything they feel deserves their support but we feel obligated to educate people where we believe they need education.

**NATIONAL YOUTH ACTIVIST DIRECTORY (NYAD):** From time to time, we have distributed a national Skinhead directory which was a list that originally included just a listing of public mailing addresses for Skinhead groups to help the Skins increase their networking. However, because there are now so many youth activist groups whose basic beliefs, attitudes and sometimes even lifestyles are similar to those of the Skinheads, this list now includes all public mailing addresses for Skinhead groups and similar groups to the best of our ability as of the indicated date. Additionally, there are Skinheads now who have changed their clothing style and hair length but whose attitudes and beliefs are the same. We dare state this list is the most current and inclusive in the country. Since this list contains public mailing addresses only (not personal residences), we make it available upon request to anyone who asks for it. There is no way that this type of list will ever be totally current because of affiliation name changes, defunct addresses and new addresses. For this reason, we ask to be informed of any changes to the NYAD to help us keep the list as current as possible.

#### OPERATIONS

**AUSTRALIA:** In the first half of June 1986, one of our Australian contacts, a member of the Australian Nationalists Movement (ANM), received his first copy of *The Turner Diaries*. Since then, he writes us, the ANM has purchased several hundred copies and a wealthy supporter reprinted a

couple thousand more for distribution to Australian White Nationalists. By the beginning of 1987, ANM activities moved into high gear. Activities included anti-Asian postering, publishing a bimonthly newsletter and, according to Australia's ZOG, certain other activities. By August 1989, the ANM was a household word in Western Australia and partly known in the rest of Australia.

On August 14th, under the code name of "Jackhammer", 10 members of the ANM were arrested (6 of which were later released with 4 of those on bail) by about 60 police during dawn raids throughout Australia on a number of charges in an attempt to stop what appeared to be an Australian version of The Order (aka Brüder Schweigen). Specific charges included burglarizing Jew- and Asian-owned warehouses and then fencing the goods to finance ANM activities which were primarily anti-Asian and anti-Jew, receiving stolen property, arson and/or bombing five Chinese restaurants (one of which reopened so it was done again), a car bombing, wilful damage, breaking and entering, unlawful use of motor vehicle, assault occasioning bodily harm, forging checks made out on banks and insurance companies, putting up posters, and conspiracy. Another newspaper, probably an Eastern States paper, reported the police operation being code named "Fireball" (presumably for symbolic reasons). Alleged offenses total about 50 and the charges total 323 for the defendants.

In comparing the Australian government to the American government, there is a big difference in regards to human rights. In America we still have some vestiges of Constitutional rights that ZOG has not removed. In Australia, there never have been any effective human rights—ZOG simply eased up a bit on the oppression and allowed a fair degree of affluence when revolution threatened. So far, this has worked for the Australian ZOG. Basically, Australia is and always has been a police state. Western Australia is the worst state in Australia for outright police brutality and general violation of human rights. This is one of the tactical reasons why the ANM has made Perth the storm center of the ANM campaign. The police have virtually a free hand to steal, destroy, harass, brutalize and torture just as in Soviet-type nations. It is just that up until now the police have been pretty cunning about how they do it and how they cover up their vile actions. Now they have simply brutalized too many people too much and all their dirty linen is about to become public knowledge in Western Australia, including the treatment of the ANM members and their women and children.

ANM Leader Peter Joseph "Jack" van Tongeren, ANM Deputy Leader John van Blitterswyk and David Locke were all tortured. Other ANM members were tortured as well. David Locke broke under torture and became a snitch. Two weeks later, Locke was bludgeoned to death and two more ANM members were subsequently arrested. A second snitch, Russell Willey, is the Australian counterpart of the American traitor Thomas Martinez (see OREGON section), still lives in hiding and is under police protection after receiving \$20,000-\$50,000 from Australia's

ZOG for his dirty work plus whatever Willey managed to steal from the ANM. In Jack van Tongeren's case, ZOG stole and destroyed his house and everything he owned but neither Jack, John van Blitterswyk nor Chris Bartle talked when tortured.

ANM Leader Jack van Tongeren's requests for release on bail have been denied. In his second application for bail, he wrote, "We nationalists will have the opportunity to tell the world what we stand for...We have been victimized—singled out for our beliefs...Being denied bail is the same as being jailed without a trial." Comrade van Tongeren also proclaimed, "I will show up for the trial if not for the simple reason that it will be the trial of the decade." Jack wrote to us that no hard-working Aussie was victimized by the ANM—only Jews, Asians and traitors were. In Jack's most recent letter to us, he wrote, "...and, yes, just about every stage of the campaign was 'illegal', but morally correct...As the great Napoleon observed, 'He who saves his nation breaks no laws'." Jack admits that the ANM members arrested will pay a high price, but the future of his race and nation is worth it. He himself pleaded not guilty to about 100 charges against him. Another prisoner of war (POW) is Chris Bartle, 30, who writes to us that ANM operations are about to move into top gear after a temporary shake-up in ANM leadership and organization. Chris writes that literally tens of thousands of posters have been placed on the back sides of traffic signs, traffic control boxes and telephone boxes. These posters are similar if not the same types used in this country (i.e.; "White Revolution—the Only Solution", "Is Your Street still White", "Holocaust is a Lie", "No Jews", "No Coloureds" and other familiar slogans) which goes to show that the problems in Australia are not unlike the problems in the USA.

Comrades Bartle and van Tongeren both state that the ANM's anti-Asian campaign continues. Indeed, according to *The West Australian* of December 19th, there has been a new poster campaign. The poster campaign has been so successful and there is so much support among the White public that the Australian Government has sent a special envoy to Hong Kong, Japan, Singapore and other Asian countries to convince these Asians that all is under control in Australia, however, potential Asian businessmen are sceptical and the envoy returned empty handed. After all, these Asians control millions of dollars in Western Australia's economy. As in our country, there is a lot of sympathy and support for White Nationalism among the rank and file White citizens, however, the sympathetic White Australian is more optimistic in regards to working within the system towards White Nationalism in Australia because the racial situation has not deteriorated as badly as over here; thus, a smaller percentage of Whites in Australia view Armageddon as the final solution to their problems.

As with The Order in the USA, the ANM in Australia is becoming legendary. Eventually, ZOG will fall in both countries as well as the rest of the world. When this happens, all the White Nationalist revolutionaries will be given hero status, and those who have fallen in the struggle will be given martyr status. One such martyr in Australia is Andrew Moschella, 20, the son of a Sorrento

doctor. Andrew's fanaticism for the ANM was so great that he threatened suicide if Jack van Tongeren was not released on bail and gave the police a 2-week deadline. On August 29th, exactly 2 weeks later, Andrew committed suicide.

Australian Nationalists Movement prisoners of war (POWs) can be reached at: Jack van Tongeren, Canningvale Remand Centre, P.O. Box 346, Cannington, W.A. 6107, AUSTRALIA; Wayne van Blitterswyk, same address as Jack; Chris J. Bartle, P.O. Box 50, Fremantle Prison, Fremantle, W.A. 6160, AUSTRALIA; John van Blitterswyk, same address as Chris. We have been informed that mail addressed to these POWs will be shared with the other POWs.

**TENNESSEE:** On October 7th, the Sam Davis Memorial march in Pulaski was a success despite the efforts of the anti-Whites and White hypocrites on the town council, led by Mayor Stacey Garner, to poop the party. The town council and the Chamber of Commerce made a considerable effort to discourage Aryan Nations people, Klansmen, NS people, Skinheads and other White Nationalists from exercising their Constitutional right to freedom of assembly and free speech. The bronze plaque on the law office where the Ku Klux Klan was founded in 1865 was reversed by the hostile property owner so the inscription could not be read. The town council asked that all local businesses shut down for an unofficial holiday and it pushed a drive to decorate the entire town with orange ribbons, supposedly symbolizing brotherhood. Additionally, about 100 state trooper cars, helicopters, at least one airplane, hundreds of state troopers, sheriff's department people and police were on hand to keep order. Pastor Pete Peters of Colorado claimed in one of his tape cassette sermons that it looked as though the main purpose for the presence of all the law enforcement people was to intimidate 500 or so local citizens from watching the 300 or so marchers rather than maintain law and order. Locals and marchers alike were threatened with arrest if they crossed the police line. There was question whether the bankers were pressuring the businesses to close that day or intimidate the businesses to close. It seemed that the town council wanted as few of the locals to hear the speakers as possible. Pastor Peters summed up the situation, stating that it appeared that the town council was applying the Golden Rule — he who has the gold, makes the rule.

As things turned out, many of the marchers appropriated the orange ribbons and tied them onto their arms, heads and vehicles for the parade; some of the town businesses were open, including one hamburger stand that made big bucks; the locals could not resist watching the parade in spite of the intimidation by the town council and law enforcement people. In addition to the huge city expenses involved in everything from orange ribbons, letters, long-distance telephone calls, overtime for police and other expenses and time used to try to prevent the march, the closure of many of the businesses meant reduced tax revenue for the city. And all this was just as unnecessary as the big hullabaloo that occurred the previous April in Hayden Lake (ID) for the Skinhead Solution Seminar which proved to be peaceful and without incident except for the one vehicle mal-

function as explained in the Apr/Jun '89 NSV Report.

The only unfortunate incident that occurred was on October 6th when a van containing Joe Grego, John Clary, John Green and Daniel Roush from Oklahoma was stopped by Tennessee Troopers for the false reason of weaving and littering. According to Attorney Kirk Lyons, the four stopped previously at a convenience store. A trooper approached John Clary, asking about buying a Klan T-shirt which Clary was wearing. Clary said the T-shirts were buried in his van and suggested that the trooper go to the parade in Pulaski and buy one when they had their table set up. When the group asked the trooper for directions to Pulaski, the troopers gave bum directions and later ambushed them under the false pretense mentioned. John Clary's van was strip-searched and the four were subsequently arrested — Clary for littering and carrying a weapon and the other three for just carrying weapons. The troopers left the van in a mess. The four were allowed to make one call from the jail in Lewisburg. Clary called Bobby Norton, the Southern Aryan Nations leader who sponsored the march, at Norton's home in Murfreesboro. Norton called Pulaski Police Chief Stanley Newton and told him of a potentially volatile situation to enlist his cooperation in getting our four out of jail. Chief Newton agreed as did the sheriff of a neighboring county who was observing the day's activities. Then Chief Newton called Marshall County Sheriff Carlton Bless to encourage Bless to release the prisoners. Additionally, Kirk Lyons promised Bless a protest march the following day in Lewisburg, the Marshall County seat, unless our four were allowed bail so they could attend the march in Pulaski. Sheriff Bless caved in. Bobby Norton along with Kirk Lyons and another man arrived at the jail, put up \$1,000 bail for all four, the four inmates were released just before noon on the 7th and they participated in that day's events. After Kirk made a similar promise to the rude and uncooperative state troopers, the troopers likewise caved in and released the van with no further ado. Kirk reported to us that our four had an excellent civil rights case. Apparently, the prosecution realized that too so the charges against all four were later dismissed.

Although this incident reflects an attitude that some law enforcement people have towards us, there are also law enforcement people who have not fallen victim to media stereotypes about us and may, in fact, be sympathetic. Had it not been for respect that Bobby Norton had from the Pulaski Chief of Police, the four who were arrested would have had more problems than they did.

In retrospect, it looks as though there were some omens connected with this activity, if one believes in omens. First of all, Pulaski's party-pooing mayor, Stacey Garner, has since been found guilty of theft and has been removed from office. Secondly, a local homosexual banker who tried to stop the march followed a truck too closely when a piece of lumber flew off the back of the truck, smashed through the windshield of the banker's car and essentially decapitated the banker. We don't like to profess belief in anything unscientific but there were some incidents that occurred in Pulaski since October 7th that maybe some of you who believe in omens

can explain to us.

**TEXAS:** Five Confederate Hammer Skins in Dallas have been charged with conspiracy to violate civil rights—"racially motivated hate crimes against Jews, Blacks and Hispanics", including vandalizing a synagogue. The defendants are Jon Lance Jordan, Sean Christian Tarrant, Daniel Alvis Wood, Michael Lewis Lawrence and Christopher Barry Greer. Lawrence, Jordan and Wood are also charged with a firearms violation. Additionally, Mike Lawrence has an Oklahoma charge against him for shooting with intent to murder in connection with a Black girl getting shot in Tulsa where Mike was living before being jailed. Mike is not sure why the Oklahoma State charges were not filed against him until after he was arrested in Dallas but we did, in fact, receive word well over a year ago that the police in Tulsa suspected the Skins there of engaging in violence with firearms, however, did not make a major effort to investigate because the Skins' presence and reputation helped suppress the Black gang activities. Incidentally, Mike Lawrence was cleared of the firearms charge. The trial began February 20, 1990, and all five were convicted of two counts of conspiracy.

After the Skins were arrested in Dallas, there was concern that ZOG was out to round up as many Skinhead groups as it could under various conspiracy charges. Actually, ZOG will round up any White Nationalist group under the same charges if it had reason to believe there was conspiracy involved. We must all remember that before conspiracy charges can be made, there must be specific illegal acts done or plotted. We still have freedom to express our personal opinions and think our sacred thoughts. A group of people who share thoughts or express the same opinion do not commit conspiracy and have broken no laws. In the case of the Skins in Dallas, ZOG believed it had enough evidence to charge the defendants. Although the prosecution will no doubt be hostile, guilt or innocence is determined by what the jury believes, preferably a jury of peers.

**ILLINOIS:** On November 10th-12th, a closed Holocaust forum was held at the Northwestern University campus. Conference organizers proclaim that the timing of the conference was meant to coincide with the 50th anniversary of the start of World War II. Other sources say that the timing of the conference was to lay groundwork after a quietly passed law that mandates all public schools in Illinois have a unit of Holocaust studies effective January 1st. The conference was titled "Lessons and Legacies: The Meaning of the Holocaust in a Changing World." About 250 influential Jews from the U.S., Canada and Israel were in attendance, including scholars, presidential advisors, millionaires and billionaires. The Jews met behind closed doors and allowed interested public to attend just one session on Sunday afternoon to hear the program moderator and keynote speaker, Saul Friedlander, after which Friedlander answered questions from the floor. During the session that was supposed to be open to the interested public, Arthur Jones of the America First Committee (no longer affiliated with the ANP in Chicago) and Ed Novak of the Knights of the Ku Klux Klan, entered the meeting

hall. Art's wife, Pat, remained outside the hall, waiting for two more of their group to arrive. After the speech, the moderator allowed the public to ask questions and asked that any asker first identify himself and where he was from. The first person to be recognized by Friedlander was Professor Arthur R. Butz. Mr. Jones quoted Butz as saying, "I'm Arthur Butz. I'm a member of the faculty here at Northwestern and author of the book *The Hoax of the Twentieth Century*. My question is..." Mr. Jones could barely hear what Butz had asked but it was something on the order of, "Do you really believe it was the policy of the German government in WWII to deliberately attempt to exterminate the Jews?" Jew Friedlander replied, "Professor Butz, I am familiar with your book which I find highly unscientific and consider it to be a literary malignancy and of no value to this conference." To that, Butz had nothing more to say. The next question came from Mr. Jones who asked, "Professor Friedlander, if you can't answer Professor Butz, I would like to know what is your response to 'The Leuchter Report'." Art then attempted to give a brief history on the document in question which he held aloft in his hand but, before he could finish the background briefing, he was rushed and shoved by a Jew who Ed said looked exactly like Elie Wiesel and who began screaming, "Get out! Get out!" Art's past experience as boxer and NS stormtrooper would have easily allowed him to flatten his attacker but he really did not want to spend money to bail himself out of jail, even if he would have been legitimately defending himself for merely asking a question. When asked to leave, Art did so because there was no point in remaining. During the fiasco, Ed Novak rose from his seat, faced Art's attacker and warned him. The Jewish attacker considered Ed's warning a threat on his life and wanted to press charges but, after a few words of advice from another Jew in the group, the Jewish attacker did not press that charge; however, Ed was asked to leave also. On the way out of the conference, Ed tossed up some Revisionist literature from the Institute of Historical Review into the air over part of the crowd and Art shouted, "The Holocaust is a Jewish lie!" Outside the building the Jews made criminal trespassing charges against Art and Ed who were arrested. This incident made good press coverage in *The Daily Northwestern* (the school paper) but was totally blacked out by all other newsmedia. You would think that a conference such as this one would be really newsworthy to help perpetuate the Holocaust myth. The only sensible reason for the mass media blackout was that the media, for some reason, did not think they could give coverage to the public part of the conference without giving Art and Ed exposure for their opposing views—something that the media controllers would prefer hushed. Art has since located an Arab attorney who took the case for him and Ed for \$600. The court date of December 19th was postponed until January 19th, at which time the prosecution dropped charges for lack of evidence. For those of you wishing more detailed information on what transpired on November 12th or desiring to help with attorney fees, write to Arthur Jones, P.O. Box 29316, Chicago, IL 60629, or Ed Novak, P.O. Box 32105, Chicago, IL 60632.

Elsewhere in Illinois, Ed DiSilvio of Ashburn, was fired in May 1989 from his job as a school teacher at the Howe Developmental Center in Tinley Park because he was observed reading a "racist 'white power' magazine" during his lunch hour. The publication Mr. DiSilvio was reading was the "National Vanguard", a publication of Dr. William Pierce's National Alliance. It is interesting to note that Mr. DiSilvio was fired for reading a publication on his own time without broadcasting what he was reading to his co-workers or discussing issues in the publication with his co-workers. In comparison, Dir. Cooper not only speaks to high school and college classes at the request of the instructors, but he also distributes the current issue of the *NSV Report* to every student in the class. (See the report for November 14th in the OREGON section following.) Mr. DiSilvio is in the process of filing a civil rights lawsuit over the matter because his First Amendment rights were violated, in addition to filing a complaint with the state's Department of Human Resources. Prior to working at Howe Development Center, Mr. DiSilvio was a full-time instructor at Malcolm X College, a predominantly Black school. Since being fired from Howe, he has accepted a part-time position at Malcolm X College, teaching English as a second language. The *Southwest News-Herald* has supported Ed DiSilvio in his law suit with an article or editorial titled "This Case May Involve Vital Civil Liberties." Ed DiSilvio has an excellent case, has established a defense fund and received his first donation from his associate and friend, Art Jones of the America First Committee.

**OREGON:** Anti-White attorney Morris Dees of the Southern Poverty Law Center (SPLC) which publishes "Klanwatch" has filed a civil rights suit in the U.S. District Court in Portland on October 20th on behalf of the family of the late Ethiopian Mulugeta Seraw against two Skinheads (Kyle Brewster & Ken Mieske) that pleaded guilty in a plea bargain regarding the death of the Ethiopian on November 13, 1988. Joining in this law suit is the Anti-Defamation League of B'nai B'rith (ADL) whose attorney is Elden Rosenthal (9315 S.W. 37th, Portland, OR 97219). As most of you recall from previous *NSV Report* coverage in this matter, the State of Oregon offered the plea deal to the two Skins because it did not want a trial out of fear of the publicity which would put the Skins in a more positive light and put the Blacks, Portland police, politicians and bureaucrats in a negative light. For the same reason, the Federal Government threatened Kyle and Ken with federal civil rights charges, in addition to Oregon's charges, should the Skins decide to take the case to trial. This is not all. Named also in this suit are Tom Metzger of the White Aryan Resistance and his son, John, who are being charged with sending Skinhead agents to Portland to instigate the Portland Skins into attacks and other acts of violence against identifiable non-Whites, homosexuals, etc. The plaintiff asks to be awarded the maximum monetary rate allowable by law.

As most of you know, the SPLC, ADL and ZOG exchange information and help each other for mutual benefit. After the ADL filed the federal suit in Portland on behalf of the plaintiff,

one wonders what ZOG has up its sleeve. One speculation is that since ZOG made the commitment not to prosecute Ken and Kyle if the Skins took the plea bargain, perhaps ZOG still intends to proceed with the persecution in a sneaky, underhanded and hypocritical manner via the SPLC and ADL. However, it is our contention that ZOG does not want this trial in Portland at all regardless who runs the show because of the long-term ramifications already mentioned.

Now comes Morris Seligman Dees whose greed and ego are so great that he is not interested in the long-term ramifications of this type of trial in Portland. Dees had his eye on becoming the new U.S. Attorney General back when he was the fundraiser for George McGovern's unsuccessful presidential campaign. Dees promised his supporters that he would wipe out the Right Wing once he became U.S. Attorney General. Also, donations to the SPLC from frightened wealthy Jews and scared negroes were very good after Dees legally prosecuted White Nationalists, the most notable of which was the United Klans of America (UKA) which was headed by Robert Shelton. In this case, the Klan defense was feeble so Dees won a \$7,000,000 judgment against the Klan. According to law, the corporate officers of the UKA, their possessions and paychecks were also subject to the judgment so the defendants signed over the Klan's headquarters building to Beulah Mae Donald, the mother of the Black youth who was kidnapped off a street in Mobile (AL) and hung by 2-3 White teenagers who were members of the UKA. After the suit, donations from negroes and Jews poured into the SPLC, eventually building up Morris Dees' war chest to \$23,000,000. Beulah Mae Donald has since died and Robert Shelton is retired after suffering a heart attack.

For reasons unknown to us, Morris Dees, the SPLC and the ADL subsequently dropped the federal suit in Portland against Tom Metzger, John Metzger, Kyle Brewster and Ken Mieske. Tom told us over the telephone, "There were too many loopholes in the suit and they would lose." Usually in a case such as this, the plaintiffs are very willing to talk with the media to get the publicity and generate support, however, neither *Willamette Week* reporter Jim Redden nor a *Los Angeles Times* reporter (just to specify two) have been able to reach Dees for statements. Dees and his associates are not talking to anybody about the case which our people and neutral reporters find strange. Since the Portland federal suit had been dropped, Dees and company served Tom and John Metzger papers for a State of Oregon case regarding the same matter on December 12th. On January 24th, a deposition was held in San Diego. Morris Dees arrived with about five associate attorneys to take statements from Tom and John Metzger. On the day prior to the deposition, John Metzger filed for bankruptcy so Dees and company will not get a cent out of him. Tom Metzger took the Fifth Amendment for 2 hours. (Note: The taking of the Fifth Amendment does not indicate guilt but any statements made could later be used in a criminal case.) Thus, in conclusion, Dees and company got no information from this deposition and will get no money

from either Metzger which essentially leaves Dees, the SPLC, the ADL and Engedaw Berhanu (the late Mulugeta Seraw's uncle), two near-penniless Skinheads (Kenneth Mieske, #14798, 3405 Deer Park Dr., S.E., Salem, OR 97310, and Kyle Brewster, #18710, same address) to sue for the maximum monetary amount allowable by law.

While Dees et al. were stewing in their juices in frustration, a very large Wyatt Kaldenberg approached Dees as Dees was sitting at a courtroom table. Standing in front of Dees and hovering over him, Wyatt bellowed, "Mr. Dees...." Immediately upon looking up at Wyatt, Dees startled and his eyes got "big as 50-cent pieces" (according to Tom). It is not known whether Dees was just jumpy because of an environment potentially harmful to his health or because he recognized Wyatt as the person who threw the punch that broke Geraldo Rivera's nose (see *NSV Report* for Oct/Dec '88) and who may have similar plans for his (Dees') nose. Then Wyatt continued, "You have been served", and handed Dees papers, suing him and the SPLC for \$10 million in civil rights damages for harassment and abuse of the judicial process. As Wyatt departed, Dees was seen to be visibly shaken and trembling as he and his five associate attorneys in their three-piece suits thumbed through the paperwork and hustled about the courtroom. Since that day in San Diego, Tom made a trip to Portland to pursue legal charges against Dees, the SPLC, ADL and Engedaw Berhanu, thereby continuing the panacea among the Portland Bureaucrats and agitating the racial situation in Portland, the saga of which will be continued in the Jan/Mar '90 *NSV Report*.

On October 27th-29th, the Northwest Coalition Against Malicious Harassment held its third annual convention "devoted to combatting bigotry and hate crimes" at the Greenwood Inn in Beaverton. One of the keynote speakers was U.S. Rep. Ron Wyden, co-sponsor of the 1989 Hate Crimes Statistics Act. Attendance was controlled by reservation only and special security measures were used for this meeting because of the presence of Thomas Martinez, the person who was most responsible for betraying The Order in exchange for ZOG's money and an agreement not to prosecute him for his involvement with The Order. In future times to come, Martinez will go down in history as another Benedict Arnold. Some of our associates approached the meeting to gain entrance and thus monitor the meeting but the security guards refused them entry. Later it was learned that police with dogs checked the meeting area prior to the meeting for hidden assassins and bombs. Our information indicates that the 3-day affair was pretty ho-hum except the Sunday afternoon session when Deborah Luppold, the Manager of Portland Cable Access Television, was speaking about the role that public access cable television plays in connection with free speech and expression. During her talk, a bespectacled man from Coeur d'Alene, Idaho, (not Bill Wassmuth, although he was present) angrily chastised Ms. Luppold for allowing "Race & Reason" to be shown on public cable access television and claiming that by doing so she was promoting racism and

"pedastry." (Yes, that's the word this guy used!) As this man spoke, he shook his pencil at her in an authoritative manner, all of which provoked an attitude of resentment from Ms. Luppold who responded something to the effect: "If you want to have public access stop airing programs, change the law! In using our facilities, Rick Cooper treats those of us with whom he deals with more respect than you have exhibited in asking your question. It is people such as yourself, who would choose to silence certain speakers, who had public access shut down in Kansas City. As a result, the American Civil Liberties Union defended the Klan's right to speak. Rather than silencing speakers, I suggest you produce programs that represent your point of view." The man did not have much to say after that.

On November 14th, Director Cooper was a guest lecturer at Professor Joe Gallegos' sociology class (Cultural Diversity In America) at the University of Portland. Dir. Cooper had met Prof. Gallegos previously in October at the Portland Cable Access Television station during a videotaping session at which time Prof. Gallegos was interviewing Dir. Cooper for a subsequent showing of the tape at a social workers conference in San Francisco later that month. After both the professor and cable station manager thanked Dir. Cooper for his time, Dir. Cooper told Prof. Gallegos that he was glad to have been of assistance and feels obligated to speak the truth as he sees it and is a public spokesman for the Movement. He also mentioned that he gladly speaks to high school and college classes when he gets invitations. It was then that Prof. Gallegos said he would consider inviting Dir. Cooper to talk at his class. On November 14th, there were 13 students. Dir. Cooper used the blackboard to outline his brief talk--the nature of the White Nationalist Movement; the more widely known major factions of the Movement such as the National Socialists, the Ku Klux Klansmen, the Posse Comitatus, Identity Christianity, Skinheads and The Order; and the type of people involved. Since the students are primarily going into social work at some level, Dir. Cooper concluded the 10-minute introduction by stating that the two things he felt the students should remember whenever they deal with White Nationalists in the future are: (1) They all believe in the survival of the White race; and (2) They cannot be stereotyped. The remainder of the class period was spent answering questions from the students and talking just about whatever was on their minds. The students were very attentive as they copied the outline that Dir. Cooper had written on the blackboard and took notes as he spoke. The class was about half White, everything went smoothly and the instructor said he would like to have Dir. Cooper back next year. In a followup letter from Prof. Gallegos to Dir. Cooper dated December 15th, Prof. Gallegos writes: "The semester is over, and I am able to get to my correspondence duties and to express my belated appreciation. Thank you for your services as guest speaker to my class last semester. The students in Cultural Diversity in America appreciated your presentation which was competently delivered and which helped them to appreciate and understand the issues of 'the White Supremacy Movement'.

Enclosed you will find an honorarium check for \$50."

The "Race & Reason" cable TV series continues to be shown on Channel 33 in Portland every Friday evening at 6:00 p.m. and in Vancouver (WA) on Channel 38 at 10:00 p.m. every other Wednesday. More detailed program information for the Vancouver cable subscribers can be obtained from the *Vancouver Columbian* which gives a brief description of the particular program.

### ANNOUNCEMENTS

**April 20th & 21st (Friday & Saturday):** The Church of Jesus Christ Christian will sponsor the Aryan Youth Resurrection Seminar. This gathering will also serve as a Hitlerfest and is expected to occur yearly henceforth. The church may be contacted at P.O. Box 362, Hayden Lake, ID 83835; (208) 772-2408, for registration information.

**July 7th (Saturday):** The White Camelia Knights of the Ku Klux Klan, with assistance of the Texas White Knights, are holding a rally and demonstration against the anti-White World Economic Summit conference that will be held on the 9th through 11th in the Houston (TX) area. Movement speakers will be Pastor Richard Butler of Aryan Nations, Pastor Thom Robb of the Knights of the Ku Klux Klan, Dr. Ed Fields (editor of *The Truth At Last*, formerly *The Thunderbolt*), Charles Lee of the White Camelia Knights of the Ku Klux Klan, Kim Badynski of the Northwest Knights of the Ku Klux Klan, Attorney Kirk D. Lyons and many more. An estimated 8,000 newspeople and leaders from all over the world are expected. The rally will be held at the Humble (TX) Civic Center at 9:00 a.m. sharp, speeches heard until noon, leave for parade site, parade from 1:30-3:30 p.m., back to Humble Civic Center for Texas style Bar-B-Q and hear more speakers, and then head for cross lighting site later that night. For more information, write to White Camelia Knights of the KKK, P.O. Box 694, Cleveland, TX 77328, or call (713) 593-1831 or (713) 593-1666.

**July 13th, 14th & 15th (Friday through Sunday):** The annual Aryan Nations Congress will be sponsored by the Church of Jesus Christ Christian. At this time, no hassles are anticipated for the delegates by the Kootenai County Sheriff's Department and no law enforcement group is expected to have photographers at the church property entrance, however, there is always the possibility of some private group doing such things. Contact information is given above.

**October 13th & 14th (Saturday & Sunday):** Oktoberfest sponsored by The Church of Jesus Christ Christian. Contact information is given above.

### BUSINESS

Because of our increasing Movement successes and accompanying workload, we regret that we are no longer able to add just any prisoner to our regular mailing list for complimen-

tary mailings. Bonafide prisoners of war (POWs) will continue to receive complimentary mailings. All other prisoners will be able to receive the *NSV Report* if they send \$1.40 yearly which will cover the postage and printing for the reports they receive, otherwise they will receive the current report along with our answers to any of their letters. In regards to the letters, business mail gets answered first. We realize that many prisoners do mean well and we are flattered that they appreciate the reports but we have reached a breaking point at this end. Our experience with the vast majority of prisoners, unless the prisoners were active in the Movement prior to imprisonment, is that the prisoners will not be active after their release nor will they send in a few bucks to help out.

We are getting letters from Movement activists and supporters who want to know why the reports are late. Other supporters write to ask if they have been taken off the list. The truth of the matter is that we have been so busy trying to keep up on things (helping students with their projects, answering letters of supporters, conducting routine political business, putting together reports, contacting people, working at our jobs etc.) that we have not had the time to ask the dead weight on the mailing list to give us a hand. For sure, anybody who has been on the NSV mailing list for at least a year will not be removed without first receiving a letter from us asking them to cover the postage and printing expenses for the reports they receive. Any amount submitted above that helps us with all the other expenses incurred. Anybody on the mailing list was placed there initially either because of his activism, because he sent in a donation or because he contributed in some meaningful way (to us) to advance the Movement. It makes us feel good to know that the support is there if we ask, even if we don't have time to ask.

In short, Movement business is good because it is increasing. Our main problem is time but we are trying to make the best of the situation. The reports could come out more timely but the quality and accuracy would be sacrificed. The response we have been getting from the last three or four reports indicates that the reports are more objective, more analytical and more professional. I guess that is because the writers are maturing with age.

Source documents for this report are available for those who submit a donation to cover the cost of postage and reproduction. There are about 14 pages involved.

A complete set of every issue of the *NSV Report* published to date is available for \$15. The set will be sent in a three-ring binder. We pay the postage.

Hail Victory!

The Directors  
National Socialist Vanguard

ATTACHMENT E  
Oregon "Hate Crime" Statutes

1989

# OREGON REVISED STATUTES

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Volume 3

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PENAL CODE

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TITLES

14. PROCEDURE IN CRIMINAL MATTERS GENERALLY
15. PROCEDURE IN CRIMINAL ACTIONS IN JUSTICES' COURTS
16. CRIMES AND PUNISHMENTS

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PUBLISHED by the  
LEGISLATIVE COUNSEL COMMITTEE of the  
LEGISLATIVE ASSEMBLY of the STATE OF OREGON

(2) As used in this section:

(a) "Party line" means a subscriber's line telephone circuit, consisting of two or more main telephone stations connected therewith, each station with a distinctive ring or telephone number.

(b) "Emergency call" means a telephone call to a police or fire department, or for medical aid or ambulance service, necessitated by a situation in which human life or property is in jeopardy and prompt summoning of aid is essential.

(3) Every telephone directory published after January 1, 1972, which is distributed to members of the general public in this state shall contain in a prominent place a notice of the offense punishable by this section.

(4) Misconduct with emergency telephone calls is a Class B misdemeanor. [1971 c.743 §288]  
166.110 [Amended by 1961 c.503 §2; repealed by 1971 c.743 §432]

**166.115 Interfering with public transportation.** (1) A person commits the crime of interfering with public transportation if, with intent to harass, annoy or alarm, the person subjects the operator of any bus to offensive physical contact when the bus is operated by or under contract to any public body in order to provide public transportation.

(2) As used in this section, "public body" means the state, any city, county or special district, or any other political subdivision or municipal or public corporation.

(3) Interfering with public transportation is a Class A misdemeanor. [1981 c.783 §3]

166.120 [Repealed by 1971 c.743 §432]

166.130 [Repealed by 1971 c.743 §432]

166.140 [Repealed by 1971 c.743 §432]

166.150 [Repealed by 1971 c.743 §432]

### INTIMIDATION

**166.155 Intimidation in the second degree.** (1) A person commits the crime of intimidation in the second degree if the person:

(a) Tamper or interferes with property, having no right to do so nor reasonable ground to believe that the person has such right, with the intent to cause substantial inconvenience to another because of the person's perception of the other's race, color, religion, national origin or sexual orientation;

(b) Intentionally subjects another to offensive physical contact because of the person's perception of the other's race, color, religion, national origin or sexual orientation; or

(c) Intentionally, because of the person's perception of race, color, religion, national

origin or sexual orientation of another or of a member of the other's family, subjects such other person to alarm by threatening:

(A) To inflict serious physical injury upon or to commit a felony affecting such other person, or a member of the person's family; or

(B) To cause substantial damage to the property of the other person or of a member of the other person's family.

(2) Intimidation in the second degree is a Class A misdemeanor.

(3) For purposes of this section:

(a) "Property" means any tangible personal property or real property.

(b) "Sexual orientation" means heterosexuality, homosexuality or bisexuality. [1981 c.785 §1; 1983 c.521 §1; 1989 c.1029 §1]

166.160 [Repealed by 1971 c.743 §432]

**166.165 Intimidation in the first degree.** (1) Two or more persons acting together commit the crime of intimidation in the first degree, if the persons:

(a)(A) Intentionally, knowingly, or recklessly cause physical injury to another because of their perception of that person's race, color, religion, national origin or sexual orientation; or

(B) With criminal negligence cause physical injury to another by means of a deadly weapon because of their perception of that person's race, color, religion, national origin or sexual orientation;

(b) Intentionally, because of race, color, religion, national origin or sexual orientation of another, place that person in fear of imminent serious physical injury; or

(c) Commit such acts as would constitute the crime of intimidation in the second degree, if undertaken by one person acting alone.

(2) Intimidation in the first degree is a Class C felony.

(3) "Sexual orientation" has the meaning given that term in ORS 166.155. [1981 c.785 §2; 1983 c.521 §2; 1989 c.1029 §2]

### POSSESSION AND USE OF WEAPONS

**166.180 Negligently wounding another.** Any person who, as a result of failure to use ordinary care under the circumstances, wounds any other person with a bullet or shot from any firearm, or with an arrow from any bow, shall be punished by imprisonment in the county jail for a period not to exceed six months, or by a fine not to exceed \$500, or both. In addition, any person so convicted shall forfeit any license to hunt, obtained under the laws of this state, and shall be in-

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**OREGON REVISED STATUTES**

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**Volume 16**

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**ANNOTATIONS**

**(1989 Cumulative Supplement)**

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**PUBLISHED by the  
LEGISLATIVE COUNSEL COMMITTEE of the  
LEGISLATIVE ASSEMBLY of the STATE OF OREGON**

statution because it is directed to speech and is not "wholly confined within some historical exception" to that constitutional section. *State v. Harrington*, 67 Or App 608, 680 P2d 666 (1984), Sup Ct review denied

Section of this statute that proscribes "offensive physical contact" is directed toward conduct not speech and does not violate Article I, Section 8 of the Oregon Constitution. *State v. Beebe*, 67 Or App 738, 680 P2d 11 (1984), Sup Ct review denied

Paragraph (1)(f), concerning harassment by causing telephone to ring with no communicative purpose, is clear and unambiguous. *State v. Lowery*, 71 Or App 833, 693 P2d 1343 (1984)

Paragraph (1)(d) of this section, concerning telephonic or written threats, where focus is on effect not speech and effect must be objectively as well as subjectively genuine, is neither constitutionally overbroad nor vague. *State v. Moyle*, 299 Or 691, 705 P2d 740 (1985)

Definition of what is obscene in ORS 167.087 (2) is unconstitutionally vague under Oregon Constitution and term "obscene" is inseparable part of subsection (1)(e) of this section. *State v. Ray*, 79 Or App 529, 719 P2d 922 (1986)

To justify conviction under subsection (1)(d) of this section, threat must be genuine and pose objective risk of breach of peace and failure by defendant to act on threat may suggest it was not genuine, but failure does not compel such conclusion. *State v. Mapula*, 80 Or App 146, 720 P2d 1336 (1986), Sup Ct review denied

Harassment did not occur by phoning of bomb threat when recipient of threat was not actually placed in fear. *State v. Wilson*, 81 Or App 48, 724 P2d 840 (1986), Sup Ct review denied

Subsection (1)(e) of this section is hopelessly overbroad, and court cannot write into subsection that proscribed conduct must necessarily be restricted to unwanted, unsolicited or nonconsensual telephone calls. *State v. Ray*, 302 Or 595, 733 P2d 28 (1987)

FURTHER CITATIONS: *State v. Keller*, 45 Or App 341, 608 P2d 215 (1980), Sup Ct review denied

166.155

#### NOTES OF DECISIONS

It is constitutionally permissible to punish otherwise criminal conduct more severely when it is motivated by racial, ethnic or religious hatred than when it is motivated by individual animosity. *State v. Beebe*, 67 Or App 738, 680 P2d 11 (1984), Sup Ct review denied

LAW REVIEW CITATIONS: 18 WLR 197

166.165

LAW REVIEW CITATIONS: 18 WLR 197

166.175 to 166.735

LAW REVIEW CITATIONS: 18 WLR 1

166.190

#### NOTES OF DECISIONS

Negligent wounding of another pursuant to this section is outside Criminal Code but clearly intends proof of culpable mental state. *State v. Orth*, 35 Or App 235, 581 P2d 953 (1978)

LAW REVIEW CITATIONS: 51 OLR 491, 485, 579

166.190

#### NOTES OF DECISIONS

In wrongful death action, rule that violation of statute is negligence per se was not applicable where child who fatally fired weapon was under twelve years of age at time of shooting. *Thomas v. Luman*, 282 Or 270, 578 P2d 399 (1978)

Charging instrument alleging crime under this section need not plead lack of self defense, because use of such labels as "except" in charging statute, standing alone, does not require state to plead negation of the exception. *State v. George*, 72 Or App 135, 694 P2d 1011 (1985)

Where defendant purposely pointed unloaded pistol at Bureau of Indian Affairs Security Officer in violation of Oregon Statute, use of Assimilative Crimes Act was appropriate since federal statute did not punish precise acts upon which state law conviction depended and victim's testimony that defendant pointed gun at him was sufficient evidence that defendant acted "purposely" within meaning of Oregon statute. *U.S. v. Kaufman*, 862 F2d 236 (9th Cir. 1989)

FURTHER CITATIONS: *State v. Bartolon*, (1972) 8 Or App 538, 495 P2d 772

LAW REVIEW CITATIONS: 51 OLR 485

166.210

#### NOTES OF DECISIONS

Definition of firearm "capable of being concealed upon the person" in this section does not limit same term in ORS 166.270 since such definition states that it does "apply to and include" firearms with barrels less than 12 inches long. *State v. Miller*, 87 Or App 439, 742 P2d 692 (1987)

166.220

#### NOTES OF DECISIONS

Evidence that defendant carried cocked, holstered pistol, that he told police he would meet force with force and firearms with firearms if police moved into building which he and others were unlawfully occupying, and that gun was later found to be loaded, was sufficient to support finding that defendant carried dangerous weapon with intent to use it. *State v. Essig*, 31 Or App 639, 571 P2d 170 (1977) Sup Ct review denied

Menacing is not lesser included offense of carrying dangerous weapon within intent to use. *State v. Cummings*, 33 Or App 265 (1978)

When conduct giving rise to convictions under this section, Recklessly Endangering (ORS 163.195) and Menacing (ORS 163.190) stemmed from same conduct against same individual victim, it was error not to merge convictions for Recklessly Endangering and Menacing with conviction under this section. *State v. Linthwaite*, 52 Or App 511, 629 P2d 1250 (1981)

Where defendant was charged in four counts with having attempted to use a weapon against four separate persons and jury found that weapon was specifically directed against four separate persons, entry of four convictions was proper. *State v. Linthwaite*, 52 Or App 511, 629 P2d 1250 (1981)

Where defendant committed four identical violations of this section against four persons at same time and place, imposition of consecutive sentences was not error. *State v. Linthwaite*, 52 Or App 511, 629 P2d 1250 (1981)

Subsection (1) of this section describes two criminals: (1) any person who attempts to use a dangerous knife unlawfully against another; (2) any person who

**ATTACHMENT F**  
**Pennsylvania "Hate Crime" Statutes**

**PURDON'S  
PENNSYLVANIA  
CONSOLIDATED STATUTES  
ANNOTATED**

**Title 18**

**Crimes and  
Offenses  
§2701 to 3900**

## 18 § 2709 OFFENSES INVOLVING DANGER TO PERSONS

### Note 6

cutrix and evidence was germane to establish element of offense, i.e., criminal intent. *Com. v. Evans*, 445 A.2d 1255, 299 Pa.Super. 529, 1982.

In prosecution for harassment for allegedly throwing a bottle of beer in direction of complainant's boat which was traveling in the opposite direction, testimony as to factual circumstances surrounding confrontation between boats and subsequent law enforcement investigation of registration number listed on defendant's boat disclosing defendant as owner constituted adequate independent proof that a crime had been committed and that defendant had committed it so as to allow admission of evidence of an out-of-court admission by defendant. *Com. v. Brogan*, 411 A.2d 248, 270 Pa. Super. 197, 1979.

### 7. Sufficiency of evidence

Commonwealth established beyond reasonable doubt intent to harass, annoy or alarm another person, conduct which has no legitimate purpose, and conduct which alarms or seriously annoys average person, which elements were necessary to sustain a conviction for harassment. *Com. v. Evans*, 445 A.2d 1255, 299 Pa.Super. 529, 1982.

Evidence that defendant was in common area of boarding house with tenant when landlord asked him to leave, that no valid reason was given for him to leave and that when told to leave, defendant argued briefly against the request but then determined on his own accord to leave, was insufficient to support conviction for harassment. *Com. v. Burton*, 445 A.2d 191, 299 Pa.Super. 147, 1982.

Evidence in harassment prosecution supported finding that defendants acted with intent to harass. *Com. v. Beck*, 441 A.2d 395, 295 Pa.Super. 154, 1982.

Evidence was insufficient to sustain conviction of criminal harassment arising out of defendant's making formal complaints against police officers, which complaints were later determined to be unfounded. *Com. v. Bender*, 375 A.2d 354, 248 Pa.Super. 504, 1977.

In prosecution for harassment, evidence, including testimony that defendant made repeated requests that prosecutrix permit him to engage in an illegal sexual act with her and testimony that prosecutrix made it clear to defendant that she wanted to be left alone, was sufficient to justify inference that defendant acted deliberately and with the intention of annoying prosecutrix. (Per Van der Voort, J., with two Judges concurring and one Judge concurring in the result.) *Com. v. Duncan*, 363 A.2d 803, 239 Pa.Super. 539, 1976.

Evidence was sufficient to sustain a summary conviction for harassment where it was shown that defendant's stereo playing provoked complaints to the police, defendant verbally and by gestures threatened the complainants, and defendant spat on complainant's car while he occupied it. *Com. v. Ebling*, 9 D. & C.3d 779, 1978.

### 8. Instructions

In prosecution in which defendant was convicted of simple assault, trial court did not err in refusing to charge jury on the crime of harassment, since there was no evidence of any intent on the part of defendant to "harass, annoy or alarm" the victim. *Com. v. Showalter*, 418 A.2d 580, 275 Pa.Super. 1, 1980.

### 9. Sentence and punishment

Following defendant's conviction of criminal mischief and harassment trial court erred in ordering defendant to make restitution as determined by the Office of Probation and Parole, since trial court's obligation to determine restitution was not delegable. *Com. v. Seminko*, 443 A.2d 1192, 297 Pa.Super. 418, 1982.

### 10. Review

Where issue that admission of testimony related to prior acts between complainant and defendant was prejudicial error was not submitted in defendant's posttrial motions, despite trial court's advising him of consequences if he failed to do so, issue would be considered waived on appeal of harassment prosecution. *Com. v. Evans*, 445 A.2d 1255, 299 Pa.Super. 529, 1982.

## § 2710. Ethnic intimidation

(a) **Offense defined.**—A person commits the offense of ethnic intimidation if, with malicious intention toward the race, color,

## ING DANGER TO PERSONS

In prosecution for harassment, evidence, including testimony that defendant made repeated requests that prosecutrix permit him to engage in an illegal sexual act with her and testimony that prosecutrix made it clear to defendant that she wanted to be left alone, was sufficient to justify inference that defendant acted deliberately and with the intention of annoying prosecutrix. (Per *van der Voort, J.*, with two Judges concurring and one Judge concurring in the result.) *Com. v. Duncan*, 363 A.2d 803, 39 Pa.Super. 539, 1976.

Evidence was sufficient to sustain a summary conviction for harassment where it was shown that defendant's mere playing provoked complaints to the police, defendant verbally and by gestures threatened the complainants, and defendant spat on complainant's car while he occupied it. *Com. v. Ebling*, 9 D. & C.3d 779, 1978.

### 4. Instructions

In prosecution in which defendant was convicted of simple assault, trial court did not err in refusing to charge jury on the crime of harassment, since there was no evidence of any intent on the part of defendant to "harass, annoy or alarm" the victim. *Com. v. Showalter*, 41S A.2d 80, 275 Pa.Super. 1, 1980.

### 4. Sentence and punishment

Following defendant's conviction of criminal mischief and harassment trial court erred in ordering defendant to make restitution as determined by the Office of Probation and Parole, since trial court's obligation to determine restitution was not delegable. *Com. v. Leminko*, 443 A.2d 1192, 297 Pa.Super. 18, 1982.

### 10. Review

Where issue that admission of testimony related to prior acts between complainant and defendant was prejudicial error was not submitted in defendant's post-trial motions, despite trial court's advising him of consequences if he failed to do so, issue would be considered waived on appeal of harassment prosecution. *Com. v. Evans*, 445 A.2d 1255, 99 Pa.Super. 529, 1982.

commits the offense of ethnic  
intention toward the race, color,

## ASSAULT

18 § 2710

religion or national origin of another individual or group of individuals, he commits an offense under any other provision of this article or under Chapter 33 (relating to arson, criminal mischief and other property destruction) exclusive of section 3307 (relating to institutional vandalism) or under section 3503 (relating to criminal trespass) or under section 5504 (relating to harassment by communication or address) with respect to such individual or his or her property or with respect to one or more members of such group or to their property.

(b) Grading.—An offense under this section shall be classified as a misdemeanor of the third degree if the other offense is classified as a summary offense. Otherwise, an offense under this section shall be classified one degree higher in the classification specified in section 106 (relating to classes of offenses) than the classification of the other offense.

(c) Definition.—As used in this section "malicious intention" means the intention to commit any act, the commission of which is a necessary element of any offense referred to in subsection (a) motivated by hatred toward the race, color, religion or national origin of another individual or group of individuals.

1982, June 18, P.L. 537, No. 154, § 1, imd. effective.

### Historical Note

Section 2 of Act 1982, June 18, P.L. 537, No. 154, provides as follows:

"(a) Any person who incurs injury to his person or damage or loss to his property as a result of conduct described in 18 Pa.C.S. § 2710 (relating to ethnic intimidation) or 18 Pa.C.S. § 3307 (relating to institutional vandalism) shall have a right of action against the actor for injunction, damages or other appropriate civil or equitable relief. In any such action the issue of whether the defendant engaged in the conduct alleged shall

be determined according to the burden of proof used in other civil actions for similar relief.

"(b) The plaintiff in an action under this section may recover:

"(1) General and special damages, including damages for emotional distress.

"(2) Punitive damages.

"(3) Reasonable attorneys fees and costs."

### Library References

Malicious Mischief § 1.

C.J.S. Malicious Mischief §§ 1 to 5.

PURDON'S  
PENNSYLVANIA  
CONSOLIDATED STATUTES  
ANNOTATED

See 6/25/91

Title 18

Crimes and Offenses

§§ 2701 to 3900

1990

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1989 Regular Session

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Id 1314, 308 Pa. 312.

*trophe. Com. v. Diamond*, 346 A.2d 628, 376 Pa.Super. 485, 1988.

#### 8.7. Sentence and punishment

Court erred in imposing 20 to 40 years imprisonment on conviction of burglary, arson, recklessly endangering another person, and risking and causing a catastrophe, in addition to concurrent terms of life imprisonment imposed upon conviction on two counts of second-degree murder, where conviction of risking catastrophe, causing catastrophe, and recklessly endangering another person should have merged with the arson conviction for purposes of sentencing, and the burglary and arson convictions were constituent offenses of the felony-murders. *Com. v. Garnett*, 485 A.2d 821, 336 Pa.Super. 313, 1984.

allowing adverse ruling charge of causing or, instead, elected to put in correctness of ruling on an available issue on 1 A.2d 103, 327 Pa.Su.

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event catastrophe

#### Official Comment—1972

sd from Section 220.2 of the Model Penal Code, limited, however, e actor "can do so without substantial risk to himself."

#### Notes of Decisions

title providing justifi- duct is required or aw imposing public title providing that klessly fails to take

reasonable measures to prevent or mitigate catastrophe commits misdemeanor, authorized and required defendant's conduct in vandalizing missile components at defense contractor's plant. *Com. v. Berrigan*, 535 A.2d 91, 369 Pa.Super. 145, 1987, appeal denied 557 A.2d 341, 521 Pa. 609, certiorari denied 110 S.Ct. 219, 107 L.Ed.2d 173.

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#### Official Comment—1972

from Section 220.3 of the Model Penal Code.

re are numerous sections dealing with what may be classified For example, Section 914 of The Penal Code of 1939 (18 P.S. ous mischief to monuments. Section 915 of said act (18 P.S. ous mischief to windows, doors, bells, and signs.

sd to consolidate all of the offenses dealing with malicious

m 1 to 7 years.

#### Notes of Decisions

##### 4.5. Limitations of actions

Prosecution for criminal mischief commenced more than two years after it was committed, was barred by statute of limitations, 18 Pa.C.S.A. § 3304. *Com. v. Baysore*, 503 A.2d 33, 349 Pa.Super. 345, 1986.

##### 5. Indictment or information

Change in grade of criminal mischief charge does not amount to additional charge or charge of another offense. *Com. v. Jones*, 466 A.2d 691, 319 Pa.Super. 570, 1983.

##### 8. Sufficiency of evidence—In general

Criminal mischief conviction was not supported by evidence that defendant intentionally cut hole in borough's storm drain pipe on easement adjacent to his property, absent showing of criminal intent; defendant cut storm pipe primarily to

persons about to establish crimi- ing Companies, 79.

not required to use of criminal A.2d 297, 358

facilitate surface drainage on his land, rather than to damage borough's property, and there was no evidence that harm rising to level of criminality was suffered by pipe. *Com. v. Moll*, 543 A.2d 1221, 375 Pa.Super. 147, 1988, appeal denied 563 A.2d 497.

Criminal mischief conviction was not supported by evidence that defendant intentionally cut hole in borough's storm drain pipe on easement adjacent to his property, absent showing that defendant acted recklessly; there is no evidence that excessive dirt or debris entered pipe due to defendant's cutting of hole, and thus defendant's conduct did not cause harm which criminal mischief statute sought to protect against. *Com. v. Moll*, 543 A.2d 1221, 375 Pa.Super. 147, 1988, appeal denied 563 A.2d 497.

Criminal mischief conviction was not supported by evidence that defendant intentionally cut hole in borough's storm drain pipe on easement adjacent to his property, absent showing that defendant acted recklessly; there is no evidence that excessive dirt or debris entered pipe due to defendant's cutting of hole, and thus defendant's conduct did not cause harm which this section sought to protect against. *Com. v. Moll*, 543 A.2d 1221, 375 Pa.Super. 147, 1988, appeal denied 563 A.2d 497.

Evidence in prosecution for criminal mischief, based on burning of murder victim's automobile, was insufficient to support jury's finding of guilt, where a witness testified that he had taken jar of gasoline and placed it in automobile, that defendant's boyfriend drove automobile from murder scene to location where the automobile was burned, that boyfriend poured gasoline on seats of automobile and lit ball of paper and tossed it into automobile, and that defendant had already walked away and had nothing to do with the burning of the automobile. *Com. v. Lore*, 487 A.2d 841, 338 Pa.Super. 42, 1984.

##### 10. — Malice, sufficiency of evidence

The breaking of tree limbs upon a whim or in jest, due to the lack of malice, does not constitute intentional or reckless tampering with tangible property of another so as to endanger person or

property necessary for a conviction of criminal mischief under this section. *Com. v. Hines*, 32 D. & C.3d 206, 1985.

##### 10.5. Instructions

Charge by which court read to jury portion of this section, for violation of which the accused was on trial, was not shown to be erroneous, despite contention that effect was to broaden the charge. *Com. v. Katsafanas*, 464 A.2d 1270, 318 Pa.Super. 143, 1983.

##### 11. Sentence and punishment

"Tangible property" within this section, proscribing damage to tangible property, includes both real and personal property; overruling *Commonwealth v. Lezinsky*, 264 Pa.Super. 476, 400 A.2d 184; *Commonwealth v. Williams*, 299 Pa.Super. 278, 445 A.2d 753. In *Interest of Rodriguez*, 537 A.2d 854, 371 Pa.Super. 130, 1988.

##### 13. Tangible property

Wall of a building was "tangible property" within this section such that spray painting of graffiti on wall of building would support delinquency adjudication based on charges of criminal mischief and criminal conspiracy. In *Interest of Rodriguez*, 537 A.2d 854, 371 Pa.Super. 130, 1988.

"Tangible property" within this section, proscribing damage to tangible property, includes both real and personal property; overruling *Commonwealth v. Lezinsky*, 264 Pa.Super. 476, 400 A.2d 184; *Commonwealth v. Williams*, 299 Pa.Super. 278, 445 A.2d 753. In *Interest of Rodriguez*, 537 A.2d 854, 371 Pa.Super. 130, 1988.

##### 14. Construction with other laws

Defendant was properly sentenced for both criminal mischief and institutional vandalism, even though the same facts were used to support convictions for both crimes, as criminal mischief involves negligent and reckless conduct whereas institutional vandalism involves intentional conduct and neither crime is a lesser included offense of the other. *Com. v. Perdue*, 564 A.2d 489, 387 Pa.Super. 473, Super.1989.

## § 3307. Institutional vandalism

(a) **Offenses defined.**—A person commits the offense of institutional vandalism if he knowingly desecrates, as defined in section 5509 (relating to desecration of venerated objects), vandalizes, defaces or otherwise damages:

- (1) any church, synagogue or other facility or place used for religious worship or other religious purposes;
- (2) any cemetery, mortuary or other facility used for the purpose of burial or memorializing the dead;
- (3) any school, educational facility, community center, municipal building, court-house facility or juvenile detention center;
- (4) the grounds adjacent to and owned or occupied by any facility set forth in paragraph (1), (2) or (3); or
- (5) any personal property located in any facility set forth in this subsection.

(b) **Grading.**—An offense under this section is a felony of the third degree if the act is one of desecration as defined in section 5509 or if the actor causes pecuniary loss in excess of \$5,000. Pecuniary loss includes the cost of repair or replacement of

the property affected. Otherwise, institutional vandalism is a misdemeanor of the second degree.

As amended 1988, Dec. 20, P.L. 291, No. 78, § 2, imd. effective; 1988, Oct. 8, P.L. 734, No. 108, § 1, effective in 60 days.

Historical and Statutory Notes

1983 Amendment: "In cl. (3) of subsec. (a), added "or juvenile detention center."

1988 Legislation

The 1988 amendment, in subd. (a)(3), extended coverage to municipal buildings and courthouse

facilities and, in subd. (b), inserted the provision relating to acts of desecration as defined in section 5509.

§ 3308. Additional fine for arson committed for profit

Library References

Arson § 45.  
C.J.S. Arson § 57.

§ 3309. Agricultural vandalism

(a) Offense defined.—A person commits the offense of agricultural vandalism if, he intentionally or recklessly defaces, marks or otherwise damages the real or tangible personal property of another, where the property defaced, marked or otherwise damaged is used in agricultural activity or farming.

(b) Grading.—Agricultural vandalism is a felony of the third degree if the actor intentionally causes pecuniary loss in excess of \$5,000, a misdemeanor of the first degree if the actor intentionally causes pecuniary loss in excess of \$1,000 or a misdemeanor of the second degree if the actor intentionally or recklessly causes pecuniary loss in excess of \$500. Pecuniary loss includes the cost of repair or replacement of the property affected. Otherwise, agricultural vandalism is a misdemeanor of the third degree.

(c) Definition.—As used in this section, the terms "agricultural activity" and "farming" mean the commercial production of agricultural crops, livestock or livestock products, poultry or poultry products, milk, eggs or dairy products, or fruits or other horticultural products.

1988, July 13, P.L. 500, No. 86, § 1, imd. effective.

CHAPTER 35. BURGLARY AND OTHER CRIMINAL INTRUSION.

WESTLAW Electronic Research  
See WESTLAW Electronic Research Guide following the Preface.

§ 3502. Burglary

Official Comment—1972

This section is derived from Section 221.1 of the Model Penal Code.

Under Section 901 of The Penal Code of 1939 (18 P.S. § 4901) burglary is defined as the wilful and malicious entry of "any building with intent to commit any felony therein...." The courts have construed the statute to require a "breaking." Section 901.1 (18 P.S. § 4901.1) penalizes "unlawful entry" (i.e., entry of a building under circumstances not amounting to burglary, with intent to commit a crime therein); Section 902 (18 P.S. § 4902) penalizes burglary with explosives; and Section 903 (18 P.S. § 4903) penalizes burglary of railroad cars and vehicles.

Generally, this section combines the various existing burglary provisions, eliminates the "breaking" requirement and substitutes the unlicensed or unprivileged entry therefor, and grades the offense in relation to the risk involved. In addition, except where a felony of the first or second degree is involved, existing law which permits conviction of the burglary and the felony intended is changed.

The "breaking" requirement was eliminated since it had become merely a symbolic element which gave rise to illogical distinctions. For example, raising a closed window was a breaking, but raising a partly open window was not a breaking.

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ATTACHMENT G  
Vermont "Hate Crime" Statutes

# VERMONT STATUTES ANNOTATED

*Title 13*

1990

CUMULATIVE POCKET SUPPLEMENT

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(2) giving timely notice to a law enforcement official of the conspiracy and of the defendant's part in it; or

(8) making a timely, positive statement to one or more of the other parties to the agreement that the defendant will not participate in the crime.—Added 1985, No. 183 (Adj. Sess.), § 8.

### § 1407. Jurisdiction

This chapter applies if:

(1) the defendant while in this state conspires with another in this state; or

(2) the defendant while in this state conspires with another who is outside of this state; or

(3) the defendant while outside of this state conspires with another who is in this state; or

(4) the defendant while outside of this state conspires with another outside of this state and an overt act in furtherance of the conspiracy is committed within this state by any conspirator.—Added 1985, No. 183 (Adj. Sess.), § 4.

### § 1408. Venue

A conspiracy may be prosecuted in the county or territorial unit in which any conspirator entered the conspiracy or in which an overt act was done in furtherance of the conspiracy. A court with jurisdiction over a conspiracy under this chapter also is a proper court for prosecution of any offense committed in furtherance of that conspiracy.—Added 1985, No. 183 (Adj. Sess.), § 5.

Cross references. Venue in prosecutions for receiving stolen property, see § 2561 of this title.

### § 1409. Penalties

The penalty for conspiracy is the same as that authorized for the crime which is the object of the conspiracy, except that no term of imprisonment shall exceed five years, and no fine shall exceed \$10,000.00. A sentence imposed under this section shall be concurrent with any sentence imposed for an offense which was an object of the conspiracy.—Added 1985, No. 183 (Adj. Sess.), § 6.

## Chapter 31. Discrimination

### NEW SECTION

1454. Statement of purpose.

1455. Hate motivated crimes.

1456. Burning of cross or other religious symbol.

1457. Civil liability and enforcement.

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§§ 1451-1453. Repealed. 1987, No. 74, § 2(a).

Prior to repeal, former section 1451 was amended by 1978, No. 142 (Adj. Sess.); 1977, No. 36, § 1; and 1981, No. 1.  
 For present provisions relating to discrimination against persons in matters relating to public accommodations, rental of housing and sale or possession of real estate generally, see § 4501 et seq. of Title 9.

§ 1454. Statement of purpose

The legislature finds and declares that it is the right of every person to enjoy the public peace and that sense of security and tranquility afforded by the protection of the law, and that wrongful activities motivated by hatred toward particular classes or groups of persons invade that protection. It is not the intent of this chapter to interfere with the exercise of rights protected by the constitutions of this state or the United States and the legislature recognizes the constitutional rights of every citizen to harbor and express beliefs on any subject and to associate with others who share similar beliefs.—Added 1989, No. 172 (Adj. Sess.), § 1, eff. May 12, 1990.

Revision note. Substituted "this chapter" for "this act" in the second sentence to conform reference to V.S.A. style.

§ 1455. Hate motivated crimes

A person who commits, causes to be committed or attempts to commit any crime and whose conduct is maliciously motivated by the victim's actual or perceived race, color, religion, national origin, sex, ancestry, age, service in the armed forces of the United States, handicap as defined by 21 V.S.A. § 495d(7)-(11), or sexual orientation shall be subject to the following penalties:

(1) If the maximum penalty for the underlying crime is one year or less, the penalty for a violation of this section shall be imprisonment for not more than two years or a fine of not more than \$2,000.00, or both.

(2) If the maximum penalty for the underlying crime is more than one year but less than five years, the penalty for a violation of this section shall be imprisonment for not more than five years or a fine of not more than \$10,000.00, or both.

(3) If the maximum penalty for the underlying crime is five years or more, the penalty for the underlying crime shall apply; however, the court shall consider the motivation of the defendant as a factor in sentencing.—Added 1989, No. 172 (Adj. Sess.), § 2, eff. May 12, 1990.

Revision note. Substituted "21 V.S.A. § 495d(7)-(11)" for "21 V.S.A. § 495(d)(7)-(11)" in the introductory paragraph to correct an error in the reference.

### § 1456. Burning of cross or other religious symbol

Any person who intentionally and maliciously sets fire to, or burns, causes to be burned, or aids or procures the burning of a cross or a religious symbol, with the intention of terrorizing or harassing a particular person or persons, shall be subject to a term of imprisonment of not more than two years or a fine of not more than \$5,000.00, or both.—Added 1989, No. 172 (Adj. Sess.), § 8, eff. May 12, 1990.

### § 1457. Civil liability and enforcement

Independent of any criminal prosecution or the result thereof, any person suffering damage, loss or injury as a result of conduct prohibited by section 1455 or 1456 of this title may bring an action for injunctive relief, compensatory and punitive damages, costs and reasonable attorneys fees, and other appropriate relief.—Added 1989, No. 172 (Adj. Sess.), § 4, eff. May 12, 1990.

## *Chapter 33. Commission on Human Rights*

§§ 1461-1467. Repealed. 1987, No. 234 (Adj. Sess.), § 1.

For present provisions relating to the human rights commission, see § 4551 et seq. of Title 9.

## *Chapter 35. Escape*

Cross references. Notice to victim of defendant's escape, see § 5305 of this title.

Prosecution and punishment for murder committed during escape or attempt to escape from custody, see § 2311 of this title.

### § 1501. Escapes and attempts to escape

(b) A person who, while in lawful custody:

(4) escapes or attempts to escape from the Vermont state hospital when confined by court order pursuant to chapter 157 of Title 13 or chapter 199 of Title 18, or when transferred there pursuant to section 703 of Title 28 and while still serving a sentence, shall be imprisoned for not more than five years or fined not more than \$1,000.00, or both.

ATTACHMENT B  
Florida "Hate Crime" Statutes

Session Law y Ch. No.
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# Official FLORIDA STATUTES 1989

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and with written target selection criteria selected by the individual law enforcement agency and state attorney consistent with the provisions of this section and s. 775.0842.

(6) Each career criminal apprehension program, as one of its functions, shall maintain coordination with the prosecutor assigned to each case resulting from its efforts. This coordination shall include, but not be limited to, case preparation, processing, and adjudication.

History.—s. 5, ch. 88-131, s. 3, ch. 89-280.

**775.0845 Wearing mask while committing offense; enhanced penalties.**—The penalty for any criminal offense, other than a violation of ss. 876.12-876.15, shall be increased as provided in this section if, while committing the offense, the offender was wearing a hood, mask, or other device that concealed his identity.

(1) A misdemeanor of the second degree shall be punishable as if it were a misdemeanor of the first degree.

(2) A misdemeanor of the first degree shall be punishable as if it were a felony of the third degree.

(3) A felony of the third degree shall be punishable as if it were a felony of the second degree.

(4) A felony of the second degree shall be punishable as if it were a felony of the first degree.

History.—s. 2, ch. 81-249.

**775.0846 Wearing bulletproof vest while committing certain offenses.**—

(1) For the purposes of this section, the term "bulletproof vest" means a bullet-resistant soft body armor providing, as a minimum standard, the level of protection known as "threat level I," which shall mean at least seven layers of bullet-resistant material providing protection from three shots of 158-grain lead ammunition fired from a .38 caliber handgun at a velocity of 850 feet per second.

(2) A person is guilty of the unlawful wearing of a bulletproof vest when, acting alone or with one or more other persons and while possessing a firearm, he commits or attempts to commit any murder, sexual battery, robbery, burglary, arson, aggravated assault, aggravated battery, kidnapping, escape, breaking and entering with intent to commit a felony, or aircraft piracy and, in the course of and in furtherance of any such crime, he wears a bulletproof vest.

(3) Any person who is convicted of a violation of this section is guilty of a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

History.—s. 1, ch. 85-29.

**775.085 Evidencing prejudice while committing offense; enhanced penalties.**—

(1) The penalty for any felony or misdemeanor shall be reclassified as provided in this subsection if the commission of such felony or misdemeanor evidences prejudice based on the race, color, ancestry, ethnicity, religion, or national origin of the victim:

(a) A misdemeanor of the second degree shall be punishable as if it were a misdemeanor of the first degree.

(b) A misdemeanor of the first degree shall be punishable as if it were a felony of the third degree.

Significant reduction of caseloads for investigators and prosecutors assigned to career criminal cases. Coordination with federal, state, and local criminal justice agencies to facilitate the collection and distribution of criminal investigative and intelligence information relating to those persons meeting the criteria for career criminal.

Each state attorney's office shall establish a career criminal prosecution unit and may adopt and implement policies based on the following guidelines:

All reasonable prosecutorial efforts shall be made to resist the pretrial release of a charged defendant meeting career criminal selection criteria.

A plea of guilty or a trial conviction shall be entered on each offense charged in the accusatory information against an individual meeting career criminal selection criteria.

All reasonable prosecutorial efforts shall be made to reduce the time between arrest and disposition of charges against an individual meeting career criminal selection criteria.

All reasonable prosecutorial efforts shall be made to persuade the court to impose the most severe sentence authorized upon a person convicted after prosecution as a career criminal.

This section does not prohibit a plea agreement in the interest of justice when there are codefendants if the prosecuting attorney determines that the information or testimony of the defendant making the agreement is necessary for the conviction of one or more of the other codefendants. The court may condition its acceptance of such plea agreement on the provision of information or testimony by such defendant.

Law enforcement agencies within this state shall coordinate enhanced law enforcement management efforts and resources in the investigation, apprehension, and prosecution of career criminals. Enhanced law enforcement efforts and resources shall include, but not be limited to:

Crime analysis, consisting of the timely collection and study of local crime data to accomplish the following:

Identify evolving or existing crime patterns involving career criminals.

Provide investigative leads.

Isolate and identify geographical areas or population groups experiencing severe crime problems in order to improve crime prevention efforts.

Provide supporting data for improved allocation of all law enforcement agency resources.

Improved management of investigative operations involving use of information resulting from crime analysis, which may include participation in multijurisdictional investigative and mutual-aid units and measures to increase continuity of investigative efforts from the initial response through the arrest and prosecution of the offender.

Each career criminal apprehension program shall concentrate on the identification and arrest of career criminals and the support of subsequent prosecution of career criminals. The determination of which suspected felony offenders shall be the subject of career criminal apprehension efforts shall be made in accord-

(c) A felony of the third degree shall be punishable as if it were a felony of the second degree.

(d) A felony of the second degree shall be punishable as if it were a felony of the first degree.

(2) A person or organization which establishes by clear and convincing evidence that it has been coerced, intimidated, or threatened in violation of this section shall have a civil cause of action for treble damages, an injunction, or any other appropriate relief in law or in equity. Upon prevailing in such civil action, the plaintiff may recover reasonable attorney's fees and costs.

History.—s. 1, ch. 89-133.

**775.087 Possession or use of weapon; aggravated battery; felony reclassification; minimum sentence.—**

(1) Unless otherwise provided by law, whenever a person is charged with a felony, except a felony in which the use of a weapon or firearm is an essential element, and during the commission of such felony the defendant carries, displays, uses, threatens, or attempts to use any weapon or firearm, or during the commission of such felony the defendant commits an aggravated battery, the felony for which the person is charged shall be reclassified as follows:

(a) In the case of a felony of the first degree, to a life felony.

(b) In the case of a felony of the second degree, to a felony of the first degree.

(c) In the case of a felony of the third degree, to a felony of the second degree.

(2)(a) Any person who is convicted of:

1. Any murder, sexual battery, robbery, burglary, arson, aggravated assault, aggravated battery, kidnapping, escape, breaking and entering with intent to commit a felony, or aircraft piracy, or any attempt to commit the aforementioned crimes; or

2. Any battery upon a law enforcement officer or firefighter while the officer or firefighter is engaged in the lawful performance of his duties

and who had in his possession a "firearm," as defined in s. 790.001(6), or "destructive device," as defined in s. 790.001(4), shall be sentenced to a minimum term of imprisonment of 3 calendar years. Any person who is convicted of any of the crimes listed in this paragraph or the sale, manufacture, delivery, purchase, or possession with intent to distribute any controlled substance and who had in his possession a semiautomatic firearm and its high-capacity detachable box magazine or a machine gun as defined in s. 790.001 shall be sentenced to a minimum term of imprisonment of 8 calendar years. Notwithstanding the provisions of s. 948.01, adjudication of guilt or imposition of sentence shall not be suspended, deferred, or withheld, nor shall the defendant be eligible for parole or statutory gain-time under s. 944.275, prior to serving such minimum sentence.

(b) As used in this subsection, the term:

1. "High-capacity detachable box magazine" means any detachable box magazine, for use in a semiautomatic firearm, which is capable of being loaded with more than 20 centerfire cartridges.

2. "Semiautomatic firearm" means a firearm which is capable of firing a series of rounds by separate suc-

cessive depressions of the trigger and which requires the energy of discharge to perform a portion of the firing cycle.

History.—s. 8, ch. 74-363; s. 1, ch. 75-7; s. 3, ch. 75-298; s. 2, ch. 83-215; s. 3, ch. 89-306.

**775.0875 Unlawful taking, possession, by law enforcement officer's firearm; crime reclassification; penalties.—**

(1) A person who, without authorization, takes or obtains a law enforcement officer's firearm from a law enforcement officer lawfully performing his or her law enforcement duties commits a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084, and shall serve a sentence of imprisonment for a mandatory minimum period of 3 years before eligibility for release.

(2) A person who violates subsection (1) and commits any other crime involving the firearm taken from a law enforcement officer commits a crime which shall be reclassified as follows:

(a) In the case of a life felony, to a capital felony.

(b) In the case of a felony of the first degree, to a felony of the first degree.

(c) In the case of a felony of the second degree, to a felony of the first degree.

(d) In the case of a felony of the third degree, to a felony of the second degree.

(e) In the case of a misdemeanor, to a felony of the third degree.

(3) A person who possesses a firearm which he or she knows was unlawfully taken from a law enforcement officer commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

History.—s. 2, ch. 89-157.

**775.089 Restitution.—**

(1)(a) In addition to any punishment, the court shall order the defendant to make restitution to the victim for the damage or loss caused directly or indirectly by the defendant's offense, unless it finds clear and convincing reasons not to order such restitution. Restitution may be monetary or nonmonetary restitution. The court shall make the payment of restitution a condition to probation in accordance with s. 948.03.

(b) If the court does not order restitution, or orders restitution of only a portion of the damages, as provided in this section, it shall state on the record in detail the reasons therefor.

(c) The term "victim" as used in this section and any provision of law relating to restitution includes the aggrieved party, the aggrieved party's estate if the aggrieved party is deceased, and the aggrieved party's next of kin if the aggrieved party is deceased as a result of the offense.

(2) When an offense has resulted in bodily injury to a victim, a restitution order entered pursuant to subsection (1) shall require that the defendant:

(a) Pay the cost of necessary medical and rehabilitation professional services and devices relating to physical, psychiatric, and psychological care, including nonmedical care and treatment rendered in accordance with a recognized method of healing.

(b) Pay the cost of necessary physical and occupational therapy and rehabilitation.

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(4) A person who violates the provisions of this section is guilty of a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084. The failure to produce the documents required by subsection (1), upon lawful request therefor, is prima facie evidence of a violation of this section.

(5) The state attorney for any county in which a violation of this section occurs or the Attorney General may enjoin any sale or offer for sale in violation of this section by temporary and permanent injunction by application to any court of competent jurisdiction.

History.—s. 8, ch. 84-297.

#### 877.19 Hate Crimes Reporting Act.—

(1) SHORT TITLE.—This section may be cited as the "Hate Crimes Reporting Act."

(2) ACQUISITION AND PUBLICATION OF DATA.—The Governor, through the Florida Department of Law Enforcement, shall collect and disseminate data on incidents of criminal acts that evidence prejudice based on

race, religion, ethnicity, color, ancestry, or national origin. All law enforcement agencies shall report monthly to the Florida Department of Law Enforcement concerning such offenses in such form and in such manner prescribed by rules adopted by the department. Such information shall be compiled by the department and disseminated upon request to any local law enforcement agency, unit of local government, or state agency.

(3) LIMITATION ON USE AND CONTENT OF DATA.—Dissemination of such information shall be subject to confidentiality requirements otherwise imposed by law. Data required pursuant to this section shall be used only for research or statistical purposes and shall not include any information that may reveal the identity of an individual victim of a crime.

(4) ANNUAL SUMMARY.—The Attorney General shall publish an annual summary of the data required pursuant to this section.

History.—s. 1, ch. 89-132.

## CHAPTER 871

## DISTURBING RELIGIOUS AND OTHER ASSEMBLIES

- 871.01 Disturbing schools and religious and other assemblies.
- 871.02 Indictments or informations for disturbing assembly.
- 871.03 Peddling at camp meeting.
- 871.04 Advertising; religious discrimination; public places.

**871.01 Disturbing schools and religious and other assemblies.**—Whoever willfully interrupts or disturbs any school or any assembly of people met for the worship of God or for any lawful purpose shall be guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

History.—s. 19, 21, 22, ch. 1837, 1868; RS 2827, 2629, 2630, GS 3547, s. 1, ch. 5719, 1907; RGS 5448; CGL 7561; s. 1130, ch. 71-136.

**871.02 Indictments or informations for disturbing assembly.**—The several grand juries of this state in their respective counties may return indictments or the several state attorneys of the state in their respective circuits may file information against all persons violating s. 871.01, and such indictments or informations, when filed with the clerk of the circuit court in the county where such offense is alleged to have been committed, shall be forthwith certified by him to some court in the county having jurisdiction to try and determine such charge, and said court to which such indictment or information is certified shall proceed to try and determine such charge upon such indictment or information, the same as if affidavit had been made before such court charging the said offense.

History.—s. 2, 3, ch. 5719, 1907; RGS 5449; CGL 7592.

**871.03 Peddling at camp meeting.**—Whoever during the time of holding any camp or field meeting for religious purposes, and within 1 mile of the place of holding such meeting, hawks or peddles goods, wares, merchandise, or without permission from the authorities having charge of such meeting, establishes any tent or booth for vending of provisions or refreshments, or practices or engages in gaming or horseracing, or exhibits, or offers to exhibit, shows or plays shall be guilty of a misdemeanor of the second degree, punishable as provided in s. 775.083; but a person having his usual and

regular place of business within such limits is not here required to suspend his business.

History.—s. 20, ch. 1837, 1860; RS 2628, GS 3548, RGS 5450, CGL 7560, s. 1, ch. 71-136.

**871.04 Advertising; religious discrimination; public places.**—

(1) Except where the context clearly requires a different meaning, the following terms shall have for the purposes of this section the meaning respectively ascribed to them:

(a) "Person" means any individual, partnership, association, corporation, or organized group of persons, whether incorporated or not.

(b) "Establishment" means any building or part thereof, including, without being limited to, public inn, hotels, motels, apartment hotels, any structure, enclosure, tract of land, and all improvements, appurtenances, and additions, bodies of water whether natural or artificial, and any other place of whatsoever nature to which the general public is or will be admitted, allowed or invited on payment of a fee, free of charge, or otherwise.

(2) No person, directly or indirectly, for himself or for another, shall publish, post, broadcast by any means, maintain, circularize, issue, display, transmit, or otherwise disseminate or place in any manner before the public with reference to an establishment any advertisement that the patronage of any person is not welcome, or is objectionable, or is not acceptable because of his religion. No person shall cause or solicit another person to violate this section.

(3) This section shall not apply to any establishment which is private or limited to membership only, to any camp administered by any religious organization, group, or sect, admission to which is based on religious belief or affiliation, or to any gathering, meeting, or assembly held under the auspices of any religious organization, group, or sect.

(4) Any person or persons violating this section shall be guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

History.—s. 1, 2, ch. 29845, 1965, s. 1132, ch. 71-136.

ATTACHMENT C  
Illinois "Hate Crime" Statutes

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# ILLINOIS

## LEGISLATIVE SERVICE

86th GENERAL ASSEMBLY  
REGULAR SESSION

Acts 86-1330 to 86-1435

Summary of current legislation, see Legislative Highlights, page 1.

WESTLAW Legislative Database: IL-LEGIS  
See Preface for further information

## CRIMES AND OFFENSES—HATE CRIMES

## PUBLIC ACT 86-1418

S.B. 2267

AN ACT in relation to criminal law and sentencing.

*Be it enacted by the People of the State of Illinois, represented in the General Assembly:*

Section 1. The Criminal Code of 1961 is amended by changing Section 12-7.1 as follows:

(Ch. 38, par. 12-7.1) [S.H.A. ch. 38, ¶ 12-7.1]

§ 12-7.1. Hate crime Ethnic intimidation. (a) A person commits hate crime ethnic intimidation when, by reason of the race, color, creed, religion, ancestry, sexual orientation, physical or mental disability, or national origin of another individual or group of individuals, he commits assault, battery, aggravated assault, misdemeanor theft, criminal trespass to residence, misdemeanor criminal damage to property, criminal trespass to vehicle, criminal trespass to real property or mob action as these crimes are defined in Sections 12-1, 12-2, 12-3, 16-1, 19-4, 21-1, 21-2, 21-3 and 25-1 of this Code, respectively.

(b) Hate crime Ethnic intimidation is a Class A misdemeanor for a first offense and a Class 3 felony for a second or subsequent offense; provided, however, that any person who commits ethnic intimidation as a participant in a mob action, as defined in Section 25-1 of this Code, which results in the violent infliction of injury to the person or property of another shall be guilty of a Class 3 felony. Any order of probation or conditional discharge entered following a conviction for an offense under this Section, or any order of supervision entered based on a violation of this Section, shall include, in addition to any other condition of probation, conditional discharge, or supervision the court may require, a condition that the offender perform public or community service of no less than 100 hours for a misdemeanor offense and no less than 200 hours for a felony offense.

(c) Independent of any criminal prosecution or the result thereof, any person suffering injury to his person or damage to his property as a result of hate crime ethnic intimidation may bring a civil action for damages, injunction or other appropriate relief. The court may award actual damages, including damages for emotional distress, or punitive damages. A judgment may include attorney's fees and costs. The parents or legal guardians, other than guardians appointed pursuant to the Juvenile Court Act<sup>1</sup> or the Juvenile Court Act of 1987,<sup>2</sup> of an unemancipated minor shall be liable for the amount of any judgment for actual damages rendered against such minor under this subsection (c) in any amount not exceeding the amount provided under Section 5 of the Parental Responsibility Law.<sup>3</sup>

(d) "Sexual orientation" means heterosexuality, homosexuality, or bisexuality.

(Source: P.A. 85-1209; 85-1388.)

<sup>1</sup> Chapter 37, ¶ 701-1 et seq. (repealed).

<sup>2</sup> Chapter 37, ¶ 801-1 et seq.

<sup>3</sup> Chapter 70, ¶ 55.

Section 2. The Unified Code of Corrections is amended by changing Section 5-5-3.2 as follows:

(Ch. 38, par. 1005-5-3.2) [S.H.A. ch. 38, ¶ 1005-5-3.2]

§ 5-5-3.2. Factors in Aggravation. (a) The following factors shall be accorded weight in favor of imposing a term of imprisonment or may be considered by the court as reasons to impose a more severe sentence under Section 5-8-1:<sup>1</sup>

- (1) the defendant's conduct caused or threatened serious harm;
- (2) the defendant received compensation for committing the offense;

from a developmental disability -114 of the "Mental Health and ; to a recipient who has been report has been filed with a law the case of a voluntary recipient first be obtained, furnish and ation as is necessary to confirm the missing person report was all may notify the law enforce- bequent to the request. Any information in accordance with il, criminal, or otherwise, if the ntation of an officer of a law en filed.

onnection with the investigation ion case file number is furnished immediately disclose to that law sic recipient who is admitted to a ned in Section 1-107 or 1-114 of who was or may have been away on of a particular felony or sex reasonably match the physical ular felony or sex offense; or (2) i of that particular felony or sex

2.1,<sup>2</sup> "law enforcement agency" it that which is vested by law or id to enforce criminal laws or tral Intelligence Agency, and the

information" means the name, al description, including clothing, of the recipient's nearest known n during any past unauthorized suicidal, and the condition of the e weather. Except as provided in e to the law enforcement agency or evaluation of the recipient's deemed necessary by the facility s or general public.

" means a recipient who is placed cility, as defined in Section 1-107 bilities Code, pursuant to Article 5, 3-10-5 or 5-2-4 of the Unified

8, ¶ 104-1 et seq.

8, ¶¶ 1003-8-5, 1003-10-5, 1005-2-4.

[S.H.A. ch. 91½, ¶ 2-103 note]

# SMITH-HURD ILLINOIS ANNOTATED STATUTES

Chapter 38  
Criminal Law and Procedure  
¶¶ 20-1 to 99

1990  
Cumulative Annual Pocket Part

*For Use In 1990-1991*

Replacing 1989 Pocket Part in back of volume

Under same classification as  
ILLINOIS REVISED STATUTES  
STATE BAR ASSOCIATION EDITION

Includes laws through P.A. 86-1028,  
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he was required to pay to victims under order of restitution. *People v. Daugherty*, 1982, 59 Ill. Dec. 807, 104 Ill.App.3d 89, 452 N.E.2d 391.

Statement by judge at time of sentencing in prosecution of defendant for armed violence, aggravated battery, and criminal damage to property, that he was "inclined to think" that defendant "lost his head and was temporarily out of his mind," which was made as a part of a commentary on the question whether the sentence was going to be sufficient to prevent defendant from committing some other "ignorant act of passion" did not constitute a belief by the judge that the State had failed to overcome the first defendant's defense of insanity, rather, the judge was merely expressing a personal opinion as to how first defendant came to commit the crime; therefore, it was not error for the judge to have denied defendant's motion for new trial. *People v. Krone*, 1981, 54 Ill. Dec. 167, 98 Ill.App.3d 619, 424 N.E.2d 917.

Where grounds set out in statute governing pretrial dismissal of criminal charges by trial court (§ 114-1 of this chapter) were not applicable, and record revealed no due process violation or prejudice to defendants as result of course taken by state, trial court erred in dismissing battery charge against one defendant, and criminal damage to property charges against both defendants, on theory that prosecution had improperly employed nolle prosequi to avoid denial of continuance of trial. *People v. Moorar*, 1981, 48 Ill. Dec. 186, 92 Ill.App.3d 852, 416 N.E.2d 81.

Where defendant was arrested about 5 a.m. in alley, was holding tool which could have been used to pull out car ignition from vehicle located one block away, and ignition switch held in tool matched the type stolen from ransacked vehicle, rejection of defendant's highly suspect evidence of auto repair estimate about brakes on his grandmother's car, upon which defendant claimed to be working at time of arrest, and defense witness' vague testimony about how defendant got ignition

switch was not error. *People v. Fender*, 1980, 47 Ill. Dec. 297, 91 Ill.App.3d 844, 415 N.E.2d 22.

Constitutional error occurring when prosecutor elicited testimony from arresting police officer which allegedly reflected upon defendant's post-arrest silence after giving of Miranda warnings, was harmless beyond reasonable doubt and did not require reversal of defendant's conviction where possession by defendant, who was charged with burglary, criminal damage to property, and unlawful possession of hypodermic syringe, of syringe alone presented prima facie case of violation of § 22-50 of this chapter making unlawful possession of hypodermic syringe a crime, facts proved that defendant had knowledge of presence of syringe and was in immediate and exclusive control of it, and evidence against defendant on burglary and criminal damage to property charges, although circumstantial, was conclusive. *People v. Hairton*, 1980, 42 Ill. Dec. 4, 86 Ill.App.3d 295, 408 N.E.2d 382.

Where no objection was made as to testimony concerning insurance company's estimate of cost of repairs in felony criminal damage prosecution, any error was waived. *People v. Carraro*, 1979, 23 Ill. Dec. 787, 67 Ill.App.3d 81, 384 N.E.2d 581, affirmed 31 Ill. Dec. 817, 77 Ill.2d 75, 394 N.E.2d 1194, certiorari denied 100 S.Ct. 1340, 445 U.S. 944, 63 L.Ed.2d 777.

#### 117.5. Instructions, fires

Defendant in prosecution for murder and aggravated arson was not entitled to an instruction on criminal damage to property, as the record, including testimony by defendant that she intentionally set several fires in victim's apartment, with a conscious awareness that she would damage his property and with a conscious awareness that he was asleep upstairs in the bedroom, established the elements of aggravated arson, and was void of any evidence establishing mere "recklessness," an element of criminal damage to property. *People v. Ryan*, 1981, 53 Ill. Dec. 607, 97 Ill.App.3d 1071, 424 N.E.2d 20.

### 21-1.2. Institutional vandalism

§ 21-1.2. Institutional vandalism. (a) A person commits institutional vandalism when, by reason of the race, color, creed, religion or national origin of another individual or group of individuals, he knowingly and without consent inflicts damage to any of the following properties, provided that the damage inflicted is at least \$300:

- (1) Any church, synagogue or other building, structure or place used for religious worship or other religious purpose;
- (2) Any cemetery, mortuary, or other facility used for the purpose of burial or memorializing the dead;
- (3) Any school, educational facility or community center;
- (4) The grounds adjacent to, and owned or rented by, any institution, facility, building, structure or place described in paragraphs (1), (2) or (3) above; or
- (5) Any personal property contained in any institution, facility, building, structure or place described in paragraphs (1), (2) or (3) above.

(b) Institutional vandalism is a Class 3 felony.

(c) Independent of any criminal prosecution or the result thereof, any person suffering damage to property or injury to his person as a result of institutional vandalism may bring a civil action for damages, injunction or other appropriate relief. The court may award actual damages, including damages for emotional distress, or punitive damages. A judgment may include attorney's fees and costs.

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switch was not error. *People v. Fender*, 1980, 47 Ill. Dec. 297, 91 Ill. App. 3d 844, 415 N.E.2d 22.

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sm. (a) A person commits institutional vandalism, if he knowingly and without consent inflicts damage, provided that the damage inflicted is at least \$300: other building, structure or place used for religious or other facility used for the purpose of burial or cemetery, or other facility used for the purpose of religious or community center, and owned or rented by, any institution, facility, defined in paragraphs (1), (2) or (3) above; or aimed in any institution, facility, building, structure (1), (2) or (3) above.

Class 3 felony.

al prosecution or the result thereof, any person injury to his person as a result of institutional ion for damages, injunction or other appropriate etual damages, including damages for emotional judgment may include attorney's fees and costs.

The parents or legal guardians of an unemancipated minor, other than guardians appointed pursuant to the Juvenile Court Act<sup>1</sup> or the Juvenile Court Act of 1987,<sup>2</sup> shall be liable for the amount of any judgment for actual damages rendered against such minor under this subsection (c) in any amount not exceeding the amount provided under Section 6 of the Parental Responsibility Law.<sup>3</sup>

Laws 1981, p. 1983, § 21-1.2, added by P.A. 82-996, § 1, eff. Jan. 1, 1983. Amended by P.A. 85-1209, Art. III, § 8-30, eff. Aug. 80, 1988.

- 1 Chapter 87, 1701-1 et seq. (repealed).
- 2 Chapter 87, 1801-1 et seq.
- 3 Chapter 70, 185.

Historical and Statutory Notes

P.A. 85-1209, Art. III, the First 1988 Technical Corrections Revisory Act, amends various Acts to delete obsolete text, to correct patent or technical errors, and to revise cross-references. For provisions of Art. 1, § 1-1, relating to intent and supersedure and Art. IV, § 4-1, relating to effective dates and acceleration of Acts with later effective dates or extension or revival of repealed Acts, see Historical Note following ch. 3, § 804.

21-2. Criminal trespass to vehicles

§ 21-2. Criminal trespass to vehicles. Whoever knowingly and without authority enters any part of or operates any vehicle, aircraft, watercraft or snowmobile commits a Class A misdemeanor.

Amended by P.A. 83-488, § 1, eff. Jan. 1, 1984.

Historical and Statutory Notes

P.A. 83-488 inserted "any part of or operates" and substituted "snowmobile" for "any part thereof of another without his consent".

Notes of Decisions

Evidence sustaining conviction 9.5

1. In general

*Knowles v. Panopoulos*, 1975, 34 Ill. App. 3d 90, 339 N.E.2d 547 [main volume] affirmed 6 Ill. Dec. 858, 66 Ill. 2d 585, 363 N.E.2d 805.

By definition, criminal trespass to vehicle is lesser included offense of burglary of vehicle. *People v. Dandridge*, 1981, 54 Ill. Dec. 359, 98 Ill. App. 3d 1021, 424 N.E.2d 1262.

Criminal trespass to a vehicle is not lesser included offense of theft. *People v. Rainbolt*, 1977, 9 Ill. Dec. 859, 52 Ill. App. 3d 374, 367 N.E.2d 293.

Criminal trespass to a vehicle results when one knowingly and without authority enters a vehicle of another without his consent; knowledge is essential element of offense, and state is required to prove that defendant knowingly entered vehicle of another without his consent. In *Interest of Wilder*, 1977, 5 Ill. Dec. 78, 46 Ill. App. 3d 507, 361 N.E.2d 78.

2. Elements of offense

Knowledge is an essential element of criminal trespass to a vehicle, and therefore, the state is required to prove that defendant knowingly entered vehicle of another without his consent.

Law Review Commentaries

Statutory attorneys' fees. *Andrea Saltzman*, 1985, 73 Ill. Bar J. 266.

Library References

Malicious Mischief ¶ 1, 12.  
C.J.S. Malicious Mischief §§ 1 to 3, 12.

*People v. Pettis*, 1982, 60 Ill. Dec. 36, 104 Ill. App. 3d 275, 432 N.E.2d 935.

Knowing entry without authority is the essential element of the offense of criminal trespass to vehicles. *People v. Canamore*, 1980, 44 Ill. Dec. 323, 88 Ill. App. 3d 639, 411 N.E.2d 292.

Gravamen of charge of criminal trespass to motor vehicle is knowing entry of vehicle of another without authority. *People v. Slaughter*, 1980, 42 Ill. Dec. 893, 87 Ill. App. 3d 1066, 409 N.E.2d 508.

Since this paragraph defining offense of entering a vehicle without owner's consent requires knowledge as an element of the offense, and ch. 95½, § 1-102, defining the offense of unlawful entry into motor vehicle, does not require knowledge, it is logical to assume that Legislature intended to provide meaningful distinction between the provisions; that obvious distinction is that the Criminal Code offense requires knowledge that offender is entering vehicle without owner's consent while the Motor Vehicle Code requires only entry without authority. *People v. Ruberg*, 1979, 32 Ill. Dec. 258, 76 Ill. App. 3d 671, 395 N.E.2d 205.

Defendant's conviction of criminal trespass to vehicle could not stand where defendant was indicted only for theft since to prove offense of theft, State need not prove every element required to prove offense of criminal trespass to vehicle; specifically, theft does not require proof of defendant's knowing, unauthorized entry into vehicle of another. *People v. Rainbolt*, 1977, 9 Ill. Dec. 859, 52 Ill. App. 3d 374, 367 N.E.2d 293.

4. Indictment and information

Defendant's conviction of criminal trespass to vehicle was not subject to reversal on ground that complaint was invalid, since defendant was originally charged with possession of stolen automo-

ATTACHMENT D  
Oklahoma "Hate Crime" Statutes

OKLAHOMA STATUTES  
ANNOTATED

Title 21  
Crimes and Punishments  
§§ 681 to 930

1990  
Cumulative  
Annual Pocket Part

*For Use In 1989-1990*

Replacing 1989 pocket part in back of volume

Includes laws through the 1989 First  
Regular Session of the  
42nd Legislature

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LEGISLATIVE AFFAIRS

23 OK. SL-1  
1990 P.P.

Reference Library 23

...ch services to be paid from the court fund to be fixed by the attorney shall be given access to all reports relevant to the case of examination of the child's parents or other custodian made on. The attorney shall be charged with the representation of the child. To that end, he shall make such further investigation that to ascertain the facts, to interview witnesses, examine and take depositions at the preliminary hearing and trial, make recommendations and participate further in the proceedings to the degree appropriate for the child. A court-appointed special advocate as defined by Section 10 of the Oklahoma Statutes may be appointed to represent a child subject of child abuse or neglect. The court-appointed special advocate shall be given access to all reports relevant to the case and to any person of the child's parents or other custodian made pursuant to

1985, c. 66, § 1, eff. Nov. 1, 1985; Laws 1986, c. 263, § 6, eff. Nov. 1, 1986; Laws 1987, c. 58, § 2, operative July 1, 1987; Laws 1987, c. 119, § 1, 1987.

...proved June 26, 1987.

c. 167 provides for an

c. 66 provides for an

...advocate for any child who has been injured, access to all reports relevant to the case and to any person of the child's parents or other custodian made pursuant to Section 10 of the Oklahoma Statutes.

...agency medical treatment for child abuse. Gregory S. Taylor, 56 Okl.B.J. 1199 (1985).

...to protect child from further injury. v. Winnebago County, 103 L.Ed.2d 249.

...disclosures

...tion

...to report injury to the court. Defendant convicted of failure to report injury to minor child was not entitled to vacation or reduction of \$250 fine, although defendant had difficulty in finding employment, where defendant owned two cars and some small amount of savings and had an income of \$900 per month. Capaldi v. State, Okl.Cr., 763 P.2d 117 (1988).

...446, physicians and nurses shall report injuries to the Department of Human Services where injury oc-

...curred if injury appears to have been caused by physical abuse or neglect; if injury appears to have been product of criminally injurious conduct, as defined by 21 O.S.1981, § 142.3(5), physician or other health professional must also report matter to nearest appropriate law enforcement agency. Op.Atty.Gen. No. 85-116 (Nov. 8, 1985).

2. Evidence

Testimony of physician who was member of suspected child abuse and neglect team was not admitted in violation of *Miranda* in prosecution for injuring a minor child; members of that team were not the equivalent of law enforcement officers by virtue of reporting requirement, and thus *Miranda* was inapplicable. *Boyd v. State, Okl. Cr., 743 P.2d 674 (1987).*

3. Instructions

Jury instruction, which was in substantial language of this section governing failure to report injury to minor child, fairly and accurately stated elements of offense. *Capaldi v. State, Okl.Cr., 763 P.2d 117 (1988).*

4. Sufficiency of evidence

Evidence was sufficient to demonstrate that defendant had reason to believe that student at Department of Human Services facility operated for benefit of mentally retarded persons had suffered nonaccidental injury resulting from neglect and that defendant willfully failed to report injuries to Department, and thus, was sufficient to sustain conviction for failure to report injury to minor. *Capaldi v. State, Okl.Cr., 763 P.2d 117 (1988).*

5. Sentence and punishment

Defendant convicted of failure to report injury to minor child was not entitled to vacation or reduction of \$250 fine, although defendant had difficulty in finding employment, where defendant owned two cars and some small amount of savings and had an income of \$900 per month. *Capaldi v. State, Okl.Cr., 763 P.2d 117 (1988).*

6. Admissibility of evidence

Photographs of injured child taken at hospital on afternoon of day defendant had examined child were relevant to show bruises on child on morning in question when coupled with hospital doctor's expert opinion of age and appearance of bruises, and were thus admissible in prosecution for failure

to report injury to minor child. *Capaldi v. State, Okl.Cr., 763 P.2d 117 (1988).*

7. Confidentiality of reports

Child abuse report was confidential and could not be disclosed to plaintiffs who were not acting

as persons authorized by State or United States in connection with official duties. *State ex rel. Dept. of Human Services v. Brock, Okl., 771 P.2d 996 (1988).*

§ 846.1. Report of criminally inflicted injuries

Any physician, surgeon, osteopathic physician, resident, intern, physician's assistant, or registered nurse, examining, attending, or treating the victim of what appears to be criminally injurious conduct as defined by Section 142.3 of Title 21 of the Oklahoma Statutes shall report orally or by telephone the matter promptly to the nearest appropriate law enforcement agency in the county wherein the criminally injurious conduct occurred.

Added by Laws 1984, c. 85, § 1, eff. Nov. 1, 1984.

Historical Note

Section 4 of Laws 1984, c. 85 provides for an effective date.

Law Review Commentaries

Refusal to consent to emergency medical treatment for minors as child abuse. *Gregory S. Taylor, 56 Okl.B.J. 1199 (1985).*

§ 847. Immunity from civil or criminal liability

Any person participating in good faith and exercising due care in the making of a report pursuant to the provisions of Section 846 or 846.1 of this title, or any person who, in good faith and exercising due care, allows access to a child by persons authorized to investigate a report concerning the child shall have immunity from any liability, civil or criminal, that might otherwise be incurred or imposed. Any such participant shall have the same immunity with respect to participation in any judicial proceeding resulting from such report.

Amended by Laws 1984, c. 85, § 2, eff. Nov. 1, 1984; Laws 1989, c. 67, § 1, emerg. eff. April 13, 1989.

§ 848. Admissibility of evidence

In any proceeding resulting from a report made pursuant to the provisions of Section 846 of this title or Section 1 of this act<sup>1</sup> or in any proceeding where such a report or any contents of the report are sought to be introduced into evidence, such report, contents, or other fact related thereto or to the condition of the child or victim who is the subject of the report shall not be excluded on the ground that the matter is or may be the subject of a physician-patient privilege or similar privilege or rule against disclosure.

Amended by Laws 1984, c. 85, § 3, eff. Nov. 1, 1984.

<sup>1</sup> Section 846.1 of this title.

EXPLOSIVES

§ 850. Malicious intimidation or harassment because of race, color, religion, ancestry, national origin or disability—Standardized reporting system

A. No person shall maliciously and with the specific intent to intimidate or harass another person because of that person's race, color, religion, ancestry, national origin or disability:

1. Assault or batter another person;
2. Damage, destroy, vandalize or deface any real or personal property of another person; or
3. Threaten, by word or act, to do any act prohibited by paragraph 1 or 2 of this subsection if there is reasonable cause to believe that such act will occur.

B. Any person convicted of violating any provision of subsection A of this section shall be guilty of a misdemeanor on a first offense and a felony on a second or

subsequent offense. Furthermore, said person shall be civilly liable for any damages resulting from any violation of this section.

C. Upon conviction, any person guilty of a misdemeanor in violation of this section shall be punishable by the imposition of a fine not exceeding One Thousand Dollars (\$1,000.00), or by imprisonment in the county jail for a period of not more than one (1) year, or by both such fine and imprisonment.

D. Upon conviction, any person guilty of a felony in violation of this section shall be punishable by the imposition of a fine not exceeding Ten Thousand Dollars (\$10,000.00), or by imprisonment in the State Penitentiary for a period of not more than ten (10) years, or by both such fine and imprisonment.

E. The Oklahoma State Bureau of Investigation shall develop a standard system for state and local law enforcement agencies to report incidents of crime which are apparently directed against members of racial, ethnic or religious groups to the Bureau within seventy-two (72) hours of the time such incidents are reported to such agencies.

Added by Laws 1987, c. 48, § 1, emerg. eff. April 24, 1987. Amended by Laws 1989, c. 68, § 1, emerg. eff. April 13, 1989.

**PART IV.—CRIMES AGAINST PUBLIC DECENCY AND MORALITY**

**CHAPTER 31.—ABANDONMENT AND NEGLECT OF WIFE OR CHILDREN**

**§ 852. Omission to provide for a child—Penalties**

A. Unless otherwise provided for by law, any parent or legal custodian of a child who willfully omits, without lawful excuse, to perform any duty imposed upon such parent or legal custodian by law to furnish necessary food, clothing, shelter, monetary child support, or medical attendance for such child, upon conviction, is guilty of a misdemeanor. Any subsequent conviction pursuant to this section shall be a felony. As used in this section, the duty to furnish medical attention shall mean that the parent or legal custodian of a child must furnish medical treatment in such manner and on such occasions as an ordinarily prudent person, solicitous for the welfare of a child, would provide; such parent or legal custodian is not criminally liable for failure to furnish medical attendance for every minor or trivial complaint with which the child may be afflicted. Any person who leaves the state to avoid providing necessary food, clothing, shelter, court-ordered monetary child support, or medical attendance for such child, upon conviction, is guilty of a felony. Nothing in this section shall be construed to mean a child is endangered for the sole reason the parent or guardian, in good faith, selects and depends upon spiritual means alone through prayer, in accordance with the tenets and practice of a recognized church or religious denomination, for the treatment or cure of disease or remedial care of such child; provided, that medical care shall be provided where permanent physical damage could result to such child; and that the laws, rules, and regulations relating to communicable diseases and sanitary matters are not violated. Nothing contained herein shall prevent a court from immediately assuming custody of a child and ordering whatever action may be necessary, including medical treatment, to protect his health or welfare. Psychiatric and psychological testing and counseling are exempt from the provisions of this section.

B. It is the duty of any parent having legal custody of a child who is an alcohol-dependent person or a drug-dependent person, as such terms are defined by Section 3-403 of Title 43A of the Oklahoma Statutes, to provide for the treatment, as such term is defined by Section 3-403 of Title 43A of the Oklahoma Statutes, of such child. Any parent having legal custody of a child who is an alcohol-dependent person or a drug-dependent person who without having made a reasonable effort fails or willfully omits to provide for the treatment of such child shall be guilty of a misdemeanor. For the purpose of this subsection, the duty to provide for such treatment shall mean that the parent having legal custody of a child must provide

for the treatment person, solicitous Amended by Law operative July 1,

Historical Note Section 2 of Law operative date.

Law Review Comment Refusal to consent ment for minors as Taylor. 36 Okl.B.J.

Notes 3. Medical treatment In prosecution for arising from death c

**§ 853. Desertion**

Notes 15. — Weight and Evidence was sufficient abandonment of minor evidence presented for element of "wilful ne

**CHAPTER 31.**

Section 856.1. Causing, drug-rei

**§ 856. Contribu**

Except as other ly or willfully cau delinquent child, meanor and punis or by a fine not to imprisonment.

Every person et guilty of a felony exceed three (3) (\$3,000.00), or by Amended by Law

Cross References Domestic violence ability for provision of domestic abuse. see ti Youth service shel liability for provision of domestic abuse, see

Law Review Comment Social host's crimi manslaughter of anot think of next? 39 Ok

**§ 856.1. Causing drug-**

Every person v encourage a minc

## Hate Crimes

Copies of "hate crime" statutes from Florida, Illinois, Oklahoma, Oregon, Pennsylvania and Vermont are attached as a representative sample of state laws which address the issues of harassment, institutional vandalism, and statistical record keeping (Attachments B through G). Following is an overview of those statutes.

"Hate crimes," or ethnic intimidation, are crimes committed against a person or his property which are motivated by the victim's race, color, creed or religion, national origin or ancestry, sexual orientation, physical or mental disability and, in Vermont, service in the armed forces of the United States. If they are determined to be hate motivated, crimes such as harassment, arson, assault, criminal mischief, theft, mob action, criminal trespass (to residences, vehicles and real property) can be prosecuted under "hate crime" laws. Florida has a specific law against disturbing or interrupting religious assemblies (F.S. 871.01) and one which prohibits public places from advertising admission restrictions based on religious beliefs (F.S. 871.04).

First offense "hate crimes" are usually classified as misdemeanors, and second or subsequent offenses are generally classified as felonies. Reclassification of the underlying crime's penalty is allowed in Florida and Vermont when there is evidence that it is hate motivated.<sup>3</sup> A 1984 Oregon court decision (*State v. Beebe*, 67 OR App 738) says it is "constitutionally permissible to punish otherwise criminal conduct more severely when it is motivated by racial, ethnic, or religious hatred..." Punishment can be in the form of imprisonment, a fine, or both.

There is a significant difference between provisions of Illinois and Pennsylvania laws for incidents of vandalism against churches, synagogues, or other places used for religious worship.<sup>4</sup> In Pennsylvania "institutional vandalism" is considered a second degree misdemeanor unless the act "is one of desecration" or the loss exceeds \$5,000, in which case it becomes a third degree felony. Illinois law states that when the damage inflicted to an institution is at least \$300, it constitutes a class 3 felony.

In the sampled states, victims of hate crimes can bring civil action for damages independent of any criminal prosecution. Illinois has a Parental Responsibility law which provides that the parent or legal guardian of an

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<sup>3</sup>A misdemeanor of the second degree is punishable as a misdemeanor of the first degree; a misdemeanor of the first degree is punishable as if it were a felony of the third degree, etc.

<sup>4</sup>People commit institutional vandalism when they knowingly desecrate, vandalize, deface or otherwise damage a church, synagogue or other place used for religious worship. [Pennsylvania, Title 18, Sec. 3307(a)(1)]

Representative Gruenberg  
November 19, 1990  
Page 3

unemancipated minor is liable for payment of any judgment for damages in a civil action.

The Florida "Hate Crimes Reporting Act" (F.S. 877.19) delegates responsibility for collection and dissemination of hate crime statistics to the Florida Department of Law Enforcement. An annual summary of data is published by the Attorney General. The information is considered confidential and is only made available for research or statistical purposes. Hate crimes in Oklahoma must be reported to the State Bureau of Investigation within seventy-two hours of the time the crime was reported to a state law enforcement agency.

I hope this information will prove helpful to you. Please let us know if we can be of further assistance in this or any other matter.

Attachments

Anchorage Times

2/17/92

# Hate groups on the rise, leaders warn

By JEFF HOUCK

TIMES WRITER

In some ways, Alaska probably is as full of racial hatred as is the Deep South, says Rabbi Harry Rosenfeld.

"When I was an assistant rabbi in Memphis, I would walk into a store, they would call me a like to my face and I could go about my business," he said. "In Alaska, it's all under the surface, and you don't know who you're talking to."



Rosenfeld, attorney Peter Mayhook and Anchorage School District board member Walter Featherly, said last week that hate groups are more active in Alaska than ever before, spreading their literature and ideology to susceptible youths.

The three men addressed a meeting of the St. Thomas More Society on the subject of hate literature's impact on society and youth.

Rosenfeld knows the subject all too well. His Anchorage synagogue was ransacked last year by teens who spray painted anti-semitic slogans commonly used by political groups of the far right.

After the attack, Rosenfeld said, the teens told him they had known what to write by literature they received from a hate group.

"I believe that neither one of them was evil or racist," Rosenfeld said. "They just saw a National Socialist Vanguard report and knew from there what to write."

Copies of the swastika-emblazoned report were mailed to Dimond and West Anchorage high school students in February 1991 for recruiting purposes. The target mailing was described in a subsequent issue of the report, saying names were gathered in yearbooks and matched with telephone book addresses and ZIP code listings.

But the report is only one of many publications in the racist genre available in Anchorage, said Mayhook, who privately monitors everything from hate-oriented comic books to catalogs offering books and videotapes.

Mayhook said one catalog offered Jack London's "The Call of the Wild." The book, which tells of a dog taking charge of a Yukon wolf pack after his master has died, was listed as a thinly

See Hate, back page

## Hate

Continued from page B1

veiled chronicle of one being's successful survival as a result of superior genetic qualities.

Mayhook said he regularly sees hate-oriented books at Anchorage garage sales.

After one recent call to a hate group's headquarters in Virginia to find out information, Mayhook said the person on the phone replied, "I have friends up there. We have a lot of stuff going up to Anchorage."

Much of the activity can be traced to poor economic times, when those who are financially strapped look to other races for scapegoats, Mayhook said.

But solutions to combating the tide of hate-related actions and attitudes are not easy to come by, Featherly said.

He said it is unclear to him what role schools should play in teaching racial appreciation.

District effort to start a pilot program at Steller Alternative School has been fraught with pointed questions on what to teach and how to teach it.

Steller was the target of racial outrage last year when one parent objected to a student mural depicting the hanging of a faceless, nondescript figure whose only distinction from a surrounding crowd was a different shape on its chest. The parent argued the hallway mural promoted racism and lynchings.

The resulting multicultural

curriculum is designed to stimulate discussion and appreciation for the ethnic background of others.

But Featherly said the solution could be just as dangerous as the problem.

"In the effort to achieve the laudable goal of eradicating prejudice, do we risk an environment where political correctness becomes a sign of belonging?" he asked. "What is the right way to combat fear and hatred without substituting a new system of fear and hatred in its place?"

ADN 2/2/92  
6/10/92  
ADN

## Discrimination

### *Every citizen deserves protection*

- Discrimination in any form is offensive.
- It's offensive when someone is denied an apartment because of the color of her skin.
- It's offensive when someone is turned down for a job for worshipping a different God.
- It's offensive when someone is harassed and insulted at work simply because she's a woman.
- And it's offensive when people suffer these insults because of what others think they do in the privacy of their own bedrooms.

The only difference among these kinds of discrimination is that one of them is still legal in Anchorage.

Employers, landlords, co-workers and businesses are legally free to shun anyone they suspect might have a different sexual orientation.

The city's Equal Rights Commission is being asked to help redress this wrong. Tonight, it will hear a committee progress report on a proposed gay rights ordinance.

Anchorage faced this question squarely once before, in the late 1970s. A gay rights ordinance passed the assembly, but it provoked a hostile and bitter backlash and failed to survive Mayor Sullivan's veto. We hope our community proves more enlightened this time around.

Undeniably, gay rights is not a universally popular cause. But then giving blacks the right to vote wasn't popular with many white Americans, either. Sometimes laws must challenge and help change social attitudes, instead of mindlessly reflecting them.

If there's any forum that should stand up for the rights of an unpopular group, it's the city Equal Rights Commission. We urge the commission's members to advance the gay rights ordinance and help end this last major vestige of legally acceptable discrimination.

# State of Alaska

House Majority Leader

COMMITTEES

HOUSE JUDICIARY

HOUSE RULES

HOUSE STATE AFFAIRS

SPECIAL COMMITTEE

MILITARY AND VET. AFFAIRS

LEGISLATIVE COUNCIL



Representative Max F. Gruenberg, Jr.  
District 11  
Spenard, Upper Midtown Anchorage

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465-4968/4986  
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ANCHORAGE, AK 99503  
(907) 561-7621

## MEMORANDUM

TO: Representative Gene Kubina  
Chair, House State Affairs Committee

FROM: Rep. Max Gruenberg *Max*

RE: Scheduling of HB 534

DATE: February 19 1992

I would very much appreciate it if you would schedule HB534 "An Act Relating to civil and human rights", for a hearing as soon as soon as possible.

HB 534; (1) makes interference with constitutional rights a class C felony. (2) makes it unlawful for the state or an official, employee, or agency of the state or a political subdivision of the state to sponsor or organize a meeting or other activity in an establishment that does not afford full membership to a person because of sex, race, creed, color, religion, ancestry, national origin or physical or mental disability. State money may not be expended in connection with a meeting or other activity held at such an establishment. An official, employee or agent or a political subdivision of the state may not be reimbursed for dues or other expenses incurred at such an establishment. These provisions do not apply to expenditures incurred in the course of law enforcement or other required investigations or inspections. (3) Changes the criminal and civil penalties in AS 18.20.270 to a class A misdemeanor. (4) Adds a new subsection to AS 18.80.270 in a civil action to include a court may award treble punitive damage in addition to general damages, special damages, court costs, attorney fees and amounts otherwise allowed by law.

If you have any questions about this bill, please contact Stan Robbins in my office (4968) .

Thank you.

# Wave of intolerance and bigotry worries campus leaders

By LEE MITGANG  
The Associated Press

America's colleges, where tolerance is as essential to the pursuit of knowledge as labs and libraries, are being shocked by a wave of intolerance and bigotry.

The upsurge this year in incidents against blacks, women, Jews, homosexuals and others has spawned some harsh self-appraisal by higher education officials.

Many campuses feel their racial climate is healthy. The University of Utah, for example, elected its first female black student president this year.

But campus administrators are beginning to concede that they have often been slow to react to incidents, or too quick to pass them off as isolated or insignificant.

"I don't think there's been a great deal of leadership on the part of university presidents," said Reginald Wilson, head of the office of minority concerns of the American Council on Education, higher education's chief Washington lobby.

The Anti-Defamation League of B'nai B'rith found in its 1986 Audit of Anti-Semitic Incidents that vandalism directed at Jews on campuses rose from 12 incidents in 1985 to 19 in 1986.

While few other overall statistics exist, many observers agree that bigotry is increasing on the nation's campuses.

"There's no question about it: Not only were colleges slow to react, but I suspect that a number of things are happening on campus that would tend to give students

the idea that minority interests are of diminishing value," Wilson said.

"Black studies are lessening in popularity and prevalence, the number of black faculty at predominantly white schools has declined. The number of black students has declined," he said.

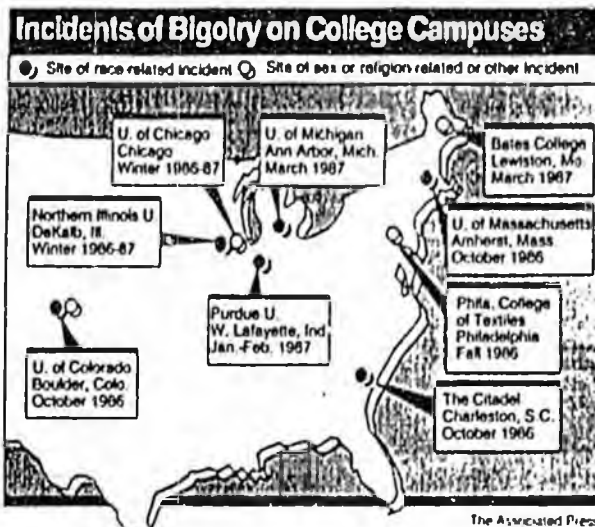
Some believe the problems on campus reflect what is happening outside academia.

"I think it's clearly part of a national mood," said Robert Johnson, director of minority studies at St. Cloud State University in Minnesota, where Japanese and other foreign students have received hate mail. "I just think the Reagan administration has made it safer and more permissible to express these sentiments."

"It seems to me that the mood of the country, as orchestrated in Washington, D.C., has said to a lot of people that all the things we were once concerned about in terms of promoting equal opportunity don't matter any more," said Barry Beckham, author of the "Black Student's Guide To Colleges," and an English professor at Brown University.

The administration denies that it has backed down on a commitment to civil rights, with Assistant Attorney General William Bradford Reynolds saying last month: "We have had for the last six years the most active and energetic law enforcement program in the field of civil rights in our history."

Several widely publicized incidents brought the issue of campus racism to the fore.



Last October at The Citadel, a military academy in Charleston, S.C., five cadets dressed as members of the Ku Klux Klan broke into a black freshman cadet's room, shouted obscenities and left a burned paper cross.

Weeks later, white students at the University of Massachusetts in Amherst attacked 10 black students in a brawl following the New York Mets' World Series victory over the Boston Red Sox.

This month, racial tensions at the University of Michigan prompted a hearing on that campus's problems. Among the incidents: fliers declaring "open season" on blacks, racist graffiti, and a student disc jockey who broadcast racist jokes.

A check of campuses across the country suggests a more extensive problem:

• On Jan. 26, a cross was burned in front of Purdue University's Black Cultural Center. On Feb. 11, the words "Death Nigger" were carved into the office door of a counselor in the School of Sciences.

• At Northern Illinois University, 11 students face possible suspension for racial harassment, and the university is offering a \$500 reward for the identification of those responsible for distributing racially offensive posters and fliers.

• Bates College in Lewiston, Maine, canceled classes on March 4 and held an all-day teach-in on sexism af-

ter two male students pinned condoms and a computer-printed picture of a penis on a female biology professor's door.

• University of Chicago officials are investigating a stream of anti-homosexual mail to homosexual students, their neighbors and families, including Christmas cards wishing homosexuals dead.

• At the University of New Hampshire in Durham, a dormitory rape in late February prompted someone to hang three male effigies from a building with a banner reading, "Beware Boys, Rape Will Not Be Tolerated."

• A University of Colorado fraternity faces sanctions for distributing a poster on Martin Luther King's birthday of a black woman with the caption, "Come Play With Me."

• A Wellesley College trustee resigned in February after students protested her remark that black employees at her firm preferred selling drugs to working.

• Vanderbilt University ordered its fraternities and sororities in January to make a good-faith effort to integrate racially and ethnically or be shut down.

• At the Philadelphia College of Textiles and Science, a Jewish ritual hut called a sukkah was vandalized last fall, and swastikas were found on a school building.

• During Gay Pride Week last spring at the University of Oregon in Eugene, a group of men, believed to be fraternity members, interrupted a movie being watched by homosexuals and blocked exits to the room. Later, a van

providing shuttle service to women students was surrounded by men who shouted anti-lesbian comments.

• A former black student filed a discrimination charge against Pillsbury Baptist Bible College in Minnesota, alleging that the school disciplined him and other blacks more harshly than whites, and that he was forbidden by school officials to date a white woman.

• University of Virginia students said in a campus poll this winter that racism is the school's biggest problem.

• A survey of Massachusetts Institute of Technology minority graduates found that a majority felt the school had a poor racial climate.

• A fraternity at Eastern Illinois University was disbanded last fall after a woman was allegedly handcuffed to a staircase for hours at a party.

• Last year at Penn State University, photocopied flier with a coiled white snake and the words "Don't tread on me, blackie" appeared on campus, and some black students complained of receiving anonymous racist phone calls.

• Smith College's president appointed an outside national commission to evaluate the campus's racial climate after a racial slur was found painted on a school building.

• At the University of Alabama, a cross was burned in March 1986 on the lawn of a house where a black sorority planned to move. Two white male students were suspended for burning the cross, and President Joab Thomas formed a race relations task force.

# Summary of State Hate Crime Laws

This chart was compiled from information gathered by Klanwatch and from earlier data collected by the National Institute Against Prejudice and Violence. See page 2 of this report for more detailed descriptions of types of laws.

	General Intimidation/Harassment — Criminal	General Intimidation/Harassment — Civil	Cross (or Other Religious Symbol) Desecration of Religious Property/ Disturbance of Religious Worship — Criminal	Cross (or Other Religious Symbol) Desecration of Religious Property/ Disturbance of Religious Worship — Civil	Wearing of Masks, Hoods, Disguises/ Secret Societies	Paramilitary Training	No Relevant Criminal Statutes	No Relevant Civil Statutes
AL					☆			X
AK								X
AZ					☆	†		X
AR					☆	†		X
CA	▼	▲			☆	†		
CO			◆		☆			X
CT	▼	▲			☆	†	∞	
DE					☆			X
DC		▲	◆		☆	†	∞	
FL			◆	■	☆	†	∞	
GA			◆		☆	†	∞	X
HI					☆			X
ID	▼	▲	◆	■	☆	†		
IL			◆	■	☆		∞	
IN					☆			X
IA			◆					X
KS	▼		◆		☆			X
KY					☆			X
LA					☆	∞		X
ME	▼	▲	◆	■	☆		∞	
MD					☆	†	∞	X
MA	▼	▲	◆	■	☆			
MI			◆	■	☆	∞	†	X
MN			◆		☆	∞	∞	X
MS					☆		†	X
MO			◆		☆		†	X
MT			◆			†		X
NE		▲					†	
NV					☆			X
NH								X
NJ					☆	†	†	X
NM					☆			X
NY	▼	▲	◆	■	☆	†	∞	
NC		▲			☆	†	∞	
ND	▼		◆					X
OH	▼		◆	■				X
OK			◆	■	☆	∞	∞	
OR			◆	■	☆		†	
PA			◆	■	☆		†	
RI			◆	■	☆	†	†	
SC	▼					†	∞	X
SD					☆			X
TN			◆			†	∞	X
TX					☆			X
UT								X
VT								X
VA					☆	†	∞	X
WA			◆	■	☆	†	∞	
WV	▼		◆		☆		∞	X
WI			◆	■	☆		∞	
WY	▼							X

**VIOLENCE**

# Schools confront rise in hate crimes

By Carol Chmelynski

FREDDY'S PHOTOGRAPHY

As acts of racially motivated violence and incidents of hate crimes spread across the country, many school leaders are fighting back. Among the steps they're taking are improving monitoring and reporting practices, teaching students tolerance and understanding, and cracking down on students who commit crimes.

A recent study by the Los Angeles County Commission on Human Relations reports, "all types of crime are increasing, and hate crime appears to be part of this trend."

There were 1,879 anti-Semitic incidents in 1991, says the Anti-Defamation League (ADL) of B'nai B'rith. This is the highest number since the group began con-

**The recession  
is a factor in  
racially moti-  
vated violence.**

Continued on page 6

PUBLIC OPINION MESSAGE

DEAR: REPRESENTATIVE GRUENBERG

NAME: JILL DEARMOUN-KILLPATRICK  
TITLE:  
ADDRESS: 14400 SNOWSHOE LANE  
CITY: ANCHORAGE ZIP: 99516  
PHONE: 345-4750  
BILL NO: HB 534  
SUBJECT: CIVIL AND HUMAN RIGHTS  
MESSAGE: I STRONGLY SUPPORT THE PASSING OF HB 534. /BN

POMID: 03080046  
DATE: 92/03/19  
TIME: 08:00:46  
LIONAME: ANCHORAGE LIO

COPIES: REPRESENTATIVES

BAKER  
BRUCKMAN  
CHOQUETTE  
KUBINA  
M.W.MILLER  
MOYER

PUBLIC OPINION MESSAGE

DEAR: REPRESENTATIVE GRUENBERG

NAME: RUSSEL A. NOGG  
TITLE:  
ADDRESS: 515 FREDRICKS  
CITY: ANCHORAGE ZIP: 99504  
PHONE: 276-6040  
BILL NO: HB 534  
SUBJECT: CIVIL AND HUMAN RIGHTS  
MESSAGE: PLEASE SUPPORT AND PASS HB 534 AN ACT RELATING TO CIVIL AND HUMAN RIGHTS. PLEASE VOTE YES. /JSM

POMID: 03103846  
DATE: 92/03/19  
TIME: 10:38:46  
LIONAME: ANCHORAGE LIO

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MOYER	NAVARRE
PARNELL	G.PHILLIPS
R.PHILLIPS	SHARP
TAYLOR	ULMER
ZAWACKI	

PUBLIC OPINION MESSAGE

DEAR: REPRESENTATIVE GRUENBERG

NAME: JIM TAYLOR  
TITLE:  
ADDRESS: HC85 BOX 9811  
CITY: EAGLE RIVER  
PHONE: 337-1565  
BILL NO: HB 534  
SUBJECT: CIVIL AND HUMAN RIGHTS  
MESSAGE: I STRONGLY SUPPORT HB 534 AND URGE THAT THEY PASS THAT BILL RELATING TO CIVIL AND HUMAN RIGHTS. PLEASE VOTE YES. /LD  
ZIP: 99577

POMID: 03081520  
DATE: 92/03/17  
TIME: 08:15:20  
LOCATION: ANCHORAGE LIO

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GONZALES	GRUSSENDORF	FRANK
HANLEY	HUDSON	HALFORD
IVAN	JACKO	HOFFMAN
KOPONEN	KUBINA	JONES
LARSON	LEMAN	KERTTULA
I.INCOLN	MACKIE	MENARD
MACLEAN	MARTIN	PEARCE
M.A.MILLER	M.W.MILLER	POURCHOT
MOYER	NAVARRE	RODEY
PARNELL	G.PHILLIPS	SHULTZ
R.PHILLIPS	SHARP	STURGULEWSKI
TAYLOR	ULMER	UEHLING
ZAWACKI		ZHAROFF

*Kings Way Assembly of God*

Continued from page 1

ducting an annual survey 12 years ago and an 11 percent increase over the year before.

The Southern Poverty Law Center says there are a record 346 white supremacy groups operating in the United States, a 27 percent increase over last year. The group says hate crimes, from murders to cross burnings, are up for the fourth year in a row.

### Reporting incidents

"A far greater amount of school crime and violence is racially related than anyone wants to admit," says Bernard James, special counsel for the National School Safety Center.

"Many educators fear to report these crimes, because they feel that it makes them look bad if they admit they have a problem," James says. "They sense they will be blamed, or they wish to avoid bad publicity or litigation. Above all, many administrators fear that if they report crime on campus, they will be regarded as ineffective."

Such fears have not deterred the Frederick County, Md., school board from beginning a program three years ago to require all school officials to file reports on all racial incidents.

During the 1990-91 school year, 69 racial incidents were reported, a substantial increase over the 69 incidents reported the previous year and 42 in 1988-89.

But Estes Lockhart, counseling supervisor for the school system, attributes the rise to improved reporting, not increased racial tension.

Lockhart predicts the number of reported incidents will climb during the next several years, but that the school system's counseling efforts eventually will pay off.

The federal Hate Crimes Statistics Act, enacted in 1990, requires federal agencies to keep data on violent crimes motivated by prejudice against racial, religious, or ethnic groups or homosexuals.

While the law addresses only the reporting of hate crimes, it is considered an important first step toward making such crimes more visible and encouraging more prosecutions and stiffer penalties.

Forty-six states and the District of Columbia have laws dealing with hate crimes. The ADL reports that so far, 17 states have data collection requirements for racially motivated crimes.

The San Francisco school system will begin monitoring and recording incidents of racial violence in March. The Los Angeles Unified School District re-

cently started a similar program.

Analysts point to a variety of economic, social, and political factors to explain why racism is so prevalent in today's society:

• **The recession.** "Slowdowns in the economy tend to increase racial crimes. When people lose their jobs they look for scapegoats," says Reggie Johnson, founder of the Middlesex, N.J., Human Rights Commission.

"The recession is producing a great stress on families, and students are going to bring that to school," agrees Lockhart.

### Isolation and ignorance

• **Isolationism.** Students tend not to interact with peers from different races. "Encouraging students to [do this] is one of

breaking down racial barriers—even if the interaction is involuntary," says Rose Ohm, a sociologist and national coordinator of youth and education for the National Conference of Christians and Jews.

• **Ignorance.** Today's young people are unaware of past struggles for justice and equality. They don't know about gas chambers and sit-ins.

have been trained to use the curriculum, says Chris Stokes, director of public relations at the Facing History and Ourselves National Foundation.

"Facing History takes the Nazi Holocaust and the Turkish genocide against the Armenians as case studies on citizenship, responsibility, and decision making," Stokes says. "Its main themes—identity, conformity,



Students learn to understand and appreciate each others' racial and ethnic experiences at a leadership conference sponsored by A World of Difference.

• **Parental influence.** Children pick up parents' attitudes. Experts point to a decline in parental responsibility for children's actions.

• **Hatred is hip.** "Bigoted acts today are a risk taking challenge to an official culture of tolerance," says Jeffrey Ross, ADL's director of campus affairs.

"It's becoming fashionable to hate," agrees Michael Meyers, director of the New York Civil Rights Coalition. "It's become pedestrian, commonplace, and acceptable."

• **Peer pressure.** Young members of rapidly growing street gangs often are forced to commit hate crimes. "If you don't get along with who you're hanging out with, there's no place else to go," explains Robert DeSena, former gang member and teacher at Bensonhurst High School in New York City.

• **Diverse population.** "The vast changes in the racial and ethnic population of Los Angeles County have created growing fear, tension, and intolerance on the part of many people, of all backgrounds, who have resided here for a longer period of time," notes the report by the Los Angeles County Commission on Human Relations.

### History lessons

To counteract these trends, many school boards are adopting curricula aimed at teaching students racial tolerance.

One popular example, called Facing History and Ourselves, has helped more than 450,000

power, scapegoating, peer group pressure, intolerance, and resistance—are issues all teens face."

Among the many other education programs available for school officials are the following:

• **"A World of Difference"** is an ethnic, racial, and religious prejudice awareness and reduction campaign created in 1985 by ADL.

### Appreciating diversity

A description of the program says it's designed to "create a climate of respect and appreciation for diversity, to recognize and celebrate our differences, and to bring home the message that there is no place for bigotry in our communities."

The project—geared toward secondary school students—incorporates television programming, teacher training, community-based projects, and education study guides.

Inaugurated in Boston, A World of Difference, is now used in more than 600 school districts across the country.

• The Council for Unity Inc. was founded 17 years ago at John Dewey High School in Bensonhurst, N.Y., by English teacher Robert DeSena. Now in 20 schools, it is part social club, part drama group, part dispute mediator, and part community service agency.

The council's primary function is to encourage students to "understand one another's cultures and make friends across ethnic boundaries," says DeSe-

## Advice for school leaders

• **Robert Stephens**, executive director, National School Safety Center, suggests that school leaders interested in adopting effective strategies to counter prejudice and hate-motivated crime and violence should do the following:

• Establish districtwide policies that reflect zero tolerance for racism.

• Remove or paint over offensive graffiti immediately.

• Develop a school-community training program designed to heighten under-

standing among ethnic groups:

• Provide counseling for newcomers.

• Establish an attitude of acceptance and respect for ethnic and cultural differences.

• Cultivate an attitude of appreciation and care: Every child should feel important and appreciated for the uniqueness he or she brings to school.

• Make a difference with yourself, now, in terms of attitude, acceptance, and appreciation for others.

form in original plays based on racial and ethnic incidents.

- **Project SEED 2000** (Students Evolving through Educational Diversity) is a joint project of the Birmingham, Ala., school board and the city's corporate community.

The program promotes racial harmony by holding monthly meetings where sixth graders can discuss their experiences with race, religion, and cultural diversity.

The dialogue is led by two business representatives and includes racially mixed teams of community volunteers trained in human relations issues by the National Conference of Christians and Jews.

"The hope is that after the teams leave, students will continue talking to each other, and thus the perceived differences among the various groups will be diminished," says Birmingham school board member Barry Clemmons, who helped initiate the program.

#### **Creating trust**

- **ERP** (Eliminate Racial Prejudice) was formed by students at Rangeview High School in Aurora, Colo., after several fights broke out between blacks and whites in school hallways in November. In a separate incident, two students were caught distributing racist literature in school.

Participating students wear a button with the initials ERP and sign a pledge promising to work to eradicate racism.

"There's so much distrust between groups of people that we wanted a visual sign that would let someone say, 'This is what I stand for,'" explains Rangeview Student Body President Mike Ansett.

- The Middlesex Human Rights Commission encourages racial tolerance in New Jersey by sponsoring visits by school board members and community and religious leaders to schools to talk about society's problems—including racial bias.

- A Philadelphia group known as Woodrock is working to foster understanding among youths of different racial and ethnic groups by training counselors to teach year-long classes on human relations and interracial understanding.

The program has been carried out in three elementary and one middle school in the Philadelphia area. High school students are hired and trained to counsel elementary school children in the after-school program.

"We know all this ugly stuff [racial tension] is coming up again," says Woodrock Executive Director Allen Lanshear.

Representative Max Gruenberg  
Pouch V  
Juneau, AK

fax: ~~463-7709~~

Dear Max,

I have reviewed House Bill 534 and want to commend you on a fine piece of legislation. As we have discussed, the incidence of "hate" related crimes continues to increase both in Alaska and "Outside". By making it a felony to interfere with a person's constitutional rights, we are sending the message that Alaska will not tolerate such behavior. By going further and prohibiting the conduct of state business in facilities sponsored by exclusionary groups, makes the message even clearer.

I believe I told you of a call I received from Senator Sturgelewski in which she told me that various "skinhead" groups were setting up recruiting centers near our run away shelters in Alaska. In addition, there have been several incidents of violence in Anchorage which had racial or religious overtones. In each case, these overtones were ignored or played down by both law enforcement and governmental officials who refuse to admit that such acts of hate occur here in Alaska. The elevation of these crimes to a felony will make these officials recognize that unfortunately we are no different that so many other communities in America.

Finally, I want to let you know that I recently took part in a forum on hate literature and its effect on society sponsored by an organization of Catholic lawyers. The amount and availability of this literature, both newsletters and books is growing. It is circulating in our schools and government offices. It will influence those who receive it. This combined with a slow economy makes it clear that crimes involving hate will most likely increase, not decrease.

Again I want to thank you for introducing House Bill 534. I hope it will pass both houses and be signed into law by the Governor. If I can be of further assistance, please let me know.

Sincerely,

Rabbi Harry L. Rosenfeld

# STATE OF ALASKA

## HUMAN RIGHTS COMMISSION

WALTER J. HICKEL, GOVERNOR

HEADQUARTERS  
800 A STREET, SUITE 202  
ANCHORAGE, ALASKA 99501-3628  
PHONE: (907) 276-7474

March 13, 1992

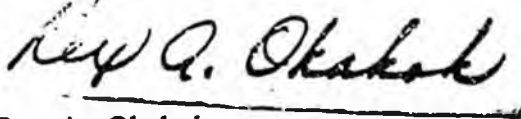
Representative Max Gruenberg  
Room 216, Capitol  
P. O. Box V  
Juneau, AK 99811

Re: House Bill No. 534

Dear Representative Gruenberg,

The Alaska State Commission for Human Rights held its Annual Meeting February 27th and 28th in Juneau, during which the Commissioners considered HB534 "An Act relating to civil and human rights." The Commission wishes to convey its full support of this legislation, as originally drawn.

Sincerely,



Rex A. Okakok  
Chairperson

RAO/PMH/mt

Representative Max Gruenberg  
Pouch V  
Juneau, AK

~~fax: 463-1703~~

Dear Max,

I have reviewed House Bill 534 and want to commend you on a fine piece of legislation. As we have discussed, the incidence of "hate" related crimes continues to increase both in Alaska and "Outside". By making it a felony to interfere with a person's constitutional rights, we are sending the message that Alaska will not tolerate such behavior. By going further and prohibiting the conduct of state business in facilities sponsored by exclusionary groups, makes the message even clearer.

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Sincerely,

Rabbi Harry L. Rosenfeld

PUBLIC OPINION MESSAGE

DEAR: REPRESENTATIVE GRUENBERG

NAME: GARY A. ZIPKIN  
TITLE:  
ADDRESS: 3515 COTTONWOOD ST.  
CITY: ANCHORAGE ZIP: 99508  
PHONE: 276-0043  
BILL NO: HB 534  
SUBJECT: CIVIL AND HUMAN RIGHTS  
MESSAGE: PLEASE SUPPORT AND PASS HB534 AN ACT RELATING TO CIVIL AND HUMAN RIGHTS. PLEASE VOTE YES./RD

POMID: 03155227  
DATE: 92/03/18  
TIME: 15:52:27  
LIONAME: ANCHORAGE LIO

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R.PHILLIPS	SHARP	STURGULEWSKI
TAYLOR	ULMER	UEHLING
ZAWACKI		ZHAROFF

PUBLIC OPINION MESSAGE

DEAR: REPRESENTATIVE GRUENBERG

NAME: DR. STUART REDER  
TITLE:  
ADDRESS: 7081 CHAD ST  
CITY: ANCHORAGE ZIP: 99518  
PHONE: 344-0928  
BILL NO: HB 534  
SUBJECT: CIVIL AND HUMAN RIGHTS  
MESSAGE: DEAR SIR/MADAM I WISH TO EXPRESS MY SUPPORT FOR HB534 WHICH INCREASES THE PENALTIES FOR CIVIL RIGHTS ABUSE. PLEASE STRONGLY SUPPORT THIS BILL AND LET US WORK TOGETHER TO KEEP ALASKA THE GREAT LAND. SINCERELY, DR. STUART REDER

POMID: 03134339  
DATE: 92/03/18  
TIME: 13:43:39  
LIONAME: ANCHORAGE LIO

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R.PHILLIPS	SHARP	STURGULEWSKI
TAYLOR	ULMER	UEHLING
ZAWACKI		ZHAROFF

PUBLIC OPINION MESSAGE

DEAR: REPRESENTATIVE GRUENBERG

NAME: REV. JIM PETERSON  
TITLE:  
ADDRESS: 10821 TOTEM ROAD  
CITY: ANCHORAGE ZIP: 99516  
PHONE: 346-2824  
BILL NO: HB 534  
SUBJECT: CIVIL AND HUMAN RIGHTS  
MESSAGE: I ASK FOR YOUR SUPPORT OF HB 534 THAT IT MAY PASS AND BECOME LAW.  
/JSM

POMID: 03145407  
DATE: 92/03/18  
TIME: 14:54:07  
LIONAME: ANCHORAGE LIO

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MOYER	NAVARRE
PARNELL	G.PHILLIPS
R.PHILLIPS	SHARP
TAYLOR	ULMER
ZAWACKI	

*Unity Christian Church  
of Anch.*

PUBLIC OPINION MESSAGE

NAACP

DEAR: REPRESENTATIVE GRUENBERG

NAME: TAMMY TOWNSEND  
TITLE: OFFICE MANAGER  
ADDRESS: 325 E. 3RD AVE  
CITY: ANCHORAGE  
PHONE: 272-8717

ZIP: 99501

BILL NO: HB 534  
SUBJECT: CIVIL AND HUMAN RIGHTS  
MESSAGE: THE ANCHORAGE BRANCH OF NAACP WOULD LIKE TO GO ON RECORD IN SUPPORT OF  
HB534 IN ITS PRESENT FORM. AN ACT RELATING TO CIVIL AND HUMAN RIGHTS. SIGNED  
TAMMY TOWNSEND/RD

POMID: 03131628  
DATE: 92/03/18  
TIME: 13:16:28  
LIONAME: ANCHORAGE LIO

PUBLIC OPINION MESSAGE

DEAR: REPRESENTATIVE GRUENBERG

STANDARD  
LTR?

NAME: ROBERT KLEIN  
TITLE:  
ADDRESS: 10381 TREE TOP LANE  
CITY: ANCHORAGE  
PHONE: 346-2614

ZIP: 99516

BILL NO: HB 534  
SUBJECT: CIVIL AND HUMAN RIGHTS  
MESSAGE: THE BOARD OF TRUSTEES OF CONGREGATION BETH SHOLOM UNANIMOUSLY SUPPORT THE PASSAGE OF THIS BILL. INCREASING PENALTIES FOR VIOLATIONS OF CIVIL RIGHTS, AND MAKING IT UNLAWFUL FOR THE STATE OR IT'S AGENTS TO PATRONIZE ESTABLISHMENTS THAT PRACTICE DISCRIMINATION ARE MUCH NEEDED ADDITIONS TO OUR CIVIL RIGHTS LAWS. PLEASE VOTE YES. /CHR

POMID: 03151814  
DATE: 92/03/11  
TIME: 15:18:14  
LIONAME: ANCHORAGE LIO

*Dear Bob*

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MOYER	NAVARRE	RODEY
PARNELL	G.PHILLIPS	SHULTZ
R.PHILLIPS	SHARP	STURGULEWSKI
TAYLOR	ULMER	UEHLING
ZAWACKI		ZHAROFF



# House State Affairs Committee

## Representative Gene Kubina, Chair

DATE: 3-20-92

PLACE: Capital Room 102

**SUBJECT OF MEETING:**

- \*HJR 3-Relating to Change Terms of Representa-  
to Four Years
- \*HB 420-Relating to Contacting for Care of  
Prisoners
- HB 534-Relating to Civil & Human Rights
- HJR 7 - Relating to Limiting Terms of Legis's

SB 337 - Relating to Retirement Incentive Program

NAME	REPRESENTING	BUSINESS/PERSONAL MAILING ADDRESS	ZIP	(H) PHONE	(W) PHONE	DO YOU WANT TO TESTIFY?	WHAT SUBJECT/ WHICH BILL?
✓ Diane Schenker	DOC	MS 2000		<del>337</del>	3376	(Y) N	H.B. 420
Sindy Smith	Network on Domestic Violence	4196th St.	99801		63650	(Y) N	HB 534
✓ Michael STARK	Dept. of Law	PO BOX KC JUNEAU	99811		3428	(Y) N	HB 420
Michael McKennett	Dept. of Admin Personnel/HR	P.O. Box 100210 JUNEAU, AK 99811	99811	364-2581	465-3522	(Y) N	HB # 534
SHERRIE GOLL	ALASKA WOMEN'S LOBBY	P.O. Box 22156 JUNEAU	AK		463-6744	(Y) N	HB 534
✓ Buddy Maupin	ASEA AFSCME	Local 52 (Telecom)				Y N	HB 420
Comm. Turpin						Y N	SB 337
						Y N	
						Y N	
						Y N	
						Y N	