

SB

246

SENATE COMMITTEE REPORT First Committee of Referral

DATE: 1/12/04

FURTHER: Judiciary

Date of 5-Day Notice: 3/18/04
(in accordance with Uniform Rule 23)

DATE TURNED
IN TO OFFICE: 3/24/04

State Affairs Committee considered SENATE BILL NO. 246

SB 246 HATE CRIMES/DISCRIMINATION/TOLERANCE PROG

"An Act relating to the commission of an offense or a juvenile delinquency act involving the victim's race, sex, color, creed, physical or mental disability, sexual orientation, ancestry, or national origin; relating to sentencing, informal adjustment, and adjudication for those offenses and acts; relating to a diversity tolerance program for certain juvenile delinquency acts; relating to a civil cause of action for certain acts involving discriminatory harassment; and providing for an effective date."

and recommends:

- be replaced with _____ CS _____ (_____)
- adopt previous _____ CS _____ (_____)
- attached amendment(s)
- adopt Letter of Intent by _____ Committee
- further referral to _____ Committee

Senate Bill:
 Same Title
 New Title

House Bill:
 Same Title
 Technical Title Change
 New Title w/ SCR # _____

NEW FISCAL NOTE(S):

Department	Date	Fiscal	Indet.	Zero	FN#
DOA	3/19/04		✓		
DPS	3/22/04			✓	
Law	3/22/04			✓	
ACS	3/23/04		✓		

PREVIOUS FISCAL NOTE(S):

Department	Date	Fiscal	Indet.	Zero	FN#

APPROPRIATION - no fiscal note

SIGNATURES AND RECOMMENDATIONS:	DO PASS	DO NOT PASS	NO REC	AMEND
	✓			
	✓			
	✓			
CHAIR:				

FISCAL NOTE

STATE OF ALASKA
2004 LEGISLATIVE SESSION

Fiscal Note Number: _____
 Bill Version: SB246
 () Publish Date: _____

Revision Date/Time (Note if correction): _____ Dept. Affected: Administration
 Title An Act relating to the commission BRU Legal and Advocacy Services
of an offense involving victim's race.. Component Public Defender Agency
 Sponsor Senators Lincoln, Davis
 Requester (S) State Affairs Component No. 1631

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2005	FY 2006	FY 2007	FY 2008	FY 2009	FY 2010
Personal Services	*	*	*	*	*	*
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	*	*	*	*	*	*

CAPITAL EXPENDITURES						
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CHANGE IN REVENUES ()						
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FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF	*	*	*	*	*	*
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type--Do not abbreviate)						
TOTAL	*	*	*	*	*	*

Estimate of any current year (FY2004) cost: 0.0
 Mark this box (X) if funding for this bill is included in the Governor's FY 2005 budget proposal:

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)
 This bill will have a fiscal impact on the operations of the Agency, but it is impossible to determine with any accuracy what that impact will be. Creating a new "motivation by prejudice" or "hate crime" offense seeking to raise the classification and penalties for the underlying crime, will result in more serious prosecutions and trials involving Agency appointments, but it is not possible to predict how many new prosecutions or more trials this legislation will generate if enacted. Furthermore increasing mandatory minimum prison sentences for misdemeanors if circumstances indicate these offenses are hate crimes, and prohibiting SIS's will result in more misdemeanor trials because of these greater penalties, but once again, it is not possible to predict this increased number. For all of the above reasons, an indeterminate fiscal note is submitted.

Prepared by: Linda K. Wilson, Deputy Director Phone (907)-334-4416
 Division Public Defender Agency Date/Time March 19, 2004
 Approved by: Mike Miller, Commissioner Date 3/19/2004
 Agency Administration

FISCAL NOTE

STATE OF ALASKA
2004 LEGISLATIVE SESSION

Fiscal Note Number: _____
 Bill Version: SB246-DPS-ASTD-3-22-04
 () Publish Date: _____

Revision Date/Time (Note if correction): _____ Dept. Affected: Public Safety
 Title Act Relating to Hate Crimes RDU Alaska State Troopers
 Component AST Detachments
 Sponsor Sen. Lincoln
 Requester (S) State Affairs Component No. 2325

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2005	FY 2006	FY 2007	FY 2008	FY 2009	FY 2010
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES						
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CHANGE IN REVENUES ()						
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FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type--Do not abbreviate)						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2004) cost: 0.0
 Mark this box (X) if funding for this bill is included in the Governor's FY 2005 budget proposal:

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

If enacted, this bill will address several issues in law regarding charging a person with a criminal offense, sentencing that person if convicted, and establishing the capabilities of a complainant to bring a civil lawsuit against another if the action of the other person is driven by prejudice, bias, or hatred.

Section 1 amends AS 09.55 by adding a paragraph (09.55.670) that allows an individual to bring civil action against another or against the parents or legal guardian of a minor who has caused physical injury to the individual or damage to the property of the individual with the intent to intimidate or harass the individual because of the individual's actual or perceived race, sex, color, creed, physical or mental disability, sexual orientation, ancestry, or national origin.

Prepared by: Lt. Al Storey Phone 269-4532
 Division Alaska State Troopers Date/Time 3/22/04 10:55 AM
 Approved by: Commissioner William Tandeske Date 3/22/2004
 Agency Department of Public Safety

FISCAL NOTE

**STATE OF ALASKA
2004 LEGISLATIVE SESSION**

BILL NO. SB246-DPS-ASTD-3-22-04

ANALYSIS CONTINUATION

Section 2 amends AS 11.76 by adding a new section that in essence establishes the law of "motivation by prejudice, bias, or hatred" if a person commits a crime in this title and the person knowingly directed the conduct constituting the crime at the victim of the crime because of the victim's actual or perceived race, sex, color, etc. The classifications of these hate based crimes would be one category up from what the core offense would normally be, i.e.. a class A misdemeanor would become a class C felony.

Section 3 through 12 of this bill address issues related to charging and sentencing those who perpetrate "hate crimes". Contained within these provisions are mandatory minimum sentences, non-suspension of sentences, and language to deal with minor offenders.

Section 13 requires Health and Social Services to develop and implement a diversity training program for minors who have been referred to the program because of "hate crime" conduct.

The Alaska State Troopers do not anticipate any fiscal impact if this proposed bill were to become law.

FISCAL NOTE

STATE OF ALASKA
2004 LEGISLATIVE SESSION

Fiscal Note Number: SB246-LAW-CDCO-3-22
 Bill Version: SB246
 () Publish Date: _____

Revision Date/Time (Note if correction): _____ Dept. Affected: LAW
 Title "An Act relating to the commission of an offense or a RDU CRIMINAL
juvenile delinquency act involving the victim's race, sex, color...." Component Criminal Justice Litigation
 Sponsor Senator Lincoln
 Requester Senate State Affairs Component No. _____

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2005	FY 2006	FY 2007	FY 2008	FY 2009	FY 2010
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES						
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CHANGE IN REVENUES ()						
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FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type--Do not abbreviate)						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2004) cost: 0.0
 Mark this box (X) if funding for this bill is included in the Governor's FY 2005 budget proposal:

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

This bill describes the circumstances under which an individual may maintain a civil action for discriminatory harassment and allows for the award of compensatory or punitive damages by the prevailing party. The bill also adds the crime of committing an act motivated by prejudice, bias, or hatred to the criminal code and provides for classification and sentencing for such offenses. The bill also adds a requirement to attend diversity tolerance training for juvenile delinquents who commit delinquent acts based on discrimination.

Passage of this legislation will have no foreseeable fiscal impact on the Department of Law.

Prepared by: Kathryn A. Daughhete, Director Phone 465-3673
 Division Administrative Services Date/Time 3/22/04 2:03 PM
 Approved by: Kathryn Daughhete for Gregg D. Renkes, Attorney General Date 3/22/2004
 Agency Department of Law

FISCAL NOTE

STATE OF ALASKA
2004 LEGISLATIVE SESSION

Fiscal Note Number: _____
 Bill Version: SB246-ACS-TC-3-23-04
 () Publish Date: _____

Revision Date/Time (Note if correction): _____ Dept. Affected: _____
 Title Hate Crimes/Discrimination/ PRU Alaska Court System
Tolerance Programs Component Trial Courts
 Sponsor Senator Lincoln
 Requester _____ Component No. _____

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2005	FY 2006	FY 2007	FY 2008	FY 2009	FY 2010
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	*	*	*	*	*	*

CAPITAL EXPENDITURES						
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CHANGE IN REVENUES ()						
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FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 C.F./Program Receipts						
1037 GF/Mental Health						
Other (Specify Type--Do not abbreviate)						
TOTAL	*	*	*	*	*	*

Estimate of any current year (FY2004) cost: 0.0
 Mark this box (X) if funding for this bill is included in the Governor's FY 2005 budget proposal:

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: *(Attach a separate page if necessary)*
 Senate Bill 246 makes several changes to the criminal and delinquency laws that increase the penalties for crimes that are motivated by prejudice, bias or hatred toward the victim because of the victim's actual or perceived race, sex, color, creed, physical or mental disability, sexual orientation, ancestry, or national origin. These changes will impact the court system because stiffer penalties will result in defendants more vigorously defending against the charges against them. This leads to longer and more frequent hearings and increases the chances that a case will go to trial. This is particularly likely when the stiffer penalties are tied to the proof elements associated with hate crimes. However, the extent of this impact is too speculative to support a fiscal note at this time. Should the impact prove to be significant, the court system may return to the legislature with a request for additional resources.

Prepared by: Doug Wooliver Administrative Attorney Phone 463-4750
 Division Alaska Court System Date/Time 3/23/04 9:22 AM
 Approved by: Stephanie Cole Administrative Director by Doug Wooliver Date 3/23/2004
 Agency Alaska Court System

Supporting Comment of SB 246

By: Don Bremner

463-7341

Good Afternoon;

On behalf of my Tlingit ancestors and many of my Elders who could not be here today I come to throw our ancestors voices behind SB 246, and to stand by the side of Senator Lincoln in putting this long over due Bill forward.

Our Nation and State has a poor track record of implementing the U.S. and Alaska State Constitutional Rights of equality, fairness and justice towards minority people. In this brief moment I will present samples and a snapshot of western society's unjust treatment of our people and this will reflect again, and again, why we support SB 246.

At the end of the presentation, you will realize like many of us that western citizenship, and the assimilation of Alaska Natives was not and is not succeeding like the hoped for American Dream.

You will see, there is pre-existing leadership and a mindset about Alaskan Natives within the U.S. Government bureaucracy and educational institutions. You will realize that my parents, grandparents, and great grandparents generation suffered greatly at the hands of the U.S. Government; Territory of Alaska; and State of Alaska. Many of you are probably aware that their grandchildren and great grandchildren continue to suffer through western systems today as a result of discriminatory systems and people in our society. We are experiencing this today in our own community.

Samples of Key Government laws and policy regarding Native education:

- Columbus on Indians: " they were "creatures," potential servants, with no religious convictions"

Source: <http://rvcc2.raritanval.edu/~bseater/nativea.htm>

- 1779- The Only Good indian is a Dead Indian- Major James Norris

"In 1779, one Major James Norris wrote in his journal, "Civilization or death to all American savages." He meant that any Native Americans who didn't become "civilized" should be killed. Andrew Jackson (1767-1845), a famous frontiersman and Indian fighter who became president allegedly said, "Better dead than red." (Indians were sometimes called "redskins.")

Source: <http://www.geobop.com/Symbols/world/na/us/history/5/>

- 1869- new directions in Government Policy- Board of Indian Commissioners

"The payment of money annuities to the Indians should be abandoned, for the reason that such payments encourage idleness and vice, to the injury of those whom it is intended to benefit. Schools should be established, and teachers employed by the government to introduce the English language in every tribe. It is believed that many of the difficulties with Indians occur from misunderstanding as to the meaning and intention of either party. The teachers employed should be nominated by some religious body having a mission nearest to the location of the school. The establishment of Christian missions should be encouraged, and their schools fostered. The pupils should at least receive the rations and clothing they would get if remaining with their families. The religion of our blessed Saviour is believed to be the most effective agent for the civilization of any people."

Source: *Annual Report of the Board of Indian Commissioners (Washington, 1869), 5-11.*

- 1880's- Charles Lummis: Indian Rights Crusader

"In the 1880s virtually everyone agreed that the only way to educate Indian children was to take them away from their homes and cut them off from their families for at least four years. At first, Charles Lummis was a believer in that approach, exemplified by the famous Carlisle Indian School in Pennsylvania. He wrote approvingly of the Carlisle School's "kill the Indian, save the child" theory of Indian education when he toured two Indian schools during his tramp across the continent in 1884. But within a year of his move to the Pueblo of Isleta, New Mexico, in late 1888, Lummis had changed his mind. Surrounded by grief-stricken parents whose children were being held against their will at the Albuquerque Indian School, cut off from their families, prevented from returning home even during summer vacations, Lummis came to regard the U.S. government's Indian education policies as an abomination."

"The first newspaper article that Lummis wrote about Indian education policy ran in the Los Angeles Times in April 1890. It was entitled "Poor Pedro, the Fate of the Indian Who Was Educated," and it began with an anecdote written in the style of a folk tale about an Isleta boy who had gone off to a government school for years and had returned to lead a tragic life as an outcast among his own people. The damage inflicted on the students was just part of the problem with the government Indian schools, Lummis asserted. "Of course the fundamental objection is the very same one that we or any other decent people would have if a superior race (self-asserted) were to come from Mars, overrun the land and force us to send our children away from home to be rid of our silly superstitions, religion and customs, and instructed in the better ways of the people of Mars," he wrote. "When I have the time and brains to do justice to so difficult a subject as this really is, you may hear from me about it."

Source: <http://www.charleslummis.com/indianrights.htm>

- Sept 21, 1887- Use of English in Indian Schools- Commissioner J.D.C. Atkins in his Annual report of 1887

"... Longer and closer consideration of the subject has only deepened my conviction that it is a matter not only of importance, but of necessity that the Indians acquire the English language as rapidly as possible. The Government has entered upon the great work of educating and citizenizing the Indians and establishing them upon homesteads. The adults are expected to assume the role of citizens, and of course the rising generation will be expected and required more nearly to fill the measure of citizenship, and the main purpose of educating them is to enable them to read, write, and speak the English language and to transact business with English-speaking people. When they take upon themselves the responsibilities and privileges of citizenship their vernacular will be of no advantage. Only through the medium of the English tongue can they acquire a knowledge of the Constitution of the country and their rights and duties thereunder."

"Deeming it for the very best interest of the Indian, both as an individual and as an embryo citizen, to have this policy strictly enforced among the various schools on Indian reservations, orders have been issued

accordingly to Indian agents, and the texts of the orders and of some explanations made thereof are given below:

DECEMBER 14, 1886.

In all schools conducted by missionary organizations it is required that all instructions shall be given in the English language.

FEBRUARY 2, 1887.

In reply I have to advise you that the rule applies to all schools on Indian reservations, whether they be Government or mission Schools. The instruction of the Indians in the vernacular is not only of no use to them, but is detrimental to the cause of their education and civilization, and no school will be permitted on the reservation in which the English language is not exclusively taught."

Source: http://www.alaskool.org/native_ed/historicdocs/use_of_english/prucha.htm

- 1898- "Carlisle Indian Industrial School newspaper, the "Indian Helper," printed a letter by Richard Henry Pratt"

"...in which he said, "Carlisle's mission is to kill THIS Indian, as we build up the better man. We give the rising Indian something nobler and higher to think about and do, and he comes out a young man with the ambitions and aspirations of his more favored white brother. We do not like to keep alive the stories of his past, hence deal more with his present and his future."

"What he meant is that teachers should "kill" Indian children's culture and make them more similar to white children, which were considered superior. Pratt's words were condensed into the motto, "Kill the Indian, save the man."

Source: <http://www.geobop.com/Symbols/world/na/us/history/5/>

We can see the pattern of how these government laws, policies, and themes were applied to the lower 48 Indian tribes. By the time education programs came to Alaska the same mindset was applied to Alaskan Natives. However, for Alaskan Natives we should begin our review by following key events that took place in my ancestor's lives;

- Alaskan Natives were allowed to be recognized citizens if they gave up all rights and practice of their Native language and culture and learned to read and write.
- 1924 Indian Citizenship Act

"Until the Indian Citizenship Act of 1924, Indians occupied an unusual status under federal law. Some had acquired citizenship by marrying white men. Others received citizenship through military service, by receipt of allotments, or through special treaties or special statutes. But many were still not citizens, and they were barred from the ordinary processes of naturalization open to

foreigners. Congress took what some saw as the final step on June 2, 1924 and granted citizenship to all Native Americans born in the United States.



President Calvin Coolidge with four Osage Indians after Coolidge signed the bill granting Indians full citizenship. Source - LOC, LC-USZ62-111409 DLC

The granting of citizenship was not a response to some universal petition by American Indian groups. Rather, it was a move by the federal government to absorb Indians into the mainstream of American life. No doubt Indian participation in World War I accelerated the granting of citizenship to all Indians, but it seems more likely to have been the logical extension and culmination of the assimilation policy. After all, Native Americans had demonstrated their ability to assimilate into the general military society. There were no segregated Indian units as there were for African Americans. Some members of the white society declared that the Indians had successfully passed the assimilation test during wartime, and thus they deserved the rewards of citizenship.

Dr. Joseph K. Dixon, an active proponent of assimilating the "vanishing race" into white society, wrote --

"The Indian, though a man without a country, the Indian who has suffered a thousand wrongs considered the white man's burden and from mountains, plains and divides, the Indian threw himself into the struggle to help throttle the unthinkable tyranny of the Hun. The Indian helped to free Belgium, helped to free all the small nations, helped to give victory to the Stars and Stripes. The Indian went to France to help avenge the ravages of autocracy. Now, shall we not redeem ourselves by redeeming all the tribes?"

So, the Indian Citizenship Act of 1924 proclaimed --

"BE IT ENACTED by the Senate and house of Representatives of the United States of America in Congress assembled, That all non citizen Indians born within the territorial limits of the United

States be, and they are hereby, declared to be citizens of the United States: Provided That the granting of such citizenship shall not in any manner impair or otherwise affect the right of any Indian to tribal or other property. (Approved June 2, 1924)"

What Citizenship Meant

Not all Native Americans viewed citizenship as something wonderful. Their experiences in dealing with Washington and the states did not give them much confidence in the government or desire to participate in it. Some tribes feared they would have to give up their own sovereignty and the federal government would deny its treaty obligations. In the words of one Native American --

"United States citizenship was just another way of absorbing us and destroying our customs and our government. How could these Europeans come over and tell us we were citizens in our country? We had our own citizenship. By its [the Citizenship Act of 1924] provisions all Indians were automatically made United States citizens whether they wanted to be so or not. This was a violation of our sovereignty. Our citizenship was in our nations."

On the other hand, there were Native Americans who saw voting as a right that had been denied to them too long. Maine was one of the last states to overturn state legal barriers to Indian voting. That rankled Henry Mitchell, an Indian canoe maker.

"The Indians aren't allowed to have a voice in state affairs because they aren't voters. All they [the politicians] have to do out there is to look out for the interests of the Indians. Just why the Indians shouldn't vote is something I can't understand. One of the Indians went over to Old Town once to see some official in the city hall about voting. I don't know just what position that official had over there, but he said to the Indian, 'We don't want you people over here. You have your own elections over on the island, and if you want to vote, go over there.'"

Did the 1924 Act really mean the end of the journey in the Native American's march to equality or was it merely a rest stop? By the time the 1924 Citizenship Act was passed, two-thirds of all Indians had already gained citizenship. And while all Native Americans were now citizens, not all states were prepared to allow them to vote. Western states, in particular, engaged in all sorts of legal ruses to deny Indians the ballot. It was not until almost the middle of the 20th century that the last three states, Maine, Arizona and New Mexico, finally granted the right to vote to Indians in their states. And the policies of the federal government towards American Indians continued to change and evolve."

Source:

http://www.nebraskastudies.org/0700/frameset_reset.html?http://www.nebraskastudies.org/0700/stories/0701_0146.html

Under normal circumstances citizenship and the right to vote would mean access and opportunity to things like a good education. But here in Alaska the Native education system was still managed from Washington, DC. and by the Commissioner of Education in Juneau.

It's amazing that schools were even built in Native communities such as Yakutat. For example, thanks to the local minister and commissioner, E.M. Axelson a small school for Natives was completed in Yakutat on Sept 20, 1929. I was surprised to find in my research that the location of the school activated the Yakutat Tlingits to petition the Commissioner of Education with a petition.

We can research and read the Governor of Alaska Reports to the Secretary of Interior from early as 1925 and we will see that regardless of having schools in Rural Alaska for Natives there was always insufficient management of the schools from Washington, DC; the Territorial Education Commissioner avoided getting involved; and there was always a shortage of operations funds and regular teachers.

In addition to issues which affected the operation of schools for Alaskan Natives there was widespread racial discrimination towards Natives which affected their acceptance and participation in the communities of which they lived. This hindered the quality of education they received.

It wasn't until 1945 the Anti-discrimination Act was passed. Prior to 1945 and even to date, our Native people were stereo-typed.

"A few lexicographers and paremiographers have also put together small lists of these invectives, and what follows is a selective number of phrases from these different sources with dates of earliest occurrence where they are available. Frequently found proverbial expressions are "To go Indian file" (1754, i.e., to walk in a single line), "To be an Indian giver (gift)" (1764), "To sing Indian" (1829, i.e., to act as one who defies death), "To do (play) the sober Indian" (1832, i.e., to remain sober or drink only very little to get the knives), "To play Indian" (1840, i.e. to not show any emotions), "To see Indians" (1850, i.e., to be in a delirium), "To turn Indian" (1862, i.e., to revert to a state of nature), "To be a regular Indian" (1925, i.e. to be an habitual drunkard), and "To be on the Indian list" (1925, i.e. to not be allowed to purchase liquor). The many proverbial comparisons repeat this negative image of the Native Americans as being of questionable ethical value: "As dirty as an Indian" (1803), "As mean as an Indian" (1843), "To yell and holler like Indians" (1844), "As wild (untameable) as an Indian" (1855), "As superstitious as an Indian" (1858), "To run like a wild Indian" (1860), "To spend money like a drunken Indian" (this text and all others stem from the late 19th century), "To stare (stand) like a wooden Indian", "Straight as an Indian's hair", "Red as an Indian", "Silent as a cigar-store Indian", "Drunker than an Indian", and "Sly as an Indian".¹¹"

Source: <http://www.utas.edu.au/docs/flonta/DP,1,1,95/INDIAN.html>

Stereo-typing acted as an accepted way to prevent Natives from being accepted in school and getting good jobs. Imagine that the 1945 Act was passed only 58 years ago. The grandchildren of these people are going through the school system today.

Mt. Edgecumbe High School was opened by the Government in 1946. A good description of why the school was built can be presented as;

“Boarding Schools: Tools of Acculturation”

“ Boarding schools were introduced as a means to acculturate all Native American groups, including Alaska Natives. The schools in fact attempted to destroy Native village life and motivate the Native population to put an end to dispersed and isolated communities based on subsistence. The relocation of Native youth was intended to break down old village patterns, patterns that could retard the development of Natives into a "disciplined reliable workforce." (Training Corporation of America, 1966)

Alaska Native students wanting to further their education were required to attend school in one of four Indian boarding schools in the lower 48: Chemawa, OR, Chilocco, OK, Carlisle, PA, and Riverside, CA”

Source: <http://transition.alaska.edu/pt3/projects/ED478/boarderline/pastmain.html#T3>

Even though schools like Mt. Edgecumbe High School were being built there was still a lack of funding for village Territorial schools as can be seen from a resolution adopted by The ANB & ANS Grand Camp Convention in Hydaburg on Nov 15, 1947.

Titled: Resolution No. 20 Entitled: “ Territorial School Subsidies”

“Whereas, native children have the right to attend public schools in the territory of Alaska as one of the paramount attributes of citizenship, and ...

“Whereas, the requested subsidy to Territorial schools can be justified on grounds not involving discrimination; namely, that the territory has not developed sufficiently to assume full financial responsibility for its school system, therefore

BE IT RESOLVED, that this convention support the request for a Federal subsidy to Alaskan Territorial schools on the grounds last stated.”

Not many people today know that funding for schools in the territory came from alcohol and tobacco taxes. Establishments that sold alcohol and tobacco fought the taxes so there was always a shortage of school operating funds, especially in and for rural Alaska.

Even when Alaska became a State in 1959 much of the debate surrounding Natives by delegates at the Fairbanks convention concluded with, “The Natives were the Governments problem.” So it’s not surprising that 11 years after Alaska Statehood president Nixon adopted new Indian policy on July 8, 1970 condemning forced

termination of Indian tribes, including Alaska Natives. This was a new direction from the government that was previously avoiding helping Native Americans.

President Nixon stated, “..we have turned from the question of *whether* the Federal government has a responsibility to Indians to the question of *how* that responsibility can best be furthered..”The Indians of America need Federal assistance- this much has long been clear. What has not always been clear, however, is that the Federal government needs Indian energies and Indian leadership if its assistance is to be effective in improving the conditions of Indian life.”

Source: Public papers of the President of the United States; Richard Nixon, 1970, pp. 564-567, 576-76.

Native education programs in Alaska have followed the same path as the lower 48 Indian education programs. So, it shouldn't have been any surprise that Alaskan Natives pressed for control and input to education programs in Alaska. John Collier, Jr. published an article in, “Cultural Influences in Alaska Native Education, Center for Northern educational Research, 1974.”

In his article he stated, “The challenge of Indian education is that we generally agree on why it has failed, but remain confused on its practical solution. Its failure is in the destructive impact of white education on Native children..”Many observers, both Indian and white, feel that removing the white teacher from the school and allowing Native culture to dominate the curriculum will solve many of the basic faults of Indian education.”

As we all know the Molly Hootch case was filed in 1972. “In August 1972, Cooke filed suit in Superior Court in Anchorage on behalf of native children and their parents in three villages in the Bethel area of Southwest Alaska (*Hootch v. Alaska State-Operated School System*, 1972). The first name on the list of 27 plaintiffs was 16-year-old Molly Hootch, from the Yukon River village of Emmonak.

Cooke filed the suit as a class action on behalf of all similarly situated native children in villages without high schools.” The case was settled out of court in 1976. “in May 1975, the Alaska Supreme Court affirmed this holding in a 4-1 decision (*Hootch*, 1975). The first claim was dead. But the state's highest court remanded the case for trial on the second claim put forward by the plaintiffs. This second claim was that the state's failure to provide local high schools in native villages constituted a pattern and practice of racial discrimination against natives in violation of the United States Constitution, federal non-discrimination laws, and the Alaska Constitution.

Attorneys for the plaintiffs, anticipating the likelihood of a remand, had already begun the laborious task of assembling evidence on the discrimination claim. While the decision

on the first claim was still pending in the State Supreme Court, I was taking sworn testimony from state officials and sifting through thousands of pages of state and federal documents. And, most importantly, I was traveling to the villages to meet with parents and children to talk about their experiences with the boarding programs.

State and territorial records from years earlier to the present suggested a simple pattern. In predominantly white communities and in native communities with more than a handful of white inhabitants, if white parents wanted their children to stay home for high school, a local program was provided. In native communities, the idea of a local high school was rarely a matter open to consideration by officials. Even the tiniest white communities, with one or two or five children of high school age, had historically been provided local high school programs. Dozens of larger native communities had not. In all, over 95% of the children coming from villages without high schools were natives; fewer than 5% were whites.

At every turn, evidence mounted of discriminatory policies and actions.” “In August 1975, as the plaintiffs’ lawyers began to step up trial preparations, Alaska Attorney General Avrum Gross advised Governor Jay Hammond to consider an expanded program of rural high school construction — the purpose, to help defend the *Hootch* case. Gross wrote that a \$20-million bond issue might help “counterbalance what a court may view as past transgressions by the State in rural education” and facilitate a settlement of *Hootch* “and thereby avoid a long and costly trial of this matter.” (*Memorandum to Gov.*, 1975, p. 3). Shortly thereafter, lawyers for the state asked the plaintiffs’ attorneys to suspend trial preparations and talk about a settlement. We agreed.”

“October 1976: court approves consent decree; the Molly Hootch case, now entitled *Tobeluk v. Lind*, is settled (*Agreement of Settlement*, 1976).”

Source: http://www.alaskool.org/native_ed/law/mhootch_erq.html

With all of this history a person might ask, “What does all this mean?”

It means what President Lyndon Johnson said in his State of the Union Address, Proposing the “Great Society” Program, on Jan 4, 1965.

- “I propose that we begin a program in education to ensure every American child the fullest development of his mind and skills. “
- “Every child must have the best education that this Nation can provide.”

It means what Theodore Roosevelt said in his “The man with the Muck Rake Speech,” on April 1906.

“The foundation stone of national life is, and ever must be, the high individual character of the average citizen.”

We can only ask that you help give our youth a first class education; to be fair-minded about their background and abilities; that you be fair in your communication with them; help them be responsible for their own lives and education; so that when they go out into society it can be said, "They are impressive!"



Senator Georgianna Lincoln

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Sponsor Statement SB 246 "Relating to the Hate Crimes"

Senate Bill 246 is being introduced to address the abomination of hate crimes in Alaska. This bill is not new. I introduced similar legislation (SB 163) during the 21st legislative session which did not make it through the process before end of session.

Crimes motivated by prejudice, bias, or hatred continue to make the headlines in our newspapers. It is inherent in our duties as leaders to take a substantive role in eliminating discrimination and fostering a climate of tolerance.

Senate Bill 246 alone cannot eliminate bias/hate –motivated crimes, but Senate Bill 246 sends the message that Alaskans will not tolerate bias/hate-motivated crime in any form.

This bill does the following:

First, it provides that a person may bring a civil lawsuit for both compensatory and punitive damages against another who has caused physical injury or damage to property, with the intent to harass the person because of actual or perceived race, sex, color, creed, physical or mental disability, sexual orientation, ancestry, or national origin. A lawsuit may be brought against the parent or legal guardian of a minor who has caused physical injury or damage if it is based on reckless conduct by the parent or legal guardian.

Second, it adopts a new crime, motivation by prejudice, bias, or hatred, AS11.76.200. It provides that any crime in Title 11 that is knowingly directed toward a victim because of the victim's actual or perceived race, sex, color, creed, physical or mental disability, sexual orientation, ancestry, or national origin, is elevated to the next higher level of offense. For example, a class B felony, such as assault in the second degree, would be a class A felony if motivated by prejudice, bias, or hatred.

Third, a sentencing court *may not* suspend imposition of sentence for a person convicted of motivation by prejudice, bias, or hatred, or convicted of any offense that is knowingly directed at a victim.

Fourth, a person convicted of a class A felony, may be sentenced to a term of imprisonment of at least five years but not more than 99 years.

Fifth, the bill establishes mandatory minimum terms of imprisonment for certain misdemeanor hate crimes that are not prosecuted under AS 11.76.200, but where the court finds clear and

convincing evidence that the offense is a hate crime. If a person is sentenced to these mandatory minimums, the sentence may not be suspended or reduced, and imposition of sentence may not be suspended.

Sixth, the bill amends the aggravating factor in sentencing felony cases directed at a victim because of crimes motivated by bias, prejudice or hatred.

Seventh, the bill requires the Department of Health and Social Services, when taking informal action in a delinquency case based on prejudice, bias, or hatred, to require the minor to perform a minimum of 100 hours of community work, and to participate in a diversity tolerance program or otherwise provide the minor and the minor's parents or guardian with the opportunity to develop respect for the ethnic, cultural, and personal diversity of all persons of the state.

This bill reflects our values and signals that crimes motivated by hate are especially reprehensible.



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Adopts a new crime, **motivation by prejudice, bias, or hatred**, AS11.76.200. It provides that any crime in Title 11 that is knowingly directed toward a victim because of the victim's actual or perceived race, sex, color, creed, physical or mental disability, sexual orientation, ancestry, or national origin, is elevated to the next higher level of offense. For example, a class B felony, such as assault in the second degree, would be a class A felony if motivated by prejudice, bias, or hatred.

A sentencing court *may not* suspend imposition of sentence for a person convicted of motivation by prejudice, bias, or hatred, or convicted of any offense that is knowingly directed at a victim.

A person convicted of a class A felony, may be sentenced to a term of imprisonment of at least five years but not more than 99 years.

Establishes mandatory minimum terms of imprisonment for certain misdemeanor hate crimes that are not prosecuted under AS 11.76.200, but where the court finds clear and convincing evidence that the offense is a hate crime. If a person is sentenced to these mandatory minimums,

the sentence may not be suspended or reduced, and imposition of sentence may not be suspended.

Amends the aggravating factor in sentencing felony cases directed at a victim because of crimes motivated by bias, prejudice or hatred.

Requires the Department of Health and Social Services, when taking informal action in a delinquency case based on prejudice, bias, or hatred, to require the minor to perform a minimum of 100 hours of community work, and to participate in a diversity tolerance program or otherwise provide the minor and the minor's parents or guardian with the opportunity to develop respect for the ethnic, cultural, and personal diversity of all persons of the state.

This bill reflects our values and signals that crimes motivated by hate are especially reprehensible.

Sectional Analysis for SB 246

“An Act Relating to Hate Crimes”

Section 1. AS 09.55 (Actions for Crime Victims) is amended by adding a new section (AS 09.55.670) stating that a person may bring a civil lawsuit for both compensatory and punitive damages against another who has caused physical injury or damage to property, with the intent to harass the person because of actual or perceived race, sex, color, creed, physical or mental disability, sexual orientation, ancestry, or national origin. A lawsuit may be brought against the parent or legal guardian of a minor who has caused physical injury or damage if it is based on reckless conduct by the parent or legal guardian who has custody of the minor. Certain entities such as state agencies may not be sued under this provision.

Section 2 (Criminal Law - Miscellaneous Offenses) AS 11.76 adopts a new crime, motivation by prejudice, bias, or hatred, AS 11.76.200. It provides that any crime in Title 11 that is knowingly directed toward a victim because of the victim's actual or perceived race, sex, color, creed, physical or mental disability, sexual orientation, ancestry, or national origin, is elevated to the next higher level of offense. For example, a class B felony, such as assault in the second degree, would be a class A felony if the prosecution proves that it was motivated by prejudice, bias, or hatred.

Section 3 and 4 (Criminal Law - General Provisions) AS 11.81.250 (a) and (b) are conforming amendments that provide that a predicate class A felony that is motivated by prejudice, bias, or hatred, is an unclassified felony.

Section 5 (Code of Criminal Procedure - Sentencing and Probation) AS 12.55.085 (f) provides that a sentencing court may not suspend imposition of sentence for a person convicted of motivation by prejudice, bias, or hatred, or convicted of any offense that is knowingly directed at a victim because of the victim's actual or perceived race, sex, color, creed, physical or mental disability, sexual orientation, ancestry, or national origin.

Section 6 (Code of Criminal Procedure - Sentences for imprisonment for felonies) AS 12.55.125 (b) provides that a person convicted of motivation by prejudice, bias, or hatred under AS 11.76.200, where the predicate offense is a class A felony, may be sentenced to a term of imprisonment of at least five years but not more than 99 years.

Sections 7, 8, and 9 (Code of Criminal Procedure - Sentences for imprisonment for misdemeanors) AS 12.55.135 (i) (j) and (k) establish mandatory minimum terms of imprisonment for certain misdemeanor hate crimes that are not prosecuted under AS 11.76.200, but where the court finds clear and convincing evidence that the offense is a hate crime. If a person is sentenced to these mandatory minimums, the sentence may not be suspended or reduced, and imposition of sentence may not be suspended.

Section 10 (Code of Criminal Procedure - Factors in aggravation and mitigation) AS 12.55.155 amends the aggravating factor in sentencing felony cases for conduct directed at a victim because of the victim's race, sex, color, creed, physical or mental disability,

ancestry or national origin, to add actual or perceived race, sex, color, creed, physical or mental disability, sexual orientation, ancestry, or national origin.

Section 11 (Informal action to adjust matter – delinquent minors) AS 47.12.060(b) requires the Department of Health and Social Services, when taking informal action in a delinquency case when the minor knowingly directed the conduct constituting a delinquent act at a victim because of that person's actual or perceived race, sex, color, creed, physical or mental disability, sexual orientation, ancestry, or national origin to perform community work, and to participate in a diversity tolerance program or other educational program.

Section 12 (Judgments and orders) AS 47.12.120(b) provides that in a delinquency case, if the court finds by clear and convincing evidence that the minor's delinquent act was motivated by prejudice, bias, or hatred, the court must order the minor to perform a minimum of 100 hours of community work. It also requires the court to ensure that the plan proposed for the minor by the department provides the minor and the minor's parents or guardian with an opportunity to develop respect for the ethnic, cultural, and personal diversity of all persons in the state.

Section 13 (Community Dispute Resolution Centers) AS 47.12.970 requires the Department of Health and Social Services, in cooperation with other agencies, to develop a diversity tolerance program.

Section 14 and 15 are applicability and effective date clauses.

Anchorage Police Department

Hate Crimes 1998-2002

A Hate Crime is any criminal offense committed against a person or property which is motivated, in whole or in part, by the offender's bias against race, religion, ethnic/national origin group, or sexual orientation. Crimes that meet the Uniform Crime Reporting (UCR) criteria of a Hate Crime are reported to the FBI. Incidents that appear to be Hate Crimes but do not meet the FBI's specific guidelines are classified as Hate Information Calls.

	1998	1999	2000	2001	2002
Hate Information Calls	3	2	5	5	8
UCR Hate Crimes	8	5	4	20	7
Total Incidents	11	7	9	25	15
Persons Arrested	4	5	2	5	0

UCR Hate Crime Breakdown

Race of Victim(s)		1998	1999	2000	2001	2002	
Black		0	0	0	0	1	Robbery
Black		1	2	1	2	1	Intimidation
Black		1	0	1	0	0	Aggravated Assault
Black		2	0	2	1	0	Vandalism
Indian/AK Native		0	0	0	1	1	Simple Assault
Indian/AK Native		1	0	0	8	0	Aggravated Assault
Indian/AK Native		0	0	0	1	0	Vandalism
Indian/AK Native		0	0	0	2	1	Intimidation
White		2	1	0	0	0	Aggravated Assault
White		0	0	0	1	0	Intimidation
Subtotal		7	3	4	16	4	
Ethnicity/National Origin of Victim(s)		1998	1999	2000	2001	2002	
Other Ethnicity		0	0	0	1	0	Simple Assault
Subtotal		0	0	0	1	0	
Alleged Sexual Orientation of Victim(s)		1998	1999	2000	2001	2002	
Male Homosexual		0	0	0	1	3	Aggravated Assault
Subtotal		0	0	0	1	3	
Religion of Victim(s)		1998	1999	2000	2001	2002	
Islamic		0	0	0	1	0	Aggravated Assault
Islamic		0	0	0	1	0	Intimidation
Jewish		1	2	0	0	0	Intimidation
Subtotal		1	2	0	2	0	

ANTI-DEFAMATION LEAGUE

STATE HATE CRIME STATUTORY PROVISIONS

	AL	AK	AZ	AR	CA	CO	CT	DC	DE	FL	GA	HI	ID	IL	IN	IA	KS	KY	LA	ME	MD	MA	MI	MN	MS	MO
Bias-Motivated Violence and Intimidation -- Criminal Penalty	✓	✓	✓		✓	✓	✓	✓	✓	✓	*5	✓	✓	✓		✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Civil Action				✓	✓	✓	✓	✓		✓	✓		✓	✓		✓			✓	✓		✓	✓	✓		✓
Race, Religion *1, Ethnicity	✓	✓	✓		✓	✓	✓	✓	✓	✓		✓	✓	✓		✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Sexual Orientation			✓		✓		✓	✓	✓	✓		✓		✓		✓	✓	✓	✓	✓		✓		✓		✓
Gender		✓	✓		✓		✓	✓				✓		✓		✓			✓	✓			✓	✓	✓	✓
Disability	✓	✓	✓		✓		✓	✓	✓	✓		✓		✓		✓	✓		✓	✓		✓		✓		✓
Other *2					✓			✓		✓		✓				✓	✓		✓	✓				✓		
Institutional Vandalism	✓		✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓		✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Data Collection *3			✓		✓		✓	✓		✓			✓	✓		✓		✓	✓	✓	✓	✓	✓	✓	✓	
Training for Law Enforcement Personnel *4			✓		✓								✓		✓		✓	✓				✓		✓		

*1. The following states also have statutes criminalizing interference with religious worship: AR, CA, DC, FL, ID, MD, MA, MI, MN, MS, MO, NV, NM, NY, NC, OK, RI, SC, SD, TN, VA, WV.

*2. "Other" includes political affiliation (CA, DC, IA, LA, WV) and age (CA, DC, FL, IA, HI, KS, LA, ME, MN, NE, NM, NY, VT).

*3. States with data collection statutes which include sexual orientation are AZ, CA, CT, DC, FL, IL, IA, MD, MI, MN, NV, OR, TX and WA; those which include gender are AZ, DC, IL, IA, MI, MN, TX, WA.

*4. Some other states have administrative regulations mandating such training.

ANTI-DEFAMATION LEAGUE

STATE HATE CRIME STATUTORY PROVISIONS

	MT	NE	NV	NH	NJ	NM	NY	NC	ND	OH	OK	OR	PA	RI	SC	SD	TN	TX	UT	VT	VA	WA	WV	WI	WY
Bias-Motivated Violence and Intimidation – Criminal Penalty	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓		✓	✓	✓	✓ ^{*6}	✓	✓	✓	✓	✓	✓
Civil Action		✓	✓		✓					✓	✓	✓	✓	✓		✓	✓	✓		✓	✓	✓		✓	
Race, Religion, Ethnicity *1	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓		✓	✓	✓		✓	✓	✓	✓	✓	✓
Sexual Orientation		✓	✓	✓	✓	✓	✓					✓	✓	✓			✓	✓		✓		✓		✓	
Gender		✓		✓	✓	✓	✓	✓	✓				✓	✓				✓		✓		✓	✓		
Disability		✓	✓	✓	✓	✓	✓				✓		✓	✓				✓		✓		✓		✓	
Other *2		✓				✓	✓													✓			✓		
Institutional Vandalism	✓	✓	✓		✓	✓	✓	✓		✓	✓	✓	✓	✓	✓	✓	✓	✓				✓	✓		✓
Data Collection *3		✓			✓	✓					✓	✓	✓	✓				✓				✓	✓		
Training for Law Enforcement Personnel *4						✓						✓		✓									✓		

*5. The Georgia statute enhances criminal penalties for crimes in which the defendant "intentionally selected" the victim or property "because of bias or prejudice."

*6 The Utah statute ties penalties for hate crimes to violations of the victim's constitutional or civil rights

State by State Comparison, HCSA Reporting

STATE	2002		2001		2000		1999		1998		1997		1996		1995		1994		1993		1992		1991	
	A	B	A	B	A	B	A	B	A	B	A	B	A	B	A	B	A	B	A	B	A	B	A	B
Alabama	31	2	5	0	**	**	**	**	**	**	282	0	289	0	**	**	**	**	4	5	4	4	**	**
Alaska	1	7	1	20	1	4	1	5	**	**	1	10	1	9	1	8	1	9	1	24	**	**	**	**
Arizona	88	238	97	384	88	240	86	252	90	283	85	330	81	250	97	220	82	205	89	208	90	172	1	40
Arkansas	7	0	3	3	4	3	192	8	193	3	194	0	191	1	190	7	189	9	107	13	183	37	169	10
California	726	1,648	725	2,246	722	1,943	720	1,949	719	1,749	720	1,831	718	2,052	744	1,751	13	354	11	364	7	75	2	5
Colorado	190	96	202	126	234	101	235	148	233	128	232	113	230	133	228	149	231	173	199	170	197	258	194	128
Connecticut	84	129	98	169	97	151	98	135	94	109	59	113	90	114	94	87	89	68	39	117	23	62	29	69
Delaware	50	13	51	17	52	34	54	37	50	19	54	58	50	67	51	45	51	42	49	33	57	47	58	29
DC	2	14	2	11	1	5	1	4	1	2	1	6	1	16	1	4	1	2	1	10	1	14	**	**
Florida	409	257	491	30	491	240	483	267	464	179	580	93	394	107	411	164	370	214	374	239	374	334	**	**
Georgia	76	31	86		80	35	56	36	58	34	5	45	2	28	3	49	3	51	4	75	4	66	2	23
Hawaii	**	**	**	**	**	**	**	**	**	**	**	**	**	**	**	**	**	**	**	**	**	**	**	**
Idaho	117	43	114	34	118	45	121	34	120	58	119	46	112	72	116	114	117	79	110	70	115	54	98	33
Illinois	59	155	72	282	46	183	55	247	73	277	86	339	113	348	1	146	19	239	224	724	620	241	26	133
Indiana	163	77	143	74	166	106	143	111	150	50	139	62	179	36	164	35	89	32	52	82	5	19	1	0
Iowa	221	46	223	32	220	33	222	31	218	0	230	55	231	43	232	29	226	61	196	39	190	36	201	89
Kansas	339	55	344	71	1	42	1	41	1	54	1	55	1	28	**	**	**	**	1	0	2	3	3	6
Kentucky	341	76	336	82	317	73	251	71	264	45	213	48	527	109	513	81	5	4	3	13	2	5	**	0
Louisiana	159	15	168	10	174	12	172	6	134	10	147	4	140	6	146	7	92	9	58	23	10	13	6	0
Maine	180	36	182	32	181	28	165	22	133	57	131	57	131	58	130	75	5	7	6	32	9	19	**	**
Maryland	148	211	148	231	146	217	146	230	147	282	148	321	148	387	148	353	150	325	153	404	156	484	156	431
Massachusetts	305	430	338	584	341	458	303	443	177	431	359	441	405	454	202	333	**	**	135	343	158	424	30	200
Michigan	619	416	621	442	620	425	610	407	546	384	465	461	485	486	480	405	518	252	555	247	454	122	**	**
Minnesota	279	203	295	210	313	169	314	225	72	248	312	214	307	268	66	285	**	**	**	**	69	411	42	225
Mississippi	66	3	72	3	78	2	88	2	90	3	75	0	129	3	51	6	53	6	17	0	1	0	4	1
Missouri	144	64	85	65	186	70	209	83	212	118	194	157	230	150	157	135	155	139	81	168	17	158	18	136
Montana	93	13	102	13	102	19	86	27	77	22	85	15	95	10	6	11	2	0	18	21	**	**	**	**
Nebraska	203	74	198	53	202	17	233	35	202	52	10	3	10	3	**	**	**	**	**	**	**	**	**	**
Nevada	35	62	36	94	37	85	37	75	35	60	34	45	4	44	35	68	5	16	8	12	3	23	1	16
New Hampshire	107	27	108	27	110	32	86	20	57	16	**	**	2	2	2	24	2	3	1	0	**	**	**	**
New Jersey	557	570	561	767	564	652	565	617	565	757	567	694	568	839	568	768	559	895	317	1,101	291	1,114	271	895
New Mexico	49	15	54	20	43	15	59	16	59	31	58	24	70	44	70	24	57	4	13	4	**	**	**	**
New York	505	693	568	712	539	608	506	590	500	776	502	853	499	903	520	845	567	911	571	934	569	1,112	773	943
North Carolina	446	62	449	85	205	31	463	31	434	39	445	42	83	34	59	52	7	7	6	10	1	1	**	**
North Dakota	74	18	73	17	80	5	84	2	81	2	84	2	101	2	74	3	82	5	91	1	1	1	**	**
Ohio	400	263	363	363	348	240	351	232	344	172	304	265	405	234	321	267	266	357	128	260	26	105	30	80
Oklahoma	301	44	298	46	301	80	300	42	25	57	300	41	293	83	7	37	4	20	9	60	9	147	7	99
Oregon	172	61	174	222	171	142	239	123	167	93	171	105	174	172	243	152	206	177	279	237	279	376	39	296
Pennsylvania	849	92	770	132	933	141	1,140	185	1,127	168	1,108	168	1,137	205	1,134	282	1,044	278	1,038	391	944	432	50	277
Rhode Island	48	38	48	63	48	48	48	41	46	29	45	43	46	40	45	46	45	37	45	62	44	48	**	**
South Carolina	310	70	340	41	352	33	339	52	300	94	316	71	340	42	293	26	302	30	295	27	4	4	**	**
South Dakota	130	4	113	5	121	7	117	14	76	19	42	34	32	3	38	5	4	1	3	4	**	**	**	**
Tennessee	443	129	445	335	422	230	355	127	260	58	167	46	191	33	104	25	113	20	56	2	2	4	2	1
Texas	869	347	952	434	942	286	739	262	931	300	924	333	915	350	914	328	895	364	879	418	870	486	28	95
Utah	59	54	58	65	127	71	122	59	101	66	124	49	124	59	116	107	123	93	121	45	9	12	**	**
Vermont	57	18	57	17	43	19	43	16	37	13	20	3	33	4	19	10	18	12	1	**	**	**	**	**
Virginia	399	291	397	362	384	325	372	203	415	160	409	105	409	100	175	51	160	95	21	100	24	102	19	53
Washington	246	174	248	278	236	242	231	230	238	221	229	190	230	198	229	266	226	281	207	457	207	374	208	196
West Virginia	336	41	279	39	268	60	249	32	112	21	32	3	22	4	**	**	**	**	**	**	**	**	**	**
Wisconsin	370	32	359	61	360	47	364	49	345	49	345	50	338	43	337	45	150	140	161	19	145	67	303	41
Wyoming	31	5	35	10	67	9	68	2	33	6	38	6	70	4	59	19	60	6	49	10	5	0	**	**
TOTALS	12073	7462	11987	9730	11690	8063	12122	7876	10461	7755	11211	8049	11354	8759	9584	7947	7358	5932	6865	7587	6181	7466	27719	74558

A = Number of Agencies participating in HCSA for each state

B = Number of incidents reported by agencies in the state

** = indication that the state did not report

Compiled by the Anti-Defamation League's Washington Office from information collected by the FBI

More information about ADL's resources on response to hate violence can be found at the League's Website: www.adl.org



Municipality of Anchorage

P.O. Box 196650 • Anchorage, Alaska 99519-6650 • Telephone: (907) 343-4431 • Fax: (907) 343-4499 <http://www.muni.org>

Mayor Mark Begich

Office of the Mayor

March 9, 2004

The Honorable Georgianna Lincoln
Alaska State Senate
State Capitol, Room 11
Juneau, AK 99801

Dear Senator Lincoln:

I write to commend you for your courage in introducing Senate Bill 246 regarding hate crimes, and to express strong support for this important legislation.

As you know, hate crimes continue to plague our country and are on the increase nationally. Hate crimes perpetrated against a person or group of persons based on the actual or perceived gender, disability or sexual orientation of that person or group of persons is a significant concern within our community. Current laws are inadequate to appropriately punish individuals who engage in such shameful criminal conduct.

SB246 is a necessary tool to help fight the continuing problem of hate crimes against people because of race, religion, national origin, gender, disability or sexual orientation. It is important legislation that reflects our values and signals that crimes motivated by hate are especially reprehensible. Hate crimes are not merely crimes against an individual, but rather crimes against the entire community because such bias-motivated crimes are more likely to provoke retaliatory crimes, inflict distinct emotional harms on victims and incite community unrest. Hate crimes are also troubling because they can strike fear in people who have done nothing illegal and are only members of an identifiable group. Thus, meaningful hate crime laws are needed to punish hate crimes to the fullest extent possible, and it is part of a government's responsibility to ensure equal protection is afforded to everyone.

Hate crimes statutes are the result of legislative strategies to combat crimes specifically motivated by bias and discrimination. Such statutes generally impose an enhanced punishment for commission of certain listed crimes which were committed based on motivating factors such as discrimination and bias. Such legislation has been upheld by numerous courts, including the United States Supreme Court, provided that the statutory language and supporting evidence provide an adequate explanation for penalty-enhancement which is based on demonstrable factors beyond mere legislative disapproval of the discriminatory motivation behind hate crimes.

Community, Security, Prosperity

The Honorable Georgianna Lincoln

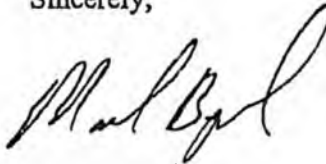
Page 2

March 9, 2004

I fully support this legislation and hope that Alaska's existing state hate crimes law is expanded to include hate crimes motivated by the victim's disability, gender or sexual orientation. By expanding this law, it would bring the city's existing hate crimes law into conformity with growing trends around the country and send a clear message that equal protection is afforded to all citizens of Alaska.

Please let me know what you intend to do, and what I can do to help you in this fight. Thank you in advance for your attention to this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Mark Begich". The signature is fluid and cursive, with the first name "Mark" being more prominent than the last name "Begich".

Mark Begich
Mayor

ALASKA FEDERATION OF NATIVES
1577 "C" Street, Suite 300 – Anchorage, Alaska 99501
(907) 274-3611 Fax: (907) 276-7989

March 22, 2004

The Honorable Gary Stevens
Chair, Senate State Affairs Committee
State Capitol Room 121
Juneau, AK 99801

The Honorable Ralph Seekins
Chair, Senate Judiciary Committee
State Capitol Room 125
Juneau, AK 99801

RE: Support for SB 246 – Hate Crimes Legislation

Dear Senators Stevens and Seekins:

On behalf of the Alaska Federation of Natives, I urge you to support passage of Senate Bill 246, entitled "*An Act relating to the commission of an offense or a juvenile delinquency act involving the victim's race, sex, color, creed, physical or mental disability, sexual orientation, ancestry, or national origin; relating to sentencing, informal adjustment, and adjudication for those offenses and acts; relating to a diversity tolerance program for certain juvenile delinquency acts; relating to a civil cause of action for certain acts involving discriminatory harassment.*" This "Hate Crimes" bill was introduced by Senator Georgianna Lincoln, and is co-sponsored by Senator Davis. A similar bill (SB 163) was introduced during the 21st legislative session but the session ended before the bill could make it through the legislative process.

Hate crimes are serious, well-documented problems that remain inadequately recognized and largely unaddressed in this state. While the Alaska Legislature has condemned hate crimes (Legislative Resolve 27, July 7, 2001), and called upon the citizens of the state to likewise condemn hate crimes and racism, more needs to be done. This fact is reflected in the final report of the Commission on Tolerance, established in May 2001. That Commission held 11 public meetings around the state and heard testimony of discrimination and injustice. In December 2001, the Tolerance Commission released its report. It concluded that "Alaska's statutes regarding punishment for crimes motivated by bias or hate are limited, too lenient, and do not offer positive approaches to preventing further offenses." It went on to recommend that the legislature pass hate crimes legislation that would address crimes against individuals that are based upon race, religion, disability, national origin, gender, and sexual orientation. It recommended changes in the law that would encourage cultural diversity/sensitivity training for offenders and consideration of a separate criminal charge for hate crimes, as opposed to the current law which simply allows harsher sentences for crimes in which hate is a

Letter re: SB 246
March 22, 2004
Page 2 of 3

factor. AFN supports these recommendations and believes that SB 246 addresses each of them.

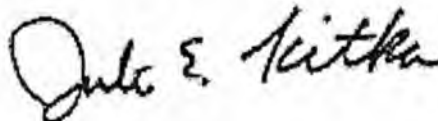
SB 246 expands the legal protection given to those of our citizens who are most vulnerable to attack because of prejudice. The bill creates a separate criminal charge for hate crimes and expands the law to cover crimes targeting a victim's sexual orientation; it clarifies that the law may apply even if the offender mistakenly perceived the victim to fall into one of the listed attributes; it imposes mandatory minimum sentences for hate crime misdemeanors; prohibits the suspension of imposition of sentences in hate crime cases and requires sanctions for juveniles who commit hate crimes, including retribution in the form of community work service and referral to diversity tolerance programs. Finally, the bill creates a civil cause of action that would allow the victims of such crimes to sue their attacker or the parents or guardian of a juvenile attacker.

Every Alaskan has the right to live in an environment free of the terror brought on by hate violence. Alaska's laws need to be expanded and strengthened so that prosecutors have an additional set of tools to reinforce society's moral response to such crimes. Hate crimes have no place in a civilized society, and for that reason the issue needs to be addressed in a comprehensive way. Studies have shown that early intervention and education can help prevent future crimes. SB 246 contains provisions that require juveniles who commit hate crimes to participate in a diversity tolerance program or other educational program and to perform a minimum of 100 hours of community work.

SB 246 offers a comprehensive approach to the problem. It would significantly increase the ability of state law enforcement agencies to work together to solve and prevent a wide range of hate crimes committed because of bias based on race, color, national origin, religion, sexual orientation, gender or disability of the victim. The bill is a thoughtful, measured response to the problem. For that reason we strongly urge your support for SB 246.

Thank you for your consideration and assistance on this important issue.

Sincerely,



Julie Kitka
President

JK/chd

Cc: Senator Georgianna Lincoln, Sponsor, SB 246
Senator Bettye Davis, co-sponsor

Letter re: SB 246

March 22, 2004

Page 3 of 3

Senator Bert Stedman

Senator Gretchen Guess

Senator Lyman Hoffman

Senator Gene Terriault, Senate President

Senator Scott Ogan, Vice-Chair, Senate Judiciary Committee

Senator Johnny Ellis

Senator Hollis French

March 4, 2004


Senator Georgianna Lincoln
Alaska State Legislature, District C
State Capitol
Juneau, Alaska 99801-1182

Dear Senator Lincoln:

I am writing in support for your proposed Senate Bill 246 to fight hate crime in Alaska.

You have my admiration for your persistence in this matter. I believe Alaska and the U.S. need to have a zero tolerance policy for crimes spurred by bias, prejudice and hate.

Sincerely,



Gerald Luken
9606 Reliance Drive
Anchorage, AK 99507

3/4/2004

Senator Georgianna Lincoln

Dear Senator Lincoln,

I am in full support of your hate crimes bill. As a young Alaskan Native man, I have seen and experienced firsthand, violence by non-natives towards myself, and to pass such a piece of legislation would be a stepping stone towards curbing hate crimes, not only against Alaskan Natives but for all who reside in the great State of Alaska.

Thank you and best wishes for you in your retirement,

Terry Don

tddon@anthc.org

MAR 08 2004

Jenny Bell-Jones
308 Noyes Street
Fairbanks
Alaska 99701
907 455 0222

Senator Georgianna Lincoln,
Alaska State Senate

March 4th 2004

Dear Senator Lincoln,

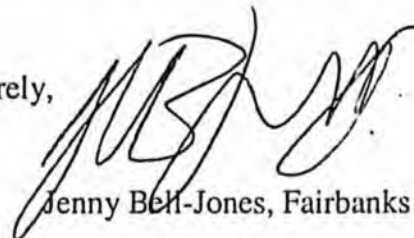
I would like to take this opportunity to express my support for the passage of a "Hate Crimes Bill" through the Alaska State Legislature during the current session. It is very disturbing to me that it has taken so long for this issue to receive due consideration, when the problems of racism within our state are so clear and obvious.

While I recognize that there are in the Legislature those who use the reasoning that you cannot legislate behavior in order to avoid supporting this legislation I find this to be a very poor excuse. Of course we cannot legislate behavior, but we CAN and DO make our disapproval of different behaviors known through legislation. Law in and of itself has not prevented rape and murder, however we would find ourselves alone in the nation were we to fail to have enacted statutes that show united community disapproval and indicate severe penalties for such heinous acts.

By passing a "Hate Crimes Bill" we can send a clear message of community disapproval to people who would indulge in that kind of behavior. While we may not be able to prevent individual acts of violence and hatred by doing so, we can make it known that the majority in Alaska do not condone racial hatred. Failure to act has the opposite effect of saying that we, as citizens, do not care how our neighbors are treated, and of giving a subtle green light to perpetrators of hate crimes.

I find the position of "supporting hate by inaction" to be unacceptable and I trust that you will be successful in convincing other Senate members that enacting this legislation is the only morally right thing to do

Sincerely,



Jenny Bell-Jones, Fairbanks

Kia ora Senator Lincoln & Shari,

I am writing to support your SB 246 relating to hate crimes legislation.

I have been involved with racial relations with my church synod during the past - the Evangelical Lutheran Church in American (ELCA). It is a very real social issue that must be recognized and supported by public policy. I am proud of your initiative to address this in our state and make sure hate driven crimes are punishable and individuals held accountable for their life damaging actions toward other people and at the same time a whole segment of our society.

As president of Sitnasuak Foundation, I am also glad to see such legislation introduced to help give protection to our Alaska Native students that leave our Native communities in order to pursue higher education in urban areas of Alaska. It is a true injustice to our people that chose to leave for educational development that they must face prejudice and racism in achieving their dreams. Your legislation sends the public policy message that hate driven crimes are not a civilized part of our developing Alaska society.

Again, I support SB 246 and look forward to its enactment.

Tom Okleasik
PO Box 429
Nome, AK 99762

March 8, 2004

RE: SUPPORT FOR SB246 – HATE CRIMES PREVENTION
LEGISLATION

I am writing in support of SB246 – Hate Crimes Prevention Legislation introduced by Senator Georgianna Lincoln. This bill is not new; similar legislation (SB163) was introduced during the 21st legislative session, but did not make it through the process before the session expired.

Hate crimes perpetrated against a person or group of persons based on the actual or perceived gender, disability or sexual orientation of that person or group of persons is a significant concern.

Hate crimes are not merely crimes against an individual, but rather crimes against the entire community because such bias-motivated crimes are more likely to provoke retaliatory crimes, inflict distinct emotional harms on victims and incite community unrest. Hate crimes are also troubling because they can strike fear in people who have done nothing illegal and are only members of an identifiable group. Thus, appropriate hate crime laws are appropriate as part of a government's responsibility to ensure equal protection is afforded to everyone.

I fully support this legislation and hope that Alaska's existing hate crimes bill is expanded to include hate crimes motivated by the victim's disability, gender or sexual orientation.

As a member of such groups as: Bridge Builders, Alaska AIDS Assistance Association, Alaska Native Women's Sexual Assault Committee, Mt. Susitna Sleeping Lady Singers & Drummers, Naa Luudisk Gwaiiyatki, Standing Committee for Tolerance & Diversity and a myriad of Municipal Task Forces, I can honestly state that our community must rise up and meet this situation head on. To look away, deny or make excuses will only foster future difficulties and give silent approval to the past actions of many. I hope to never hear the following words again: "What's the big deal about? We did that when we were kids," ...not from the mouths and minds of our fellow citizens. It never was acceptable and it shall never be acceptable. Such blatant disregard for fellow human beings must not be tolerated nor ignored. Justice is not a matter of convenience, for the privileged, nor a social whim.

Let us work together as a society that in the future, our great-grandchildren will be able to live in a society that at present we can only struggle to build. Let us aide one another to overcome the issues and illnesses that assail all of our society so that we may all become better people. For the illness and issues of one race become the illnesses and issues of all other races that come into contact with it. To live in a society, where no one is afraid to walk down the street at any time of the day or night. To live in a society where no one is merely tolerated, but openly accepted. Where some one who looks like me and comes from my ancient society is not "hunted, murdered, raped, beaten" just for the pleasure of other races. It is this future that I work to build for ALL our great-grandchildren.

Respectfully,
Ida F. Nelson
701 West 8th Ave #230
Anchorage, AK 99501

Honored Senator Georgianna Lincoln
Alaska State Legislature
Juneau, Alaska
99801-1182

Dear Senator Lincoln,

I heartily support your efforts on behalf of all of those that have been victimized by perpetrators of any type of hate crime. We, as a people, and as a society can not afford to tolerate this behavior or these crimes. The cost to the individual is incalculable, the cost to our culture high. I speak not only about ethnic minorities but for anyone that has felt the sting and blow of verbal or physical abuse. I am not an ethnic minority. I grew up in Anchorage and attended Clark Junior High and graduated from East High School in 1968. When I see those that went to school with me we refer to ourselves as survivors of Clark and East, not graduates. Many of us were beaten and bullied on a regular basis and I know first hand of the toll it took on self-esteem, self-worth and self-respect. Many of my friends have not survived, succumbing to drugs, alcohol and other means of self-destruction. I attribute a lot of this to the way we were treated in and out of school.

I can speak as a victim. I too followed the paths that took so many, but was more fortunate than most. Some extremely kind and gentle people helped me during those years of despair and self-loathing. Incrementally I found myself and have finally achieved some measure of success and have forgiven those others as well as myself for allowing those negative things to happen to me.

A single word is symbolic of this, Columbine. For those that think this cannot happen in Alaska, they need only go to Bethel.

A culture is measured by how it treats those that are less fortunate, weak or unable to protect themselves. Many of our children, women and young adults fall into this category. It takes courage to stand up for what is right and for those whose rights are being abused. I want to live in an Alaska where our motto is not only "neighbor helping neighbor" but also "neighbor protecting neighbor".

SB 246 is good legislation. It sends the correct message to the appropriate areas. Thank you for caring and thank you for your courage.

Sincerely,
Skip Richards

March 22, 2004

Senator Georgianna Lincoln
Alaska State Legislature, District C
State Capitol
Juneau, Alaska 99801-1182

VIA FACSIMILE

Dear Senator Lincoln:

The Anti-Defamation League is pleased to support SB 246, which would create a civil remedy with both compensatory and punitive damages for hate crimes and identifies a new crime, motivation by prejudice, bias, or hatred for hate-motivated crimes in Alaska.

The damage done by hate crimes cannot be measured solely in terms of physical injury or dollars and cents. Hate crimes effectively intimidate other members of the victim's community, leaving them feeling isolated, vulnerable, and unprotected by the law. By making members of minority communities fearful, angry and suspicious of other groups - and of the power structure that is supposed to protect them - these incidents can damage the fabric of our society and fragment communities.

Currently, forty-three states and the District of Columbia have enacted hate crime laws. Support has obviously been widespread and bi-partisan. Penalty enhancements for hate-motivated crimes have been held to be constitutional by the United States Supreme Court. Creation of civil remedies and criminal penalty enhancement laws prevent bias-motivated crimes from soiling our communities.

The Anti-Defamation League is proud to support SB 246.

Sincerely,

Robert Jacobs
Regional Director
Pacific Northwest Regional Director

Mark R. Schuster
Chair
Pacific Northwest Region

**Written Testimony of the Anti-Defamation League
in Support of SB 246, "Relating to the Hate Crimes."**

Submitted on March 22, 2004 by Robert Jacobs,
Pacific Northwest Regional Director of the Anti-Defamation League

My name is Robert Jacobs. I am the Regional Director for the Pacific Northwest for the Anti-Defamation League. I am submitting this testimony on behalf of the Anti-Defamation League to urge your support for SB 246.

Since 1913, the mission of ADL has been to "stop the defamation of the Jewish people and to secure justice and fair treatment to all citizens alike." Dedicated to combating anti-Semitism, prejudice, and bigotry of all kinds, defending democratic ideals, and promoting civil rights, ADL is proud of its leadership role in the development of innovative materials, programs, and services that build bridges of communication, understanding, and respect among diverse racial, religious, and ethnic groups.

The Anti-Defamation League is proud to support SB 246, which would take an important step toward providing appropriate civil remedies and criminal penalties for hate crimes in Alaska. SB 246 would provide for additional and specific penalties for crimes committed against persons or property because of that person or the owner or owners' race, color, religion, nationality, county of origin, disability, gender, and sexual orientation. Legislation such as SB 246 has been passed with strong bi-partisan support and has become law in over 42 states and the District of Columbia.

All Americans have a stake in an effective response to violent bigotry. These crimes demand a priority response because of their special emotional and psychological impact on the victim and the victim's community. The damage done by hate crimes cannot be measured solely in terms of physical injury or dollars and cents. Hate crimes may effectively intimidate other

members of the victim's community, leaving them feeling isolated, vulnerable and unprotected by the law. By making members of minority communities fearful, angry and suspicious of other groups - and of the power structure that is supposed to protect them - these incidents can damage the fabric of our society and fragment communities.

Some people ask why a crime committed against an African-American, a gay person, or a Jew - because that person is African-American, gay, or Jewish - is worse than a "random" robbery, assault, or vandalism. Aren't we all terribly violated whenever we are the victim of physical attack? The answer is, yes, from the victim's perspective, all crimes create a sense of violation. But there is a difference. A random crime is committed not because of one's identity, but because of one's misfortune. A random robbery is committed not because of who one is but what one has (money, for example). In a random crime, if that property hadn't been robbed or vandalized, it would have been that of some other unfortunate victim. It may feel personal while it's happening, but it should not be taken personally.

The opposite is true of hate crime; **hate crimes are personal**. They are committed specifically against another because of some innate and unique personal characteristic that is immutable: skin color, sexual orientation, religious background, and ethnic origin. Walking a different, less dangerous route won't stop a hate crime perpetrator because he or she can always find you - or your kind - later.

The randomness of the crime motivated by greed, need, drug addiction, and the like is absent from hate crimes. Therein lies the difference: as a hate crime target, one is not randomly selected, or in the wrong place at the wrong time. Victims can avoid bad neighborhoods, but they cannot, and should not, escape who they are.

Hate crimes based on a victim's race, religion, gender, sexual orientation, and disability, like other hate crimes, have a special psychological and emotional impact which extends beyond

the original victim. Alaska's failure to treat a "gay-bashing," for example, as severely as it would a non-bias related assault and battery leaves members of the victim's community feeling isolated, vulnerable, and unprotected by the law. While bigotry cannot be outlawed, passage of this bill, providing Alaskans with both civil and criminal hate crime protection and remedies demonstrates an important commitment to confront criminal activity motivated by prejudice.

The fundamental cause of bias-motivated violence is the persistence of racism, bigotry, and anti-Semitism. Unfortunately, there are no quick, complete solutions to these problems. Ultimately, the impact of all bias crime initiatives will be measured in the response of the civil judicial and the criminal justice systems to the individual act of hate violence. Enactment of SB 246, along with implementation of other hate crime training, prevention, and anti-bias education initiatives, is, in the words of ADL's mandate, is a step toward "justice and fair treatment for all citizens alike."

We applaud the leadership of Senator Lincoln on this measure and urge the committee to approve this important legislation.

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Lo Tide: 07:20am

Hi Tide: 01:31pm

Web posted Friday, February 6, 2004

Racist sign triggers soul-searching at high school

Some say Native dropout rate related to racially charged atmosphere

By ERIC FRY
JUNEAU EMPIRE

Juneau-Douglas High School officials said Thursday they have suspended the student who displayed a derogatory sign about Natives from a school bus on Jan. 27.

The incident sparked concerns about a generations-long pattern of racism at the school. Several hundred people attended a forum at ANB Hall on Thursday afternoon to prepare a list of solutions for consideration by the Juneau School District.

"If you are the subject of racism, then that becomes the lens through which you filter other situations," said teacher Laury Scandling in an interview Thursday. Scandling works in the CHOICE program for students at risk of dropping out.

The suspended student is part Native, but that doesn't negate the seriousness of racial incidents at the high school, Scandling said.

Some Native students say they've been spit on or pushed against the wall in halls. Teachers report seeing the initials KAN, which stand for Kids Against Natives, written on students' desks. Some brawls over racial causes or involve racial name-calling, Scandling said.

A survey of JDHS students two years ago about the perceived social status of student groups ranked Natives at the bottom, under gays and lesbians, she said.

At the ANB Hall forum, several Native students said they were afraid to walk alone at JDHS because they face physical or verbal intimidation. Some students said teachers don't always intervene when students harass other



Race struggles: Juneau-Douglas High School Jennifer Wright, far left, with Tracy Goldsmith works at JDHS, and Deb Morse about her concerns about racism at school. Several hundred people attended a meeting about race issues Thursday at the Alaska Native Brotherhood Hall.

BRIAN WALLACE/ THE JUNE

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"We have taken 20 steps backwards," community member Ken Perkins told audience. "This is the 21st century. This should have been eradicated long ago."

The bus incident also sparked a meeting Tuesday of the site council's school subcommittee. It attracted about 100 people - including students, staff, parents, Juneau School Board members and Native leaders - to talk about racism at the school.

Attendees suggested that the school train a staff member to investigate racial incidents.

Some said the disproportionate rate of Native dropouts is related, for some students, to a racially charged and unwelcoming atmosphere.

Attendees pointed out that programs disproportionately used by Natives - English as a second language and CHOICE - are housed separately, in the Drake building, making the JDHS building feel forbidding to Native students.

Yvonne Willis, a junior, was one of several students who saw the sign in the window. It read: "F***** Natives." She reported it to school officials.

"I felt kind of angry because I didn't know this person," Willis said of the sign holder in an interview Thursday. "They didn't know how we are. I just felt angry. I just wanted to go up to them and ask, 'Why are you saying this sign?'"

Assistant Principal Kathryn Milliron said the student, a boy, was suspended 10 days, the maximum period under the school district's discipline grid for such offenses.

She said the district has a strong policy against any kind of harassment, racial slurs, and against actions that intimidate students or make them feel unsafe.

School administrators review the student handbook, including the section on harassment, with all students every year, Milliron said. The school deals with harassment by using mediation between the offenders and victims, by referring an incident to a youth-run court, or by suspending the student for one to 10 days. Suspensions can be appealed.

"Harassment is one of the things we talk about because harassment is one of the main things we deal with," Milliron said. "... This particular incident has had a ripple effect that we chose to go 10 days (of suspension) on the person."

Milliron said the suspended student is remorseful and would like to meet in mediation with the students who saw the sign.

At ANB Hall, students suggested teachers should enforce rules against harassment better, the district should have no tolerance for discrimination, and the school should have advocates for students to talk to when they don't want to talk to usual authorities, among other ideas.

"We do care deeply about the things we're hearing about and want to respond," schools Superintendent Peggy Cowan told the attendees.

For Native adults, the concerns are not new. Juneau Assembly member Ra

Wanamaker, who attended JDHS during the early 1960s, said he faced harassment but it was "easy to tolerate and work around" because the building wasn't

"The overcrowding (now) exacerbates it quite a bit," he said in an interview.

"Growing up in the school system, I was spat upon," said Robert Cesar. "The comment I heard was being called a 'muk.' That continually happened from kindergarten through graduation."

Karen Lawfer, who is not Native, said parents should have no tolerance for harassment.

"I challenge the non-Native kids, when they see this happen, to stand up and say it's not right," she said.

- Eric Fry can be reached at eric.fry@juneauempire.com.

Who to call

Juneau-Douglas High School students and parents can call an anonymous hotline at 463-1889 to report any type of safety concern to school staff.

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adn.com

Anchorage Daily News

Compromise reached on hate crimes bill RESOLUTION Conferees replace 'unlawful' with 'wrongful.'

By Cathy Brown
The Associated Press

(Published May 5, 2001)

Juneau -- In a compromise over a hate crimes resolution, a House-Senate conference committee agreed Friday to condemn "wrongful discrimination."

The committee was appointed after the House and Senate passed different versions of a resolution condemning a January paint ball attack against Alaska Natives in Anchorage.

The measure, which had first passed the House in March, was changed in the Senate to condemn only "unlawful" discrimination.

Some senators said the change was needed because certain forms of discrimination are legal, such as age restrictions for voting and driving.

That change didn't sit well with House members, who said the Senate version of the resolution was too timid and amounted to condemning behavior that's already illegal.

The conference committee failed in its first attempt at compromise two weeks ago. Committee leaders Jeannette James, R-North Pole, and Jerry Ward, R-Anchorage, apparently had worked behind the scenes since then to come up with an agreement.

In less than five minutes Friday, they signed off on the new language, changing the word "unlawful" to "wrongful" throughout the resolution.

"It was now or never to get this thing done," James said, explaining the quick action.

The meeting, which happened later than its scheduled time and in a different room than had been publicly noted earlier in the day, ended before one committee member, Rep. Ethan Berkowitz, arrived.

Berkowitz, D-Anchorage, said he had come to the meeting earlier and found no one there, so he left for a few minutes. When he returned, the meeting was over.

He would not have supported the change, Berkowitz said.



Julie Kitka

"I do not think you parse words, I do not think you equivocate when you're condemning acts of discrimination," he said.

Sen. Bettye Davis, D-Anchorage, said she would have preferred to go with the House language, which she thought was stronger, but she agreed to the compromise.

"I would hate to have left here without even having a resolution saying we do not support that incident that took place in Anchorage," Davis said.

The resolution is in response to an incident earlier this year in which three young white men videotaped themselves shooting paint balls at Alaska Natives in downtown Anchorage. The measure condemns the act and calls for the U.S. Commission on Civil Rights to investigate that and similar incidents.

The compromise version now will go to the House and Senate for a vote.

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Web posted Sunday, February 29, 2004

District looks to solve school racism

ANB, ANS press for quick action in wake of recent anti-Native incidents

By ERIC FRY
JUNEAU EMPIRE

The Juneau School District is encouraging students to report racial incident student leaders at Juneau-Douglas High School are speaking out against racism in the wake of recent anti-Native incidents at the school.

SPORTS

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A derogatory sign in January and graffiti this month have brought to the forefront standing concerns by Native students that they feel unwelcome and unsafe at JDHS.

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District Superintendent Peggy Cowan said other racial incidents have occurred recently at JDHS, resulting in disciplinary action that has not been made public because of the confidentiality rights of students.

Adults and students are looking for answers.

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About 35 people, many of them district administrators and teachers, attended a two-day training session last week on racism and healing that had been scheduled before the recent incidents. The Rev. Michael Oleksa, an Eastern Orthodox priest well known for his work on cross-cultural communication, is scheduled to speak to JDHS students and others on March 9 to 11. High school administrators are working with Anchorage educators who developed a program to combat prejudice.

JUNEAU WEATHER

39° clear
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Wind: ENE 8
Lo Tide: 02:32am
Hi Tide: 08:42am
Lo Tide: 03:49pm
Hi Tide: 10:42pm

Native parents and teachers are concerned that racism is a factor in poor grades and a high dropout rate among Native students. Nearly two-thirds of Native students at JDHS leave school without graduating, compared with a quarter of whites, according to district figures.

"Our Native children can hardly wait until they turn 16 so they can leave high school," Selena Everson of the Alaska Native Sisterhood said.

Leonard John of the Kootznoowoo Cultural and Educational Foundation, said he graduated from JDHS in 1967, when racism also was very much alive.

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"Graduated with a degree in my hand and shame all over it because of the they treated me," he said.

CALENDAR							March						
S	M	T	W	T	F	S	S	M	T	W	T	F	S
	1	2	3	4	5	6							
7	8	9	10	11	12	13							
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28	29	30	31										

The Alaska Native Brotherhood and ANS are pressing the district to quickly implement the ideas suggested by an ad hoc group of students and adults with racism. ANB and ANS officers spoke to district officials at a public meeting Friday night at the district's central office.

"We understand it's not going to shut down in a day," said Don Bremner of "What we are looking for from the administration is a plan."

Rosita Worl, president of the Sealaska Heritage Institute, said the district should hire a human rights officer, who can respond to incidents quickly and let them know how they were handled.

"We are trying to tell you how to do your job," Worl told district administrators. "You are supposed to be telling us how you are going to deal with racism in school."

The district has a strong policy against harassment, Cowan said. JDHS Principal Morse said the school reviews the student handbook, including that policy, with students each year. The school also has a grievance procedure for students and parents who don't feel an incident was handled correctly.

"At this point, the policy is strong," Cowan said. "It's the communication of the policy that we need to improve."

The ad hoc group's petition said the district needs a clear and well-known policy for students to report harassment. The petition also calls for zero tolerance for racism, fair and equal treatment of students involved in racial incidents, training for staff and students in how to prevent racism, activities that promote understanding of diversity, and immediate responses to racial incidents.

Native students have said they feel that school authorities suspend Native students readily than non-Natives, and that teachers don't always respond to reports of harassment, Doloresa Cadiente of ANS said.

Brad Fluetsch, ANB Grand Camp treasurer, said he wants to see immediate suspensions of students involved in racial incidents, with the students' names and punishments made public as a deterrent.

"If it all happens behind closed doors, nobody knows it happens," he said. "Other potential offenders don't know the consequences of the actions."

The schools, like the state's juvenile justice system, follow confidentiality laws to protect the privacy of youths. Not only the offenders' names, but even the nature of the punishment won't be made public, district officials have said.

The idea is to promote the restoration of youthful offenders to the community without a stigma. But the unintended side effects are that justice isn't seen to be done, and the punishment doesn't serve as a deterrent to others.

"I think the prevention is not going to be through punishment," Cowan said.

think the prevention is going to be through understanding."

Students have taken some steps to change the racial atmosphere at JDHS student government has met with Native students from the Tlingit-Haida Council youth leadership group.

The students are putting up signs in the halls to discourage racism, with ones such as "The color of my skin shouldn't matter," and "Don't tolerate the K/ not right." The acronym KAN has popped up in graffiti recently. Students say it means Kids Against Natives or Kill All Natives.

But other students tear down the signs, said Angelica Lim, vice president of the Associated Student Body. "Kids are tearing them down, and we're just going to put them back up," she said.

The JDHS faculty has met to discuss the racial issue, and students said many teachers are talking about it in class.

"In a way, that kind of helps," said student council sophomore representative Stekoll in an interview. "The Alaska Native voices are heard among other kids."

Stekoll believes that Natives are telling the truth about harassment, but racial comments at JDHS run both ways, she said. Some non-Natives are afraid to walk through the halls at the Marie Drake building, where Native students congregated.

"It's scary to some kids to walk through those hallways, because if you bump into one of the Alaska Natives they yell at you. The racism problem is on both sides," she said.

At a training session on racism and healing Wednesday and Thursday in Juneau, Jesse Arrington and Mae Marsh of the Fairbanks company Transformations taught participants how to recognize racism and address it. Change comes from within, they said. "Change doesn't happen overnight, they said.

The seeds of prejudice can be planted early, teachers said. A teacher said a first-grader used the word "gay" as a slur.

Arrington and Marsh said the schools need to talk openly about racism, and teachers and students need to intervene, without causing a conflict, when someone makes a racist comment. People need to form friendships with people from different cultures and ethnic groups, to break down stereotypes, they said.

In an interview at the training session, Libby Parker, the freshman vice president of the student council, said many students want to be part of a clique "so they're willing to shed that (nonracist) part of their beliefs or morals even if it's not good."

As time goes on, students are imitating earlier acts of racism, she said.

"As more and more people start following, it gets harder and harder to stand up," Parker said.

Schools have to look at ways they segregate students, the trainers said.

At JDHS, the Marie Drake building is known among students as "the brow" because it houses programs with a disproportionately large percentage of Native students. The district is considering moving the alternative high school, which also has a larger than average number of Native students, to Marie Drake.

Teachers should base their academic expectations of students on their individual abilities, not on ethnic stereotypes, the trainers said. They should teach to the class. Courses should treat minority cultures as an integrated part of the curriculum, not as "sidebars." In other words, black history is American history.

"We need to give our kids hope," said parent Elsa Demeksa. "We need to support them: We know there is hurt, but it's not always going to be that way. We allow it to be that way.

"This is a wonderful community. We need to acknowledge our differences, know we have the same goals for our kids. We want our kids to be successful. If we don't create a safe learning environment for them, they will not be successful."

JDHS is a physical environment, like a piece of land.

"We took this land from them," Stekoll said. "... We've always stripped their land, and it seems like we're still doing that."

- Eric Fry can be reached at eric.fry@juneauempire.com.



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Woman hit by paint balls early Sunday

ATTACK: Occupants of a dark sedan shot at a 19-year-old as she walked along Muldoon Road.

By SHEILA TOOMEY
Anchorage Daily News

(Published: November 3, 2003)

A woman walking along Muldoon Road about 4:30 a.m. Sunday was hit by a fusillade of paint ball shots fired from a passing car by several people yelling anti-Native curses.

Anchorage Police Lt. John Norsworthy said the victim, Sonya Wharton, described her assailants as three or four white males in a dark sedan. Investigators at the scene counted at least nine shots of green and yellow paint, including several that hit a nearby Thai restaurant and a power pole, Norsworthy said.

Wharton, 19, said she hit the ground as two occupants in the car started firing, one from a rear window and one leaning across the driver to shoot out the front window. They shouted things like "Natives suck" and "Natives should die," she said.

No one else was on the street, Wharton said, and she hadn't intended to be. She was walking to a friend's house after having an argument with the person who was supposed to drive her home, she said.

"I was terrified. I thought they were going to turn back around."

Wharton said she has bruises on her shoulder and legs, including a nasty one on her thigh, but did not require medical treatment.

Police have pulled out all the stops and are pursuing the case as a hate crime, Norsworthy said.

"We're trying to send a message that this kind of act is not going to be tolerated by the community or by the Anchorage Police Department.

"They will have our highest priority," he said.

Norsworthy said investigators suspect other people got hit Saturday night or Sunday morning by the same attackers and are asking victims to come forward. The assailants were "geared up" and it seems unlikely they would settle for only one target, he said.

Other victims, or people who think they might have information about the shooters, are urged to



Sonya Wharton, 19, said the suspects shouted things like "Natives suck" and "Natives should die," as they shot paint balls at her while she was walking along Muldoon at about 4:30 a.m. Sunday. *(Photo by Jim Lavrakas / Anchorage Daily News)*

[Click on photo to enlarge](#)

call police at 786-8900.

Wharton, who is Native, said she originally did not plan to report the attack, but her friend's father, who is white, told her it was a terrible thing and urged her to call police.

"He said we're all human beings. Inside we're all the same."

In 2001, a series of racially motivated paint ball attacks in downtown Anchorage earned a six-month jail sentence for a 20-year-old man, plus a \$6,000 fine and 300 hours of community service. According to court records, he videotaped the action as others fired the shots. Two 17-year-olds were also charged but their cases were handled in the juvenile system.

Those assaults, in January 2001, triggered an outpouring of anguish by Natives and non-Natives over racism in Anchorage and elsewhere in Alaska. The parents of two of the youths involved were distraught at their children's behavior and apologized to the victims during an extended court proceeding.

In September, Alaska State Troopers arrested two Fairbanks teens for firing paint ball shots at vehicles traveling on Chena Hot Springs Road from a nearby hay field. One was charged with assault and both were charged with criminal mischief. No racial motive has been cited in that case.

Daily News reporter Sheila Toomey can be reached at stoomey@adn.com.

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Paint ball attack prompts FBI probe

HATE CRIME: Incident happened on a public highway.

By TATABCLINE BRANT

Anchorage Daily News

(Published: November 5, 2003)

The FBI said Tuesday that it has opened a civil rights investigation into the Sunday paint ball attack on a young Alaska Native woman in Muldoon.

FBI spokesman Eric Gonzalez said his agency is investigating because it appears the woman was attacked on a public highway because of her ethnicity. He said the FBI is working closely with the Anchorage Police Department on the investigation.

Sonya Wharton, 19, was hit repeatedly with paint balls as she walked along Muldoon Road around 4:30 a.m. Her assailants -- described as three or four white males in a dark sedan -- shouted things like "Natives suck" and "Natives should die," according to police and Wharton. The attack terrified Wharton and left her with bruises on her shoulder and legs, she said.

No arrests have been made.

Anchorage police are treating the attack as a hate crime. On Monday, Mayor Mark Begich urged anyone with information about the incident to call police. The FBI is the primary federal agency responsible for investigating federal civil rights violations. According to the agency's Web site, a public highway is one of the places where federal statute prohibits the "willful injury, intimidation, or interference or attempt to do so, by force or threat of force of any person because of race, color, religion, or national origin."

Punishment for violating a person's civil rights under such circumstances varies. If the victim is injured, or if a dangerous weapon is used during the attack, a person convicted of the crime can be sentenced to up to 10 years in prison, the Web site says.

The attack on Wharton was not the first racially motivated paint ball attack in Anchorage. In 2001, a 20-year-old man was sentenced to six months in jail, fined \$6,000 and ordered to do 300 hours of community service for videotaping paint ball attacks on Natives from a vehicle in downtown Anchorage while others fired the shots, according to court records. Two juveniles were also charged.

Community leaders said Monday that they were angry and saddened that another racially motivated paint ball attack occurred in Alaska's largest city.

The Standing Committee on the Promotion of Tolerance and Diversity, a diverse, 11-member group of Anchorage residents appointed by the Anchorage Equal Rights Commission, held an emergency meeting Monday night to discuss the recent attacks, said Barbara Jones of the Equal Rights Commission.

Jones said Tuesday that the committee did not release a statement about the attacks but is considering holding a march later this month to demonstrate that the community stands behind the woman who was attacked. Gov. Frank Murkowski noted the FBI's investigation into the paint ball attack during a Tuesday press conference at Romig Middle School, where he was speaking about the decline in smoking among Alaska's youths. He called the attack "a very unfortunate circumstance."

"Hopefully those that are responsible will be apprehended," he said. "We simply can't tolerate that type of action."

Daily News reporter Tataboline Brant can be reached at tbrant@adn.com or 257-4321.

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To: **Senator_Gary_Stevens@legis.state.ak.us**, ([more](#))

Cc: **Senator_Bettye_Davis@legis.state.ak.us**, ([more](#))

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I am attaching a letter of support for SB 246. SB 246 is scheduled for a hearing tomorrow, March 23, in the Senate State Affairs Committee. We urge your support for passage of this important legislation. Thank you.

Carol H. Daniel

Alaska Federation of Natives, Inc.

1577 C Street, Suite 300

Anchorage, Alaska 99501

Telephone: (907) 274-3611 or 263-9883 (direct)

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Testimony before the Alaska State Affairs Committee
March 23, 2004 – 3:30 pm

Introduction

Good afternoon. My name is Natalie Landreth and I am a staff attorney with the Native American Rights Fund in Anchorage. I would like to thank each member of the Committee for the opportunity to share our strong support for Senate Bill 246. I will focus on three issues: (1) why a separate law for hate crimes? (2) how big is this problem? and (3) don't hate crimes laws conflict with free speech?

First we would like to thank Senator Lincoln for sponsoring this bill. This is a critical but often overlooked issue, and we thank her for her longstanding commitment to hate crimes legislation and for bringing it to the forefront.

Why a special law for hate crimes? What makes a hate crime different from other crimes?

The answer is that each hate crime has not one victim, but many. The aim of a hate crime is to terrorize the victim simply because they are a member of a particular group. Here in Alaska, that group has usually been Alaska Natives. The result is that each member of that group is a victim. The U.S. Department of Justice's Policymaker's Guide to Hate Crimes characterizes a hate crime as a "virus, quickly spreading feelings of terror and loathing across an entire community." Thus, while there may be one or couple of victims of physical or immediate violence, the psychological impact upon that entire group is far and wide and lasting. A hate crime is meant to – and does -- send a powerful message to the group of persons that they are not wanted, that they are not welcome here, and that they may be in danger. The intent and effect of the hate crime is to terrorize an entire community. Indeed, that is exactly what the Native community in Anchorage experiences after incidents such as the paintball attacks. This *exponential* intent and effect is what makes a hate crime so unique and deserving of its own law. That is why Senate Bill 246 is so important.

How big is this problem? How many hate crimes actually happen each year?

The truth is that we simply do not know how many hate crimes there are. We do know that nationwide they are vastly underreported. This problem is largely due to the fact that law enforcement reporting of crimes is voluntary – in the entire state of Alaska for example, only the Anchorage Police Department annually reports hate crime statistics.

In the year 2002 – the latest year for which statistics are available – seven hate crimes were reported by the APD. In contrast, the city of Washington, D.C. reported a single hate crime for 2002. To put it in even greater perspective, only 15% of the jurisdictions across the United States report any hate crime activity at all and Alaska is one of them. The remaining 85% of jurisdictions across the country report no hate crime activity. Thus, Alaska is one of a small minority of jurisdictions to have a measurable hate crime problem – even with underreporting.

We also know that, proportionally speaking, American Indians and Alaska Natives are the group most likely to be victims of hate crimes. That is, although American Indians and Alaska Natives comprise less than one percent of the general population nationwide, they comprised 1.8 percent

of hate crime victims in 2001 and 1.5 percent in 2002 according to FBI hate crime statistics. Furthermore, American Indians and Alaska Natives are the only group against whom hate crimes are increasing significantly (with the exception of those who are Arab-American or of Middle Eastern origin). Nationwide, almost half of all hate crimes are motivated by race; the same is true in Alaska. Half of the hate crimes reported by the APD in 2002 were motivated by racial animus.

For many years, the Native American Rights Fund has had a particular interest in law enforcement in rural Alaska. While hate crimes in rural Alaska are often not reported and statistics on them are not gathered, they do exist. This is particularly alarming in light of the fact that there are 164 off-road communities and villages without certified police officers, and 71 of those have no police protection at all. The existence of a law like this – one with teeth – will deter and punish perpetrators of hate crimes in those rural areas. Furthermore, such a law would render these crimes more severe in the eyes of law enforcement and therefore encourage state troopers to investigate and prosecute these crimes. An additional, valuable byproduct of SB 246 would be to encourage the gathering of hate crime statistics and data from rural Alaska.

Don't hate crime laws conflict with free speech?

They can, but Senate Bill 246 does not. Almost every crime consists of a mental state and an act. Thus the mental state or motivation of a perpetrator is always at issue. Hate crime laws punish the actual crime, not the thought. Expressing your thoughts and beliefs through criminal conduct has *never* been protected.

Approximately 45 states and the federal government have enacted hate crime laws. The number of those laws that have been struck down can be counted on one hand. The U.S. Supreme Court has set floor and ceiling limits for hate crime laws and Senate Bill 246 fits squarely within them. In 1992, the U.S. Supreme Court struck down a city ordinance that made it a misdemeanor to display a swastika, burning cross or any symbol that "arouses anger, alarm, or resentment in others on the basis of race, color, creed, religion, or gender." The mere display of a symbol that upsets others thus cannot be criminalized – it is protected speech.

In 1993, in *Wisconsin v. Mitchell*, the U.S. Supreme Court *unanimously* upheld a Wisconsin statute that provides for enhanced penalties for hate-motivated crimes. *It is critical to note that this is the same kind of sentence-enhancement bill as SB 246.* In that case, the Court specifically stated that criminal conduct – such as a beating – is an intolerable mode of expressing the idea that the perpetrator wishes to convey. In other words, the biased thoughts and speech are permissible, pairing it with violence such as a beating or assault is not.

It is also important to note that the Supreme Court's 1993 decision in *Wisconsin v. Mitchell* does not preclude state courts from determining whether the law violates the state constitution. A perpetrator convicted under SB 246 would therefore be able to challenge it, but thus far sentence enhancements have withstood constitutional scrutiny.

Conclusion

In conclusion, hate crimes exist in Alaska. Moreover, Alaska is one of only a minority of

jurisdictions (15%) in the United States to report them, yet Alaska is also one of the very few states without a hate crime law like this.

Senate Bill 246 would send a message that Alaska is not willing to tolerate the victimization of Natives and other groups based solely upon who they are. It sends a message to the groups targeted by hate crimes that they are welcome here and that the law will protect them. Above all, it expresses a collective belief that Alaska is stronger when we protect all of our citizens.

Thank you for your time.



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COLLEGE OF ARTS AND SCIENCES

Department of Anthropology
Department (907) 786-6840
Fax Number (907) 786-6850

March 22, 2004

Alaska State Legislators
State of Alaska
Juneau, Alaska 99801

Dear Legislators:

This letter is in support of the passage of SB 246 "Relating to Hate Crimes" in Alaska. My name is Steve J. Langdon and I am Professor of Anthropology at the University of Alaska Anchorage where I have taught since 1976. Further, I was raised in Alaska from the age of 8 when my father and mother (Dr. J. Ray and Thelma Langdon) brought me here in territorial days. Through my schooling in Anchorage schools for 10 years and through my professional career conducting research on Alaska Native societies for 34 years I have acquired substantial familiarity with the disrespectful and degrading manner in which Alaska Natives have been and continue to be treated by primarily white non-Natives in Alaska. While these horrifying practices may occur infrequently and be carried out by a minority, a substantial reservoir of disrespect and hate is present in the white non-Native population of Alaska that bubbles into public view on these occasions. But in schools as a child in Anchorage and in bars in rural areas in my adulthood, I have heard repeatedly defaming and bigoted commentary, hurtful slander and deep disrespect expressed toward Alaska Natives. On occasion, I hear the reverse but rarely are the anti-white views turned into violence. The proposed legislation speaks to any action towards another and in this regard confirms our values for decent, respectful treatment for all people.

These are profoundly troubling and deeply damaging aspects of our social environment that cannot be tolerated. Through this legislation, the Alaska Legislature stands in the position to move beyond mere rhetorical statements concerning hate crimes to enforcement of our values by punishing those who act on the emotions of hate for others based on their race, sex, color, creed physical or mental disability, sexual orientation, ancestry or national origin. It might be appropriate to include religious faith or affiliation in the list of protected characteristics given what I see to be a rising tide of religious intolerance and bigotry at the highest levels of office in this country.

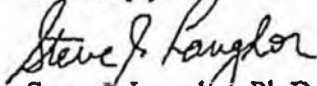
The legislation includes provision for education for minor and minor's parents in order to develop respect for all persons. These efforts are labeled "diversity tolerance" that I feel is a minimal standard. Through disciplinary training and exposure to the peoples and cultures of the world, I have come to focus on the profound creations and wondrous variety of perspectives that humanity has generated. Thus I would suggest more than

mere tolerance but an active embrace of the beauty and wonder created by different segments of the human community.

Let me close by reiterating my support for passage of some form of hate crimes legislation. But let me also state at the same time my profound support for the development of an Alaska "history and cultures" curriculum that teaches of the wondrous creations of Alaska Native peoples and tests students on that information on an exit examination. By the continuous presentation of information on the creativity and capabilities of others, we can move beyond mere tolerance to active appreciation.

I have attached a Compass piece I authored several years ago concerning these issues in order to highlight the ongoing, daily occurrences of hate incidents. I have also attached a recent essay in Sport Illustrated by my son, Trajan that speaks for itself in regard to respect and appreciation for the wondrous creations of others.

Sincerely yours,



Steve J. Langdon, Ph.D.
Professor of Anthropology
University of Alaska Anchorage



Ice Buckets

March 8, 2004

Growing up in Anchorage, the author developed his hot hand in extreme cold

By Trajan Langdon

When Mike Krzyzewski flies from Durham, N.C., to your hometown to recruit you to play basketball at Duke, you think, He must be crazy. When your hometown is Anchorage, you *know* he's nuts. So it was in the summer of 1993 that Coach K came for a visit and took me out to dinner. We talked about Duke, basketball and Duke basketball. Afterward, standing in the driveway of my parents' house, we looked up and saw the Northern Lights -- waves of blue, green and yellow illuminating the sky. It was only the second time I had ever seen them. "Trajan," Coach K said, "this is a sign that you've got to come to Duke."

The next year I left Alaska for Durham, and since then I've lived around the world: Ohio, where I played for the Cleveland Cavaliers; Italy (Benetton Treviso); and now Turkey (Efes Pilsen). I visit Alaska at least once a year, and each time I go back I realize how lucky I am to have grown up there. My father, Steve, an anthropology professor at the University of Alaska-Anchorage, taught my younger sister, Trista, and me to appreciate the state's landscape and way of life. He took me on many of his research trips, including one on which he made a documentary about the use of fish traps in early native cultures. Over time what stuck in my mind was how everyone who lives in Alaska loves it there.

Alaskans' passion for basketball -- without question the most popular sport in the state -- is just as strong. Because of the long, cold winters, it's difficult to play baseball and football. And though many like to play hockey, the money needed to buy equipment and to build and maintain rinks makes the sport too expensive for the small villages that dot the state. I've conducted basketball clinics and summer camps in some of those villages -- Barrow, Kotzebue, Seward -- and the people there are just as fervid about the game as any in the Lower 48.

Two years ago, at my camp in Barrow, I met a 15-year-old Inuit girl who had tremendous basketball skills and could hold her own against the boys. Later that day I watched as she helped her father make jewelry out of the claws and teeth of a polar bear he had hunted down that day.

In Anchorage, I attended East High and played in three straight state championship games at high school gyms which were always packed. And whenever we played our crosstown rival, West High, fans had to be turned away at the door because East High's 5,000-seat gym would be sold out.

Trying to improve your game takes a little more effort in Alaska than in any other state. Many times during the winter I would be watching an NBA game on television and get the urge to work on my jump shot. The temperature outside would be 0° if I was lucky, and there would be at least six inches of snow on the ground. So I would throw on a hat, boots and gloves, grab a ball and start shooting at a driveway basket that had a frozen net. As my skills improved, especially in high school, I wanted to play in adult pickup games, but there were never enough guys at the gym to go three-on-three, much less five-on-five. So games always had to be organized by someone with a lot of phone numbers and

determination.

Even playing high school games wasn't easy. In some conferences, teams had to fly to their away games. Carlos Boozer, who followed me at Duke, told me that his high school team, Juneau Douglas, had to take a 90-minute flight to Anchorage and then drive an hour to get to three schools in its conference. For Carlos, ACC travel must have seemed like walking to the mailbox.

So there is much more to Alaska than the images that are typically beamed around the world. Sure, it snows a lot and it's dark for as many as 18 hours a day during the winter, but if you take a good look, you can see light through the gloom -- and it's probably coming from a crowded arena or school gym where Alaskans are enjoying their hoops.

Trajan Langdon was a three-time All-ACC guard at Duke and reached the NCAA championship game as a senior in 1999.



Racial intolerance unacceptable

By STEVE J. LANGDON

Mayor George Wuerch has provided important leadership addressing racial harassment and hate crimes in Anchorage through a series of hearings. While documentation of these incidents is important, our community focus must move beyond description to analysis of the problem in order to provide concrete remedies. Above all it is necessary to keep the issue in the foreground, build a strong coalition of organizations and leaders to stay focused on the issue, and highlight programmatic efforts to address these problems. Collectively, as a community and as individuals, we must make it clear that hate crimes and harassment are intolerable in Anchorage.

For the record, events of harassment of minorities, particularly Alaska Native or indigenous-appearing persons, are unfortunately regular occurrences in this community as illustrated by the following account.

On April 30, the day after the reconciliation event held by Alaska Natives at the Egan Convention Center, I was driving down Spenard Road, near Fireweed Lane about 5:30 in the afternoon. In front of me I observed a Native-appearing couple crossing the street. Then my eye picked up a darting movement, a young white boy probably 12 or so years old, running across the street toward the couple and faking a throwing motion, then dashing back to the left side of Spenard Road. My eye followed the boy and I saw that there were two other white male youths, one slightly older appearing, perhaps 14. All three of the youths were yelling at the Native-appearing couple. I was suddenly quite attentive and decided

that this scene required more attention.

I parked in the alley behind the convenience store and walked toward the front of the building. When I rounded the corner, I observed the three white male youths less than 15 feet from the entrance, yelling obscenities at the couple.

The Native-appearing man was watching the boys closely. He had a moderate size rock in his right hand held by his side. My concern and anger roused, I approached the boys and asked them what they were doing. The older, larger boy yelled that the man had solicited a sexual favor from him and he was expressing his indignation. I asked the Native-appearing man, who I now recognized was an indigenous American but likely not an Alaska Native, if he had done that and he said no. The Native-looking man told me that boys had been riding bikes close to them while making loud noises. He said he was afraid the boys were going to try and steal their money. I asked the boys what they had been doing and the older boy stated that they had been riding their bikes "like motorcycles" by the couple. I told them that it was wrong to harass people or scare them and to leave the couple alone. Before I thought to get their names, all three boys took off running.

When I turned back, a white woman

To treat such instances as aberrant, or more cynically as "collateral damage" that accompanies the good life in America, would be a damning commentary on the moral bankruptcy of our community.

had entered the scene. She thanked me for intervening and stated that she had watched the boys on their bicycles zooming the couple several times.

This event, while hardly a surprise having been raised in this community where considerable anti-Native animus is barely concealed, was deeply troubling. Will our community have the decency, honesty and will to admit the problem and commit to correcting it? To treat such instances as aberrant, or more cynically as "collateral damage" that accompanies the good life in America, would be a damning commentary on the moral bankruptcy of our community.

Among the activities we must support is the recent initiative directed to the Anchorage School Board to teach about the diversity in our society and in particular the circumstances of Alaska Natives, both now and in the past, at the high school level in order to build both understanding and humanity.

This is an important step, but the effort must not end there. By carefully attending to the pattern of these events and the characteristics of the perpetrators, additional steps can be taken to protect the vulnerable from the predators.

Steve Langdon is a professor of anthropology at the University of Alaska Anchorage.

**Written Testimony of the Municipality of Anchorage
in Support of SB 246 - Hate Crime Legislation**

March 23, 2004

My name is Celeste Hodge. I am the Deputy Director and Community Outreach Liaison of the Mayor's Office of Equal Opportunity. I am submitting this testimony on behalf of the Municipality of Anchorage to urge your support for SB 246. Thank you for allowing me to testify in support of SB246. First, we applaud the leadership of Senator Lincoln for introducing Senate Bill 246. In my previous capacity as President of the National Association for the Advancement of Colored People (NAACP) the largest and oldest civil rights organization in the world for nearly a decade, I worked endlessly to combat racism in our community – in public facilities, schools, health care, courts, employment, media, housing, etc. As you know, hate crimes continue to plague our nation and are on the increase. Unfortunately, Anchorage has suffered through high-profile hate crimes. Hate crimes perpetrated against a person or group of persons based on the actual or perceived gender, disability or sexual orientation of that person or group of persons is of significant concern within our community. Current laws are inadequate to appropriately punish individuals who engage in such shameful criminal conduct. SB246 is a necessary tool to help fight the continuing problem of hate crimes against people because of race, religion, national origin, gender, disability or sexual orientation. It is important legislation that reflects our values and signals that crimes motivated by hate are especially reprehensible. Hate crimes are not merely crimes against an individual, but rather crimes against the entire community because such bias-motivated crimes are more likely to provoke retaliatory crimes, inflict distinct emotional harm on victims and incite community unrest. Hate crimes are also troubling because they can strike fear in people who have done nothing illegal and are only members of an identifiable group. Thus, meaningful hate crime laws are needed to punish hate crimes to the fullest extent possible, and it is part of a government's responsibility to ensure equal protection is afforded to everyone. Hate crimes statutes are the result of legislative strategies to combat crimes specifically motivated by bias and discrimination. The Municipality of Anchorage fully supports Senate Bill 246 as is and urges the committee to approve this important legislation.



APR 28 2004



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[Bruce Botelho@ci.juneau.ak.us](mailto:Bruce_Botelho@ci.juneau.ak.us)

April 21, 2004

The Honorable Gary Stevens
Chair, Senate State Affairs Committee
State Capitol Room 121
Juneau, Alaska 99801

Dear Senator Stevens:

I write in support of SB 246 respecting hate crime legislation.

While one can reasonably differ about specific aspects of the bill, there are several features that commend passage of the legislation as a whole. This legislation serves to reinforce (or create) societal norms that condemn criminal conduct motivated by animus towards classes of people. Inclusion of bias motivation as an aggravating factor in sentencing is in keeping with other aggravation factors.

Finally, express recognition of a civil cause of action creates a realistic enforcement mechanism that does not rely on increased state government resources.

I urge your favorable consideration of SB 246.

Sincerely,

Bruce Botelho
Mayor