

FOR FURTHER EXHIBITS TO HB 2479; SEE STATE ARCHIVES EXHIBIT SUBJECT FILE;
RACIAL HARASSMENT



TESTIMONY ON HOUSE BILL 2479
COMMITTEE ON JUDICIARY
April 14, 1981

HOUSE JUDICIARY COMMITTEE
Subcommittee 1
Exhibit A, HB 2479 5 pages
Bob Oliver, Governor's Office
testimony
April 14, 1981

Mr. Chairman, Members of the Committee:

Last year, Governor Atiyeh became concerned about a growing number of incidents of harassment or violence which appeared to be racially or religiously motivated.

A cross was burned in the yard of a Black family in Milwaukie, and similar incidents were reported in other places.

In Salem, a mixed couple entered a public place in an orderly manner. A man is accused of pouring gasoline on the head of the male member of the couple, to demonstrate his objections to inter-racial associations.

In Salem, within recent weeks, swastikas have been painted on the walls of a Synagogue. A swastika also was painted on the automobile of a local businessman, whose heritage is Jewish.

Oregonians long have prided themselves on being gentle, easy-going people -- recalling with pride anti-discrimination legislation coming long before that of the Federal Government and most other states. I do not recall that we ever claimed to have eliminated all traces of subtle racism -- but I believe most of us felt the phrase "Welcome to Oregon" embraced all comers, whatever their ancestry or religious preferences.

The incidents I mentioned above indicate that not everybody living in Oregon identifies with this ideal. I could speculate at length on the reasons for the recent surge of incidents. It might be that the economic downturn has disadvantaged many people who are not accustomed to that status, and some of them feel they must have a personal scapegoat. I'm certain there are any number of other explanations.

There already are laws aimed at harassment, intimidation, violence and destruction of property -- laws against assault, menacing and criminal mischief. The theory of House Bill 2479 is that such activities take on a particularly dangerous and socially disruptive character when they are motivated by racial or religious bigotry.

If I threaten another person in a restaurant, or strike him, or damage his property because of a heated dispute over the merits of various football players, for example, other patrons normally will react by attempting to quell the disturbance. If these actions are accompanied by racial or religious slurs, tension is much more likely to spread throughout the establishment -- as compatriots of the victim rally to his defense, and my compatriots respond in turn. Because such events seriously threaten social order, it is Governor Atiyeh's view that they should be subjected to more serious sanctions than apply to the casual wrongdoer.

House Bill 2479 is so short, that reading it almost amounts to an explanation. If an individual intentionally and with intent to intimidate another person because that other person's race, color, religion, ancestry or national origin does certain offensive acts, the crime of intimidation is committed. The actions include physical harm, damaging or destroying the other person's property, or placing the other person in fear of imminent physical harm by word or conduct.

Let me emphasize this bill is not intended to outlaw social or political organizations, however offensive their doctrines might be. It is not intended to punish a person for expressing racist views publicly, no matter how offensive those views may be. It applies to situations which can best be described as harassment or intimidation.

In discussing this bill with various individuals and groups, I have become aware of objections which may be advanced in the course of these hearings.

It may be stated that constitutional objections can be raised because of vague language in the printed bill, or language which might be construed as infringing free speech. I can tell you that the Governor certainly would be agreeable to amendments which would tighten up the language of the bill and overcome these objections.

It has been stated that this bill might be turned around against those whom it is intended to protect, and that its protection should be limited to members of racial or religious minorities. First, any law can be turned against a segment of society in terms of unfair prosecutions or sentencing practices. While this bill clearly arises out of the need to protect minorities, I would have serious constitutional problems if its protections were limited to minorities. Moreover, it is just as bad for a member of a minority to harass and intimidate a member of the majority for racial and religious reasons, as it is the other way around.

It has been suggested that the protections of this legislation be extended to include persons victimized by reason of their sexual orientation, age, political philosophy or labor affiliation. The Governor opposes extension of the bill in this manner. When he drafted this legislation and caused it to be introduced at his request, he wanted to take aim at bigotry in Oregon -- but he wanted to use a rifle, not a shotgun. It is his view that expanding coverage of the bill at this time will dilute its effectiveness.

Finally, there have been suggestions that provisions for civil penalties be added to the bill -- granting to injured parties the right to recover damages against wrongdoers. Such a provision was not included in the Governor's bill for two reasons. First, he wanted the bill to be simple and straightforward. Second, it was his suspicion that while racism is not confined to any one class of society, those who engage in this particular mode of expressing it probably do not

ofent have substantial means which might be sought in the form of civil penalties. However, if the Legislature in its wisdom chooses to insert a civil penalty provision in the bill, the Governor would not oppose it.

I know many persons want to be heard on this bill, both as individuals and as representatives of various organizations, so I will not consume any more of the committee's time. I will be happy to attempt to answer questions.

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1981 Regular Legislative Session
FISCAL ANALYSIS OF PROPOSED LEGISLATION
Prepared by the Executive Department and the Legislative Fiscal Office

MEASURE NUMBER: HB 2479

STATUS: Original

SUBJECT: Prohibits certain kinds of harassment against a person on account of a person's race, color, religion, ancestry or national origin.

GOVERNMENT UNIT AFFECTED: Department of Human Resources Corrections
Division, courts, counties, and cities

BUDGET AND MANAGEMENT ANALYST: Linda Getchell 3-10-81

LEGISLATIVE FISCAL ANALYST: Stephen Forrey 3-10-81

EFFECT ON EXPENDITURES: indeterminate

EFFECT ON REVENUES: none

ORGANIZATIONAL IMPACT: none

EFFECT ON POSITIONS: none

COMMENTS:

The number of cases which might be processed through the courts and corrections system as a result of this statute is indeterminate.

DEPARTMENT OF JUSTICE

HOUSE JUDICIARY COMMITTEE
Subcommittee 1
Exhibit C, HB 2479 1 page
Jim Sanderson, Dept. of Justice
Testimony
April 14, 1981

Memorandum

TO: To File

FROM: James A. Sanderson
Assistant Attorney General

SUBJECT: Racial Harassment

DATE: _____

The various drafts of the racial intimidation bills that I have seen appear loaded with vagueness and free speech problems.

My Thoughts

No matter how many other things that are already crimes, i.e., assault, menacing, criminal mischief, we still must add in motive as an element to get where we are going on this thing.

If that is so (i.e., motive must be an element) and if we must have such a statute, then why don't we simply say it straight out.

Example:

(1) A person commits the crime of intimidation if he violates ORS 163.160, ORS 163.190, ORS 164.345 (or any other crime you care to name) and he is motivated to commit the crime by reason of the race, color, religion, ancestry or national origin of the victim.

(2) Intimidation is a Class C Felony.

mg

Proposed amendments to HB 2479, by Multnomah County District
Attorney's Office.

Relating to crime.

Be It Enacted by the People of the State of Oregon:

SECTION 1. Section 2 of this Act is added to and made a part
of ORS 163.165 to 163.205.

SECTION 2. (1) A person commits the crime of intimidation
if, on account of another person's race, color, religion,
ancestry or national origin, the person conspires with another
to:

- (a) Cause physical injury to another person; or,
- (b) By word or conduct attempts to place another person in
fear of imminent serious physical injury; or,
- (c) Damages property of another, having no right to do so
nor reasonable ground to believe that he or she has such right.

(2) Intimidation is a Class C Felony.

BILL FOR AN ACT

(Addition to ORS 161.450-161.485)

Conspiracy to Intimidate

- (1) A person is guilty of the crime of conspiracy to intimidate if that person agrees with one or more persons to commit the crime of Menacing as defined in ORS 163.190; or the crime of Harassment as defined in ORS 166.065; or the crime of Criminal Mischief as defined in ORS 164.345.
- (2) Conspiracy to Intimidate is a:
 - (a) Class C Felony if the object of the conspiracy is to menace another person;
 - (b) Class A Misdemeanor if the object of the conspiracy is to Harass another person;
 - (c) Class B Misdemeanor if the object of the conspiracy is to commit Criminal Mischief against another person.

AMER

Testimony
April 14, 1981

A BILL FOR AN ACT

11th AVENUE
PORTLAND, OR 97204

Relating to equal protection of the laws; creating new provisions;
amending ORS 180.070 and 180.080; providing penalties; and
creating an emergency.

Be It Enacted by the People of the State of Oregon:

SECTION 1. Every person within the jurisdiction of this state has the right to be free of intimidation by violence or the threat of violence against his or her person or property, committed because of his or her race, color, sex, sexual orientation, religion, ancestry or national origin. The state shall be deemed to have a direct interest in securing these rights to the people of the state of Oregon.

SECTION 2. (a) No person shall intentionally deprive or attempt to deprive, either directly or indirectly, any person or class of persons of the equal protection of the laws, or of equal privileges and immunities of the laws.

(b) No person shall intentionally prevent or hinder or attempt to hinder the public authorities of this State or any subdivision of the State from securing to all persons within the jurisdiction the equal protection of the laws.

SECTION 3. Violation of Section 2 of this 1981 Act is a Class C Felony.

SECTION 4. Any person injured by a violation of Section 2 of this 1981 Act shall have an action to secure an injunction, damages, or other appropriate relief against any and all persons whose actions, unlawful under this 1981 Act, caused him or her loss or deprivation of rights. Upon prevailing in such an action, the plaintiff may recover general damages for personal injury including emotional distress and injury to property, and punitive damages, and in addition shall be

entitled to judgment for reasonable attorney fees as part of costs awarded against the defendant.

Section 5. ORS 180.070 is amended to read: (1) The Attorney General may, when directed to do so by the Governor or as provided by law, take full charge of any investigation or prosecution of violation of law in which the circuit court has jurisdiction.

(2) When acting under this section, the Attorney General shall have all the powers of a district attorney, including the power to issue or cause to be issued subpoenas or other process. The Attorney General may, when he considers the public interest requires, with or without the concurrence of the district attorney, direct the county grand jury to convene for the investigation and consideration of such matters of a criminal nature as he desires to submit to it. He may take full charge of the presentation of such matters to the grand jury, issue subpoenas, prepare indictments, and do all other things incident thereto to the same extent as the district attorney may do.

(3) All costs, fees and other expense shall be paid by the county in which the investigation takes place, to the same extent as if conducted by the district attorney of that county.

(4) The power conferred by this section, ORS 180.060, 180.220 or 180.240 does not deprive the district attorneys of any of their authority, or relieve them from any of their duties to prosecute criminal violations of law and advise the officers of the counties composing their districts.

Section 6. ORS 180.080 is amended to read: (1) When directed by the Governor, the Attorney General shall attend in person, or by one of his assistants, any term of any court, or appear before the grand jury in any county, for the purpose of managing and conducting

In such court, or before such jury, the criminal action or proceeding specified in the requirement.

(2) When authorized by law, the Attorney General may attend in person, or by one of his assistants, any term of any court, or appear before the grand jury in any county, for the purpose of managing and conducting in such court, or before such jury, the criminal action or proceeding specified in the law.

(3) The Attorney General, or his assistant so attending, shall exercise all the powers and perform all the duties in respect of the action or proceeding which the district attorney would otherwise be authorized to exercise or perform. The district attorney shall only exercise such powers and perform such duties in the action or proceeding as are required of him by the Attorney General, or his assistant so attending.

SECTION 7. This Act being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this Act takes effect on its passage.



The American Jewish

PORTLAND CHAPTER • Ste. 930, 1220 S.W. Morrison St. • Portland, Oregon 97203 • (503) 295-0761

THE AMERICAN JEWISH COMMITTEE

STATEMENT ON

RACIAL HARASSMENT LEGISLATION

The Portland Chapter of the American Jewish Committee is firmly convinced that the State of Oregon must speedily adopt racial harassment legislation.

As this nation's pioneer human relations agency, the American Jewish Committee has for 75 years monitored racial activities in this country. We have noted with alarm both the recent increase in such activities and the permissive attitude which has often made offenders believe such behavior is acceptable. Over the past 12 months incidents of vandalism and other malicious acts against synagogues and other Jewish institutions in the U.S. have increased sharply, almost tripling the figures for a year ago. Blacks, Hispanics, Asian/Americans and others have noted similar increases in acts of overt racism.

We in Oregon have certainly not been immune from these problems. Over the past year a number of events have taken place which have put individuals in fear for their safety. We are certain you are aware of the harassment which confronted a Black family living in Milwaukie and of the fact that only recently extremist literature was stapled to the synagogue here in Salem.

I don't know, however, if you are aware that at the same time the president of that synagogue received threatening

phone calls or that only recently a Black family living in Eugene received a harassing note telling them that they had better move and implying "or else." You should be aware also that racial problems are not new to Oregon. White supremacist groups such as the Klan have a long history of activity here. In fact, in the early 1920's the American Jewish Committee filed a brief before the Oregon Supreme Court which helped to defeat a discriminatory Klu Klux Klan-supported law. Certainly the legislation you are considering will not put an end to extremism -- there will always be those in society who wish to perpetuate racism. However, it will serve notice to the people of Oregon that in this state racism will not be tolerated.

Governor Atiyeh's courageous stand in presenting this legislation to the people of Oregon must not be accorded anything less than full acceptance by this body. To do so would make a mockery of those concerns he expressed on behalf of all caring and concerned citizens.

On behalf of the American Jewish Committee, let me make our position clear: We are not talking about prank calls and irritating name calling. We are talking about those events which put innocent citizens in fear for their safety, which cause actual bodily harm, and which deface and destroy the property of minority groups. We are talking about those events which too often, because the appropriate statutes are not on the

books of the State of Oregon, are treated as "malicious mischief" or other misdemeanors, even though they have harmed and terrified innocent men and women. We are talking about those events which made individuals fear to leave their homes because of threats received, afraid to go to church or synagogue or school because of harassment which has taken place.

Such events have taken place in our state, and this body must adopt those laws which will give law enforcement officials the backing they need to actively pursue and penalize offenders. Because right now they lack that backing, investigation of such complaints is often tentative. A strong racial harassment bill will provide a mechanism for law enforcement agencies to actively pursue and enforce cases of racial harassment. We believe also that it will act as a deterrent.

You will note that these remarks have been limited to the subject of harassment based upon race, color, religion, ancestry, or national origin. While we are sympathetic to the additional concerns included in House Bills 2702 and 2703, it is our belief that those issues will be most effectively dealt with separately.

In order to conform to existing statutes, we would suggest that H.B. 2479 be amended by changing Section 2 to read:

SECTION 2. (1) A person commits the crime of intimidation if with intent to intimidate another person because

of such other person's race, color, religion, ancestry or national origin, the person:

(a) Intentionally, knowingly, or recklessly causes physical injury to another person;

(b) By word or conduct intentionally attempts to place another person in fear of imminent physical injury;

(c) Tampered with, interfered with, damaged or destroyed the property of another person.

(2) Intimidation is a Class C felony.

We would also suggest the addition of a third section to set forth civil penalties, and would propose the following language, similar to that which may have already been presented to you by the N.A.A.C.P.:

SECTION 3. Any person who is the subject of intimidation as the same is defined in Section 2 of this Act may institute a claim for relief in an appropriate court against any person responsible therefore to recover actual damages or \$500.00, whichever is greater, and punitive damages, not to exceed \$10,000.00. The court may award other equitable relief as it deems necessary or proper; plus reasonable attorney fees and costs. The parent, parents or legal guardian of an unemancipated minor shall be liable for any judgment recovered against such minor under this section, provided, however, that such liability shall be subject to ORS 30.765.

In summary, then, on behalf of the Portland Chapter of the American Jewish Committee let me restate our position:

The need for this legislation is abundantly clear; the effective language is before you for your consideration; we ask that you act with all due haste to move this bill out of committee with unanimous recommendation for passage so that the citizens of Oregon understand that their elective representatives have said "no" to acts of racial and religious harassment.

Respectfully submitted by

/mlb

81-404-34

4221

Lawrence Gorin
American Jewish Committee

**Portland
Town
Council**



Tele. 227-2765
408 S.W. Second Avenue, Suite 408, Portland, 97204

TESTIMONY OF PORTLAND TOWN COUNCIL
ON HOUSE BILL 2479
BEFORE THE HOUSE JUDICIARY COMMITTEE
APRIL 23, 1981

Thank you for allowing me to speak before you today. I represent Portland Town Council, Oregon Gay civil rights organization. Portland Town Council is very concerned about the grave problem that the governor's bill, H.B. 2479, addresses. We applaud the efforts of this legislature for looking at the problems of harrassment and intimidation of Oregon's citizens. The problems caused by bigotry, ignorance and fear are very serious ones. In hard economic times they get even worse, as some groups are targeted as scape goats. We definitely support the intent of H.B. 2479. The bill, however, fails to address the fact that gay people are increasingly subject to vicious attack and intimidation because they are gay.

I would like to summarize briefly some of these attacks. All but one have occurred within the past nine months, and are occurring with alarmingly increasing frequency.

January, 1979: Wolf Creek, southern Oregon

A structure was destroyed by firebomb on land belonging to a group of gay men. The structure and contents were lost. Please read the attached Oregonian article of July 22, 1979, for details.

June, 1980: Waterfront Park, Portland, Oregon

Two men were attacked during Rose Festival by two men, who called them "queer", "faggot", etc. One victim was kicked in the face and required surgery.

June - August, 1980: Laurelhurst Park, Portland, Oregon

Three men were physically attacked by groups of male teenagers, and others were threatened. All cases occurred at separate times, all involved weapons (2x4's and billy clubs), and all were accompanied by anti-gay threats and taunts.

Of the three men assaulted, one required extended intensive care hospitalization and suffered loss of speech, vision and hearing. The second suffered severe concussion, temporary memory loss, speech impairment, and psychological trauma. The third was treated in a hospital emergency room and released.

October, 1980: Downtown, Portland, Oregon

A victim was taunted by three men with anti-gay abuse and threats of violence. The same victim was later with a friend and the same three men attacked them. One of the victims was kicked unconscious and suffered two cracked ribs.

October, 1981: Northwest Portland, Portland, Oregon

Two men entered a gay bar and hassled the bartender with verbal anti-gay abuse. The victim (a customer) was beaten with a motorcycle chain.

October, 1980: Northwest Portland, Portland, Oregon

Two men repeatedly kicked victim in the face and stomach. Attackers used anti-gay verbal abuse. The victim was in intensive care for two (2) weeks and required surgery.

November, 1980: Downtown, Portland, Oregon

Man beaten up on a bridge while bike riding. He was subjected to anti-gay verbal abuse.

November, 1980: Downtown, Portland, Oregon

Two men were attacked by four young males, subjected to anti-gay verbal abuse. Victims were told, "we're gonna kick your ----- faggots." One of the victims suffered a broken wrist.

December, 1980: Downtown, Portland, Oregon

Three young males chased the victim down the street calling him "faggot". The victim sustained a broken nose, various cuts and bruises and head lacerations.

January, 1981: Downtown, Portland, Oregon

Man walked out of a gay bar, attacker approached and said, "are you AC or DC", then hit him (victim) in the face with his fist-- victim's jaw was broken.

January, 1981: Downtown, Portland, Oregon

Man attacked outside a cafe. Attackers asked if he was a faggot; man said that it was none of their business. Victim was assaulted, suffered injury to his lip and jaw. Went to the hospital, was treated and released. On the same night the same group of men tried to get into a gay bar and were denied entrance. They called in a bomb threat. It was a false alarm.

There are even more reports with the victims being chased through department stores, shopping centers and other public places. The problem has gotten so extensive that it has been written up in the Oregonian, the Willamette Week, and the L.A. Times. I have copies of those articles if you would like to read them.

Some of the arguments that have been used against including gays as one of the "protected" are:

1. It would dilute the bill. The California bill which was the model for the Oregon bill reads "race, color, religion, ancestry, national origin, political affiliation, sex, or position in a labor dispute. The Californians have found that such inclusions have not weakened the bill.

2. Another argument is that this is "our bill and the gays should wait their turn". The problem is happening right now. Our concern is that if this legislature should fail to include sexual orientation into the harrassment and intimidation bill, they will be giving their approval for the anti-gay violence to not only continue but to worsen.

3. A third argument is that there is a natural separation between gays and other minorities. Historically there has been no such separation. In Nazi Germany, thousands of gays were sent to their death in concentration camps. The neo-Nazi and white supremacy groups do not separate us in their literature and in their hate attacks. When the economic situation gets bad, we, too, are always singled out for abuse and attack.

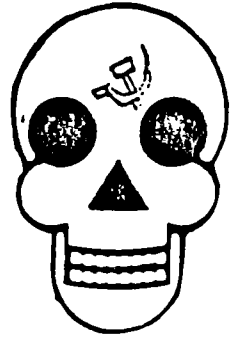
We do believe that intimidation is a problem which should be addressed by this legislature in the form it finds most appropriate. Whatever the form, we urge that it include protection for persons intimidated because of their sexual orientation. Therefore, we urge the committee to adopt the attached amendment to H.B. 2479.

PROPOSED AMENDMENT TO H.B. 2479

On page one (1) of the printed bill, after "ancestry", delete "or national origin" and insert "national origin or sexual orientation".

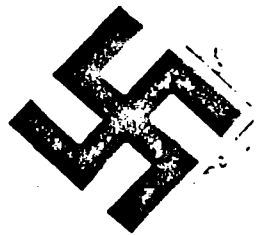
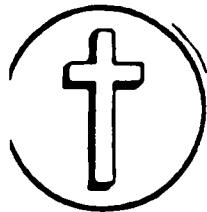


**DEATH TO
Jew-Communist
Pigs!**



DEPORT:

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CUBANS and
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**P. O. Box 40370
Portland, OR 97240**





Firebomb investigation raises questions

By FOSTER CHURCH
 of The Oregonian staff

WOLF CREEK — Residents of this tiny hamlet 30 miles north of Grants Pass who ardently mind their own business have engaged in its months of heavy speculation.

In January, an arsonist hurled fire-bombs into the living area of a two-story house, all of whose members, with the exception of children, are male homosexuals.

The investigation conducted by the community is not known whether the firebomb was possibly a conservative member of the community who disliked homosexuals, or whether it was an angry member of former member of the community.

Police officers in this hamlet in January and investigation conducted first by the Oregon State Police and then by the Josephine County Sheriff's Office.

The investigation by the Oregonian revealed that some leads were disregarded during the investigation and that information that should have been furnished by the state police

to the sheriff's deputy in charge of the investigation was either not forwarded or was disregarded.

Fresh tire tracks and a footprint at the scene were disregarded by Josephine County sheriff's Deputy Paul Scott, who was the first law enforcement officer at the scene of the crime.

The source of wine bottles used to make Molotov cocktails found at the scene was apparently not pursued by Scott, who said the brand of wine was sold in the Wolf Creek area.

The Oregonian investigation found that the wine was available in local stores, and that state police did identify possible sources of the wine in the county.

It also the license number of a truck containing accounts who allegedly made threatening gestures to residents of the community before the fire was directed to state police, according to the community source, but Scott claims having received the license number from the state police.

Scott based about the apparent fall of communication. Sgt. Gregory Hunter, arson investigator for the Oregon State Police in Medford who assist-

ed Scott in the initial stages of the investigation, said: "You are asking questions that you have no right to know. You are asking questions about a criminal investigation that is still in progress. I think you are trying to drum up evidence against Josephine County or the sheriff's office."

In response to the firebombing by Area homosexuals, many of whom live in communal living arrangements, was fearful. There have been no similar incidents since the January firebombing and the level of anxiety has decreased.

But the firebombing has rekindled years of community hostility in the gay population in the Wolf Creek area.

Resident in Wolf Creek, members and former members of the Wolf Creek Volunteer Fire Department are upset by the failure of Scott to notify them when the fire was detected.

Stephen Tatum, fire chief at the time of the incident, says part of the building might have been saved. Scott says community members specifically asked that the fire department not be notified.

Community members say only that they informed Scott that the fire de-

partment could probably do no good. Neighbors who witnessed someone members make the telephone call to report the fire confirm the latter version.

Tatum said that after protesting Scott's failure to notify him of the fire, he met with Josephine County Sheriff Meric J. Fleming and was told that the department units would from that point forward notify fire departments when they learned of a fire.

Josephine County Sheriff Scott said that he had not been given any information that would have been given.

Of unwanted sort

Gay commune gets attention

Story on Page One also

Even in an area that supports as many varieties of counterculture lifestyle as Southwestern Oregon, the gay commune of Creekland is different.

A San Francisco emigre to the Wolf Creek area, [redacted], purchased the lush pasture and forest land for a commune in 1976. Membership fluctuated, but for two years, the residents' chief activity was producing a small, nationally circulated magazine, RFD, (subtitle: "a country faggot journal").

The magazine now is published in North Carolina, and Creekland residents farm and raise animals.

Most residents had trekked to Creekland from the busy gay scene of San Francisco. But whereas many male homosexuals residing in San Francisco affect macho mannerisms and exaggerated maleness, the Creekland residents are devoted to cross-dressing — or drag.

Drag on the streets of San Francisco is common; a man in a dress in the Wolf Creek General Store stands out.

Creekland residents consider the wearing of female clothing on occasion political act, a defiance of sexual roles arbitrarily assigned by society. But some old-timers in Wolf Creek — and even some recently arrived longhairs — may not have been prepared for the sight of a hairy, bearded man in a skirt or an ex-priest dressed as a nun.

Creekland got attention.

At about 10 p.m. Thursday, Jan. 11, Eric Dobbs, who lives with his wife and children in a mobile home near Creekland, heard dogs barking across the road.

The barking seemed to develop in progression, causing Dobbs to speculate that a bear was gradually making its way down the road to the commune area.

4 came convinced that part of the building and some possessions could have been saved. He sent a scathing report to the state fire marshal.

Although Creekland was the most visible gay living arrangement in the area, other gay communes and households have proliferated in the surrounding hills. Fearing other attacks, Tatum advised three households to be vigilant.

Scott continued the investigation. Evidence, he said, included a partial fingerprint on one of the wine bottles and the bottles themselves, which bore the label "T.J. Swann Easy Nights Apple Wine."

Scott says he tried to find out where the wine was purchased, but was unsuccessful since he said it is not sold in any area stores.

In fact, T.J. Swann Easy Nights Apple Wine has been sold since before the first of the year in two small stores in Wolf Creek and in one store in nearby Sunny Valley. Informed last week that the wine is sold, Scott said he did not check the shelves of the stores but called the owners for information.

Baxter says that his department did locate the stores dispensing the wine but that he does not recall whether he told Scott. He says that at any rate, such communication would not be made public.

The commune had been the object of previous harassment. The commune mailbox was knocked down on two occasions. On one of these occasions, neighbors believed they saw a dark pickup truck in the vicinity and informed Creekland residents.

At 2 a.m. the following morning, a child, [redacted], sleeping with his brother and a visitor in a tiny makeshift cabin 20 feet from the commune living area, was awakened by the fire.

He awakened [redacted], and [redacted] who rushed to a neighbor's home and telephoned Josephine County Sheriff's deputy Paul Scott.

Scott rushed to the scene and promptly mired his vehicle in the gushing Wolf Creek, which crosses the dirt road a quarter of a mile from the commune.

He walked the remaining distance and discovered two crude Molotov cocktails on the ground 30 feet from the burning building. Later, a third Molotov cocktail was found in the ruins.

Dobbs was on the scene. He and Scott hiked to a nearby access road where they discovered fresh tire tracks — regular tires in front and bald tires in the rear — and one footprint.

5 Residents of the commune claim that later, an occupant of a dark truck shook a rifle at them in a provocative manner. [redacted], a commune member, took the license number of the truck (registered to a Medford resident whose son resided at one time in Wolf Creek) and says he gave it to Baxter.

Tatum believes fire is the greatest danger to local residents and that every effort should be made to find the arsonist.

Many local residents believe the investigation was inadequate. Says Bob Pugh, who lives with his wife and children in a three-family living arrangement called Lichen, "What I know is that the investigation wasn't enough."

At the Josephine County sheriff's office, Deputy Sheriff John Hancock overheard a reporter for The Oregonian discussing the case with Scott and connected the incident casually with "that bunch of fruits living up there in Wolf Creek."

Asked whether Hancock's language reflects the attitude of the Josephine County sheriff's department toward homosexuals, Undersheriff Jim Carlton said: "No, I don't think there is any validity to that at all. Our county has had counterculture residents for years. I think our officers are sensitive to the victimization of all sorts of people."

Although acknowledging that he is not well-acquainted with the case, Carlton insists the investigation has been conducted thoroughly.

On March 24, the arson case was declared inactive in a report prepared by Scott. Scott says the investigation is continuing, however.

3 Scott did not make impressions of the tracks, photograph them or attempt to preserve them. Dobbs asked the reason for the omission. Scott now explains that because of rain that began falling at approximately the time the fire was set, well-defined footprints, admissible as evidence, could not have been obtained. He apparently did not consider the tracks to be valuable as leads in an investigation.

Early the next morning, Sgt. Gregory Baxter, an arson investigator for the Oregon State Police in Medford, appeared on the scene.

But John Tatum, chief of the volunteer fire department, was not notified of the fire until 3 p.m. that afternoon and did not appear on the scene until 10 a.m. Saturday morning. Even then, the structure was smoldering.

The failure of the sheriff's deputy to notify the fire department infuriated Tatum. He examined the ruins and be-

'Gay bashing' emerges as vicious crime of hard times

By STEVE JENNING
of The Oregonian Staff

Preston, a 34-year-old Portland waiter, had been close to being beaten before, although he had always managed to escape would-be attackers.

But his luck ran out at 3 a.m. Jan. 15 as he walked to his Northwest Portland home following a night of socializing in bars frequented by homosexuals.

Confronted by two men he later described as "middle class-looking guys," Preston was savagely beaten with fists and feet. His nose was broken, his cheek fractured, both eyes were blackened and his forearm was pulled out of its socket.

Two weeks later, the effects of the beating still were evident as he recounted the incident, one that is becoming increasingly more frequent on the city's streets, according to gay rights activists.

A growing national focus on conservative moral values, frustration with a seemingly faltering economy and unemployment have been cited as causative factors for the apparent growth in harassment and attacks against racial and sexual minorities.

Local homosexual organizations estimate the Portland metropolitan area gay population at 100,000, and many of those men and women have been subjected to violent abuse, ranging from property vandalism to murder.

Activist groups are beginning to record these attacks under a new category of crime — "gay bashing."

Interviews with police in Seattle and San Francisco indicate attacks on homosexuals in those cities may be on the upswing as well.

"My feeling is that it's going to be a bad time for a while for these folks," said Dr. Edward M. Cullbach, a Portland psychiatrist. "A renewed growth in neo-Nazism is part of the same problem. The hate-motives are frustrated, angry. Anyone considered deviant is a perfect scapegoat."

"At first, I only saw the guy in the suit," said Preston, who has been advised by the Multnomah County district attorney's office to not reveal his last name. "He walked right up to me and punched me before I knew what was happening. He started making anti-gay remarks — 'Hey faggot,' and things like that."

The man punched me and shoved me into Living Street and assault near 21st Avenue. I was in the darkness, and with men beat their victim until police



Staff photo by Tom Trickett

SATURDAY NIGHT — Sidewalk traffic is heavy near The Embers, downtown, Portland bar acknowledged as city's leading gay-oriented nightclub. There

have been reported random attacks against homosexual men, women near the nightclub; owners say street violence has hurt business.

— summoned by a witness — arrived with stress screaming. "He wouldn't let me alone until he'd gotten a lot of blood," Preston said of his attacker. "I was bleeding badly. I couldn't see for the blood. They wanted to give me a transfusion at the hospital. I was really afraid for my life."

was sure they were going to kill me," he said. "Nothing like that has ever happened to me before." Police took his report, but for many days head injuries prevented Preston from remembering details of the incident. Features of his attackers still remain something of a blur, although

to have survived. In the past year, several Portland homosexuals have been murdered in incidents police believe were related in some way to their lifestyle. In one incident, a gay man was killed in a Burnside-area tavern by two brothers — both heterosexuals. According to

ing to John Gardner, a deputy district attorney familiar with the case, the gay victim was "stomped to death simply because he walked into the wrong (non-gay) bar."

The two attackers were convicted of manslaughter and given 10-year prison terms with 5-year minimums. Following a flurry of apparently random attacks against homosexuals in Laurelhurst Park last summer, "bashers" — many of them teen-agers who according to one police officer consider attacks on gays "a kind of sport" — have shifted their activities to the downtown gay bar and bathhouse district.

On a recent Saturday night, two gangs of youths attacked three men in separate incidents within an hour. All three attacks occurred on the same city block. No arrests were made.

"It was the worse night I've seen in 12 years," according to an employee at The Embers at 739 S.W. Park Ave., one of the city's leading gay-oriented nightclubs.

"It's already affected our business," said Don Strand, the club's manager. "People are afraid to walk through the district."

Gay activists and businessmen said police officers patrolling the district are sympathetic but are too thinly spread to be an effective deterrent.

Although most law enforcement officials interviewed said they are convinced random attacks against homosexuals are increasing, most added that such a trend is nearly impossible to prove because of standard reporting methods.

"We don't normally ask if an assault victim is gay," said one deputy district attorney.

Portland police officers said the most troubling obstacle to deterring gay bashing is the victims' apparent reluctance to report assaults.

Meanwhile, some victims have begun arming themselves and enrolling in self-defense "street-fighting" classes. While police sympathize with homosexuals' attempts to protect themselves, officers said the result could mean further bloodshed.

"If a gay victim or potential victim is carrying a knife, then somebody else is going to come at them with a board," said Det. Michael L. "s." "And if they get a board, so is going to get a gun."

Details on Page B7.

Homosexual assaults produce defensive countermeasures

Story on Page B1 also

By STEVE JENNING

Of The Oregonian Staff

Their methods sometimes seem incompatible, but city officials and members of Portland's homosexual community are both moving to stem the apparently rising tide of random violence against gay men and women.

One gay activist organization, the Safe Streets Alliance, is encouraging gay bar owners and managers to log assaults against customers. If the statistics prove gay nightlife areas to be high assault zones, the activists hope to obtain increased police patrols in the areas.

Posters emblazoned "Report Assaults" have been tacked up next to beer signs in many downtown bars.

Additionally, gay victims are being encouraged to report crimes directly to the police — something homosexuals traditionally have been reluctant to do — and seek aggressive prosecution of their assailants.

Charles Jordan, city commissioner in charge of the Police Bureau, said a liaison officer will be appointed to deal specifically with complainants from the gay community.

Meanwhile, police officers and some gay leaders are concerned that violence will beget violence. Gay men, some of them victims of sidewalk attacks from teen-age groups, are carrying defensive tear gas sprays and enrolling in karate classes. Some, according to police officers, may even be arming themselves with knives and guns.

Leaders in the homosexual community said that while some men now may be carrying weapons, few homosexuals would resort to use of guns or knives. They acknowledged, however, a growing sentiment among homosexuals to fight back against would-be assailants, a situation which one policeman said "could lead to real trouble."

Based on what's happening in other cities, we're concerned about a general trend of more people of all kinds packing guns," said Bill Rhodes, Jordan's executive assistant.

Some gays have enrolled in martial arts classes as a way to protect themselves.

thrown a punch," according to the instructor of one class in Northeast Portland, who asked to remain anonymous.

"The idea is to teach them how to defend themselves. They're not going to take someone's head off when a guy on the street asks them for a match. But let's face it, they're in a special situation. In their case, it's almost like they're being hunted."

Many of the gay men in her course already have been victims of unprovoked, seemingly random street attacks recently in Portland.

The class meets once a week to practice not only self-defense tactics, but to discuss non-violent ways of dealing with verbal harassment or physical threats.

Increased violence against homosexuals became evident last summer in a flurry of assaults against gay men in Lathurist Park.

"These young kids (the assailants) were using boards on the gays who were in the park," said Det. Michael Linehares, an investigator who in August was assigned to follow up on reported assault cases involving homosexuals.

"They'd just walk up to a guy, ask him if he was gay and 'bop,' hit him over the head," Linehares said.

Over a period of several weeks beginning in late July, police logged about 10 assaults, including at least one stabbing, against homosexual men in the park. Each of the assaults was preceded by what one officer called "queer-baiting."

Undercover "decoy" police were assigned to the park in August, but by that time the attacks had subsided, only to begin again downtown.

Linehares said the scope of the homosexual assault problem became apparent to him a few months later during a homicide investigation. The victim, Richard Lee Davidson, was found beaten to death Nov. 5 in his Northwest Portland apartment. Two men later were arrested and charged with the murder. Police said the men had been picked up by Davidson in a homosexual bar.

every one of them seemed to have some kind of personal horror story to tell — many of them still had the bruises to prove it."

When he checked their stories against police records, however, no trace of an assault complaint could be found.

"The gay community demands that we do something, but nobody reports the assaults," Linehares said. "I guess the feeling is that if you're gay, nobody's going to care."

But without the assault reports, there are no statistics that our computer can spit out to justify sending more officers into these areas.

It's my opinion that a lot of gay assaults are happening, and that the numbers are increasing all the time," he said.

Similar reports are cropping up in other West Coast cities.

"The problem with these guys who go into the homosexual neighborhoods in town and harass them," said Lt. Gino Marchetti, a homicide detective with the San Francisco Police Department. "They're young punks, out for a little bit of excitement, I guess."

Seattle Police Sgt. John Gray, another homicide detective, said, "We really don't keep statistics on victims as to sexual preference, but I can tell you that I believe there's been a steady increase (of assaults on gay persons) over the last two or three years."

In Portland, the Women's Crisis Line reported an increase in rape assaults with apparently anti-homosexual overtones. Some women have been told in the course of an attack that they were being raped because it was thought they were lesbians.

"A woman we talked to recently said a rapist followed her out of a tavern and while he attacked her she said, 'I'm going to get all of the lesbians,'" said Josie Torres, a counselor with the crisis center.

Since last fall, the Safe Streets Alliance has attempted to document the scope of assaults against Portland homosexuals.

Larry Whitson, one of Safe Streets' founders, said early reports indicated "major" attacks — injuries requiring hospital treatment or hospitalization —



Staff photo by DALE SWANSON

SELF-DEFENSE — Martial arts students learn defensive maneuvers in Northeast Portland martial arts class. There are reports that homosexuals fearing assaults also have begun carrying tear gas canisters, weapons.

were occurring at the rate of about one per week. With the increase in acceptance by the homosexual community, the reporting project has begun to record an increasing number of major attacks.

"The patrolling police officers also are encouraging people to report attacks," according to David Bennett, another Safe Streets volunteer worker.

"There's still a lingering attitude in some quarters, however, that if a gay man or woman is out on the streets during the evening they're sort of asking for it."

Whitson claimed that some police have a lingering "notion" that gay men have a propensity for attempting to "propose" their attackers. "That's really hard to believe," he said, "given the circumstances of these assaults."

On a recent tour through the gay bar areas of downtown Portland, both club owners and their customers indi-

cated that random beatings had become an accepted element of street life.

A bartender at a South west Park Avenue bar and restaurant, which is patronized by both heterosexuals and homosexuals, said she had not believed the extent of violent activity until recently, when a man was "chased" into the cafe by a marauding band of youths.

"He wasn't gay — they just figured he was," she said. "I guess it's been bad all along, but I've just been made aware of it because all of a sudden it's happening right on my doorstep."

Patrick, a part-time bartender in the district who asked that his last name not be used, described an attack that occurred several nights before.

"It was the second time I'd been assaulted in three weeks," he said. "The first time, they broke my nose. I was just walking down the street, minding my own business, and these guys jumped me."

He described his attackers as "young, teen-agers I guess. There were three or four of them."

Jerry Weller, the executive director of the Portland Town Council, a gay community organization, said he has urged victims who are reluctant to talk with police to contact his group. Like the Safe Streets Alliance, the Town Council is trying to build a case for more street patrols in the gay club district.

"Street violence is a real issue right here in Portland," Weller said at a recent meeting of mental health system professionals. "Because of the rise of groups like Moral Majority (the conservative political organization), young kids believe it's OK to come after us. They are being told that we're something less than human."

WhammetoWeek

VOL. 7 NO. 6 FOR THE WEEK OF DEC. 8-15

4 SECTIONS 50¢

Holiday Gift Guide Inside



GAY BASTARDS

Why are Portland's gay men being attacked on the streets, in the parks and in their homes?



CATHY CHENNE

By Susan C. Orlean

First, it's just a light tap. Then a little harder, a shove. Next comes, invariably, the thug's favorite exhortation: "Hey, you." The ugly turn: "Hey, fag." anything at hand will do—motor-cycle chain, two-by-four, baseball bat, fist.

Or just toss the prey through a plate-glass window. Finally, there's the scramble down the night-draped Portland streets, so quick that the moment is preserved only by the cracked skull or broken arm or bloodied face of the victim. No wonder they call it "stranger-to-stranger violence" down at Central Precinct.

But to Portland's homosexual residents, this kind of violence is no longer a stranger. Since last summer, the city has been racked by random attacks against gay men. Portland police documented 10 anti-gay assaults in Laurelhurst Park in July and August and believe that countless more went

Please turn to page 2

Gay Bashing

Continued from 1

ported Safe Streets Alliance, a gay task-force organized because of those attacks, reports that dozens of other assaults have taken place downtown since cold weather emptied the park; *Williamsite Week's* investigation has uncovered more that have never been reported anywhere.

This, against a backdrop of anti-homosexual violence that has suddenly convulsed nearly every city in the country: The machine-gunning of two gay bars in Manhattan that left two men dead; 13 murders in the predominantly gay neighborhood of East Hollywood this year alone; vicious anti-homosexual attacks in Seattle parks; street violence against gays everywhere.

With the slate-gray days of November have come the final steps toward panic: On Nov. 5, only one day after a sweep of candidates skated into office on anti-gay platforms, the body of a gay man, Richard Lee Davidson, was found in his Northwest Portland apartment. He had been beaten to death. Two weeks later, another gay man was nearly beaten to death in his Multnomah County home.

Portland's gay community is braced in fear. Few believe the violence is anything less than a dramatic shift in the national mood toward an anti-gay antagonism, reinforced by the rise of the New Right, and egged on by the growing visibility of the gay community. But like rape victims, many gay men have

an emotional thicker to break through before they can enlist help in their private street war, including fear of the police, of ridicule, of public exposure of their sexuality. The police, anxious to stave the swell of violence, are frustrated and helpless without the necessary cooperation from victims.

As long as this stalemate continues, homosexuals will be forced to fend for themselves. Already, according to many gay men we interviewed, Portland's gay community is arming with tear gas, whistles, razor blades, and even knives, while dreading that such precautions will only increase violence. Safe Streets Alliance is trying to contain the violence by posting information to check the rumor mill, encouraging police reports in an effort to speed police involvement, and holding self-defense classes for gay men designed especially to deal with the vulnerability and emotional tangle of this ingrown community.

Through the park darkly

Laurelhurst Park, on a bright July day, is easily one of the city's loveliest spots. In an affluent Southeast neighborhood, it seems an unlikely set for violence.

But Laurelhurst has a secret life. It harbors a lively narcotics trade, and one end of the park is a well-trod meeting place for gay men. Many come looking for a pick-up; most just dawdle on their turf much as the druggies and teen-age make-out artists do on theirs.

Chuck Cline liked to hang around the park. He was sitting alone in a favorite spot in the gay part of Laurelhurst, smoking a cigarette; it was 11 pm on



CATHY CHENEY

Larry Whitson organized Safe Streets Alliance after being harassed in Laurelhurst Park

July 21, one of the hottest nights of the summer. Even at that hour, it was nearly 100 degrees. He remembers that three young men approached him and asked for a smoke. When he handed them his pack, he was struck on the head by something—probably a billy club or a two-by-four—that knocked him cold, and was beaten with it six or seven times more. When he came to, three hours later, he had a severe concussion, double vision, a deaf ear, a gashed foot, and little idea of what had happened. His heavy gold jewelry hadn't been touched.

"I can't remember much," Cline says. "I just remember they were wearing football jerseys."

William Fletcher would be lucky to remember even that much. He, too, was in Laurelhurst Park on a late July night when he was beaten senseless. He

lay in critical condition in Providence Hospital for 13 days with a concussion so serious that he is completely amnesiac about the attack. He had to learn to speak, read, and write all over again. Today, nearly six months later, he is still in speech therapy trying to compensate for his injury.

Larry Whitson was in the park with friends on the night Cline was assaulted. "We were approached by three kids with clubs who said, 'We're out to clear out the queers,'" he recalls bitterly. "They spent 10 minutes harassing and threatening us and finally left." After Cline had made a police report

and the East Precinct police had put the pattern of anti-homosexual assaults together, a special unit was organized for the park. Starting on Aug. 4, four extra uniformed officers cruised the perimeter of Laurelhurst, and two detectives went undercover as gay decoys in hopes of encouraging an attack. But by then, the approach of the end of summer had affected activity in the park and the attacks fell off of their own accord. Nevertheless, the Detective Division's Laurelhurst Park notebook was already bulging with reports of 10 assaults, each of which was preceded by a few dire minutes of "queer-baiting"—humiliating harassment. Although some property was taken, robbery never appeared to be the prime motive in any attack.

"This was just a group of young men looking to beat up gays," says Capt. Norman Reier of East Precinct. "A group of sadistic idiots."

Detective Michael Linhares, who worked on the park investigation, says he found "a bunch of suspects and a ton of leads," but could never find a victim who could positively identify his assailant. He figures the attacks were being made by about eight young men, and even though the scenarios in each case are nearly identical, he says they were not necessarily committed by the same group of people. Just people with the same idea of how to get late-summer thrills: Beat up a fag.

By October, the action had moved downtown. The attacks center on the area stretching from Southwest Taylor and Broadway to Burnside and 12th Avenue, where gay bars, steam baths and nightclubs have created a busy gay cruising strip. Gay men have been punched in the face while waiting at bus stops; have had their arms broken while walking to their cars, their ribs busted while strolling with their friends. In each case, it's obvious that the assailant sought to attack a homosexual.

The police, while acknowledging that the anti-homosexual attacks are taking place, complain that it's nearly impossible to know how many there are. "There's no box that you check for sexual preference on a police report," says Detective Linhares. "We could have thousands more [anti-homosexual assaults] up here and not even know it. And who knows how many more aren't even reported?"

Most of the downtown attacks follow the blueprint of this summer's Laurelhurst spree. But there have been brutal exceptions. For instance, a gay man was chased by a careful of youngsters when he refused their invitation for "a good time." They threw him through a plate-glass storefront window.

Even grimmer are two attacks that left one gay man dead and another barely alive. They are unusual because they took place in the victims' homes rather than on a street or in a park. But in a small community already shaken by random, violent attacks, they are enough to make a lot of people nervous.

Richard Davidson, 47, was familiar to the smallish clan of Portland gays. He was last seen alive leaving the J and J Tavern on West Burnside Street with two young men. His beaten body was found on Nov. 5 in his apartment.

On Nov. 18, the Multnomah County sheriff received a frantic call from a person who had found a naked and bleeding man on his porch in East County. The bleeding man, Steven Mansell, was incoherent when deputies arrived. He was taken to Portland Adventist Medical Center in critical condition. All that is known is that Mansell was beaten in his home after picking up a young man downtown.

On Nov. 19, Howard Clifton Sparklin, 24, and David Andrew Taylor, 18, were picked up in Eugene on forgery charges, having used Mansell's credit cards. At 2 pm on Dec. 3, Sparklin was secretly indicted by a Multnomah County grand jury on charges of murder, felony murder, and robbery in the death of Richard Davidson. He stood mute at the indictment, and the court entered a plea of not guilty. The charges carry a maximum penalty of death. David Andrew Taylor was arraigned in the county Circuit Court on the charge of the attempted murder of Steven Mansell.

The Davidson murder shocked Portland's gays: It's one thing to get punched in the nose, it's another to be beaten to death by someone you invite into your home. It's now a race to get armed before you get attacked.

"I know people carrying knives, razor blades, more weapons than I care to think of," says Tom Van Petten, a gay man who has been attacked twice this fall. "It will keep escalating until someone buys a bullet. It's not that I'm just worried about some fairy buying it from a straight man, but that two queens will get into it and cut each other up."

Kip Craig and Larry Whitson organized Safe Streets Alliance in August after Whitson was harassed in Laurelhurst Park. Whitson explains that the group has been formed in an effort to educate the community, provide information about self-defense, give victim support, promote reporting harassment and crime to the police, and work with

them to stem the wave of attacks. So far, they've posted information signs in many gay bars and handed out notebooks to the bartenders to encourage them to record incidents and rumors.

Last week Safe Streets was awarded a \$1,000 grant from the Sitka Fund, a trust that supports alternative groups. Whitson and Craig were ecstatic—the grant was twice what they had asked for.

They are less ecstatic when they talk about federal Law Enforcement Assistance Administration monies their sponsor, Neighborhoods Against Crime, has tried to get for them from the police department. The \$990 request would pay for posters, more notebooks, and scholarships of \$25 to the gay self-defense class that began in North Portland last week. The police liked the posters and the notebooks, but when it came to self-defense classes, the project hit a snag.

"The police don't want to provide self-defense classes for men as a policy," says Lt. Chuck Karl of the Crime Prevention Unit. "We put on self-defense classes for women in order to reduce their unique vulnerability to sexual assault. It's worked, and Portland's rape rate has gone down 14 per cent. But training men how to fight isn't keeping the peace. We think an avoidance response is more appropriate than an aggressive one in male-to-male confrontations."

Safe Streets Alliance disagrees; its organizers have gone ahead with the classes, even without the money. But Craig and Whitson are reluctant to gripe, because they expect to receive the remainder of the funding, and consider their relationship with the police an abiding concern.

"This is not a vigilante group," Craig says firmly. "We've decided that we want gay people to be part of the community, and that means going to the police. We don't want to set up pitched battles in 'gay zones' against straights. We feel pretty lucky to be dealing with a city and a police force that have a responsible reputation."

Whatever their reputation, the Portland police haven't yet been able officially to document a special problem with anti-homosexual assaults because of the lack of reporting.

Although the victims we interviewed all thought the Portland police had been professional and polite, homosexuals' reluctance to deal with the police remains hard to shake. One assault victim, when interviewed by undercover decoy officers in the Laurelhurst operation, mistrusted them so much that he thought they were in the park to arrest gay men on morals charges.

At least homosexuals in Portland are better off than those in many other cities, including Los Angeles, where there is longstanding animosity between the gay community and the police, making any problems of violence against homosexuals apparently unsolvable. But police here are just beginning to realize the extent of the situation.

"Nearly every gay witness I interviewed in the Davidson murder case had been assaulted," Linhares says, shaking his head. "And nine out of 10 hadn't reported it."

The rise in anti-homosexual violence is especially troubling in light of the fact that it follows nearly 10 years of increasing social and legal advances for gay men and women. But, according to a Portland psychologist, it also fits a neat sociological pigeonhole.

"Groups who are different are often subjected to harassment in times of economic instability," says Christine Arthur, a psychologist and therapist with Multnomah County's Southeast Mental Health Clinic. "People who hold traditional values expect to be rewarded for their conformity. It's hard for men, if they're out of work, for instance, to maintain their masculine identity. So they establish it by beating up gay men."

Arthur also notes that during political swings to the right, harassment of minorities increases with tacit permissiveness. That political swing has much of Portland's gay community worried, not only on the national level, but as the new administration moves into City Hall as well.

One thing is clear: Those 10 years of advances have left most homosexuals determined not to return to the closet.

"We've become a pet issue with the Moral Majority," laughs Roger Winters, co-president of the Dorian Group, Washington State's largest gay organization. "We're almost looking forward to confronting that homophobic challenge."

But although to some it may present a political challenge collectively, gay bashing, as it's called, is an ugly, emotionally debilitating crime on an individual scale. Many victims undergo therapy to help heal psychological wounds that persist long after their bones and bruises mend. Some, like Van Petten, who was attacked twice, begin to develop "victimization complexes," blame themselves for the attack.

"When I watched the police beat up the guy who hit me in order to cuff him, I was stunned," he recalls. "I suddenly started thinking that maybe someone who really hates me that much had a good reason for it."

Others, like Cline, who was attacked in Laurelhurst Park, can hardly bear to think about the experience. Until he was assaulted there, he had frequented the park. After the attack, on his way home from making his police report, he decided to try to find his stolen wallet in the park. He walked to the spot where he had been beaten and immediately became violently ill.

"I just can't ever go back to that park," he says quietly. "I guess I just feel I wasn't given a very fair deal." •

TESTIMONY ON HOUSE BILL 2479

BEFORE THE HOUSE JUDICIARY COMMITTEE

APRIL 23, 1981

My name is Donna Dugger. Thank you for allowing me to testify before you this evening. In February of this year I was returning from a trip to the store. A car with two men cruised by me shouting sexual innuendos. They circled the block and intercepted me at the Park Block area next to the Paramount. I tried to get away from them by walking away. They drove the car rapidly in reverse towards me. One of the men jumped out and while running towards me he was shouting "You faggot, you punk-- you want to fight, I'll show you how to fight faggot." At that point both men were attacking me. One was holding me and the other was hitting me. A male bystander came to my rescue and was also attacked. He was choked. One of the attackers returned to the car which was left in the middle of the intersection and pulled out a sawed off shotgun that was covered by a newspaper. He aimed it in a threatening way at me and the group of 6 people who watched the incident and did not help. I was interviewed by police at the scene. Police were given description of both men, the auto license number, and witness names and phone numbers. I was transported by police to the YWCA and then went to Good Samaritan Hospital. I suffered a concussion and lower back soreness.

TESTIMONY BEFORE THE HOUSE JUDICIARY COMMITTEE
PEARL SPEARS GRAY - Chairperson, Governor's Commission on Black Affairs
April 23, 1981

Racially motivated violence is on the increase all over the nation. Violence aimed toward persons of a particular religious group is also on the increase.

In Utah, two Black joggers were fired upon by a white person who had been a member of the American Nazi Party. In Salem, a swastika was painted on an apartment building in which an Oregon Senator and an administrator of a state agency, who are Black, have apartments.

For years, violence perpetuated against Blacks, Native Americans, Hispanics, Asians, and persons of different religious groups was tolerated, even condoned, by the laws of this nation. The period of Jim Crow has supposedly passed into history and is frequently referred to as a manifestation of the beliefs of a few being actualized.

Those of us who were and still are the victims of that nationally organized, misguided few must be on constant alert against their reappearance.

The crimes against Black men in Buffalo, New York, this year and in other places and the resurgence of the Ku Klux Klan are serious indicators that action should be taken to stop such behavior and form a basis for deterring such actions.

The Governor's Commission on Black Affairs urges this committee to pass a bill which would make it a crime to intimidate and/or harrass another person based on race, color, religion, ancestry, or national

MEASURE SUMMARY

Makes the act of intimidation or aiding, abetting, inciting or conspiring with others to intimidate a Class C felony, when the basis for such conduct is another person's race, color, religion, ancestry or national origin. Creates a civil cause of action and provides for recovery of actual and punitive damages, plus reasonable attorney fees and costs, and equitable relief as the court deems appropriate. Provides for minimum damages of \$500. Makes parent or legal guardian legally liable for any civil judgment recovered against unemancipated minor. Authorizes Attorney General or district attorney to bring independent civil suit to restrain or prevent violation of Act.

SECTIONAL AMENDMENTS TO HB 2479

SECTION 1. No person, by word or conduct directed against another person or another person's property, shall intimidate, or aid, abet, incite or conspire with others to intimidate, such other person by reason of that person's race, color, religion, ancestry or national origin.

SECTION 2. As used in this Act, "intimidate" means to place or attempt to place another person in fear, by means of:

(a) Threatening imminent serious physical injury to that person or that person's family; or

(b) Defacing, tampering with, interfering with, damaging or destroying that person's property.

SECTION 3. The destruction of crosses or other religious symbols or the use of swastika markings or derogatory racial, ethnic or religious epithets, when directed against another person, shall constitute prima facie evidence that such words or conduct were undertaken by reason of that person's race, color, religion, ancestry or national origin.

SECTION 4. Any person who is the subject of intimidation as the same is defined in Section 1 of this Act may institute a claim for relief in an appropriate court against any person responsible therefore to recover actual damages or \$500.00, whichever is greater, and punitive damages, not to exceed \$10,000.00. The court may award other equitable relief as it deems necessary or proper; plus reasonable attorney fees

and costs. The parent, parents or legal guardian of an unemancipated minor shall be liable for any judgment recovered against such minor under this section. Conviction of the crime of intimidation under Section 1 of this Act shall not be a condition precedent to the bringing of a claim for relief against any person liable under this section.

SECTION 5. If the Attorney General or any district attorney has reasonable cause to believe that any person or group of persons is engaged in a pattern or practice involving or leading to a violation of Section 1 of this Act, the Attorney General or district attorney may bring a civil claim for relief in the appropriate court, setting forth facts pertaining to such pattern or practice, and request relief as may be necessary to restrain or prevent such violation. Any claim for relief under this section does not prevent any person from seeking any other remedy otherwise available under law.

SECTION 6. Violation of Section 1 of this Act is a Class C felony.

OFFICE HOURS: 9 TO 5 AND BY APPOINTMENT
MONDAY THROUGH FRIDAY



Tom Cunningham
President

Service Employees International Union

LOCAL NUMBER 49, AFL-CIO

3653 S. E. 34th AVENUE
PORTLAND, OREGON 97202



HOUSE JUDICIARY COMMITTEE
Subcommittee 1
Exhibit L, HB 2479 1 page
Walter Backstrom April 23, 1981
Service Employees International
Union, #49 Testimony



MARTELL F. BLAKE,
Secretary-Treasurer

TESTIMONY IN SUPPORT OF H.B. 2479 GIVEN ON 4-23-81

My name is Walter Backstrom, I am the Research Director for Service Employees International Union, Local 49 and a member of A. Philip Randolph Institute. I am here today to testify in support of House Bill 2479. I think it is extremely important that this piece of legislation be passed because the Union I represent, the 7th largest in the AFL-CIO has always believed that you should not harass or intimidate a person based on the color of their skin, religion or national origin. We live in a multi-racial democratic society and if the civil rights of one person is infringed upon based on his/her race then I submit to you that the rights of all americans are infringed upon. I strongly urge this committee to put the state of Oregon and this legislature on record as condemning racial harassment wherever it is found.

OREGON FC

Spring, 1981

HOUSE JUDICIARY COMMITTEE
Subcommittee 1 12 pages
Exhibit M, HB 2479
Frank A. Wilson
Testimony
April 23, 1981

Occasional Paper Series

NO. 9

Stemming the Tide of Racial and Religious

Intimidation in Oregon

This paper prepared by:

Frank Wilson, Attorney in Private Practice,
Portland, Oregon

Former Assistant U. S. Attorney and Member of
Governor's Commission on Black Affairs

America is witnessing a resurgence of private organizations and groups, such as the Ku Klux Klan and the Nazi Party, which advocate racial and religious intolerance and encourage violence and strife between the white majority and various minority groups in this country. The state of Oregon is experiencing a tragic rise in the number of violent incidents and episodes of harassment and intimidation directed at racial and religious minorities.

The First Amendment to the United States Constitution commands that there shall be no law abridging the freedom of speech. This Amendment protects all of us from those who seek to stifle free speech and ideas -- political, religious, or other ideas. While we cannot constitutionally, and should not, prevent advocacy of any concepts, even those which we morally condemn, unless that advocacy is coupled with violence or other breaches of the peace, we need not encourage the spirit of reprehensible concepts by our silence or inaction.

We can discourage this type of advocacy by enacting a statute which prohibits action intended to deprive persons of the free exercise of their constitutional rights because of race or religious affiliation. The statute would also be a statement to the effect that Oregonians find racial and religious harassment patently offensive and unacceptable.

This paper provides a suggestion for a statute which could be enacted and is meant to serve as a guide for those who will make serious attempts to enact legislation prohibiting racial and religious harassment.



The Institute for Policy Studies
Portland State University
P.O. Box 751
Portland, Oregon 97207
(503) 229-4962

STEMMING THE TIDE OF RACIAL AND RELIGIOUS INTIMIDATION IN OREGON

There is a tide of growing racial¹ and religious intimidation sweeping across America that has crossed Oregon's borders. Nazis and neo-nazis marching in the streets of our cities and suburbs, Ku Klux Klansmen armed, marching and openly recruiting our youth; a Miami jury acquitting four white policemen of the beating death of a black insurance salesman; cross-burning; police and opossums²; hate literature advocating open hunting season on Mexican-Americans, are all recent examples of the growing mood in America and Oregon of the rising intolerance toward racial and religious differences. We all pray that this intolerance is advocated only by the few. Nevertheless, this tide of intolerance strikes at the heart of what is good in Oregon and America -- freedom from persecution -- and must be stemmed. A beginning is legislation aimed at prohibiting actions by individuals or groups that roam beyond the realm of protected free speech, or other constitutionally protected activities and result in injury or destruction of property all because of a person's skin color or religion.

The Governor's recent proposal to make racial or religious intimidation a Class C felony is a step in the right direction. What must be added to the Governor's proposed law are meaningful remedies for the victim and for society. This paper will explore an alternative proposal to provide those meaningful remedies.

Governor's Proposal

Section 1. Section 2 of this Act is added to and made a part of ORS 163.165 to 163.205.

Section 2. (1) A person commits the crime of intimidation if, intentionally and with intent to intimidate another person because of such other person's race, color, religion, ancestry or national origin, the person:

- (a) Causes physical harm to the other person;
- (b) By word or conduct, places, or attempts to place, the other person in fear of imminent physical harm; or
- (c) Tamper with, interferes with, damages or destroys the property of the other person.

(2) Intimidation is a Class C felony.

The Governor's proposed statute essentially makes it unlawful for one person, who, with knowledge of another's race or religion, physically injures another person or threatens physical injury, or damages or interferes with another person's property. This prohibited activity is called intimidation and would be made a Class C felony³ under Oregon Law.

While the Governor may be sincere in his attempt to stem the tide of racial and religious harassment in Oregon⁴, his proposal falls short of the mark. It perpetuates roadblocks to enforcement of laws designed to protect us by continuing to leave discretion for prosecution in the hands of District Attorneys and by not providing remedies that victims can pursue, irrespective of action taken or not taken by federal, state or local authorities.

Proposed Alternative Statute⁵

INTIMIDATION AND HARASSMENT

Section 1. The following Sections of this Act are added to and made a part

of ORS 163.165 to 163.205.

Section 2. A person commits the crime of intimidation and harassment if, intentionally, knowingly, or recklessly, because of another person's race, color, religion, ancestry or national origin, and with intent to deprive any person of the free exercise or enjoyment of any right or privilege secured to that person by the Constitution or laws of the United States or the State of Oregon, the person:

- (a) Causes physical injury to the other person;
- (b) By words or conduct places, or attempts to place, the other person in fear of imminent physical injury;
- (c) Engages in a course of conduct or repeatedly commits acts which serves no legitimate purpose and which seriously alarms the other person, or results in emotional distress or mental anguish to the other person;
- (d) Publicly insults another person, by the continuing use of abusive or obscene words or gestures or by the use of an inflammatory symbolic gesture, in a manner likely to provoke a violent or disorderly response; or
- (e) damages, destroys, tampers or interferes with the property of the other person.

Section 3. The District Attorney in the appropriate jurisdiction shall present complaints under this Act to a Grand Jury and shall give the victim or victims a reasonable opportunity to make a statement before such Grand Jury.

Section 4. Irrespective of any criminal prosecution brought under this Act,

or the outcome of such prosecution, any person or persons, or any other person who aids, abets, incites, or conspires with any person, who commits any act in Section 2 is liable to the victim or victims in a civil action for each and every offense for actual damages, punitive damages up to ten thousand dollars (\$10,000), and if serious physical injury results treble actual and punitive damages, and the costs of suit and reasonable attorney fees. One-half (1/2) of any punitive damages shall go to support the Oregon victims compensation fund. In the case of multiple offenders, damages, actual and punitive, may be apportioned among them.

Section 5. Remedies under this Act shall be independent of and in addition to other remedies or procedures that may be available to the aggrieved person or persons.

Section 6. Intimidation and harassment is a Class C felony.

The proposed Alternative Statute, Intimidation and Harassment, while having criminal prohibitions similar to those proposed by the Governor, adds two additional sections. The first mandates that certain action be taken by the local District Attorney. The second provides meaningful redress for the victims.

Section by Section Analysis of the Proposed Alternative

Section 1 makes Intimidation and Harassment part of the Oregon Criminal Code under the section relating to assault and other crimes against persons.

Section 2⁶ designates the crime as intimidation and harassment because

Intimidation is defined as "making timid" or "inspiring with fear"; and harassment is defined as "to trouble with repeated attacks" or to "disturb persistently".⁷ Racial and religious minorities in Oregon are being troubled by, among other things, repeated attacks that inspire them with fear as well as isolated incidents which cause harm.

Section 2(a), "causes physical injury to the other person", is taken almost verbatim from ORS 163.60, assault in the fourth degree. Assault in the fourth degree is a Class A misdemeanor under Oregon Law.⁸

Section 2(b), "by words or conduct places, or attempts to place, the other person in fear of imminent physical injury" is ORS 163.190, Menacing, with only physical injury necessary as opposed to serious physical injury which is necessary under the menacing statute. Menacing is a Class A misdemeanor.

While Assault in the fourth degree and Menacing are Class A misdemeanors under Oregon Law, when the intent is to deprive persons of their civil rights, any physical injury or threat of imminent physical injury is enough to make it a Class C felony, as in the Proposed Alternative statute.

Section 2(c), "engages in a course of conduct or repeatedly commits acts which serves no legitimate purpose and which seriously alarms the other person, or results in emotional distress or mental anguish to the other person", is aimed at prohibiting repeated acts of racial or religious intimidation directed at a specific individual: harassing telephone calls, hate mail, shouting obscenities or other abusive language while driving back and forth in front of a person's home, are examples of the proscribed behavior.

Section 2(d), "publicly insults another person, by the continuing use

of abusive or obscene words or gestures or by the use of an inflammatory symbolic gesture, in a manner likely to provoke a violent or disorderly response" would prohibit public intimidation by the use of so-called fighting words which invites a violent response; and would prohibit cross-burnings or the use of swastikas or similar activity directed at a specific individual, whether on public or private property.

Section 2(e), "damages, destroys, tampers or interferes with the property of the other person", is taken from ORS 164.345 and 164.354, Criminal Mischief in the third and fourth degrees, Class C and A misdemeanors, respectively. This section prohibits interference with or injury to a person's property.

Section 3 attempts to insure that racial and religious intimidation and harassment complaints will be pursued by District Attorneys. By mandating that the District Attorney shall present all complaints to a Grand Jury, the District Attorney is relieved of responsibility for making the prosecutive decision. Thus, victims will have more assurance that their complaints will reach a Grand Jury, and District Attorneys will not suffer politically for having done so. Allowing the victims to testify before the Grand Jury will insure that the victims' side of the story will be heard by the Grand Jury and that the Grand Jury's prosecutive decision will not be based solely on police reports or testimony.

The civil remedies provision, Section 4, would allow the victims an opportunity to bring a civil action against the defendant regardless of criminal prosecution. This gives the victims a remedy independent of and unrelated to criminal prosecution. The absence of criminal prosecution is often caused by circumstances which have no bearing on civil suits:

lack of sufficient evidence which is admissible in a criminal trial, a Grand Jury unsympathetic to crimes involving civil rights and racial or religious minorities, or a recalcitrant District Attorney. This civil remedy section would be the most meaningful redress available to victims.

Although some acts of racial and religious intimidation and harassment might also violate federal civil rights laws⁹, the machinery of the federal government is slow to move; and by and large only certain activities are expressly protected by federal law -- voting, school attendance, traveling, using public accommodations or entertainment facilities, and housing¹⁰, to name a few. Acts of racial or religious intimidation and harassment which do not involve federally protected activities might not be covered by federal civil rights laws, or any other federal laws. Further, the availability of federal criminal prosecution suffers from the same drawbacks presently inherent in state criminal prosecutions: discretion for prosecution in the hands of the prosecutor and the need for evidence which is admissible in a criminal trial.¹¹

The availability of actual and punitive damages, as well as treble damages, is to insure that the victim has an opportunity to be compensated for the injury. Allowing costs and attorney fees to be awarded to the victim is an incentive for the legal community to get involved in situations where victims cannot afford the costs of litigation or attorney fees.¹² Providing that one-half of any punitive damages shall go to support the Oregon victims compensation fund, will provide financial support for the fund, and free people of the notion that the statute can be used for purely personal gain, rather than to redress legitimate civil rights violations stemming from a person's race or religious affiliation.

Section 5 provides that the remedies under the Act can be used irrespective of other legal remedies, whether criminal or civil, federal or state.

While Section 6 makes intimidation and harassment a Class C felony, it must be remembered that Oregon courts, with exceptions not applicable here, can convert any Class C felony to a Class A misdemeanor for almost any reason. A court will usually do this when the court, considering the nature and the circumstances of the crime and the defendant, believes it would be unduly harsh to sentence the defendant for a felony.¹³ When, because of the egregious nature of the intimidation and harassment to the victim, it is necessary to treat the defendant harshly, the courts will have authority to do so.

Conclusion

The First Amendment to the United States Constitution provides: "Congress shall make no law . . . abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble". Freedom of Speech has a preferred position in the rights given to us by the Constitution. It has a preferred position because freedom to articulate ideas -- political, religious, or otherwise -- is a cornerstone of American democracy.

The Proposed Alternative Statute is not designed nor should it be used to restrict free speech or any other constitutionally protected activity. While we have the right to voice opinions and ideas which are unpatriotic, disrespectful, defiant, or even patently offensive to the community, no one has the right to advocate immediate violent, lawless

action against a specific individual or to enter onto a person's property and invade his privacy with offensive or abusive language or acts, with intent to deprive that person of the free enjoyment of any rights secured by the Constitution.

This paper is not meant to provide the definitive statute dealing with racial or religious intimidation and harassment. It is offered as food for thought for those who are responsible for drafting the statute.

"Legislatures, local authorities, and the courts have for years grappled with claims of the right to disseminate ideas in public places as against claims of an effective power in government to keep the peace and to protect other interests of a civilized community."¹⁴

In the final analysis, it is the courts that will have to determine whether a particular section of any statute crosses over the bounds of protecting people from injury and into the arena of constitutionally protected free speech or activity. But this should not prevent us from attempting to outlaw verbal and physical acts of intimidation and harassment intended to deprive people of the free exercise of rights secured to them by law. Inaction at this time will only fuel the seeds of destructive elements in our community which threaten to dissolve a principle basic to American democracy: freedom from persecution.

FOOTNOTES

1. Race or racial is used herein to include race, color, ancestry, or national origin.
2. Basic personal safety and freedom from intimidation usually is assured by the peaceful habits of most of us and a police force which seeks to prevent or control the use of force or violence and to protect us from lawless action. How far down the road to de facto apartheid are we if our protectors become our persecutors.

Where there may be attempts to use this statute against the very persons it is designed to protect -- white policemen using it against black defendants who resist lawful or unlawful arrests and insult the policemen -- it will be up to the Grand Juries, District Attorneys, and courts to reject this type of abuse. Abuse of criminal statutes is a problem inherent in the criminal justice system and one which is dealt with on a daily basis. Policemen have broad discretion in determining what statute a person is charged with violating, and prosecutors have broad discretion in deciding which crime a defendant will end up being prosecuted for.
3. A Class C felony has a maximum prison term of not more than five years. ORS 161.605.
4. The Governor presently has before the Legislature bills to create a Commission for Black Affairs and a Commission for Hispanic Affairs. These commissions, coupled with a racial harassment statute, would provide at least two additional minority classes in Oregon with more meaningful participation in state government and additional protection from violence and intimidation and harassment.
5. On March 12, 1981, a version of this alternative statute was presented to the Committee on Aging and Minority Affairs of the Oregon House of Representatives for their consideration.
6. Intentionally, knowingly, or recklessly are defined in ORS 161.085, and are used in this section with that meaning.
7. See Random House Dictionary of the English Language, Unabridged Edition (1979).
8. A misdemeanor has a maximum prison term of not more than one year.
9. The federal criminal civil rights provisions are contained, in part, in Title 18, United States Code, Section 241, et seq.
10. See Fair Housing Act, Title 42, United States Code, Section 3631.

11. For instance, while statements made by defendants after arrest, or evidence seized by the police might not be admissible in a criminal trial, because of illegality in the arrest or search, nonetheless, that same evidence would be admissible against defendants in civil actions brought by victims.
12. See ORS 30.860 and 30.820 for similar provisions allowing for treble damages and attorney fees.
13. ORS 161.705 and 161.585. For instance, reduction to a misdemeanor would be appropriate where the defendant was a first offender, where no serious injury resulted, and where the court believed that the defendant realized that his actions were wrong.
14. Concurring opinion of Justice Frankfurter in Niemotko v. State of Maryland, 340 U.S. 268, 373 (1951). See also Chapinsky v. State of New Hampshire. 315 U.S. 568, 571-72 (1942), "There are certain well defined and narrowly limited classes of speech, the prevention and punishment of which has never been thought to raise any Constitutional problem. These include the lewd and obscene, the profane, the libelous, and the insulting or 'fighting' words -- those which by their very utterance inflict injury or tend to incite an immediate breach of the peace. It has been well observed that such utterances are no essential part of any exposition of ideas, and are of such slight social value as a step to truth that any benefit that may be derived from them is clearly outweighed by the social interest in order and morality. Resort to epithets or personal abuse is not in any proper sense communication of information or opinion safeguarded by the Constitution, and its punishment as a criminal act would raise no question under that instrument." [footnotes and citations omitted]

BILL FOR AN ACT

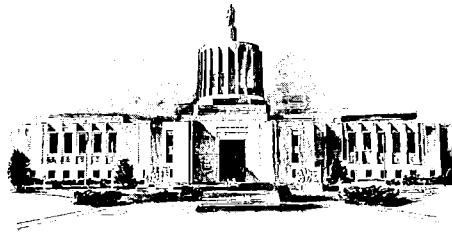
(Addition to ORS 161.450-161.485)

Conspiracy to Intimidate

- (1) A person is guilty of the crime of conspiracy to intimidate if that person agrees with one or more persons to commit the crime of Menacing as defined in ORS 163.190; or the crime of Harassment as defined in ORS 166.065; or the crime of Criminal Mischief as defined in ORS 164.345.
- (2) Conspiracy to Intimidate is a:
 - (a) Class C Felony if the object of the conspiracy is to menace another person;
 - (b) Class A Misdemeanor if the object of the conspiracy is to Harass another person;
 - (c) Class B Misdemeanor if the object of the conspiracy is to commit Criminal Mischief against another person.

Chairperson:
REP. WALLY PRIESTLEY
Vice-Chairperson:
REP. JOHN SCHOON

Staff:
DICK WILSON
Committee Administrator
CONNIE FRITZ
Committee Assistant



HOUSE COMMITTEE ON
AGING AND MINORITY AFFAIRS

Room 453A, State Capitol
SALEM, OREGON 97310
378-8816
Toll Free 1-800-452-7813

April 7, 1981

HOUSE JUDICIARY COMMITTEE
Subcommittee 1 1 page
Exhibit O, HB 2479
Steve Griffith
Legal Counsel
Testimony April 23, 1981
REP. MAX RIJKEN
REP. GEORGE TRAHERN

TO: Representative Tom Mason, Chairperson
House Judiciary Committee

FROM: Representative Peg Jolin *PJ*
Representative George Trahern *GT*

RE: Minority Report No. 1
HB 2479 - Governor Atiyeh's Harassment Measure

The bill is intended to prohibit racial/religious harassment, which is on the rise in Oregon. However, the items addressed are already a crime in Oregon. A legislative resolution abhorring harassment in Oregon would be a better solution. The alternative solutions/amendments proposed would, in our opinion, seriously restrict a citizen's rights of freedom of speech and due process, and are restrictive of civil liberties.

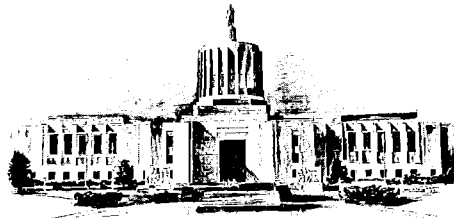
We recommend that HB 2479, relating to racial harassment, not be passed as written.

cf

*P.S. I do however support the intent of the majority report if new legislation is created
Peg Jolin*

Chairperson:
REP. WALLY PRIESTLEY
Vice-Chairperson:
REP. JOHN SCHOON

Staff:
DICK WILSON
Committee Administrator
CONNIE FRITZ
Committee Assistant



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April 7, 1981

HOUSE JUDICIARY COMMITTEE
Subcommittee 6 pages
Exhibit P, HB 2479
Steve Griffith
Legal Counsel April 23, 1981
Proposed amendments
REP. MAX RIJKEN
REP. GEORGE TRAHERN

TO: Representative Tom Mason, Chairperson
House Judiciary Committee

FROM: Representative Wally Priestley, Chairperson *WSP*
Representative Shirley Gold *S.G.*
Representative Jeannette Hamby *J.H.*
Representative Max Rijken *M.R.*

RE: Majority Report
HB 2479 - Governor Atiyeh's Harassment Measure

Thank you and your Committee Members for affording our Committee an opportunity to review the subject bill. We did receive much good testimony and the attached Amendments contain the recommendations of the Majority of our Committee. Also, see two Minority Reports also submitted.

In summary, the following observations are for your information:

1. Recent occurrences of harassment and/or intimidation justify statutory attention.
2. HB 2479 needs strengthening to accomplish the objectives.
 - A. The measure shall remain confined to racial and religious harassment and/or intimidation.
 - B. A section adding civil penalties and attorney fees needs to be included.
 - C. Investigation by the State Attorney General and State Police would insure action on complaints.
 - D. A clearer definition of acts of harassment and/or intimidation is needed.

April 7, 1981

TO: Representative Tom Mason

-2-

E. There are concerns about the constitutional problems in the original bill and the proposed amendments that need to be addressed. We leave it to your excellent and proven legal expertise to remedy those constitutional problems.

Again, thank you for allowing us to review this measure.

cf

Attachments: HB 2479
Proposed amendments
Frank R. Gruber letter

OFFICE OF THE LEGISLATIVE COUNSEL
S101 State Capitol
Salem, Oregon 97310

March 24, 1981

To: House Committee on Aging and Minority Affairs

From: Frank R. Gruber, deputy Legislative Counsel

I have been asked to prepare, and have prepared, amendments to HB 2479. These were requested by your committee, and I have delivered them to Mr. Dick Wilson, committee administrator.

I was not requested to make a legal assessment of the amendments requested. However, I believe I would be remiss if I did not point out that the proposed amendments raise serious constitutional questions. These questions arise particularly in regard to constitutional "equal protection" provisions, "free speech" and related provisions, and "due process" provisions relating to the issue of vagueness in criminal statutes.

Since receiving the amendment request, I have spent available time putting the amendment material into what I believe is a workable form and have not had time to address the constitutional issues in detail. If I can be of further assistance in this regard, please let me know.

Respectfully submitted,



1 "(E) Damages or destroys the property of the victim.

2 "(2) As used in this section, 'racial or ethnic minority' means
3 persons of Negro or Oriental race, persons whose ancestry and
4 heritage is Arabic, Hispanic, Native American, Russian or belonging
5 to any other identifiable cultural heritage that is a minority
6 within the population of this state, or persons whose religion is
7 Jewish, Roman Catholic, Buddhist or otherwise is a minority among
8 religions of this state."

9 In line 10, delete "(2)" and insert "(3)".

10 After line 10, insert:

11 "SECTION 3. (1) District attorneys and police agencies within
12 this state shall immediately advise the Attorney General upon
13 receipt of complaints of intimidation coming under, or potentially
14 coming under, section 2 of this Act.

15 (2) The Attorney General shall take charge of the investigation
16 and prosecution of any complaint of intimidation of which the
17 Attorney General is advised under subsection (1) of this section.

18 "(3) In order to carry out the responsibilities imposed under
19 this section, the Attorney General shall have authority to order
20 that the Oregon State Police conduct an investigation of any alleged
21 violation of section 2 of this Act. The investigation shall be
22 conducted under the Attorney General's direct control.

23 "SECTION 4. (1) Regardless of whether a criminal prosecution is
24 commenced under section 2 of this Act or the outcome of such a case,
25 any person who violates, or who aids, abets, incites or conspires
26 with any person to violate section 2 of this Act is liable in a
27 civil action to the victim of the violation. For each such
28 violation, recovery may be made as follows:

1 "(E) Damages or destroys the property of the victim.

2 "(2) As used in this section, 'racial or ethnic minority' means
3 persons of Negro or Oriental race, persons whose ancestry and
4 heritage is Arabic, Hispanic, Native American, Russian or belonging
5 to any other identifiable cultural heritage that is a minority
6 within the population of this state, or persons whose religion is
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8 religions of this state."

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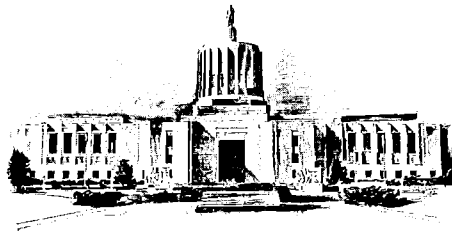
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21 violation of section 2 of this Act. The investigation shall be
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24 commenced under section 2 of this Act or the outcome of such a case,
25 any person who violates, or who aids, abets, incites or conspires
26 with any person to violate section 2 of this Act is liable in a
27 civil action to the victim of the violation. For each such
28 violation, recovery may be made as follows:

Chairperson:
REP. WALLY PRIESTLEY
Vice-Chairperson:
REP. JOHN SCHOON

Staff:
DICK WILSON
Committee Administrator
CONNIE FRITZ
Committee Assistant



**HOUSE COMMITTEE ON
AGING AND MINORITY AFFAIRS**

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April 7, 1981

HOUSE JUDICIARY COMMITTEE
Subcommittee 1 3 pages
Exhibit Q, HB 2479
Steve Griffith April 23, 1981
Legal Counsel
Proposed amendments
REP. GEORGE TRAHAN

TO: Representative Tom Mason, Chairperson
House Judiciary Committee

FROM: Representative John Schoon, Vice-Chairperson

RE: Minority Report No. 2
HB. 2479 - Governor Atiyeh's Harassment Measure

Please see attached amendments.

cf

MINORITY REPORT NO. 2
Proposed Amendments HB 2479

1 "SECTION 4. (1) Regardless of whether a criminal prosecution
2 is commenced under section 2 of this Act or the outcome of such
3 a case, any person who violates, or who aids, abets, incites or
4 conspires with any person to violate section 2 of this Act is
5 liable in a civil action to the victim of the violation. For
6 each such violation, recovery may be made as follows:

7 "(a) The victim may recover actual damages, both general
8 and special, punitive damages of not more than \$10,000, costs
9 and attorney fees; or

10 "(b) If the victim suffered physical injury as a result
11 of the violation, the victim may recover treble damages, both
12 actual and punitive.

13 "(2) In its judgment:

14 "(a) The court shall award one-half of the punitive damages
15 assessed against a defendant pursuant to this section to the
16 plaintiff.

17 "(b) The court shall award the remaining one-half of the
18 punitive damages assessed against the defendant to the State of
19 Oregon. The moneys so awarded shall be paid to the clerk of the
20 court, who shall forward the moneys to the Department of Justice
21 for deposit in the Criminal Injuries Compensation Account
22 established under ORS 147.225.

23 "(3) When more than one defendant acting in concert are
24 liable to the plaintiff under this section for damages, the
25 actual and punitive damages assessed in the case shall be
26 apportioned among them."

PROPOSED AMENDMENTS TO HOUSE BILL 2479

1
2 In line 8 of the printed bill, after "harm;" delete
3 "or".

4 In line 9 of the printed bill, after "person" delete
5 the period and insert a semi-colon and begin a new paragraph
6 and insert:

7 "(d) Engages in a course of conduct which serves no
8 legitimate purpose and which is intended to and does seriously
9 alarm the victim or cause the victim emotional distress or
10 mental anguish; or

11 "(e) Publicly insults the victim by a course of abusive
12 or obscene words or gestures or acts likely to provoke a
13 violent or disorderly response."

14 After line 10, insert:

15 "SECTION 3. (1) District attorneys and police agencies
16 within this state shall immediately advise the Attorney
17 General upon receipt of complaints of intimidation coming under,
18 or potentially coming under, section 2 of this Act.

19 "(2) The Attorney General shall take charge of the inves-
20 tigation and prosecution of any complaint of intimidation of
21 which the Attorney General is advised under subsection (1) of
22 this section.

23 "(3) In order to carry out the responsibilities imposed
24 under this section, the Attorney General shall have authority
25 to order that the Oregon State Police conduct an investigation
26 of any alleged violation of section 2 of this Act. The inves-
27 tigation shall be conducted under the Attorney General's
28 direct control.

Martin & Associates

House Committee on Judiciary
Exhibit R, HB 2479
May 8, 1981 - 1:45 pm
1 Page Exhibit
Presented By: Roger Martin

P.O. Box 588
Lake Oswego, OR 97034
(503) 636-8188
Salem 370-8008

May

The Honorable Tom Mason
Chairman, House Judiciary Committee
State Capitol
Salem, OR 97310

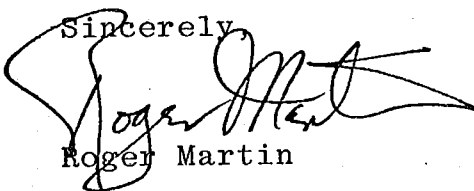
Dear Representative Mason:

The Oregon Catholic Conference would like to go on record in strong support of House Bill 2479 to be heard today in Judiciary Subcommittee #1.

The Policy Statement of the Oregon Catholic Conference finds that, "Discrimination based on religion, sex, race, ethnicity, age or physical or mental handicap...constitutes a grave injustice and an affront to human dignity." We are deeply concerned about recent incidents of such discrimination in our State. It is our hope that the enactment of HB 2479, or similar legislation, would make it clear that bigotry has no place in Oregon.

On behalf of the Oregon Catholic Conference, which I represent, thank you for your consideration of our views.

Sincerely,



Roger Martin

REM:bl

Metropolitan Human Relations Commission

Multnomah County • City of Portland

MAY 8, 1981



THE METROPOLITAN HUMAN RELATIONS COMMISSION HAS GONE ON RECORD IN SUPPORT OF THE CONCEPT REFLECTED IN HB 2479.

I AM HERE TODAY TO TESTIFY REGARDING THE COMMISSION'S CONCERN ABOUT THE CURRENT PATHOLOGY OF RACE RELATIONS IN OUR SOCIETY.

THE HISTORY OF AMERICA IS FILLED WITH INTIMIDATION AND VIOLENCE DIRECTED AT RACIAL MINORITIES. COUNTLESS TIMES IN THE LAST 100 YEARS, RACIAL TENSIONS HAVE ERUPTED INTO VIOLENCE.

--- FROM THE EARLY 1880'S TO THE YEARS IMMEDIATELY FOLLOWING WORLD WAR I, BLACKS WERE SUBJECTED TO THE BRUTALITY OF WHITE TERROR AND MOB VIOLENCE.

--- IN THE LAST DECADE OF THE 19TH CENTURY, RESENTMENT TOWARDS CHINESE RESULTED IN ANTI-CHINESE RIOTS.

--- 1901 TO 1910: 846 PERSONS WERE LYNCHED IN THE UNITED STATES; 754 OF THOSE WERE BLACK.

--- 1920'S AND 1930'S: KU KLUX KLAN AND THE BLACK LEGION, A WHITE GROUP, USED INTIMIDATION, TERRORISM, AND VIOLENCE TO PREVENT BLACKS FROM OBTAINING EMPLOYMENT.



--- 1940's: SAW AN INCREASE IN ATTACKS AGAINST PERSONS AND PROPERTY OF JAPANESE-AMERICANS AND MEXICAN-AMERICANS.

--- LATE 1940's: POST-WORLD WAR II PERIOD WITNESSED AN INCREASE IN LYNCHING AND MOB VIOLENCE AGAINST BLACKS.

--- 1950's: WHITE CITIZENS COUNCILS AND THE KU KLUX KLAN USED THREATS AND INTIMIDATION TO PREVENT DESEGREGATION AND TO DENY VOTING RIGHTS TO BLACKS.

--- 1960's: WHITE POWER GROUPS AND THE KU KLUX KLAN CONTINUED TO USE VIOLENCE AS A MEANS TO BLOCK CIVIL RIGHTS ATTAINMENT FOR MINORITIES.

--- ASSAULTS ON NATIVE AMERICANS HAVE BEEN COMMONPLACE THROUGHOUT AMERICAN HISTORY.

HISTORIANS, SOCIOLOGISTS, AND OTHER SOCIAL SCIENTISTS HAVE LONG OBSERVED THAT IN TIMES OF ECONOMIC FRUSTRATION AND DISCONTENT IN THIS COUNTRY, ACTS OF VIOLENCE DIRECTED AT MINORITIES HAVE INCREASED.

GIVEN CURRENT ECONOMIC CONDITIONS, MANY AMERICANS TODAY ARE EXPERIENCING SEVERE ECONOMIC FRUSTRATION AND DISCONTENT. THE LESSENER ECONOMIC GROWTH, HIGH UNEMPLOYMENT AND UNDER-EMPLOYMENT, RISING INFLATION, CUTBACKS IN LOCAL GOVERNMENT

BUDGETS, AND REDUCTIONS IN FEDERALLY FUNDED MANPOWER AND SOCIAL SERVICE PROGRAMS, HAVE CREATED HARDSHIPS AND FRUSTRATIONS FOR MANY IN OUR SOCIETY.

ALONG WITH THE SEVERE ECONOMIC CONDITIONS, OUR SOCIETY IS IN A PERIOD OF GROWING RACIAL AND INTERGROUP VIOLENCE; A TIME OF RISING ACTIVISM AMONG HATE GROUPS AND VIOLENCE-PRONE ORGANIZATIONS; A TIME IN WHICH FEARS MOUNT AMONG MINORITY GROUPS WHO FEEL THREATENED BY THESE INSIDIOUS ORGANIZATIONS.

NATIONALLY, THIS VIOLENCE HAS MANIFESTED ITSELF IN A VARIETY OF WAYS -- RANDOM SHOOTINGS AND SNIPER ATTACKS, ASSAULTS, ATTACKS ON CIVIL RIGHTS LEADERS, FIREBOMBING, ARMED CONFRONTATION AT POLITICAL DEMONSTRATIONS, AND INTIMIDATION AND THREATS OF VIOLENCE.

IN FISCAL YEAR 1980, THE COMMUNITY RELATIONS SERVICE OF THE U. S. DEPARTMENT OF JUSTICE RESPONDED TO 1,431 ALERTS OF RACIAL INCIDENTS, A 6.6 PERCENT INCREASE OVER 1979. OF THOSE INCIDENTS, 68 CASES RELATED TO KLAN ACTIVITIES, A 55 PERCENT INCREASE OVER 1979. IN A NOVEMBER 1979 REPORT PUBLISHED BY THE ANTI-DEFAMATION LEAGUE, THEY DOCUMENT A 25 PERCENT GAIN IN KLAN MEMBERSHIP OVER THE 1978 FIGURES. MORE SIGNIFICANTLY, THEY ESTIMATED AN INCREASE OF 100 PERCENT IN KLAN SYMPATHIZERS. IN A MORE RECENT REPORT

BY THE ANTI-DEFAMATION LEAGUE, THEY DETAIL THE INCREASING POTENTIAL FOR HARM THAT THE REVITALIZED KLAN POSES. THE REPORT SAYS IN PART:

"THERE NOW ARISES EVIDENCE OF DANGER OF NEW KLAN VIOLENCE OF AN EVEN MORE SERIOUS KIND. IN CAMPS AND CLANDESTINE TRAINING SITES IN VARIOUS PARTS OF THE COUNTRY, MEMBERS OF THE KKK AND OTHER KLAN-LIKE RACIST GROUPS ARE ENGAGED IN PARA-MILITARY TRAINING PROGRAMS. SOME OF THESE ACTIVITIES HAVE BEEN LABELED BY THEIR SPONSORS AS TRAINING FOR 'DEFENSE,' AND OTHERS HAVE BEEN CALLED 'SURVIVAL' COURSES. REGARDLESS OF THE LABEL APPLIED, IT IS CLEAR THAT ARMED RACISTS, PATHOLOGICAL HATERS OF BLACKS, JEWS, AND OTHER MINORITY GROUPS, ARE ENGAGED IN PARA-MILITARY TRAINING FOR GUERRILLA WARFARE AGAINST THEIR PURPORTED ENEMIES. THE OUTCOME CAN ONLY BE MORE VIOLENCE AND TRAGEDY."

ALTHOUGH THE FIGURES I HAVE JUST QUOTED ARE NATIONWIDE, OREGON IS NOT IMMUNE FROM WHAT IS HAPPENING NATIONALLY. LOCALLY, THERE IS CLEAR EVIDENCE OF A GROWING INTOLERANCE FOR PEOPLE FROM VARIOUS ETHNIC AND RACIAL GROUPS. THIS IS EXEMPLIFIED BY AN INCREASE IN OVERT ACTS OF DISCRIMINATION AND HARASSMENT AGAINST MINORITY INDIVIDUALS AND FAMILIES.

OVER THE PAST SEVERAL MONTHS, CIVIL RIGHTS ORGANIZATIONS ACROSS THE STATE HAVE BEEN CALLED ON TO RESPOND TO A VARIETY OF INCIDENTS WHICH CLEARLY INDICATE AN INCREASE IN RACIAL TENSIONS AND LACK OF TOLERANCE FOR PEOPLE WHO APPEAR DIFFERENT BECAUSE OF THEIR RACE, COLOR, CUSTOMS, OR TRADITIONS.

IN 1980 -- THESE ARE ONLY THE REPORTS THAT CAME TO THE ATTENTION OF THE MHRC:

--- A BLACK FAMILY IN MILWAUKIE, OREGON, EXPERIENCED CONTINUAL RACIAL HARASSMENT OVER A THREE-MONTH PERIOD. A FIVE-FOOT CROSS WAS BURNED ON THEIR LAWN. THEIR CAR WAS SPRAY PAINTED, "KILL THE BLACKS," AND "DEATH TO NIGGERS." SIMILAR THREATS WERE SPRAYED ON THEIR HOUSE AND FRONT DOOR. A NOTE LEFT IN THE DRIVEWAY SAID, "LEAVE OR DIE, NIGGER." A VEHICLE SLOWLY DROVE BY THE HOUSE, BLASTING RACIAL EPITHETS FROM A LOUDSPEAKER.

--- A BLACK FAMILY LIVING IN AN APARTMENT IN OREGON CITY SUFFERED CONTINUAL RACIAL HARASSMENT. ONE WEEKEND WHEN THEY WERE OUT OF TOWN, SOMEONE BROKE INTO THEIR APARTMENT AND COMPLETELY VANDALIZED THEIR HOME. MESSAGES WRITTEN ON THE WALLS, WITH FOOD, FURNITURE BROKEN AND DESTROYED. THAT FAMILY MOVED BACK TO PORTLAND TO GET AWAY FROM THE CONTINUAL HARASSMENT.

--- A BLACK FAMILY LIVING IN ST. HELENS, OREGON, SUFFERED CONTINUAL HARASSMENT FOR SEVERAL MONTHS BEFORE SELLING THEIR HOME AND MOVING BACK TO PORTLAND.

--- REPORTS OF A BLACK FAMILY LIVING IN FOREST GROVE WHO HAS BEEN EXPERIENCING RACIAL HARASSMENT.

--- A BLACK FAMILY IN EUGENE, OREGON RECEIVED A THREATENING NOTE, TELLING THEM TO MOVE -- SIGNED BY THE KKK.

--- NOTES WITH RACIAL THREATS BEING PUT ON THE DOORS OF BLACK STUDENTS IN DORMS AT OREGON STATE UNIVERSITY -- SIGNED BY THE KKK.

--- IN PORTLAND, A BLACK MALE WAS ATTACKED AND RECEIVED SEVERAL STAB WOUNDS BY A WHITE MALE WHO HAD IN HIS POSSESSION A CARD INDICATING HIS MEMBERSHIP IN THE NATIONAL WHITE PEOPLES SOCIALIST PARTY. RACIAL EPITHETS WERE USED DURING THE ATTACK.

--- A BLACK FAMILY, SHOPPING AT A WELL-KNOWN CHAIN STORE IN NORTH PORTLAND, WAS PHYSICALLY CHASED OUT OF THE STORE BY AN EMPLOYEE SHOUTING THAT HE REFUSED TO SERVE NIGGERS IN HIS STORE.

IN ADDITION TO SPECIFIC OVERT ACTS OF INTIMIDATION AND VIOLENCE, THERE HAS BEEN A SHARP INCREASE IN HATE GROUP ACTIVITY IN THE STATE OF OREGON. AT THE METROPOLITAN HUMAN RELATIONS COMMISSION, WE RECEIVE PHONE CALLS WITH INCREASING FREQUENCY FROM CITIZENS WHO WISH TO REPORT DISTRIBUTION AND POSTING OF HATE GROUP LITERATURE.

IN AN ELEVEN-WEEK PERIOD, FROM NOVEMBER 1980 TO MARCH 1981, WE RECEIVED 26 PHONE CALLS FROM CONCERNED CITIZENS REPORTING DISTRIBUTION OF RACIAL AND RELIGIOUS HATE LITERATURE. BEFORE THAT PERIOD, WE RECEIVED APPROXIMATELY ONE OR TWO CALLS A YEAR.

I RECOGNIZE THAT ALL THE INCIDENTS THAT I HAVE RELATED TODAY WILL NOT BE PRECLUDED OR COVERED UNDER THE PROPOSED LEGISLATION. BUT I FEEL IT IS IMPORTANT TO RECOGNIZE THAT A SOCIAL CONTEXT HAS REEMERGED WHERE ACTS OF VIOLENCE AGAINST MINORITIES CAN, AND DO, TAKE PLACE.

I ENCOURAGE YOU TO PASS STRONG HARASSMENT LEGISLATION WHICH WILL GIVE A CLEAR MESSAGE TO OREGONIANS THAT ACTS OF VIOLENCE SPECIFICALLY DIRECTED AT MINORITIES WILL NOT BE TOLERATED.

I WOULD LIKE TO HAND IN FOR THE RECORD:

1. COPIES OF CONGRESSIONAL RECORD HEARINGS DATED DECEMBER 1980 AND MARCH 1981 -- BOTH RECORDING TESTIMONY OF THE INCREASE IN RACIALLY DIRECTED VIOLENCE.

2. REPORT BY THE ANTI-DEFAMATION LEAGUE ON THE INCREASE OF KLAN ACTIVITY.
3. REPORT TO THE PRESIDENT FROM THE U. S. CIVIL RIGHTS COMMISSION ON THE INCREASE OF RACIALLY DIRECTED VIOLENCE OCCURRING ACROSS THE NATION.
4. REPORT BY THE COMMUNITY RELATIONS SERVICE, U. S. DEPARTMENT OF JUSTICE, DOCUMENTING AN INCREASE IN RACIAL INCIDENTS.
5. A COLLECTION OF NEWS ARTICLES WHICH RELATE SPECIFIC INCIDENTS OF RACIAL HARASSMENT IN THE STATE OF OREGON.
6. A DAILY LOG THAT MHRC HAS BEEN KEEPING OF HATE GROUP ACTIVITY IN THE PORTLAND AREA.
7. SAMPLES OF THE TYPES OF HATE GROUP LITERATURE THAT ARE BEING DISTRIBUTED CURRENTLY.

LR:GP



Department of Justice

House Committee on Judiciary
Exhibit T, HB 2479
May 8, 1981 - 1:45 pm
76 Page Exhibit
Presented By: Linda Roberts

HUMAN RELATIONS COMMS.

FOR IMMEDIATE RELEASE
MONDAY, NOVEMBER 3, 1980

CRS
(202) 724-7386

The Community Relations Service (CRS) of the Department of Justice responded to 1,431 alerts to racial disputes or racial incidents during Fiscal Year 1980, a 6.6 percent increase over Fiscal Year 1979.

CRS Director Gilbert G. Pompa said today that of the 1,431 alerts, the CRS helped to settle 923 cases, carried over 261 into Fiscal Year 1981, which began October 1, 1980; and turned away 214 as lacking sufficient volatility to warrant removing staff from potentially more explosive problems.

CRS defines a case as flaring conflict of the type that occurred in such places as Miami, Florida; Nampa, Idaho; Flint, Michigan; Wichita, Kansas; and Wrightsville, Georgia, or a dispute or disagreement with real potential for erupting into open conflict or violence.

Mr. Pompa said that cases showing the fastest growth rate were those related to minority allegations of police use of excessive force, Ku Klux Klan activities, and the influx of Indochinese resettlements.

CRS logged 249 cases alleging police use of excessive force during Fiscal Year 1980, a 92.8 percent increase over the previous year. Sixty-three percent of the cases stemmed from Blacks' complaints, 32 from Hispanics, and four percent from American Indians.

(OVER)

The complaints were fairly distributed nationally, with communities under 100,000 accounting for 53 percent and those larger than 100,000 for 47 percent.

There were 68 cases related to Klan activities and 32 to Indochinese refugee resettlements, increases of 55 percent and 540 percent, respectively.

The Klan activity occurred across the nation, but the cases were mainly in the Southeast with cross-burnings, armed rallies countering minority protesters, firebombings, challenges to police, and general harassment of Blacks and Hispanics precipitating the trouble.

The Indochinese refugee resettlement problems were mostly in the Southwest and over housing, jobs, and shrimping issues.

Mr. Pompa said that requests for help in disputes by citizens, governors, and other officials of public and private agencies and organizations indicate a growing interest in the emerging field of racial and ethnic dispute resolution.

He said that Federal district judges increasingly are calling on CRS to mediate, as an alternative to litigation, in certain civil rights cases and to help to peacefully implement school desegregation orders.

Among CRS' present efforts is one of conciliating the mounting racial tensions resulting from the rash of killings of Blacks in Atlanta, Buffalo, and a number of other cities.



Congressional Record

PROCEEDINGS AND DEBATES OF THE 96th CONGRESS, SECOND SESSION

Vol. 126

WASHINGTON, MONDAY, DECEMBER 15, 1980

No. 178

House of Representatives

MURDERS OF BLACKS BAFLE U.S. OFFICIALS

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, December 15, 1980

Mr. CONYERS. Mr. Speaker, on December 9, 1980, the Subcommittee on Crime, that I chair, held the first in a series of hearings on the nature, causes, and the extent of racial and intergroup violence in the Nation. No aspect of these hearings has greater importance than preventing future violence, that denies the most basic of all human and civil rights—the right to life.

During the last 17 months, 24 black Americans and 2 white women, who were with black men at the time, have been killed in a series of murders in seven cities. Federal and local law enforcement authorities have not yet solved these murders.

These murders have taken place during a period of growing racial and intergroup violence, the rising activism among hate groups and violence-prone organizations, most notably the Ku Klux Klan, and mounting fears among minority groups who feel threatened by these violence-prone organizations. The Washington Post, October 23, 1980, published an article by Herbert Denton, entitled, "Murders of Blacks Baffle U.S. Officials." I urge my colleagues to read the article, that follows.

MURDERS OF BLACKS BAFLE U.S. OFFICIALS
(By Herbert H. Denton)

What stands out in piercing poignance is the innocent way in which they were going about their daily routines when suddenly, without warning or provocation, they were murdered.

The assistant engineer in a Buffalo plant was grabbing lunch at a Burger King when a bullet whizzed up to him and shot him in the head. The two teenaged boys in Cincinnati were heading to a store to buy sodas when they were ganned down. The two black youths in Salt Lake City were jogging with two white girls through Liberty Park when the boys were slain in a sniper's ambush.

They were among 24 black Americans and two white women who were with black men at the time who have been slain in a string of murders in seven cities across the nation over the last 15 months.

Federal and local law enforcement authorities have been bewildered by the apparent random choice of victims. They have met twice in the last month to swap leads and trade information, but FBI Director William H. Webster said investigators have no substantial evidence linking the murders.

A bureau spokesman said, nonetheless, that there are common threads: the tendency for black males to be the victims, the use of high-powered rifles in several of the shootings and the viciousness with which the crimes were carried out.

"This is the first time that we have had this type of thing on this level," said the spokesman, agent Otis Cox. "We're looking for either one person or a group of persons with the same types of things in mind."

Thomas Atkins, general counsel of the NAACP, said his organization wants to know "whether or not there is some secret and organized effort being made to foment racial strife."

Webster told reporters in Atlanta late last week that he understood that many blacks believe a nationwide conspiracy is at work. "I think it's a natural temptation born of legitimate fright that a national conspiracy is under way," he said. But, he said, the evidence does not support such a theory.

Authorities in Buffalo and Atlanta say they believe the waves of killings in their cities are unique.

The 10 victims in Atlanta were all children, nine boys and one girl, ages 8 to 15, from poor families living in rundown neighborhoods, or government housing projects. Four other children—a girl and three boys—are missing.

The children have been disappearing at almost 3½-week intervals over the last 15 months, their bodies found later with marks indicating they were strangled, stabbed or shot. Atlanta authorities say they have no solid evidence on the race or identity of the murderer or murderers.

In Buffalo, the same semi-automatic .22 cal. weapon was used in a bloody 36-hour period to kill a black teen-aged boy and three black men. On successive days, two weeks later, the battered bodies of two other victims, both black and both cab drivers, were found on remote roads in the Buf-

falo suburbs. Their chests had been crudely opened and their hearts cut out.

The next day a black Attica inmate—in a Buffalo hospital after taking an overdose of barbituates—got a look at a white man who leaned over his bed, said, "I hate niggers," then tried to choke him with a cord. A nurse walked into the room unexpectedly, and the man rushed past her and disappeared. Her description of the attempted assault was similar to one given by a witness to one of the .22 cal. shootings, authorities said.

In the five other cities—Cincinnati, Indianapolis, Oklahoma City, Johnstown, Pa., and Salt Lake City, where still unsolved ambush style shootings of blacks have occurred in the last year authorities are seeking a 30-year-old native of Mobile, Ala., for questioning.

Smooth-faced and six feet tall, the man speaks with a pronounced Southern accent, and wears eyeglasses as thick as the bottom of bottles, with a nearly blind left eye. Authorities have picked up the trail of his travels across the country in fast Camaros and Novas under 20 or more aliases.

He was born James Clayton Vaughn Jr., but had his name legally changed to Joseph Paul Franklin, and that is the way he is carried in police files. He was arrested in the small industrial town of Florence, Ky., across from Cincinnati, and held for a few hours there late last month before managing an easy escape through a narrow crank-out window as officers conferred in the hallway.

A warrant has been issued for Franklin's arrest in connection with the two slayings in Salt Lake City.

The rash of murders has fallen like hot embers on a patchwork of school racial battles, cross-burnings on lawns and other strife in cities from Boston to the suburbs of Portland, Ore., and from Miami to Richmond, Calif.

Civil rights groups and government field officers privately talk of the seven straight years of racial strife over school busing in Boston as being in a special, distressed category. But files kept at the U.S. Civil Rights Commission bulge with clippings from newspapers across the country reporting isolated racial battles. Aides say they believe the numbers of incidents are growing, but have not done any studies to find out.

Minorities have filed 186 complaints with the Justice Department's Civil Rights Division since the start of the year alleging that

criminal acts were used to block their access to housing. There is the sense in the division that the numbers are higher than in other years, but justice is changing over to a new computer record-keeping process, and says there are no figures with which to compare this year.

Police authorities in the West and Midwest have traced fugitive Franklin in a meeting course that put him, among other places, in Indianapolis in early April, Cincinnati in early June, in Salt Lake City in August and in Florence, Ky., in late September. There have been apparently racially motivated murders in all these cities and in Oklahoma City and Johnston, Pa.

A saleswoman in Johnston has told police that a man resembling Franklin made purchases from her in August and September. In several instances, however, the murders have taken place at times other than when the fugitive is now believed to have been in the various cities.

The FBI also wants to question Franklin in connection with the shooting of National Urban League President Vernon Jordan on May 29 in Fort Wayne, Ind. Jordan was shot in the back with a .30-06 rifle in a motel parking lot as he stepped out of the car of a white woman member of the local Urban League board. Jordan survived the attack, and recently made a public appearance at a fashion show in New York City.

Women who encountered Franklin in Salt Lake City are described to local police as follows: A desk clerk at one motel said Franklin had checked out, complaining that he had found hairs of blacks in the bed. Later, he bragged to a woman he picked up and took to another motel that he belonged to the Ku Klux Klan and had killed blacks, according to testimony she gave police.

She said she remembered seeing a rifle in his room and his asking her to make him a list of black pimps in the town so that he could kill them, too.

Three days later, Theodore Fields, 20, and his friend, David Martin, 18, were jogging through Salt Lake City's Liberty Park with Carma Ingersoll, a white girl Fields knew, and her friend, Terry Eldred. They followed a path fields and Ingersoll had run along the night before, and were jogging out of the park when the two young men fell in a hail of bullets fired from a high-powered rifle.

A neighbor nearby said he had seen a white man pull up earlier and park in a brown Camaro. The neighbor said he rushed outside again when he heard the shots and saw the same man, crouched and running, jump into the car and drive off.

Authorities see similarities in the circumstances of the murders they are investigating in the other cities.

Jesse E. Taylor, 42, a black man, and his companion and coworker at an Oklahoma City nursing home, Marion Bressette, 31, a white woman, were in a crowded supermarket parking lot putting groceries into their car on Oct. 21, 1978, when a volley of shots fired from a high-powered rifle burst from a clump of bushes on the state fairgrounds across the street.

Two bullets hit Taylor, wounding him fatally. As Bressette ran to his aid, another bullet hit her in the torso, killing her. Bressette's three children by a former marriage, ages 9, 10 and 12, were in the car, but were not hurt. Oklahoma City police said the suspect is a white man witnesses saw in the area that afternoon.

Lawrence E. Reese, 22 a mildly retarded young black man who did odd jobs for a

living, was standing at the counter of Church's Fried Chicken carryout in the heavily black north side of Indianapolis late in the evening last New Year's Day when he was killed by a sniper who sprayed bullets through the plate glass window.

Two weeks later and about two miles away in north Indianapolis, Leo Thomas Watkins, 19, was killed in a nearly identical manner as he helped his father with a pest extermination job at a convenience store.

Late Sunday night, June 8, in Cincinnati, Darrell Lane, 14, and his cousin, Dahle Brown, 13, who was visiting the Lane home in the integrated Paddock Hills neighborhood of Tudor homes, both decided to go out to buy soda pop. As they walked to a nearby store, they were fatally wounded by a sniper believed by authorities to have been perched on a railroad trestle over the street. Darrell's father was a paramedic in the first rescue squad that arrived on the scene.

A week later, in Johnston, Pa., Kathleen Mikula, 16, a white high school freshman, and her black fiancée, Arthur Smothers, 22, a former high school athlete who once ran in the Boston Marathon, were walking from her parents' home on the west side of Johnston across a bridge to his family's home on the east side when they were both shot and killed.

He was shot in the back, in the groin and after he fell, in the foot. The sniper, believed by local police to have been firing from wooded hills, shot her in the breast and, as she lay dying, squeezed off another bullet that went down her shoulder and torso, lodging in her hip.

A witness later reported to police seeing a dark Nova racing up hilly roads from the scene of the shootings.



United States
of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 97th CONGRESS, FIRST SESSION

Vol. 127

WASHINGTON, THURSDAY, FEBRUARY 19, 1981

No. 26

House of Representatives

VIOLENCE AGAINST MINORITIES ON THE INCREASE

Mr. CONYERS. Mr. Speaker, in recent months newspapers and magazines have reported on what appears to be an increasing incidence of criminal violence directed against minority group citizens. This violence has manifested itself in a variety of ways—random shootings and sniper attacks, assaults, attacks on civil rights leaders, firebombings, armed confrontations at political demonstrations, and intimidations and threats of violence. The violence is not confined to any one section of the Nation. It is a serious national problem.

Numerous acts of criminal violence have been committed by members of the Ku Klux Klan, including assaults, attempted arson, and shootings. Twenty-three Klansmen have been convicted of Federal violations of civil rights laws. But much of the violence directed against minority group citizens has been committed by individuals who were not members of or affiliated with any group or organization. It is clear that those individuals and groups such as the Ku Klux Klan have constitutional rights that are protected under the first amendment. But no individual or group has the right to commit criminal violence against other citizens.

My staff, in cooperation with the Congressional Research Service, compiled a partial listing of this violence in recent years. Although cross burnings are not included in this report, it should be noted that such acts are not meaningless acts of vandalism or pranks having no racial motivation. Cross burnings send an unmistakable signal of racial or religious bigotry.

I commend the following report "Selected Incidents of Criminal Violence Against Minority Group Citizens, 1976-81" to my colleagues:

SELECTED INCIDENTS OF CRIMINAL VIOLENCE AGAINST MINORITY GROUP CITIZENS, 1978-81

ALABAMA

October 22, 1980, Birmingham: A bomb was thrown on the steps of a black church.¹

October 29, 1979, Muscle Shoals: Two black ministers were assaulted by Ku Klux Klansmen with pick ax handles. Two Klansmen later pled guilty to violations of federal civil rights laws.²

October 20, 1979, Hayden: Ku Klux Klansmen attacked a house occupied by a racially mixed group and beat and injured a black male. One Klansman was later convicted of violations of federal civil rights laws.³

September 28, 1979, Cullman: Several Vietnamese refugees employed at a textile mill were threatened by a knife-wielding Ku Klux Klansman. The Klansman was later convicted of violations of federal civil rights laws.⁴

July 5-6, 1979, Birmingham: Black citizens protesting the fatal shooting of a black woman by police clashed with Ku Klux Klansmen. Police arrested fourteen persons. A second confrontation occurred after armed white citizens drove through the city firing at least once. Eight whites including several Klansmen were later arrested.⁵

May 26, 1979, Decatur: More than one hundred heavily armed club-swinging Ku Klux Klansmen clashed with civil rights demonstrators and riot police. Two Klansmen and two black citizens were shot and wounded. Several Klansmen and black citizens were later arrested.⁶

December 15, 1978, Cullman: A black minister was abducted on an interstate highway by three white males and whipped after he had publicly denounced the rape conviction of a mentally retarded black male by an all white jury. A Ku Klux Klan leader asserted that Klansmen had been responsible for the abduction.⁷

Fall 1978, Talladega County: Ku Klux Klansmen fired a shotgun into the homes of NAACP leaders and racially mixed couples. Thirteen Klansmen later pled guilty to or were convicted of violations of federal civil rights laws.⁸

CALIFORNIA

November-December 1980, Contra Costa County: A series of attacks against black families by white vandals occurred including an attempted assault and a snooting incident.⁹

January 13, 1979, Chico: A deaf black male was shot and killed by two white males and one white female. According to press reports the assailants murdered their victim because they could not find any animals to shoot on a hunting trip. The assailants later pled guilty to murder charges.¹⁰

October 9, 1978, Carthage: Two Ku Klux Klansmen fired a shotgun into the home of a black family. Both Klansmen later pled guilty to violations of federal civil rights laws.¹¹

CONNECTICUT

October 2, 1980, Manchester: The home of a black family was firebombed. Two white males were later arrested.¹²

GEORGIA

1978-81, Atlanta: Seventeen black children have been found murdered. One black child is still missing.¹³

INDIANA

May 29, 1980, Fort Wayne: Vernon Jordan, President of the National Urban League was shot and critically wounded by a sniper attack.¹⁴

Mid-January, 1980, Indianapolis: A black male was shot and killed by a sniper attack.¹⁵

January 1, 1980, Indianapolis: A black male was shot and killed by a sniper attack.¹⁶

June 11, 1979, Muncie: A white male attempted to run over a black citizen with a truck as he was removing a cross used at a Ku Klux Klan rally. Police later arrested a Klansman.¹⁷

June 11, 1979, Muncie: A group of white males armed with clubs and at least one gun forced an interracial couple to flee their home.¹⁸

MARYLAND

July 8, 1978, Baltimore: Three Ku Klux Klansmen were arrested on charges stemming from a plot to bomb the home of Congressman Parren Mitchell and a Baltimore synagogue. The Klansmen were later convicted.¹⁹

MASSACHUSETTS

January-March 1980, Great Barrington: A white female threatened and harassed a black family. The woman later pled guilty to violations of federal civil rights laws.²⁰

July 13, 1980, Boston: A black sailor was stabbed by a group of white males.²¹

June 30, 1980, Boston: The home of a black family was firebombed. A white youth was later arrested.²²

May 1, 1980, Boston: A black male was fatally stabbed by several white youths.²³

October 31, 1979, Boston: A black off-duty Boston police officer was pelted with rocks by a crowd of white youths. A white youth was later arrested.²⁴

September 28, 1979, Boston: A black teenager was shot and wounded by a white male sniper during a football game. The victim was left a quadriplegic. The assailant was later convicted.²⁵

September 18, 1979, Boston: A group of white teenagers hurled stones and large metal bolts at three school buses with black passengers. Three black children were in-

Jured."

July 13, 1979, Boston: Four members of a black family were injured when their home was stoned by a group of forty to fifty white youths. Several of the youths were later arrested."

June 3, 1979, Boston: A twelve year old black youth was struck by several arrows fired by a white male who wore a white sheet and motorcycle helmet."

1979, Boston: Eleven black women were found murdered within a five month period."

July 22, 1978, Boston: The home of a Guatemalan family was firebombed shortly after the windows had been smashed by about two hundred white youths."

MICHIGAN

August 3-7, 1980, Detroit: A group of Ku Klux Klansmen fired a shotgun and a rifle at a black male. Four Klansmen later pled guilty to violation of federal civil rights laws."

MISSISSIPPI

June 10, 1978, Tupelo: Ku Klux Klansmen clashed with a white minister during a protest by civil rights demonstrators. A black male observer of the U.S. Department of Justice was later threatened by a white male with a bicycle chain."

Summer 1978, Okolona: A group of white males attacked a black college president. Sixteen shots were fired at him as he sat in his car."

NEW JERSEY

September 21, 1979, Plainfield: Three shots were fired from a shotgun into the home of a black family. Four white males were later arrested."

September 13, 1979, Plainfield: Several white males assaulted a black male with a baseball bat. Another black male was also attacked in a separate incident by bat-wielding white males. Other black citizens were threatened. Three white males were later arrested."

NEW YORK

December 29, 1980-January 5, 1981, Buffalo: A black male was fatally stabbed by a white male. Four other black males were also attacked by a knife-wielding white male assailant."

December 30, 1980, Rochester: A black male was fatally stabbed by a white male."

December 22-24, 1980, New York: Three black males and an Hispanic male were fatally stabbed. Witnesses to at least two of the stabbings have described the assailant as a white male. Police officials stated that one individual may be responsible for all four fatal stabbings. Three other black males were also attacked by a knife-wielding white male assailant."

October 10, 1980, Erie County: A black male hospital patient was attacked by a white male who attempted to strangle him."

October 8-9, 1980, Buffalo: Two black males were assaulted and beaten to death. Their hearts were cut out."

September 22-24, 1980, Buffalo, Cheektowaga, Niagara Falls: Three black males and a black teenager were shot and killed by sniper attacks or in shooting incidents. Witnesses have described the assailant as a white male."

August 8, 1979, Yonkers: The home of a black family was firebombed. City officials described the attack as racially motivated."

NORTH CAROLINA

December 3, 1980, Weldon: Three black females were abducted by a gun-wielding white male. One of the women was raped and killed. The assailant was later arrested."

November 3, 1979, Greensboro: Demonstrators protesting against the Ku Klux Klan clashed with Klansmen and Nazis. Five of the demonstrators including three white males, one black female and one Hispanic male were shot and killed. Six Klansmen and Nazis were later tried on State charges of murder and rioting. An all white jury acquitted all of the defendants."

OHIO

November 1, 1980, Youngstown: A black teenager was shot and killed by a rifle fired from a pickup truck. Press accounts indicate that a group of white youths in a pickup truck had been driving around shooting randomly at black citizens. Three white youths have been arrested."

June 8, 1980, Cincinnati: Two black teenagers were shot and killed by a sniper attack."

OKLAHOMA

October 21, 1979, Oklahoma City: A black male and a white female companion were shot and killed by a sniper attack. Police said that the assailant was a white male."

PENNSYLVANIA

June 15, 1980, Johnstown: A black male and a white female companion were shot and killed by a sniper attack."

TENNESSEE

October 24, 1980, Chattanooga: A black teenager was shot and wounded by two white males."

April 19, 1980, Chattanooga: Four black women were shot and wounded by a shotgun fired from a car. A Ku Klux Klansman was later convicted and two other Klansmen acquitted by an all white jury."

UTAH

August 20, 1980, Salt Lake City: Two black youths were shot and killed by a sniper

attack as they were jogging with two white female companions. A white male has been arrested on state and federal charges."

VERMONT

October 27, 1980, Bennington: One of three white males was sentenced to between three months and one year in jail for his role in the abduction and stabbing of a black teenager."

FOOTNOTES

- 1 Washington Post, October 23, 1980.
- 2 United States Department of Justice.
- 3 United States Department of Justice.
- 4 United States Department of Justice.
- 5 St. Louis Post-Dispatch, July 8, 1979.
- 6 New York Times, May 27, 1979, May 29, 1979 and May 30, 1979.
- 7 New York Times, December 21, 1979.
- 8 United States Department of Justice.
- 9 New York Times, December 4, 1980.
- 10 Los Angeles Times, February 10, 1980.
- 11 United States Department of Justice.
- 12 Washington Post, October 13, 1980.
- 13 Washington Post, February 16, 1981.
- 14 Washington Post, May 30, 1980.
- 15 Washington Post, October 23, 1980.
- 16 Washington Post, October 23, 1980.
- 17 Muncie Evening Press, February 16, 1980.
- 18 Muncie Evening Press, June 14, 1979.
- 19 Washington Star, July 9, 1978.
- 20 New York Times, December 19, 1980.
- 21 Boston Globe, July 15, 1980.
- 22 Boston Globe, August 16, 1980.
- 23 Boston Globe, July 14, 1980.
- 24 Boston Globe, November 2, 1979.
- 25 Boston Globe, September 29, 1979 and Washington Post, December 7, 1980.
- 26 New York Times, September 19, 1979.
- 27 Boston Globe, July 15, 1979.
- 28 Boston Globe, June 4, 1979.
- 29 New York Times, June 2, 1979.
- 30 Boston Globe, July 25, 1978.
- 31 United States Department of Justice.
- 32 New York Times, July 9, 1978.
- 33 "Mississippi Relives Its '60s" by Aryeh Neier Nation, September 23, 1978.
- 34 New York Times, September 26, 1979.
- 35 New York Times, September 22, 1979.
- 36 New York Times, January 3, 1981 and January 6, 1981.
- 37 New York Times, January 3, 1981.
- 38 New York Times, December 24, 1980, December 25, 1980, and December 26, 1980.
- 39 New York Times, October 20, 1980.
- 40 New York Times, October 11, 1980.
- 41 Washington Post, October 2, 1980.
- 42 New York Daily News, August 9, 1979.
- 43 Washington Star, December 5, 1980.
- 44 New York Times, November 6, 1979 and November 18, 1980.
- 45 New York Times, November 30, 1980.
- 46 New York Times, November 30, 1980.
- 47 Washington Post, October 23, 1980.
- 48 Washington Post, June 16, 1980.
- 49 Washington Post, October 25, 1980.
- 50 Washington Post, July 23, 1980.
- 51 Los Angeles Times, October 29, 1980 and November 6, 1980.
- 52 Times Arqus, October 30, 1980.

REPORTS OF WHITE SUPREMACY ACTIVITY

Friday, October 31, 1980

Received phone call from _____ City Traffic Engineering Department. He reported racist signs posted on S. W. Third and Fourth, between Morrison and Oak -- "Gas a Jew," "Nuke a Nigger," "White Power." MHRC staff removed approximately seven signs from that area. Signs were approximately 3½" x 7", fluorescent colors: orange, green, red, and gold silk-screen process. No name or affiliation was noted. Later the same day, found same signs posted around S. W. Broadway and Taylor. Approximately five signs were posted on poles, buildings, and phone booths.

Tuesday, November 4, 1980

Additional signs, same as above, were posted around Portland State University area.

Wednesday, November 5, 1980

MHRC received two phone calls, one male, one female. The callers said there were racist signs posted around the S. E. 82nd and Flavel area. Signs appeared to be the same as above. Same slogans, size, and color.

Wednesday, November 5, 1980

_____ called. Her daughter works for the Federal Reserve Bank of California. Tuesday, November 4, there was a large sign posted on the side of the bank building which read, "White Power." _____ expressed fear because her daughter goes to work at 6:00 a.m. and has to walk alone.

November 14, 1980

_____ and, repairman for PGE, called. The previous week, he had stopped to use a phone booth on N. E. 162nd and Halsey. The phone booth had a stack of racist literature inside. The literature was against Blacks and Jews. He picked up the stack and threw it away. _____ does not remember if there was a name or affiliation printed on the literature.

REPORTS OF WHITE SUPREMACY ACTIVITY - page 2

November 14, 1980

called to report that he was picked up hitchhiking on S. E. 28th and Morrison the week before by two males. The car had Nazi paraphernalia in it. They told that they were active members of the local chapter of the National White Socialist Party.

November 15, 1980

Probation Office called. He has a man assigned to him on probation who has some involvement in a Nazi organization. : who owns a tattoo parlor

November 24, 1980

s, Black male, was attacked and stabbed by a white male who was carrying a card which indicated he was a member of the White Socialist Party. The incident happened on 22nd and West Burnside. The white male stabbed with an ice pick, then chased him for two blocks, hitting at him with an ice pick and a knife, yelling racial slurs at him -- stating he hated niggers and was going to kill them all. The white male was charged with first degree assault.

January 8, 1981

1.
She had received literature from the Christian National Socialist White Peoples Liberation Army ... racist literature speaking out against Gov. Atiyeh's racial harassment bill. She sent copies, a three-page document on file, dated January 1981.

January 9, 1981

MHRC received the national newsletter from the Klan in the mail in a plain white envelope. The envelope bore a Portland postmark.

January 13, 1981

Received a phone call from a Salem Statesman reporter. Someone had stuffed racist literature speaking out against the Governor's racial harassment bill in approximately 300 mailboxes in Salem. They were from the National White Socialist Party. (Received copies from Howard Goodman, Salem Statesman.)

February 4, 1981

Received a phone call from [redacted] 23rd Avenue, Portland 97210. Individuals in Northwest Portland began calling her to report that anti-Semitic and racist flyers were posted all over Northwest Portland. Geri sent us a copy of what she found. It was the same literature from the Christian National Socialist White Peoples Liberation Army.

February 6, 1981

Received two phone calls from citizens who called to report that a racial epithet was painted on outside wall of the Galleria Shopping Center, S. W. Tenth and Alder: "Kill the Niggers." I called the Galleria management and asked them to remove it.

February 12, 1981

Three men passed out racist literature outside the Multnomah Athletic Club where Sen. Bob Packwood was speaking. The literature was from the Christian National Socialist White Peoples Liberation Army.

February 13, 1981

Received a packet of information from Commissioner Jordan's office. A lady sent a letter of concern, along with anti-racist literature, about the increase in Klan activity and the fact that people were printing and distributing literature of such nature. (See file for name, etc.)

February 17, 1981

A young man stopped in the office with a handful of white supremacy literature printed by the Christian National Socialist White Peoples Liberation Army. The young man had found them downtown laying around several locations.

February 20, 1981

A reporter from the Willamette Week took pictures of three men who were handing out literature on S. W. Sixth and Yamhill. The literature was from the Christian National Socialist White Peoples Liberation Army. The men asked the reporter to give them the film; when the reporter refused, they pulled a knife on him. The reporter yelled for help, and the men ran away. (See file for news article.)

February 21, 1981

An MHRC staff person saw two men handing out literature from the Christian National Socialist White Peoples Liberation Army on the corner of S. W. Sixth and Morrison.

February 23, 1981

Received a copy of a letter to Comm. Lindberg from a Portland resident who was extremely concerned about the leafleting of racist brochures and posters. He had attended a meeting in Northwest Portland and found that poster had been distributed in the Northwest neighborhood. He enclosed a copy of the poster. It was from the Christian National Socialist White Peoples Liberation Army. (See file for letter.)

March 16, 1981

Received a phone call from _____ Saturday night when his wife left the Civil Auditorium, there was a yellow racist flyer left on her car and all cars in the parking lot. The flyers were from the Christian National Socialist White Peoples Liberation Army. M _____ was extremely upset. He called the police, and they refused to do anything. _____ was upset because it is against City Code (16.26-110) to post or leave flyers in the City of Portland and felt the police were refusing to enforce the City Code.

March 16, 1981

MHRC staff reported that a racial epithet was printed on the Day/Night Teller Machine of Pacific First Federal Savings on S. W. Sixth and Yamhill: "Kill the Niggers." We called the bank, and they said they would remove it immediately.

SUPPORT THE



FIGHT FOR WHITE RIGHTS

The United States used to be a white people's country—but not any more.

The U.S. as we know it today was first settled by white people, who ousted the primitive Indian tribes they found here out of their way in order to make room for themselves. These early white settlers built the first cities and roadways and turned untamed wilderness into farm land.

When the time came for America to break the political ties which bound it to England, the white people of the 13 colonies rose up and declared their independence. They were unwilling to be ruled by a government they felt was tyrannical and unresponsive to their needs. Yet independence didn't come easy, and our forefathers were forced to fight a long and bloody revolution in order to secure the right to govern themselves.

The U.S. was a white people's country then, when it was first born. For despite the presence of Negro slaves in the South and Indians in the frontier region, the customs, culture and civilization of the new nation were completely and overwhelmingly those of white people.

The founding fathers of this country were also white, of course, and they designed the best government they could for that future generation of Americans whom they assumed would be white. They would be able to enjoy the plentiful riches of the North American continent under a government that was free and fair.

That was two centuries ago. Today, although white people still make up the vast majority of the population in the U.S., this is no longer a white people's country. Our government is no longer free, nor is it just. Instead, it has become just another tool of the anti-white System which dominates this land.

The most important single result of this turnabout is the massive and growing violation of white people's rights. In fact, it is accurate to state that the rights of white people are being violated to a degree that actually threatens the very existence of the race, even though most whites have not come to realize this yet.

Here are some of the subtle and not so subtle methods the System is using to bring about a new dawn for the white people of America:

• **Displacement of Whites through growing non-White immigration.** The U.S. can support only so many people. Every non-White who enters the U.S. takes the place of a potential White baby. Every non-White immigrant who gets a job helps increase White unemployment. Every non-White immigrant who goes on welfare raises the taxes which White working people pay.

• **Race-mixing.** Racial intermarriage used to be against the law. Now it is actually encouraged by the System, especially in the Jewish-dominated media. Race-mixing causes genocide by replacing the beautiful white offspring of marrieds between white people with raceless mongrels, produced by the perverse union of Whites with non-Whites.

• **Culture distortion.** Instead of a healthy white people's culture, the System promotes both the culture of non-Whites and culturally degenerate art forms. No race can long survive if it is denied the fundamental human right to express itself culturally in a manner consistent with its racial soul.

• **Destruction of white pride and sense of identity.** Just as every individual needs a sense of personal identity and personal pride in order to be happy and successful, so every race, too, needs a sense of racial pride and racial identity to survive. The System promotes Black pride, Black history, Black identity and Black power; it promotes Chicano pride, Chicano history, Chicano identity and Chicano power. It promotes these things for Jews, Puerto Ricans and every other non-White minority. But does it promote white pride? White history? White identity? White power? No way!

• **The elimination of the family farm.** In a healthy society, roughly 50 percent of the population lives in a rural setting. Less than five percent of Americans today live on farms. Instead, this vital source of spiritual and racial renewal has been turned over to agnostic, soulless, anti-business concerns.

• **Economic warfare against the white middle class.** The fouled-up capitalist economy our country has may be good for some people (like the capitalists), but it is death to the productive white middle class, which is the mainstay of the U.S. Households with a single breadwinner. A life free of crushing debt. A job which is personally fulfilling. Stable marriage. Economic security for the future.

WHAT THE FIGHT FOR WHITE RIGHTS AND WHITE POWER IS ALL ABOUT: To guarantee that our children and our children's children will be able to live in a prosperous, white people's society, and by the same token to ensure the continued existence and advancement of the white race.

All of these things are needed if a people is to be prosperous. All of these things are now denied to white blue- and white-collar workers.

• **The extermination of all-White communities.** It is a basic and fundamental right of all peoples and races that they be allowed to live, learn, work and play in communities made up of their own ethnic and racial background, if they so desire. The System has decreed that there be no more all-White communities, nor that there be all-White schools. They call this purposeful destruction of white neighborhoods and schools "integration." We call it *destruction*.

• **The right to work and learn.** We would think that people who build who continue to maintain this country would be accorded the status of free citizenship. Now an American Supreme Court has ruled that discrimination against Whites in favor of Whites in hiring practices and pay is not illegal (the *Wicker* decision) and is legal advancement (the *Baker* decision) and is perfectly legal, but does not well as a means of giving preferential treatment to non-Whites who are not.

to be less qualified than White applicants. In effect, Whites have become second-class citizens in the U.S.

• **The rape of the environment.** All of the above weren't enough, the System, at the behest of Big Business, is waging a total war against the environment. Pollution of the air and waterways. Radioactive wastes. Acid rain. Chemical additives to our food. The System isn't concerned with the safety of white people, it is concerned with turning a fast buck.

These, then, are just some of the ways in which the fundamental human rights of white people are being violated by the System every day. The list could be made much longer, if it were to include the pro-Zionist foreign policy which the government pursues, its refusal to combat drug traffic among our young people, its indifference in the face of Communist infiltration of thousands of healthy White boys and girls, and many, many more.

There are some people who might find this list of wrongs comforting or even relieving. But it is not. It is a list of wrongs which are being done to you and your children.

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Write to:
THE NATIONAL SOCIALIST
P.O. Box 50360
Chicago, IL 60650
U.S.A.

...that the only way which will give us every one who has eyes to see and ears to hear.

The United States is no longer a people's country. It is progressively being taken over by a few hundred individuals, many of them multi-nationalists.

The United States is no longer a people's country. It is progressively being taken over by a few hundred individuals, many of them multi-nationalists.

White people have not only the right to refuse to follow an illegal mandate which work against racial self-help. But there are other things we can do.

When our forefathers felt that their rights were being violated, they rose up and secured their rights. They won. It is what today is known as the American Revolution. This is what we need.

We call on all white Americans who live in the U.S. or Canada to join in a struggle for white rights. We need you first for the creation of a white people's party, and then for a white people's government.

We call for a Second American Revolution. A white people's revolution.

Why does the System hate NATIONAL SOCIALISM?

The generally deteriorating conditions we face at home and abroad today are an outgrowth—of a greater or lesser degree—of America's senseless involvement in World War II. Whether it is a question of urban unrest, Southeast Asia, or the spiraling cost of living or the Middle East crisis, all of these problems are directly related to that military adventure a generation ago.

Why did the older generation go to war against the people of Germany and Japan?

We have all been fed the line that they were "punishing aggressors" and "risking the world's life for democracy." But was it really impossible to have lived in peace with the German and Japanese people?

Why was it necessary, for instance, for our fathers and uncles to kill hundreds of thousands of men, women, and children at such places as Hamburg, Hiroshima, Nagasaki, and Dresden? Why was it necessary for them to destroy Adolf Hitler and National Socialist Germany? Why do they keep on parroting the same old media stereotypes about this man and his ideas? Could it be—could it just possibly be—that they have been brainwashed by a System which has a vested interest in misrepresenting National Socialism and its founder?

They have told us that Hitler was the wickedest man who ever lived—worse than Stalin or the blood-thirsty Trotsky (alias Bronstein), worse even than the Devil himself. They seriously expect us to believe that this man, who stirred the hearts and minds of tens of millions of his fellow countrymen and created the most dynamic political movement the world has ever seen, was totally without redeeming qualities. They expect us to believe that he simply cast an evil spell over central Europe in order to carry out his machinations. Talk about a credibility gap! Whenever anyone tells a whopper like that with a straight face we know there's more there than meets the eye.

Why does the liberal-democratic System really hate National Socialism?

By rejecting bourgeois-capitalist values, Adolf Hitler solved the unemployment problem in just two years after coming to power in Germany, while the Western democracies were still floundering in the Depression of the '30s. Unlike the capitalist regimes in the U.S., Britain, and France, Hitler did not have to resort to war preparations to bring his country back to social and economic health, as lying propagandists of the liberal-democratic System have claimed.¹ What he did was very simply to base the German economy not on some extraneous metal like gold or silver, the supply of which was controlled by outside interests, but on the productive capacity of the German worker himself.

Hitler also freed Germany's foreign trade from the control of the international bankers of London and Wall Street, by introducing several radical innovations. One of these was strict limitation of German imports to those materials essential to the economy. Another was the international barter system. If Germany, for example, had farm machinery for export and a country like Rumania had wheat, the two nations would just swap.

Hitler simply ignored the "rules of the game," which said that a country like Germany, without gold or foreign-exchange reserves, couldn't engage in foreign trade without coming, hat in hand, to the international bankers for credit. These international parasites, of course, didn't like losing their cut, and hatred rose in their hearts for the man who was upsetting their applecart.

The communists were losing ground, too. In the face of solid National Socialist accomplishment in the social and economic fields, the moth-eaten Marxist theories stood exposed as the gigantic fraud they are and began to lose their appeal not only in Germany, but wherever working people were allowed to hear about Hitler's accomplishments.

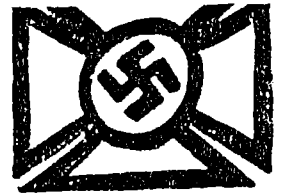
¹ Instead of continuing to swallow the same old line that the media and all too many professors have been jumping on us who've done a little original homework? For facts, instead of the system's fiction, find and read a few of the following books on the background of the last war:

Charles A. Beard, *President Roosevelt and the Coming of the War, 1941* (New Haven, 1943).
George Morgenthau, *Pearl Harbor* (New York, 1947).
Charles C. Tamm, *Back Door to War* (Chicago, 1952).
Robert A. Theobald, *The Final Secret of Pearl Harbor* (New York, 1954).

² Walter H. Klein, *Germany's Economic Penetration of War* (Cambridge, 1959).

Write to:
THE NATIONAL SOCIALIST
P.O. Box 10360
Chicago, IL 60650
U.S.A.

CHRISTIAN NATIONAL SOCIALIST
WHITE PEOPLE'S LIBERATION ARMY



JANUARY - 1981

DEAR FRIEND,

DESPITE THE GREAT WHITE PEOPLE'S ELECTORAL VICTORY OF LAST NOVEMBER, OUR RACE AND CIVILIZATION ARE STILL UNDER ATTACK FROM THE ANTI-WHITE, ANTI-CHRISTIAN AND ANTI-AMERICAN RACE-MIXING QUEERS WHO RUN THIS COUNTRY.

ALTHOUGH WE WERE ABLE TO THROW OUT MOST OF THE POLITICAL DEGENERATES RESPONSIBLE FOR THE LAST 50 YEARS OF COMMUNIST RULE IN AMERICA, THE ENTIRE PRESS, NEWS MEDIA, TV NETWORKS, MOVIE STUDIOS ARE STILL LARGELY IN THE HANDS OF OUR ENEMIES. WHILE WE ARE ABLE TO VOTE OUT COMMUNIST SWINE LIKE JIMMY CARTER, WE ARE UNFORTUNATELY NOT ABLE TO 'VOTE OUT' THE NEWS MEDIA, WHICH ARE AT LEAST AS POWERFUL AS OUR ELECTED LEADERS.

HERE IN OREGON, THE POWERS THAT BE ARE TRYING TO FORCE A "RACIAL HARRASSMENT" LAW DOWN OUR THROATS WHICH WILL BE JUST ONE MORE LAW OUR JEWISH OVERLORDS WILL USE TO SUPPRESS WHITE CHRISTIAN AMERICANS. THIS LAW WILL MAKE IT A FELONY TO EXPRESS WHITE SUPREMACIST VIEWS IF THIS IS FOUND TO 'HARASS' ANYBODY. LEFT WINGERS HAVE FOR YEARS DEMANDED 'FREE SPEECH' FOR PORNOGRAPHERS AND COMMUNISTS, BUT WHITE CHRISTIAN AMERICANS ARE APPARENTLY NOT ENTITLED TO THE SAME RIGHTS. LIKE THE SO-CALLED 'CIVIL-RIGHTS' LAWS, THE 'RACIAL HARASSMENT' LAW WILL BE DIRECTED ONLY AGAINST WHITE PEOPLE. IN ALL THE YEARS WE HAVE HAD 'CIVIL-RIGHTS' LEGISLATION ON THE BOOKS NOT ONE SINGLE NON-WHITE HAS EVER BEEN PROSECUTED FOR VIOLATING THE CIVIL RIGHTS OF WHITE PEOPLE! THE MIAMI OFFICERS ARE BEING PROSECUTED FOR BEATING A BLACK MAN TO DEATH IN SELF-DEFENSE, BUT THE BLACKS WHO STOMPED SEVERAL WHITE PEOPLE TO DEATH IN THE SUBSEQUENT RIOTS ARE NOT BEING PROSECUTED UNDER THE CIVIL-RIGHTS STATUTES.

THUS, IT WILL TAKE ALL OF OUR ENERGIES AND RESOURCES TO FINALLY DEFEAT THE ENEMIES OF WHITE AMERICA. I WOULD LIKE TO ASK YOU TO JOIN OUR ORGANIZATION AND OUR GREAT STRUGGLE. THANK YOU AND GOD BLESS YOU FOR WHATEVER CONTRIBUTIONS YOU CAN MAKE TO SAVING OUR WHITE RACE AND NATION!

\$15 ANNUAL MEMBERSHIP FEE
PLEASE INCLUDE NAME, ADDRESS, AGE,
RACE, SEX, ETC.

MAKE ALL CHECKS OUT TO:

SUPREME COMMANDER,
CHRISTIAN NATIONAL SOCIALIST
WHITE PEOPLE'S LIBERATION ARMY

(CNSWPLA) - PO BOX 40370
PORTLAND, OREGON 97204

MEYER LANSKY: The Jewish Butcher who Owns America!



1981 will be the 50th anniversary of the Jewish takeover of the National Crime Syndicate or "Mafia." It was on September 15, 1931 that Meyer "Lansky" Sucholjansky created "Murder Incorporated" with the help of his associates Charles "Lucky" Luciano and the Jews "Bugsy" Siegel, Arnold Rothstein, Aaron Sapiro and Allie "Tick Tock" Tannenbaum, "Tootsie" Feinstein and Israel "Icepick Willie" Alderman.

Lansky today still runs the multi-billion dollar narcotics empire. On those rare occasions when a grand jury gets too nosy, Lansky hides out in Israel for a year or two until the heat dies down. In 1963 Lansky teamed up with Cuba's Fidel Castro to murder President John F. Kennedy, who had been giving both of them a hard time. Jack "Ruby" Rubinstein had been the middle-man in setting up the murder.

While Hollywood movie moguls have been churning out Italian "Mafia" movies for decades, most people do not realize that the Jewish gangsters and Jewish movie producers have a common interest in hiding the truth.

Meyer Lansky is today a billionaire who has never spent a single day in jail, thanks to the authorities of the "Jewish States of America."

Lansky will not be so lucky, however, when National Socialism comes to power in America. 50 years of Jewish gangsterism and terror will end and the White Christian people of America will take their destiny into their own hands.

DEATH TO JEW-COMMUNIST BUTCHERS!

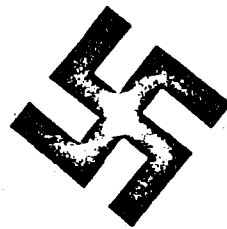
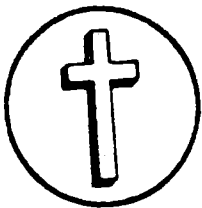
AMERICA AWAKE! WHITE POWER!

**DEATH TO
Jew-Communist
Pigs!**



DEPORT:

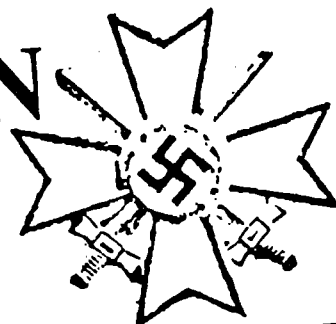
**NIGGERS
MEXICANS
CUBANS and
QUEERS**



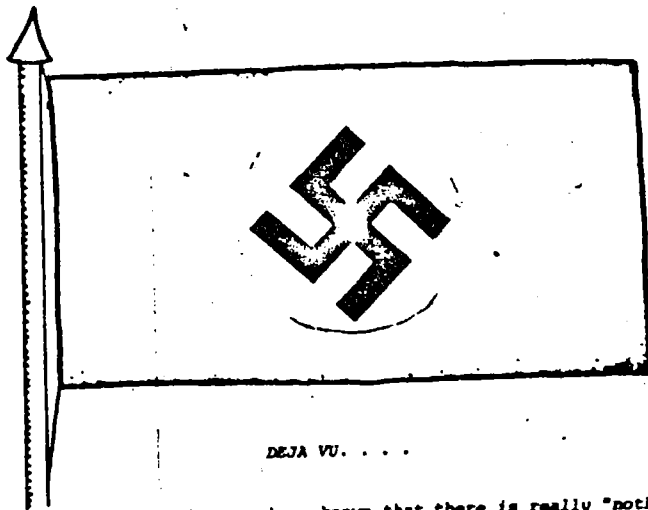
“JOIN US”...

**CHRISTIAN
NATIONAL SOCIALIST**

**WHITE
PEOPLES
LIBERATION
ARMY**



**P. O. Box 40370
Portland, OR. 97240**



Since ancient times, wise men have known that there is really "nothing new under the sun."

As strange as the things that have been happening to America recently may seem, they have all happened before! And, they have happened not once or twice, but times too numerous to count.

For example, Germany in the 1920's suffered from all the ills of present-day America: skyrocketing inflation, massive unemployment, organized crime and mob violence, drug addiction, child prostitution and pornography, and the general decline of religion and moral values.

Then, a savior appeared on the political horizon. Whatever you have been taught to believe about Adolf Hitler, one fact cannot be denied: He eliminated ALL of the above listed social evils in a single stroke, by REMOVING from positions of influence the RACE that created them.

Without the Jews, Germany was reborn as a united and free nation, prospering and flourishing as never before. Everyone had work and food, peace of mind and unbounded confidence in the future of Germany under National Socialism.

Although the Jews and their Communist allies have won the first battle, National Socialism is prepared to wage war for ten-thousand years, if necessary, until our race and the entire world are freed from the tyranny of Jew-Communist butchers and slave-masters.

AMERICA WILL SMASH RACE-MIXING AND JEW-COMMUNISM!

FREE JOE FRANKLIN AND ALL WHITE PATRIOT POLITICAL PRISONERS!

Christian National Socialist
White People's Liberation Army
P.O. Box 40370
Portland, OR 97240

OREGON, OREGON

Dear Fellow Oregon Hunter:

The 1980-81 big game season in the State of Oregon will be cancelled due to the shortage of big game animals. The following will not be hunted within this state's boundaries this season: Bear, Deer, Elk, and Big Horn Sheep.

However, in the place of the game animals, there will be an open season on the South-Western Wet Back, (known locally as Mexican, Greaser, Greaseball, Spic, Mex or Low Rider.) The season will open October 1st, 1980 and close on April 1, 1981. These Wet Backs must be thinned out every two or three years.

It will be unlawful to:

1. Hunt in a party of over 150 persons.
2. Use more than 35 blood-thirsty bloodhounds.
3. Shoot in public taverns. (the bullet may ricochet off the grease and injure a civilized white person)
4. Shoot any Wet Back while in a Mexican Restaurant.

Trapping Regulations:

1. Traps may not be set within 15 feet of taco stands.
2. Traps may not be baited with tacos, burittos, chili peppers, or food stamps. (Refried beans may be used for this season only)

Note: A special permit may be issued for the use of flashy cars.

3. Traps may not be set in a welfare office.
4. All traps must have a 120 lb. spring and have a jaw spread of at least 5 feet 3 inches.

Other Rules and Regulations:

1. It is unlawful to possess a road killed Wet Back. If is seen on the highway, you may hit it, just don't pick the greasy bastard up.
2. It is unlawful to use any recorded or electronically amplified device to trap a Wet Back, with the exception of the following: (A) A recording of Crystal Gayle's "Don't Make My Brown Eyes Blue."

Note: A special permit may be purchased to use "Mexically Baby."

How To Know A Wet Back Is In Your Area:

1. Disposable diapers thrown on the street.
2. Large lines outside the welfare office.
3. Trail of grease leading from shallow water to the bushes.
4. Empty books of food stamps thrown on the ground.
5. A 1957 "Cheevy", a "Cheevy peecup", or a Ford Torino with Starsky & Hutch strips. (All with red dingle balls in the windows)

Limit: Three (3) per Day Forty (40) per Season

NOW STOP THE BOAT PEOPLE

National Association for White Preservation



YESTERDAY—We as a nation were invaded by millions of Asians and Hispanics

TODAY—We are being invaded by 80,000 or more Cubans

TOMORROW—We will be invaded by hundreds of thousands of illegals from some constant source

The United States now lies prostrate before the world waiting helplessly for any and all enemies, diseased, and freeloaders, to come to our land where everything is free to them but not to us

Our taxes no longer pay for essential services such as adequate roads and police protection, instead our taxes pay for finding, feeding, housing, transporting, clothing, training, entertaining, housing, and educating millions of illegals who have no right to be here.

WE WILL SUPPORT:

1. **The Honor**—of our ancestors by upholding the Western Culture they created
2. **The Sovereignty**—of the United States with boundaries to keep out all aliens
3. **The Constitution**—of the United States as it was written by the founders of this nation
4. **Free Enterprise**—to provide incentives without excessive government regulation
5. **Family**—as the foundation of the United States through which the spirit, ideals, and morals are passed to the younger generation
6. **Racial Purity**—people of the white race should have the freedom to say no to the negative policies of affirmative action, quotas, busing, and race riots now happening

WE OPPOSE:

1. **Communist governments** and their force terrorism in all forms
2. **Censorship** of the truth as practiced in the United States by news services, broadcasting companies, and mail systems
3. **Contraction** of the territories and territories of the United States such as our withdrawal from the Panama Canal and various Pacific Islands



MEMBERSHIP APPLICATION

National Association for White Preservation (NAWP)

P.O. Box 230198, Tigard, Oregon 97223



Date _____ 19 _____

I promise not to disclose any confidential information given me if I seek membership.
 I pledge my allegiance to the White Race in the United States and resultantly to the White Race throughout the World.

I hereby signify that I am a White Man or White Woman 18 years of age or older of Non Jewish ancestry.

I vow that what I have written below is true and I am in compliance with the directions given above.

Signature _____ Phone _____

Name _____ Age _____ Sex _____

Address _____
(City) (State) (Zip)

Occupation _____

Were you ever convicted of a felony?

Married () Single () Divorced () Date of Birth _____

Enclosed is my initial donation of _____ \$15.00 minimum
(If you are rejected for membership your money will be returned on request.)

April 1981

RECEIVED
APR 1
MAN RELATIONS COMMS.Klansmen See Green Light
For Violence, Intimidation

Jerry Paul Smith and Coleman Pridmore, two of the Klansmen who killed Greensboro anti-Klan marchers, must have swelled with "patriotic" pride when at a recent banquet, they were presented "Americanism Awards" for their "courageous and steadfast defense of our Constitutional rights." The dinner was hosted in Marietta, Ga., by Ed Fields, editor of the racist paper, the Thunderbolt, and head of his own "New Order Knights" Klan. Fields called the acquittal of the Klansmen "a great victory for white people everywhere," and Smith and Pridmore seem to have interpreted the verdict as a "green light" to continue their racist organizing. As detailed below, Smith recently helped lead a group that seemed bent on bringing mob rule to a North Carolina town. Pridmore became involved in organizing the Klan in far-off Albany, Ore. Their efforts, amidst an upsurge in Klan activity nationwide, should serve as a grim inspiration to law-abiding citizens to rededicate themselves to opposing Klan violence.

KLAN, NAZI INCIDENTS AROUND THE NATIONLincolnton, N.C.
March 14

Fields presents Pridmore with award.
(Photo copied from the Klan newspaper.)

Twenty Klansmen, including Greensboro defendant Jerry Paul Smith, gathered outside the local jail after the arrest of a black accused of raping a white woman. The Klansmen read a letter of protest and, offering to post bond, demanded that the suspect be put in their custody in order to "give him a fair trial and see that justice was done" -- according to a local police detective. The location of the prisoner is now being kept secret, but anonymous threats from persons calling themselves Klansmen have continued. Klan leader Joe Grady said, "We weren't going to lynch him . . ." (Continued on page 2)

Klan-backed U.S. Fishermen
Continue Anti-Vietnamese Campaign

The dispute between American and immigrant Vietnamese shrimpers in the Santa Fe, Texas Gulf Coast area continued to heat up during March. Vietnamese contacted by KLANWATCH are afraid for their lives and say now they will leave if they can sell their boats. American shrimpers, according to spokesman Gene Fisher, are now training on weekends at Klan paramilitary camps. A cross was burned at a local Vietnamese family's home a week ago, and armed Klansmen have begun patrolling local waters. American shrimpers are reportedly planning to carry Klan guards on their boats when the shrimping season begins May 15. Efforts on the part of Texas Governor William Clements to restore calm, rather than attempting to effect a compromise between the two groups, have mainly been directed at moving the immigrants away from the area.

U.S. Report Hints Weak
Military Response to Klan

A recent study by a Department of Defense consultant indicates sharply increased KKK activity on virtually all Army and many Air Force and Navy commands in Europe. Army Times writer Tom Philpott's recent summary of the 600-page report included:

"There appears to be an increase in KKK activity, particularly Europe.

"Every (Army) command visited had some KKK incidents and felt that there was Klan activity present. LTS (the researchers) had no foreknowledge of KKK activity in Europe, yet every community also reported incidents such as on-post literature and membership cards, sheets, markings on walls or cross-burnings," the study said.

"The report said Army EO (Equal Opportunity) personnel generally felt U.S. Army Europe 'was taking no specific and definite action and seemed not to be dealing with the nature or extent of KKK activity' when the interviews were conducted about a year ago.

"The gross evidence of Klan activity appears to be much stronger than any individual commander might think and is occurring at a time when there is a wide-spread perception that the Army is de-emphasizing its EO program," the report said.

"Air Force EO personnel also expressed concern about KKK activity in their units in Germany and lack of awareness by individual commanders. They added, however, that the Air Force vice commander-in-chief in Europe had issued a strong policy letter on Klan activity that, 'clearly and strongly' stated the Air Force position.

"Navy EO personnel generally felt their service's reaction to Klan incidents 'was weak and reactive rather than positive and assertive," the study said.

"It was felt that most senior level Navy officers were not very familiar" with the Navy's EO program or its value in "counteracting KKK influences."

KLAN, NAZI INCIDENTS (Continued from page 2)

Fort Wayne, Ind.

March 12

A 22-year-old black man was hijacked, robbed and tied to a tree by two white men who reportedly told him that they were members of the KKK and threatened his life if he revealed that they were members of that organization. Arrested were Allen Hovis and a 17-year-old juvenile.

Bonn, West Germany

March 17

A year-long survey of public attitudes in this country, results released on this date, suggested that 18 percent of all West German voters feel that life under Hitler was "the good old days" and that "under Hitler, Germany really had it better."

Portland, Ore.

March 16

Literature distribution and racist vandalism that has been occurring since October of last year continued through this month. Most of the literature has been from the Christian National Socialist White Peoples Liberation Army. In a particularly serious incident, members of that group allegedly accosted a local reporter at knifepoint and demanded that he turn over snapshots that he had just taken of them as they handed out literature on a streetcorner. The reporter escaped without injury.

(Continued on page 4)

KLAN, NAZI INCIDENTS (Continued from page 4)

Jackson, Miss.
Feb. 11

Grand Chaplain Robert Weems and other members of the local Invisible Empire klavern gathered here to protest Black History Week and school integration. Weems suggested that black history is "a lot of propoganda" and that people should keep in mind that "there are a lot of white genes in black history." He also charged the local public school system with racism against whites.

Toronto, Ontario,
Canada Feb. 16

Four Canadian men -- Steven Bolt, Derek Sanders, Keith Cabot and Brad Love -- and an American, Larry Reader of Hickory Hills, Ill., were arrested for painting the letters KKK and "White Victory" at two different locations. Toronto is also the site of a dispute between union organizers and management at a local multiracial factory. Management has since allowed KKK literature to remain on a bulletin board -- defaming minorities and causing dissension in the workforce.

Moulton, Ala.
March 12

In this northeast Alabama community, members of the Invisible Empire Klan were denied permission to solicit funds at a local intersection. Spokespersons Tony Watson and Bull Terry, attending a local council meeting along with 17 other Klansmen, suggested the money would be used to help pay legal expenses for Klansmen charged with violating the civil rights of peaceful civil rights marchers in nearby Decatur. The Klan members will apparently be allowed to solicit money at local shopping centers.

Tuscaloosa, Ala.
Feb. 19

Members of the local Klan held a cross lighting ceremony and sang songs in a field behind the apartment complex where lives the grandmother/guardian of a 12-year-old black child who has been missing since December, and who is now the subject of intensive searches organized by the local chapter of the Southern Christian Leadership Conference.

Columbia, Tenn.
Feb. 6

The manager of a local disco, in whose parking lot a cross was burned and who was quoted as saying that "the Ku Klux Klan is a joke" has been harassed since that time with a series of phone calls threatening "to come back and do something else." Police found copies of the newspaper of Bill Wilkinson's Invisible Empire strewn around the burning cross.

Chattanooga, Tenn.
March 14

Klansmen Larry Owens, National Titan of the United Empire Klan, and Rocky Coker were found guilty and sentenced to prison on charges of possessing explosives and conspiracy to commit an illegal act. Owens and Coker, dressed in battle fatigues, were arrested during a period of racial tension following the dismissal of charges against Klansmen accused of the shotgun woundings of four black women. Klansman James Ledford was acquitted of these same charges.

Nashville, Tenn.
March 1

Invisible Empire Grand Dragon Tex Moore and Titan Stanley King led a group of about 120 Klansmen who marched from the county courthouse to the state capitol to show support for a white police lieutenant, accused of mistakenly shooting a black Nashville woman, who is scheduled to be indicted for manslaughter. The rally on the courthouse steps included a lengthy diatribe about the Atlanta child killings -- and the Klan opinion that the killer had to be a black man. Moore railed that blacks "are going to start looting, rioting, raping and robbing when the weather gets warm" and went on to suggest that their race would be annihilated.

or Klan involvement in schools. Here is a sampling:

- In February 1981, at a Wilkinson rally in Ceres, Calif., a local scout troop leader was revealed to be a Klansman.

And a 16-year-old child of Klan member Manfred Baer was suspended for five days for refusing to stop wearing a T-shirt with a Nazi symbol. Also that month, a 17-year-old student at a local junior college became involved in a dispute with administrators over a planned visit by Klan leaders.

- In Marion County, California, in November 1980, nine members of a local high school football team were suspended after inserting "K-K-K" into a school cheer. Other students reportedly have worn white sheets while chasing black students down halls — one such sheet has been confiscated — and lockers have been marked "KKK."

- In two Oklahoma City suburbs in January 1978, two Knights youth corps groups, claiming a membership of about 100 persons, reportedly attacked an area nightclub frequented by homosexuals and may have been involved in other incidents. Wilkinson's group, led by state Grand Dragon John Clary, visited several local high schools in March 1980 and passed out literature. Clary claims 50 recruits.

- In Jackson, Miss., in December 1980, charges were dropped against the child of Klansman Paul Haecker, who was accused of tear-gassing black students during an argument on a school bus. In October of that year, two robed Klansmen visited school administrative offices to request the transfer of a white youth from a predominantly black to a mainly white school and sometime later, Klan supporter Brigitte Baugh was transferred.

In November 1981, a flyer was circulated in a local high school urging teachers and administrators to "suspend as many blacks as they can." A member of the local youth corps is quoted as saying he starts fights with blacks because "I just don't like niggers . . . they totalled my dad's car. They steal your pencils. They call you names. And I don't like this busing thing, either."

- In Louisville in February 1981, a student displayed Klan literature at a local high school.

- It was reported in December 1980, that in Nashville, Tenn., an Invisible Empire Youth Corps headed by Klan member Gladys Girgenti meets twice a month at a local motel. They are said to be trained in gun use by a local policeman.

- In Birmingham, Ala., in October 1980, Don Black and 50 other Knights chanting "white power" rallied in front of the federal building to protest busing. They advertised it in a large newspaper ad describing schools as "jungles." Black's wife is a high school teacher.

- Twelve members of Wilkinson's youth corps held a kiddie carnival in Summertown, Ala., in the summer of 1979.

- In Decatur, Ala., in the summer of 1979, members of Wilkinson's youth corps burned a school bus at an anti-busing rally.

- In Middletown, Ohio, in November 1980, Invisible Empire members Calvin Buckner and John Kahne attended a school board meeting to ask the board to provide free transportation to school for Kahne's children.

- In Franklin, Tenn., in 1980, Klansmen rode school buses.

- In Winston-Salem, N.C., the superintendent of schools received a letter saying that Klan youth corps units had formed at five local schools and that more were planned. Accompanying the letter was a calling card reading, "You have been paid a friendly visit by the KKK. Would you like a real visit?"

- In Durham, N.C., in the fall of 1980, a cross was burned at half-time during a game between black and white high schools.

- In College Park, Md., in November 1980, several adult KKK members visited a local high school to recruit students. They claimed to have signed up 100, and planned to recruit elsewhere. In St. Mary's County, youth corps applications circulated in a local high school, and in Harford County, a mock job application form slurring blacks circulated among local high school students and both teachers and students repeatedly

received abusive phone calls from self-identified Klansmen.

- In New York City, Junior Scholastic Magazine was slammed by a variety of groups, including the ADL, NAKN and NEA, for publishing an article on the youth corps in April, 1980, that allegedly whitewashed the Klan's racist bent and violent history.

- In Chicago, Ill., a local high school teacher resigned in November 1980 in the wake of a furor caused when 10-year-old black students revealed that he called them "little niggers," "bitches," "whores" and "prostitutes" and called himself a "card-carrying member of the KKK."

- In February 1981, a high school teacher in Pinckney, Mich., was revealed to be a Klan supporter.

- In Largo, Fla., in September 1980, a youth apprehended in a cross-burning incident was wearing a robe lent to him by a Klan member.

BUT A LIST OF INCIDENTS over several years does not a youth corps movement make, and it is to the credit of Klan leaders that they have been able to sell reporters their exaggerated claims of youth corps membership.

They hype their numbers for several reasons.

First, it makes them seem more important. The *Columbia Journalism Review* of March/April 1981 chronicles just how one independent California Klan leader, Jeff Murray, transformed what was basically a non-existent Klan into a Klan with 12 district officers all over the state — and got his story reported in major newspapers, wire services and magazines. More than that, Murray suggests, *uncritical* reporting of events he staged actually boosted his membership.

Second, merely making those claims gets them publicity.

Third, this tactic allows Klan leaders to perpetuate the myth of secrecy. Adult members in most locales, for obvious reasons, rarely intentionally reveal their identities. But, when the youth corps recruits, usually in schools, they invariably hand out literature and when they do that in schools, word inevitably gets to the press. The paucity of such reported incidents is a telling indication of true youth corps strength.

But some youth corps do exist, and they present problems that must be confronted.

First, they pass the thread of extremist racist thought to the next generation.

The racist indoctrination of these Klan children is sad but real, and similarities can be drawn to the Hitler Youth, which 50 years ago gave troubled and misguided youths a uniform, a regimen and ill-founded self-respect based on scapegoating Jews and other minorities.

Klan leaders vehemently deny such analogies, although Metzger reportedly trains children for "intelligence gathering" and one Klan youth says, "We're not like the Nazis. We're just against communism. Blacks? They're the arms and legs of communism. Communism is when the state owns everything and people own nothing. Higher gas prices is kind of a start. They teach us that the Jews are the cause of that."

Wilkinson claims there is a correlation between racial tension and the success of youth corps recruitment, a relationship that exists, at least in the adult Klan, because he travels to and actively recruits in spots where communities are undergoing such difficulties. In schools in cities where such tension already exists, and especially in those that are undergoing school integration, the results of Klan youth corps activity could be — devastating.

That's why these groups have to be kept small, and why better efforts must continually be made to foster in our schools, cities and families, the sort of racial understanding and brotherhood that will make the idea of a youth corps as repugnant to impressionable children as it is to thinking adults.

It is when we note, for example, that a 1980 survey of students listed in Who's Who among High School Students revealed that more than 18 percent of these future leaders "feel racial prejudice towards others," that we recognize we are still a long way from establishing that sort of society.

Racial harassment incidents increasing in Oregon

By ALAN K. OTA
of The Oregonian Staff

12/24/80

A sleek, black Doberman pinscher paced behind Kwak Boateang's house in Northeast Portland. Inside, Boateang keeps a revolver and a .30-06 rifle.

A quiet man who was unaccustomed to guns or violence in his native country of Ghana, Boateang has become a soldier in a war on racial fear.

"I'm for being prepared," Boateang says. "It's going to get a lot worse before it gets better."

From late 1979 until early 1980, the Boateang family was repeatedly harassed while living in the Columbia River community of St. Helens.

Despite police protection and the support of many townspeople following vandalism to his house, Boateang says the law failed to provide a remedy for continued verbal, and one instance of physical, abuse on the streets of St. Helens. In July, the family moved to Portland.

An investigation into the alleged incidents begun by St. Helens police and turned over to the FBI a year ago remains incomplete, with no arrests to date.

The case is one of two examples cited by state officials to illustrate the problem of racial harassment in Oregon and the frequent failure of the legal system to provide an adequate response. The second case involves racial threats and vandalism directed at the family of Ray Richardson, a Milwaukie engineering technician, last summer.

After more than a decade of decline since the civil rights movement of the 1960s, racial harassment is on the rise in Oregon and elsewhere.

In some instances, one-on-one physical attack evolved as in the case of

Maurice Harmon, a state Department of Human Resources employee. On Nov. 12, a man allegedly poured gasoline on Harmon after a tirade of racial insults in a Salem bar.

More commonly, the attacks on blacks in the Pacific Northwest are anonymous; incidents where "no one takes credit," according to Robert Lamb, Community Relations Division director of the U.S. Justice Department in Seattle. Lamb says the number of racial harassment complaints in Washington and Oregon has "substantially increased" in 1980 and could spark a "vicious circle" of racial violence unless solutions are found.

In Oregon, state officials are working on a novel approach to the problem. Gov. Vic Atiyeh's staff is developing legislation that could establish felony penalties of up to five years in jail and \$12,500 in fines for a new category of crime called racial harassment, involving race-related vandalism and abuse.

Such cases are customarily prosecuted as criminal mischief or harassment, both misdemeanors, with penalties ranging from six months to one year in jail and up to \$1,000 in fines.

The intent of the legislation is to make the penalties as strong as we can possibly make them," Atiyeh said in a recent interview. He explored the actions of "bullies and cowards" who have "sucked courage from those who say or do nothing."

Sidney Lezak, the U.S. attorney for Oregon, says the impetus for the legislation stems from meetings held in his office with representatives of civil rights organizations and Atiyeh's staff in the wake of the highly publicized racial harassment case of the Richardson family last summer.

"There was a feeling on part of the human relations groups that we just didn't have adequate statutes which could be enforced at the local level," Lezak said. "What you needed was a specific statute related to harassment for racial reasons which could be used as a vehicle for local law enforcement."

Lezak says the main value of a new statute would be to act as a deterrent and to "sensitize local police who are first on the scene" to take action and "not to treat the matter like a domestic quarrel or neighborhood brawl."

Massachusetts enacted a similar statute, believed to be the first of its kind in the nation, as part of a "state civil rights act" in February. An increase in race-related incidents also has been reported nationwide.

Apparently race-related killings in Atlanta, Buffalo, N.Y., and Salt Lake City — as well as the attempted assassination of civil rights leader Vernon Jordan — have spawned widespread concern in black communities. The Justice Department's community relations division reports a nearly tenfold increase in complaints of Ku Klux Klan activity nationwide from 1978 to 1980.

Locally, the Richardson case resulted in the conviction of three Milwaukie high school students for harassment and criminal mischief. Richardson has maintained that the penalties — probation and mandatory community work — issued in the case are insufficient to deter future abuse, and has filed a \$265,000 suit against the three students and their parents.

In the Harmon case, a 36-year-old Salem man, Richard Morrison, has been arrested and charged with reckless endangerment and second-degree criminal mischief, both in connection with the Salem bar incident.

According to Salem police, a man approached Harmon in Mr. D's tavern, poured the contents of a two-gallon gasoline can on him, and left after uttering racial epithets and struggling with Harmon.

Harmon says it was not his first brush with apparently race-related violence in Salem. In February, an arson fire caused \$3,500 damage to Harmon's home in a quiet section of Southeast Salem.

While police could find no suspects or motive for the fire, which was caused by two gasoline-filled soda bottles that had been lit with cloth wicks and left on a porch, Harmon believes a racial motive is the only logical one.

Norm Monroe, deputy director of the Portland Urban League, believes racial harassment is similar to rape and deserves new and tougher penalties because its victims suffer long-term psychological trauma and ripples of fear can spread through an entire community.

"What has to happen is state as well as federal involvement," he said. "No one wants people to start getting guns."

For Boateang, the harassment began Nov. 4, the day he moved into a newly purchased home in St. Helens to begin commuting to a new job as a computer repairman in Longview, Wash. That night, Boateang discovered paint had been splattered on his front door.

Two weeks later, he found large graffiti on his two cars. "No coons," read one epithet.

St. Helens police Chief Dave Novak visited the home in response to the incidents and assigned patrolmen to stake out the house for one week but no further vandalism occurred. The FBI was called in when the investigation bogged down, however, because police "didn't have the type of manpower to handle it," Novak said.

Boateang says St. Helens police did not aggressively investigate the case and then did nothing about Boateang's later complaints of verbal abuse in town, charges that Novak denies.

"I'm really disappointed the fellow had to move, but he probably never would have been comfortable (here) again," Novak said.

Although no indictments have been made in the case, Novak says police have identified two groups of suspects on the basis of "rumors" — three men, "neighborhood rowdies" in their 20s who lived near Boateang, and three juniors for high school students, also neighbors.

The students were identified from a crumpled note found in a St. Helens church that police believe was passed between youths, according to Novak. "You'll never believe what I'm going to say, but, —, and —, and I are the ones that painted their cars and through (sic) paint on the doors. Don't tell no one," the note read.

Mayor Frank Corsiglia said St. Helens residents took collections to repaint the Boateang's house and cars and to erect a new fence in an "outpouring of support."

It was not enough, Corsiglia said, to balance what he called an "isolated incident" attributable to "juvenile problem-makers."

A new law, he said, "will help but won't solve the problem of intolerance."

Racial threats plague Milwaukie-area family

By JULIE TRIPP
of The Oregonian staff

Symptoms of racial hatred such as cross-burnings, spray-painted epithets and rocks thrown through windows in the middle of the night always happen in some distant place. Right?

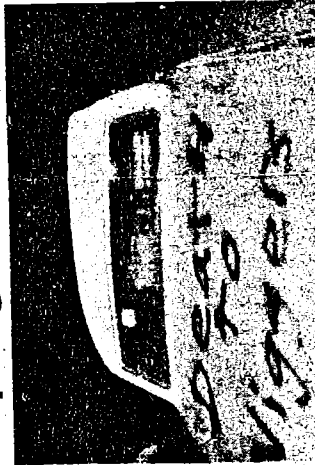
Maybe. But they also occur in suburbs southeast of Portland, as the Ray Richardson family knows firsthand. The black Milwaukie-area family has been subjected this summer to continuing racial harassment and vandalism that goes beyond pranksterism. It is unlike anything the native Portland couple, and their two small children, have ever experienced.

As of Friday, neither the Clackamas County sheriff's office nor the FBI had been able to determine who is responsible for the incidents. The area offices of the Urban League and the National Association for the Advancement of Colored People and representatives of the U.S. Department of Justice also are looking into the case.

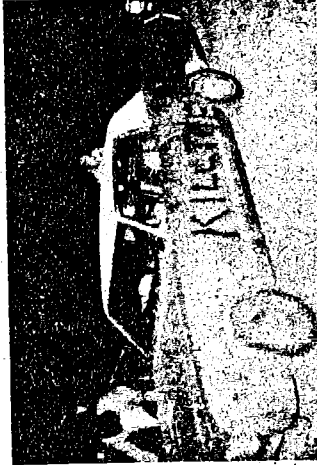
Although incidents of vandalism began occurring at the Richardsons' split-entry home in the first quarter of this year, when their car windows were beaten out with golf clubs once and shot out with a pellet gun another time, the racial threats did not begin in earnest until July.

On the night of July 17, the Richardsons were in their downstairs living area about midnight. Mrs. Richardson was typing and paused when she heard the crash of a small rock through the window.

The Richardsons looked out the window and were confronted with a



HARASSMENT — Ray Richardson family in Milwaukie area, has been target of continued racial threats and



harassment in recent months. Richardson, a black, said, "We've never had any problems like this."

5-foot wooden cross blazing on the lawn in front of their living room picture window. Richardson saw one figure in the shadows but was unable to see others.

The Richardsons found that both their cars had been spray painted, in 2-foot high lettering, with messages that said "Kill the blacks" and "Death to niggers." Similar threats were sprayed on the house and front door.

A few nights later, a four-wheel drive vehicle drove slowly by the house as racial threats were broadcast from a public-address system.

Following that, a threatening note was left in the driveway. "Leave or die, nigger," it proclaimed in a scrawl of black ink.

"We've lived here six years, and we've never had any problems like this," Richardson said. "It's made things uncomfortable for my family.

"Why did they pick on us? We don't know. We're certainly not the only blacks in this area.

"It's really tough to take," said the 31-year-old Richardson, who is an engineering technician who helps with design and evaluation of products at Omark Industries. "I was a Vietnam veteran, over there serving my country and all

"Teen-agers do things, pranks, on

the spur of the moment. But this cross-thing — that was well-organized."

Richardson said the incidents probably are the work of five or six people, in two cars, based on what he has seen. He has not been able to get exact descriptions or license numbers to help police apprehend those responsible.

The Clackamas County sheriff's office has been notified "at least a dozen times" of various incidents and has investigated the case, Richardson said.

Sgt. David Spear of the sheriff's office said Friday, "The case has been suspended pending further information, but we're keeping a close patrol watch, waiting for a break."

The Richardsons said the sheriff's office had told them it did not have enough manpower to continually patrol their home.

"We don't know what to make of it," Spear said. "They're good solid citizens, and there doesn't seem to be a reason or motive behind it. We can't glean much from the incidents, so we're kind of gliding, waiting."

The FBI entered the case at the request of U.S. Attorney Sidney Lesak, who was informed about it by the Urban League.

Justice Department officials are reviewing the case to determine if federal civil rights statutes have been violated.

The Richardsons' immediate neighbors are aware of the problem and have been supportive, keeping alert to suspicious persons and vehicles in the vicinity.

Norm Monroe, deputy executive director of the Urban League, said: "We get complaints about racial harassment, but never anything this serious. This really bothers us. The man is just such a neat person."

Spear said such incidents were rare in Clackamas County, although he recalled that a cross was burned in a white man's yard in West Linn about 15 years ago.

"Some people think we don't have a racial problem in Oregon," Monroe said. "Well, yes, we do have a problem here."

Monroe is helping organize a meeting to discuss the Richardson case with the U.S. attorney and representatives of the Justice Department, FBI, Clackamas County sheriff, Urban League, NAACP and Black United Front.

"We want to find out what we can do to offset the negative impact of this kind of activity, especially in light of the increased Ku Klux Klan activity across the country," Monroe said.

The Metropolitan Human Relations Commission also is mobilizing support for the family, Monroe said.

7/23/80

Harassed family lacking protection from sheriff's office

By JULIE TRIPP
of The Oregonian staff

~~8/23/80~~

The Clackamas County sheriff's office was on the hot seat Friday when officials concerned about racial harassment of the Ray Richardson family in Milwaukie learned that another incident had occurred earlier in the day at the black family's home and that evidence from previous ones was ignored by deputies.

The family has been subjected to a continuing series of racial threats this summer, including the burning of a 5-foot wooden cross on their front lawn and spray-painted racial threats on their cars and house. The sheriff's office has not been able to determine who is responsible.

Friday morning, Mrs. Richardson was home with her two small children when three cars screeched to a halt on the road in front of their home, then raced in circles in front of the house. Loud noises, like firecrackers, backfires or shotgun blasts, accompanied the racing cars. When Mrs. Richardson saw one of the drivers get out of his car, she took the two children and left through the back door.

Asked, at a meeting of concerned officials, what the family could expect Friday night in the line of increased patrol or protection from the sheriff's office, Lt. Frank Baird said a day-shift employee has been assigned the case full time, but no funds are available to have someone on duty at night.

All the incidents except Friday morning's have occurred at night, when the sheriff's patrol is reduced.

"I can't believe what I'm hearing here," said Clarence Pruitt, representing the National Association for the Advancement of Colored People. "This family's had threats on their lives and I'm listening to a law enforcement officer saying, 'I don't know what I can do to help these people tonight.'"

"It's pitiful," Pruitt said. "If law enforcement officials don't want to do anything about it, someone else should."

Another representative of the sheriff's department, James Eric Strovink of the Crime Prevention Unit, said he would attempt to find volunteers from the Clackamas County sheriff's reserves to provide coverage of the Richardson home.

"I give you my word on it," Strovink said.

Sidney Lezak, U.S. attorney who represented the FBI at Friday's meeting, said: "You can give all the protection you want, but the fact is . . . you need to raise the consciousness of all the people in Clackamas County. They've got a problem out there."

"Each citizen has the affirmative duty to report suspicious incidents, so those who are responsible can be brought to justice," Lezak said.

Lezak also offered the further assistance and support of the FBI in the case. "If there's no other way to do it, I'll ask for a federal way to handle it," he said.

Representatives of the NAACP, Urban League, Conference of Christians and Jews, and the Metropolitan Human Relations Commission offered volun-

teers from their memberships to watch the Richardson house and provide other support as needed.

"We could erect a tent out there and just do it," Lezak said of the watchdog idea.

Baird said no license numbers had been reported to his department as a result of the incidents, but Art Richardson, Ray Richardson's brother, reported that he had called in a license number to deputies and nothing was done about it.

Art Richardson also said he pointed out fresh footprints and other evidence to investigating deputies after one night's incident, but the evidence was disregarded.

"I'm sorry," Art Richardson said, "I don't mean to come down on Clackamas County, but quite naturally I'm concerned. When you see things that look like evidence that get overlooked, I get upset."

Bob Lamb, community relations officer for the U.S. Justice Department in Seattle, volunteered to aid Clackamas County in law enforcement training in how to handle and investigate incidents such as have been plaguing the Richardsons.

Frank Wilson, assistant U.S. attorney, offered advice to the Richardsons on how to cope with the incidents. Mike McGettigan, owner of Stereo Super Stores, where a relative of Richardson's works, offered a \$2,000 reward for information about the case leading to the perpetrators' arrest and conviction.

Richardson said people "have been coming out of the woodwork" to offer friendship and support for the family.

Plans also have begun to form a local improvement district in the Richardsons' area to pay for street lighting. They live near Clackamas County High School, where other neighbors have reported incidents of vandalism — not racially related — that might be curbed by better lighting.

3/20/81 Oregonian

Eugene black gets KKK note

EUGENE (AP) — A black woman who moved her family to Eugene two weeks ago has received a threatening note telling her that she had better move again.

"Racial Purity is America's Security. KKK," read the note delivered to Martha Green Wednesday.

The note, written on lined binder paper, was filled with misspellings.

"This is a warning," it read. "Due to sircumstances, out of my control I have been asked by the majority of the people in the neiborhood to write this letter. The people do not want blacks to live in our community!"

"Thier could be bad disagreements, fights and all kinds of unnessary troubell We don't need that, do we? Best just to move befor any unpleasent things may occur in the future."

Addressed to "resident," it was delivered Wednesday with other mail to Ms. Green's home near Fairfield Elementary School in the Bethel area of north Eugene.

"If I was at home in Los Angeles I would have thrown it away and laughed it off," she said. "But it really frightens me. I'm a stranger here. It's frightening."

Ms. Green, her six children and a nephew moved into the house two weeks ago. Saturday, someone siphoned the gas from their car. Monday night, someone sent the fire department, a tow truck, a taxi and an ambulance to their address.

Then, Wednesday, the letter came.

"You read of these things happening," Ms. Green said. "You never think of this happening to you."

Ms. Green said she thinks the letter is probably the work of a small group or one person.

"I don't believe that everyone feels this way of that my neighbors do, because they are friendly people," she said.

Willie Polite, president of the Eugene chapter of the National Association for the Advancement of Colored People, and Coralie Washington, chapter vice president and Ms. Green's cousin, say racism is an everyday fact for blacks who live in Eugene.

"We take it on our jobs, we take it all the time," Washington said. "We hear four or five racial slurs every day."

Ms. Washington said Eugene's blacks can deal with the street-corner comments, can change their phone numbers after harassing calls, can try to fight discrimination on the job and can grit their teeth when they are ignored as if invisible.

Washington said: "We don't care if you hate us long-distance. But can you imagine how it feels when it comes into your home?"

Ms. Green gave the letter — which concludes with a supposed address and phone number of the Ku Klux Klan in Metairie, La. — to the Eugene police for investigation.

Polite said he planned to contact the FBI and will forward copies of the letter to Gov. Vic Atiyeh and to the national and regional offices of the NAACP.

SAVE - Editorial (Richardson case)

Ending racism starts at home

Oregonian 8/28/80

If a stinking, open dump were festering in the Portland area, harboring vermin and disease, local residents would clamor that it be cleaned up. But there is something in this area no less filthy, no less ugly and no less dangerous. It is a resurgence of racism.

The Ray Richardson family in Milwaukie has suffered racial death threats, smashed car and house windows and other acts of terrorism. This is a well-publicized example of the problem. It is, however, only symptomatic of the broader issue of increased racism, both nationally and locally. Law enforcement officials say four other racially-motivated incidents against blacks have been reported recently in Oregon, of which the Richardson case is not the worst.

One of the incidents took place in Oregon City a few weeks ago, when a black couple was forced to move back to Portland after their apartment was torn apart and their furniture slashed. Another occurred in St. Helens. Federal authorities have declined to identify the locale of the third and fourth reported incidents. There is no way of knowing how many other incidents have gone unreported.

At the same time, less visible perhaps, housing and job discrimination are still widespread in Oregon and may be on the rise, other officials say.

This resurgence of racial hatred goes deeper than a small core of Ku Klux Klansmen who act

out their bigotry. No less disturbing is the lack of concern felt by many citizens toward such incidents. Nationally, the Klansmen and Nazis are becoming more active, and are gaining members, because they sense in the public an indifference that they interpret as covert support.

Many citizens incorrectly believe racism is the problem of the victim alone. On the contrary, when any person's rights are challenged, everyone suffers. Racism tears the fabric of society and threatens the livability of the community.

Elected officials and civic leaders should take some concrete steps to remedy the situation. First, they should discuss the problem with blacks, opening lines of communication. Second, when cases like the Richardsons' occur, service clubs, churches and other civic groups should provide support, perhaps offering rewards or volunteers to patrol the neighborhood — not vigilantes, just watchmen. Third, police and sheriff's investigators should cooperate more closely with federal agents and use every resource to find and punish the lawbreakers.

Ultimately, however, the solution lies in the hands of all citizens. Everyone must work to eliminate racism — including derogatory racial jokes — from their homes and places of work. Only when attitudes are changed and racism becomes the concern of everybody will it no longer be the plight of anybody.

The Oregonian 11/6/80
Everybody affected

You may be next.

That is important to remember when racism and anti-Semitism surface, as they did over the weekend when posters carrying despicable slogans against Jews and blacks appeared on downtown Portland utility poles and telephone booths.

Any racist slogan, even scrawled by a juvenile on a wall, is appalling. That these stickers were printed and distributed through what appears to have been a planned effort was even more chilling, for it suggests that an organization rather than one warped mind was responsible.

Overt racism has been increasing recently, perhaps fueled by economic worries and loss of national pride. Historically, the urge to find a scapegoat surfaces when times are tough. Religious, racial and ethnic minorities are convenient targets.

The search for scapegoats, however, has a nasty way of spreading. Racism is not only a matter of concern to the bigot and his target of the moment. We are all potential scapegoats.

D2 3M THE OREGONIAN, WEDNESDAY, NOVEMBER 12, 1980

Racist stickers posted in Southeast Portland

Stickers bearing racist and anti-Semitic slogans identical to those discovered in downtown Portland about two weeks ago have appeared in another part of the city, Linda Roberts, executive director of the Metropolitan Human Relations Commission, said Tuesday.

The new batch of stickers have been discovered within the past few days, plastered on Southeast 82nd Avenue near Flavel Street, Ms. Roberts said.

The first group was discovered — and subsequently removed by the commission's staff — in the downtown area bounded by Southwest Third and Fourth avenues and Southwest Morri-

son and Oak streets.

Ms. Roberts said the human relations commission has formed a citizens' committee to develop a plan for the city to respond effectively to such incidents in the future.

The committee includes representatives of the Portland chapters of the National Urban League, the American Jewish Committee, the National Council of Christians and Jews and the National Association for the Advancement of Colored People, Ms. Roberts said.

Meanwhile, police commissioner Charles Jordan said police were investigating the stickers' appearance in the city.



Staff photo by TOM TREICK

HARASSED — Kwaku Boateng, a computer repairman who moved to Portland after his family was victimized by racial harassment in St. Helens, sits in his home with one of his guns, a .30-06 rifle.

Eugene family target of

New residents of Bethel area receive threat

By RON BELLAMY
Of the Register-Guard

The unsigned letter, written on lined binder paper, is a blend of menace and misspellings:

"Racial Purity is America's Security. KKK.

"This is a warning.

"Due to sircomstances out of my control I have been asked by the majority of the people in the nieborhood to write this letter. The people do not want blacks to live in our community! . . .

"Thier could be bad disagreements, fights and all kinds of unnessary troubel! We don't need that, do we? . . . Best just to move befor any unpleasent things may occur in the future."

Addressed to "resident," the message was delivered with other mail to Martha Green's home near Fairfield Elementary School in the Bethel area Wednesday.

"If I was at home in Los Angeles I would have thrown it away and laughed it off," she says. "But it really frightens me. I'm a stranger here. It's frightening."

Green, her six children and a nephew moved into the house two weeks ago. Saturday, someone siphoned the gas from their car. Monday night, someone sent the fire department, a tow truck, a taxi and an ambulance to their address.

Then, Wednesday, the letter came.

"You read of these things happening," Green says. "You never think of this happening to you."

Green says she thinks the letter is probably the work of "a small group, or one person. I don't believe that everyone feels this way or that my neighbors do, because they are friendly people."

Willie Polite, president of the Eugene chapter of the National Association for the Advancement of Colored People, and Coralie Washington, chapter vice president and Green's cousin, say racism is an everyday fact for blacks who live in Eugene. "We take it on our jobs, we take it all the time," Washington says. "We hear four or five racial slurs every day."

Washington says Eugene's blacks can deal with the street-corner comments, can change their phone numbers after harassing calls, can try to fight discrimi-



Martha Green says an anonymous hate letter and other harassment won't force her and her family to leave their home.

care if you hate us long-distance. But can you imagine how it feels when it comes into your home?"

And so Washington says the letter to her cousin is "a mindblower" — because it implicitly threatens the safety of Green and her children and because it invades her home, the haven in which

phone number of the Ku Klux Klan in Metairie, La. — over to the Eugene Police Department for investigation. (A reporter who called the phone number on the letter heard a recorded message promoting a March 27 "white power" meeting in Louisiana.)

Polite says he's going to contact the

NAACP also will nance — similar ure proposed by make racial harassment.

Green, 35, and 5 to 16 — came t

Hate

Continued from Page One

Eugene two weeks ago. Her children attend Fairfield Elementary School, Jefferson Junior High and Churchill High School. She says her children are getting along well and are happy here and that the neighbors have been friendly. (Washington said she showed the letter to two of Green's neighbors Wednesday night and that they seemed surprised and concerned. One man offered any help if needed, she said.)

Washington says her mother lives two blocks away and hasn't had any "nieborhood" harassment. Washington speculates Green is being harassed because "kids are more visible."

Green says that after the letter arrived, one of her children said "maybe we shouldn't have played outside."

"I said 'that's why we came here,'" she says. "You can't hide."

At first, Green says, she and her children felt safe here. They didn't miss the watchdog they left in Los Angeles, didn't feel the need to draw the curtains, didn't think about getting up at night to check the locks on the doors. Now, Green says, in addition to being upset, she's going through the culture shock of moving from a racially mixed neighborhood to a predominantly white community.

That experience is not new to Polite, Washington — or to other blacks in Eugene, they say. And Polite says people shouldn't be surprised that the harassment of Martha Green can happen in Eugene.

"Racism is so thick in the streets that you feel it," he says. "You feel it."

So while the letter may be frightening and intrusive, it is simply an escalation of everyday acts of racism, some subtle, some not. Polite says that he got a "nigger" phone call at home a few weeks ago, but that he's gotten such calls in past years.

And Polite and Washington and other



Willie Polite

Head of NAACP in Eugene

blacks talk about stares in supermarkets, about comments about what blacks can or can't "afford," about discrimination in promotions, about promises of jobs that disappear when an interviewer finds that a solid application doesn't look so solid because it was penned by a black hand.

Washington says an ordinance against racial harassment wouldn't erase racism, but it would provide "repercussions" for people who are caught.

"There's no ordinance now that actually covers it," she says. "No ordinance that shows that the good white folk really care about what happens to us. . . ."

"Eugene's a nice town. It's hard to survive here economically, but it's a nice place to raise children. Most of the people we meet are congenial and caring. . . ."

"We don't hate anyone here. We blacks are just trying to survive. On this earth, which God gave to all his people, we just want our own little place to survive."

But, Washington adds, "A town that has more churches than liquor stores should have more love. Where is it?"



staff photo by Charlie Nye

ing booth at the fairgrounds Auditorium symbolize voting there for Eugene voters March 31

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ing the savings against the inconveniences, however, he decided the best interests of the community would be served by having the single polling place.

While he termed the move "dramatic" and "unprecedented" in Lane County, Penfold said state statutes give him the authority to make the change.

Contacted in Salem where she is working at the state Legislature, Curry said that, given the circumstances, she does not object to the change.

"I thought it was a shame" so many
ing to have to

change after being assured by Penfold that it was legal and that anyone who wished to could vote by absentee ballot, according to college spokesman Larry Romine.

People wishing to vote by absentee ballot can do so by stopping by the Elections Division office at 175 W. Eighth Ave. Absentee ballots can be obtained by mail by submitting a short request signed by the person requesting the ballot. If more than one person in the household wants an absentee ballot, each must sign the request. The ballots must be received by the elections office by return mail before 8 p.m. on March

Fire Runs

Eugene

- 4:07 p.m. Wednesday — 5325 11th Ave., first aid.
- 4:29 p.m. — Highway 99 and Awbrey, first aid.
- 8:38 p.m. — 892 W. 23rd Ave., flue fire, no damage.
- 1000 Valley River Drive, first

Target of racial hate

Military plan against Cuba not ruled out



staff photo by Harley Saltes

her harassment won't force her and her family from their home of two weeks in west Eugene

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NAACP also will push for a local ordinance — similar to the statewide measure proposed by Atiyeh — that would make racial harassment a criminal offense.

Green, 35, and her children — aged 5 to 16 — came to Eugene from the Los Angeles area, where they lived on the border of the Paramount and Compton areas in a racially mixed neighborhood. They visited Eugene last August and

tronics worker at Teledyne in Los Angeles for a similar position with Teledyne in Albany. She's still waiting for an opening and looking for temporary work.

The decision to move from Los Angeles was strongly influenced by the mugging of her 16-year-old son, John, who was dragged into an alley, beaten and robbed of \$10 about noon one day last June. Green says she moved here to "get away from the violence."

WASHINGTON (AP) — Secretary of State Alexander Haig said today the administration is considering a full range of steps to take if necessary to stop the Cuban supply of arms to Latin American rebels, but he said it has no specific plan for military action against Cuba.

"With respect to a specific plan, why, no. The President has not had an opportunity to approve or to consider in detail any courses of action for the period ahead," Haig said.

Haig gave that reply when pressed at a Senate Foreign Relations Committee hearing on an administration official's testimony Wednesday that specific administration plans do not exclude military action against Cuba.

"It is the responsibility of the executive branch to consider a whole range of options, then prepare a full range of options to deal with this serious problem," Haig said. "And I can assure you that process is under way."

"But in no sense does it represent an approved game plan, if you will," he said.

Undersecretary of State Walter Stoessel had told the committee under questioning that the administration does have specific contingency plans and "I

Turn to CUBA, Page 3A

58 polling places to be combined for LCC election

By MIKE STAHLBERG
Of the Register-Guard

For people who live in Eugene, it's going to take a little extra effort to cast a ballot for Charlene Curry in the Lane Community College Board election March 31.

Voters in 58 of the 65 precincts in the city of Eugene will have their polling place changed to the Lane County Fairgrounds Auditorium, county elections director Don Penfold announced today.

All Eugene voters in precincts with 600-series numbers (those within the Bethel School District) and all other voters in the county will cast their ballots at their regular polling places.

The consolidation at the fairgrounds is "for this election and this election only," Penfold emphasized during a morning news conference.

He said the change was made be-

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staff

U.S. COMMISSION ON CIVIL RIGHTS
REPORT TO THE PRESIDENT AND THE CONGRESS

January 1981

UNITED STATES COMMISSION ON CIVIL RIGHTS

Washington, D. C. 20425
January 1981

LETTER OF TRANSMITTAL

THE PRESIDENT
THE PRESIDENT OF THE SENATE
THE SPEAKER OF THE HOUSE

SIRS:

The U.S. Commission on Civil Rights presents these recommendations to you pursuant to Public Law 85-315, as amended.

In 1980 the Nation witnessed increased resistance to equal opportunity, deepening concern about the relationship between minorities and agencies responsible for the administration of justice, growing strength of groups that preach hate, and civil unrest in many communities. If these trends are to be resisted, it is imperative that strong leadership be exercised during 1981 by both the Executive and Legislative branches of the Federal government. Based on analyses and reports of the Commission, this report lists the steps we believe should be taken to move the Nation toward achieving equality of opportunity.

Recent decades have witnessed enactment of strong civil rights laws and the rendering of numerous court decisions that guarantee equal protection of the laws. The Nation is now implementing those laws and decisions. Important progress in civil rights enforcement has been made in many cases, but vigorous opposition has also resulted. That opposition must be met by taking immediate steps to secure the rights established by the Congress and the courts.

Because of the urgency of the situation, we urge your prompt consideration of the enclosed recommendations.

Respectfully,

Arthur S. Flemming, Chairman
Mary F. Berry, Vice Chairman
Stephen Horn
Blandina C. Ramirez
Jill S. Ruckelshaus
Murray Saltzman

Louis Nuñez, Staff Director

Introduction

The 1980's is a critical period for civil rights. Increased resistance to civil rights progress, the resurfacing of hate groups, the growing frustration of millions of Americans for whom promises remain unfulfilled--all make the present decade a watershed period for civil rights. Current conditions demonstrate the necessity for action by the Executive and Legislative branches to achieve equality of opportunity for all Americans. Equality can only become reality following effective actions by the President and the Congress.

To demonstrate the commitment of the Federal government, a number of steps need to be taken during 1981. The following recommendations address the areas of administration of justice; Presidential appointments; civil rights coordination; enforcement of civil rights laws; the elimination of sex discrimination in Federal programs; equal educational opportunity; nondiscrimination in employment; and fair housing. We believe that action described in these recommendations will help achieve equal opportunity for all Americans, regardless of race, sex, national origin, age, religion, or condition of handicap.

Recommendations

I. The Administration of Justice

The Federal government should address the rise of hate groups, often accompanied by violence, with a well-coordinated and vigorous program.

- . The President should designate the Attorney General or another official to coordinate Federal response to activities of groups that practice violence against racial, ethnic and religious groups.
- . Federal legislation should be amended to allow the Department of Justice to prosecute more readily police officers who abuse their authority.
- . Congress should increase resources to hire additional personnel for the Criminal Section of the Civil Rights Division of the Department of Justice in order to handle cases involving alleged violations of civil rights by police effectively and expeditiously.
- . Resources for the Community Relations Service of the Department of Justice should be increased to help provide early resolution of community conflict through existing conciliation and mediation functions.

The past year has seen a distressing increase in racially motivated violence and group hatred. Acts of animosity, such as cross burnings and vandalism of churches and synagogues, have become widespread. Repeated acts of senseless violence have led to insecurity and fear in communities throughout the Nation. Moreover, civil disorders across the country have been triggered through violent treatment of minorities by law enforcement officials. All of these circumstances have contributed to an atmosphere that impedes civil rights progress.

The U.S. Commission on Civil Rights believes that this situation warrants immediate Federal attention. The Federal government must have a coordinated plan for dealing with such violent acts. We believe that the President should designate the Attorney General or another official of comparable rank to coordinate the Federal efforts in this area. This assignment would bring national attention to this problem and to the commitment of the Federal government to end violence.

We also believe that assaults by police officers should receive prompt attention from the Federal government. Changes should be made in Federal legislation that authorizes the Department of Justice to seek Federal criminal convictions against police officers who violate civil rights of those they are charged to protect. Current law and its interpretation by the Supreme Court of the United States inhibit in some cases that Department from filing suit in cases of police misconduct. Specifically, we recommend that:

- . Section 241 of volume 18 of the U.S. Code be amended to cover acts of violence against non-citizens as well as citizens, and acts committed by individuals who are not acting as part of a conspiracy.
- . Section 242 of volume 18 of the U.S. Code be amended to remove the requirement that "specific intent" on the part of police officers be shown, and to treat violent acts committed under color of law as felonies, not misdemeanors.

The amendments to current legislation will demonstrate clearly that acts of violence by police officers will not be tolerated.

While it is essential to have legal authority to pursue unlawful conduct by law enforcement officials, it is also necessary to have sufficient staff and resources to enforce laws effectively. The Civil Rights Division of the Department of Justice, responsible for enforcing those laws, is seriously understaffed. Congress should approve budgetary authority to hire additional personnel.

The Federal government also needs to respond more quickly and effectively to resolve community conflicts. Despite a substantial increase in the number of complaints, the Community Relations Service of the Department of Justice is severely limited in both staff and resources. The Commission believes that mediation and conciliation efforts of that agency should be increased to provide an alternative to costly and lengthy litigation.

II. Presidential Appointments

The President should appoint women and minorities to the Judiciary and to Cabinet-level and other policymaking positions, to help strengthen the formulation and implementation of Federal policy.

Appointments of minorities and women have increased during recent years. As of October 6, 1980, minorities represented 17.0 percent of all full-time Presidential appointees (nominations confirmed or pending), and women, 12.5 percent (18.9 percent of women appointees were minority). (See the chart in the attached appendix.) The Nation is still confronted, however, with a need

to achieve a greater utilization of qualified women and minorities in positions of authority. The inclusion of representatives of diverse groups with demonstrated commitment to civil rights in policymaking roles will help ensure that minorities and women participate in a significant manner in the decisionmaking process.

III. Establishing a Coordinated Federal Civil Rights Mechanism

The President should provide for coordinated efforts to eliminate discrimination in Federal programs and activities, and to ensure that all departments and agencies are working toward this goal at all levels. For example:

- Appointing a senior White House advisor for civil rights would provide a long-needed focal point for coordinating Federal civil rights programs. The advisor should have direct access to the President and should be recognized as the President's representative to speak for him in establishing management goals in the area of civil rights.
- Strengthening the Civil Rights Division at the Office of Management and Budget (OMB) would provide systematic monitoring of Federal civil rights activity. The Division should continue to report to the Director of OMB who would then be in a position to provide information to the White House for oversight of Federal civil rights efforts. OMB should require agencies to report their progress in meeting their performance standards for programmatic activities that impact on minorities, women or citizens with handicaps, including (but not limited to) employment practices and the delivery of services.

To assure the inclusion of concerns of minorities and women in the development of Federal policies and programs, the Commission has recommended that the President appoint a senior White House advisor with responsibility for improving and coordinating Federal civil rights efforts, and that the Director of OMB establish a Division of Civil Rights within the Office of the Director.

These recommendations have been acted on only partially. No senior White House official is responsible for Federal civil rights efforts. Although an OMB Civil Rights Division has been established, it lacks sufficient budget and authority to serve the director effectively in the civil rights area.

A senior White House advisor who has authority to speak on behalf of the President and has direct access to him would strengthen the coordination of agency activities in the civil rights field.

In order to monitor effectively resource allocations for civil rights, the Director of OMB, acting through a Civil Rights Division, should:

- . Require agencies to submit sufficiently detailed data to determine whether they are fulfilling their civil rights responsibilities;
- . Require departments and agencies to identify the civil rights impact of program operations, and to propose corrective action, where appropriate; and

- . Require departments and agencies to report on their civil rights goals and timetables.

The President, acting through a senior White House advisor on civil rights and through the Director of OMB, can strengthen his leadership role in ensuring equal opportunity in the operation of Federal programs at the national, State, and local levels.

IV. Civil Rights Enforcement

The President should direct all Departments and agencies empowered to extend Federal financial assistance to ensure compliance with Title VI of the Civil Rights Act of 1964, Section 504 of the Rehabilitation Act of 1973, Title IX of the Education Amendments of 1972, and the Age Discrimination Act of 1975.

- . When complaint investigations or compliance reviews reveal that a recipient of Federal funds is not complying with civil rights laws, and timely voluntary compliance cannot be secured, administrative proceedings to enforce the requirements of the law should be instituted immediately and completed expeditiously; and
- . When compliance cannot be achieved, the sanction available under the law--termination of Federal financial assistance--should be invoked.

In numerous reviews and studies on enforcement of Title VI, Section 504, Title IX, and the Age Discrimination Act, the United States Commission on Civil Rights has consistently found that Federal departments and agencies have not vigorously enforced these laws. Departments are frequently slow to issue regulations, to

investigate complaints, to conduct compliance reviews, to make preliminary determinations that compliance cannot be achieved, to bring administrative enforcement proceedings, and to terminate Federal funding upon a finding of noncompliance.

Fund termination is a necessary sanction. Without its use, the Federal government is in the position of subsidizing the violation of various civil rights laws. Because the sanction is utilized only sparingly and in extraordinary cases, recipients of Federal financial assistance believe that discrimination can continue with Federal acquiescence. It must be clear that fund termination will be invoked when timely compliance cannot be obtained.

Congress is attempting to limit Federal enforcement of civil rights laws by attaching amendments to various appropriations bills. An amendment, sponsored by Rep. John M. Ashbrook (R-Ohio) would prohibit expenditure of Federal funds to enforce certain provisions of current Title IX regulations. These regulations, which are intended to enforce nondiscrimination on the basis of sex in education programs receiving Federal funds, prohibit sex discrimination in employment by educational institutions. The Ashbrook amendment would disallow the use of Title IX as a mechanism for relief in employment discrimination cases. The Commission believes that this avenue should remain open to provide the important linkage between nondiscrimination in programs and nondiscrimination in employment.

V. Eliminating Discrimination Based on Sex

The President should issue an Executive Order prohibiting discrimination on the basis of sex in any program or activity receiving Federal financial assistance. Each Federal department and agency that extends Federal financial assistance should be responsible for enforcing this prohibition and should issue, within 180 days, regulations implementing the Executive Order.

Discrimination on the basis of sex still occurs in programs receiving Federal financial assistance where sex discrimination has not been explicitly banned. Sex discrimination cannot be tolerated any more than can discrimination on the basis of religion, age, handicap, race, or national origin. Although discrimination on the basis of sex has been prohibited in some Federal programs, the Federal government now needs to provide systematic direction for the elimination of sex discrimination in all programs.

Regardless of the ratification of the Equal Rights Amendment, for which we reaffirm our support, Federal agencies will still need a uniform mechanism for eliminating sex discrimination. An Executive Order can provide such a mechanism. Following its issuance, the Department of Justice should be directed to prepare implementing regulations expeditiously. In addition, all agencies should be directed to adopt these regulations, or develop comparable ones, within 180 days. Enforcement of the order would be the responsibility of each agency, under overall coordination by the

Department of Justice, carried out through existing civil rights enforcement mechanisms. Vigorous enforcement of the Executive Order and its implementing regulations can be an effective tool for ending sex discrimination in programs receiving Federal financial assistance.

VI. Equal Educational Opportunity

The Congress and the President should vigorously enforce laws and regulations designed to foster equal educational opportunity, including the elimination of illegally-segregated schools.

- . The President should instruct the Office for Civil Rights of the Department of Education to increase its efforts to enforce Title VI of the Civil Rights Act of 1964, which prohibits discrimination in programs receiving Federal financial assistance.
- . The Department of Justice should be directed to expedite desegregation cases referred to it by the Department of Education.
- . The Congress should reject riders to appropriations bills that have the effect of tying the hands of the Executive branch in enforcement activities under Title VI.
- . The President should veto appropriations bills containing riders which would make it virtually impossible for the Executive branch to terminate funds in cases where schools are illegally segregated in violation of Constitutional and statutory requirements.

The U.S. Commission on Civil Rights has consistently viewed Brown v. Board of Education as one of the most important rulings by the Supreme Court of the United States in the Nation's history. Despite this decision, equality in the Nation's schools has still not been achieved. The evidence we have gathered from field studies and public hearings makes abundantly clear that the statement by the Supreme Court of the United States in 1954 is still true: "Separate educational facilities are inherently unequal." We are especially alarmed by Congressional efforts to undermine Constitutional and statutory guarantees by attaching riders to various appropriations bills. Each year since 1978, the Congress has attached an amendment offered by Senators Eagleton (D-Mo.) and Biden (D-Del.) to the Appropriations Act for the Department of HEW (now the Department of Education) forbidding that Department from terminating funds in desegregation cases where compliance would require transportation of pupils beyond the school nearest their residence. In addition, an amendment was passed by the Congress that would have prohibited the Department of Justice from participating in school desegregation cases where the last available remedy would be student transportation. This amendment would have made it impossible in many situations to enforce Title VI.

We commend President Carter for his veto of the appropriations bill to which this amendment was attached. We agree with his statement that if the State - Justice - Commerce Appropriations Act of 1980 were enacted with the amendment it

...would impose an unprecedented prohibition on the power of the President of the United States and the Attorney General to seek a particular remedy in the Federal courts that in some cases may be necessary to ensure that our Constitution and laws are faithfully executed.

We also agree with him that the precedent that would be established if this legislation were enacted

...would effectively allow the Congress to tell a President that there are certain constitutionally-mandated remedies for the invasion of constitutional rights that he cannot ask the courts to apply. If a President can be barred from going to the courts on this issue, a future Congress could by similar reasoning prevent a President from asking the courts to rule on the constitutionality of other laws and the constitutional necessity of other remedies upon which the President and the Congress disagree. That would be a most undesirable interference with the constitutional separation of powers.

An amendment by Rep. Ashbrook would prohibit expenditure of funds other than those for bilingual education to enforce proposed rules issued under Title VI, requiring State or local education agencies to meet the needs of limited English-speaking students through programs other than intensive English instruction. Passage of this amendment would hamper the efforts of the Federal government to ensure equal educational opportunity for students whose primary language is not English and who have limited proficiency in English.

Another amendment by Rep. Ashbrook would prohibit expenditure of funds pursuant to an injunction or court order for any purpose specifically prohibited by the Education Appropriations bill. This amendment would erode judicial authority to interpret the law and to require remedial action.

Amendments sponsored by Rep. Ashbrook and Rep. Robert K. Dornan (R-Calif.) would limit authority of the Internal Revenue Service (IRS) to deny tax-exempt status to private schools found to be racially discriminatory. These amendments, already in effect for one year, require the Federal government to support, through tax exemptions, the existence of racially discriminatory private schools. The Commission deplores these ongoing attempts to deny educational equality to America's young people.

VII. Employment of Minorities and Women

The Federal government must enforce vigorously all laws related to nondiscrimination in employment, including Title VII of the Civil Rights Act of 1964, the Age Discrimination in Employment Act, and Executive Order 11246, as amended by 11375.

The employment status of minorities and women has long lagged significantly behind that of white males. Despite civil rights laws prohibiting discrimination, there is ample evidence that employment and promotional opportunities are not available to minorities and women on an equal basis with white males. In its report, Social Indicators of Equality for Minorities and Women, the Commission found that disparities in the unemployment rates of minorities and women, compared with white males, increased between 1970 and 1976. This situation did not change between 1976 and 1979. Recent Department of Labor (DOL) statistics show that the 1980 recession further exacerbated the unfavorable employment position of minorities. In July 1980, 6.0 percent of white males, and 5.9 percent of white females, were unable to find work. By contrast, the unemployment rate among minorities was far higher; 15.2 percent of blacks and 10.9 percent of Hispanics were unemployed. Furthermore, over one-third of nonwhite youths ages 16 through 19 (34.6 percent of males and 38.9 percent of females) were out of work, compared with 16.4 percent of white youths.

Employed minorities and women are also in a disadvantaged position relative to white males. In 1979 only one out of twelve white males was a service worker, but one out of five females and one out of four minorities held such a job. By comparison, almost one-third of all white males were in professional or managerial positions, but fewer than one out of four females, and one out of six minorities, were in those occupational categories.

In order to combat discrimination, it is necessary for employers to establish effective affirmative action plans. Discrimination is a process that combines attitudes or actions of individuals, organizations, and social structures into patterns that maintain subordination, exclusion, and/or segregation, and thereby deny equal employment opportunities. Antidiscrimination efforts that supposedly guarantee "neutrality" in employment decisions are inadequate to eliminate entrenched discrimination. In these circumstances, only affirmative measures that consider race, sex, or national origin in decisions regarding employment can succeed in dismantling the discrimination process. The Executive branch should play a major role in combatting discrimination in employment. First, the Federal government, functioning in its capacity as an employer, should set an example for employers in the rest of the Nation to follow, through effective enforcement of the Federal Equal Opportunity Recruitment Program (FEORP). Second, the Equal Employment Opportunity Commission should be provided adequate resources to continue to enforce vigorously Title VII of the Civil Rights Act of 1964, conduct compliance reviews and complaint

investigations on a timely basis, and where conciliation does not produce compliance, file suit against violators. Finally, the Office of Federal Contract Compliance Programs (OFCCP) within the Department of Labor should be given resources necessary to monitor Federal contractors closely to ensure that they develop and implement affirmative action plans, as required.

Central to the success of this process are the efforts of companies to develop voluntary affirmative action plans, given additional impetus by the decision of the Supreme Court of the United States in United Steelworkers v. Weber. The Commission believes that strong support for private voluntary affirmative action efforts, as well as vigorous enforcement of affirmative action requirements to help overcome discriminatory treatment in employment, past and present, should be a cornerstone of Federal civil rights policy.

An amendment sponsored by Rep. Robert S. Walker (R-Pa.) to the Departments of Labor, Health and Human Services, and Education Appropriations bill would prohibit the expenditure of any funds by these departments to implement or enforce any program which includes ratios, quotas, or other numerical requirements in employment or admissions policies or practices. Passage of this amendment would seriously hamper the ability of OFCCP to enforce executive orders requiring the development of affirmative action plans.

VIII. Fair Housing

The Federal government should act to ensure that discrimination on the basis of race, sex, national origin, or religion is eliminated in the sale and rental of housing.

- . The Congress should pass legislation strengthening Title VIII of the Civil Rights Act of 1968 to give the Department of Housing and Urban Development (HUD) authority to issue "cease and desist" orders in cases where housing discrimination is found.
- . The President should direct HUD to enforce Title VIII vigorously.

Families headed by minorities and women have long faced discriminatory treatment in their search for adequate housing. As a result, segregated neighborhoods remain a persistent feature of urban and suburban settings.

Title VIII of the Civil Rights Act of 1968 is intended to ensure nondiscrimination in the sale and rental of housing. The law gives HUD the authority to investigate complaints, attempt to conciliate, and refer to the Department of Justice for possible litigation cases in which a "pattern or practice" of discrimination exists. HUD has failed to pursue energetically avenues for curtailing discrimination. Twelve years have elapsed since the enactment of Title VIII, yet HUD has not issued implementing regulations. They should be issued immediately, to ensure strong enforcement of Title

VIII and resolution of complaints in an effective and timely fashion. If immediate compliance on the part of violators cannot be obtained, HUD should refer "pattern or practice" cases to the Department of Justice for prompt action.

The U.S. Commission on Civil Rights has also long supported amendments to Title VIII that would grant HUD authority to issue cease and desist orders where violations of Title VIII are discovered. Fair housing amendments proposed in the 96th Congress, however, did not pass. We urge the 97th Congress to enact appropriate legislation in order to provide HUD with authority to combat housing discrimination effectively. When this legislation becomes law, the President should direct HUD to issue revised regulations at once reflecting this new authority.

Conclusion

Although equality of opportunity is guaranteed by the Constitution and by statute, its attainment remains elusive for millions of Americans. Discrimination in every facet of life remains a bitter reminder of unfulfilled promises. Recurring civil disorders are symptoms of the failure of the Federal government to ensure equality of opportunity. Meanwhile, hate groups encouraging violence against racial and ethnic minorities and religious groups have become increasingly strident.

These circumstances require immediate action on the part of the President and Congress. The recommendations in this report describe those actions which we believe will help to alleviate violence and to bring about equal opportunity for all Americans, regardless of race, national origin, sex, age, religion, or condition of handicap.

Documentation for the preceding recommendations is contained in the following publications of the U.S. Commission on Civil Rights:

U.S., Commission on Civil Rights, Desegregation of the Nation's Public Schools: A Status Report, 1979.

U.S., Commission on Civil Rights, The Federal Civil Rights Enforcement Effort--1974, Volume VI, To Extend Federal Financial Assistance, 1975.

U.S., Commission on Civil Rights, The Federal Civil Rights Enforcement Effort--1974, Volume VII, To Preserve, Protect, and Defend the Constitution, 1977.

U.S., Commission on Civil Rights, The Federal Civil Rights Enforcement Effort--1977, To Eliminate Employment Discrimination: A Sequel, 1977.

U.S., Commission on Civil Rights, The Federal Fair Housing Enforcement Effort, 1979.

U.S., Commission on Civil Rights, Fulfilling the Letter and Spirit of the Law: Desegregation of the Nation's Public Schools, 1976.

U.S., Commission on Civil Rights, Police Practices and the Preservation of Civil Rights, 1980.

U.S., Commission on Civil Rights, Social Indicators of Equality for Minorities and Women, 1978.

APPENDIX

Race, Ethnic Origin, and Sex of Full-Time
Presidential Appointees

October 6, 1980

	<u>Male</u>	<u>Female</u>	<u>Total</u>	
			<u>Number</u>	<u>Percent</u>
American Indian	4	0	4	0.3%
Asian and Pacific Island American	6	1	7	0.6%
Black	122	22	144	12.0%
Hispanic	45	4	49	4.1%
White, not Hispanic	862	116	978	81.3%
Other, undesignated	13	6	20*	1.7%
	<hr/>	<hr/>	<hr/>	<hr/>
Total	1,052	149	1,202	100.0%
	Number			
	Percent	87.5%		12.5%

*Includes 1 person for whom sex was not reported.

Source: Presidential Personnel Office

FACTS

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THE KU KLUX KLAN TRIES FOR A COMEBACK

The strength of the Ku Klux Klan in America is now greater than it has been in more than a decade. The Klan organizations have registered moderate gains of 20% to 25% in overall membership since ADL's major report on the hooded orders issued in March, 1978, but even more significantly the periphery of its non-member sympathizers has approximately doubled in this period of less than two years. At the same time there has been a perceptible change in the Kluxers' stance and tactics: they have become more violent and confrontational.

The Ku Klux Klan still speaks for only a narrowly circumscribed, minute segment of the American people, but that segment is growing proportionately larger and more vocal.

Klan membership growth has been uneven: it has declined in the Northern states but risen in the South at a rate that more than offsets its Northern losses. The Klan has also recently thrust itself more prominently into the public eye, largely through tactics of racial conflict and violence. Indeed, if in the two-year period 1977-78 the KKK gained public attention mainly through skillful manipulation of the mass media by Klan leader David Duke, its recent high level of visibility has been due largely to acts of violence and terror. The changing image -- from "respectability" to lawlessness -- is a reflection of the rise to prominence of Imperial Wizard Bill Wilkinson, a former Duke lieutenant who has built his own "Invisible Empire." Wilkinson's rallies look like camp meetings of armed vigilantes and he appears at them flanked by bodyguards equipped with submachine guns.

The limited success the Klan is now experiencing cannot be attributed to its more aggressive stance alone. ADL field research indicates that the Klan's exploitation of such controversial racial issues as busing and affirmative action has evoked a responsive chord among some blue collar and lower middle class sectors of the public. Further contributing to a climate that enables the Klan to grow are anxieties over crime, inflation, the energy crisis and the new permissiveness surrounding sex, drugs, films and the like. In addition, there are still a good number of Americans for whom the relatively rapid pace of change in race relations over the past 15 years has been extremely unsettling. All of these factors have contributed to the growth of the Klan, not only in dues-paying membership, but also in non-member support.

Actually, the rise in the number of Klan sympathizers is perhaps more disturbing than the increase in membership. For it means that the KKK is no longer as isolated as it has been in the past and that it has a larger following from which to score further gains. Noteworthy in this regard is the fact that in shifting toward a more southerly base of operations the Klan is now operating in its native habitat, a decidedly friendlier environment.

Other recent Klan activities have included efforts to move into the armed forces and special recruiting campaigns aimed at school-age children. While neither of these programs has met with any substantial measure of success, they are disturbing because of the sensitive arenas in which they are being pursued.

Two additional aspects of today's Klans are: (1) their prospective entry into the political arena through the candidacy of Klan leader David Duke in the 1980 Democratic Presidential primaries (Duke has announced his intention to run and devoted much of his 1979 convention to setting forth a carefully thought-out campaign strategy), and (2) the fact that the publicity and imagery surrounding the KKK has inspired mimicry in the form of do-it-yourself cross-burnings around the country by assorted troublemakers harboring racist grievances against their neighbors.

The Growth of the Klans

At present, membership in the four national Klan organizations is approximately 10,000, which represents a gain of roughly 25% over the 1978 figure of 8,000. The rise since 1975, when ADL estimated KKK membership at 6,500, is about 50%. More significantly, there is evidence that the number of Klan sympathizers has increased substantially, from an estimated 30,000-40,000 in 1978 to about 75,000-100,000 today, a gain of over 100%.*

The significant gain in sympathizers reflects a geographical shift toward the South, which has been the main characteristic of Klan growth in the recent period. Indeed, the Klan's major gains over the past year have been recorded in

* The number of Klan sympathizers is based on observer estimates of attendance at rallies and demonstrations; circulation of the Klan press; contributors; and public expressions of support in communities in which the Klan is active. Since no recent public opinion polls on attitudes toward the Klan have been taken, ADL has no means of gauging general public support.

FACTS

is a periodic report of the Anti-Defamation League of B'nai B'rith, 823 United Nations Plaza, New York, N.Y. 10017. Maxwell E. Greenberg, National Chairman, Kenneth J. Bialkin, Chairman, National Executive Committee, Nathan Perlmutter, National Director, Larry Levinsky, Chairman, National Civil Rights Committee, Seymour D. Reich and Irving Shapiro, Vice-Chairmen, Justin J. Finger, Civil Rights Director, Seymour D. Reich, Chairman, Fact Finding Committee, Marcia Goldstein, Vice-Chairperson

This issue of Facts was written and prepared by Irwin Suall, Director of ADL's Fact-Finding Department.

the old Confederate states of Alabama, Florida, Mississippi, Tennessee, Arkansas and Texas, where the KKK has historically been an indigenous spearhead of racial bigotry. It is noteworthy, however, that within those states, the Klan's growth has occurred largely in areas that were bypassed by the civil rights struggles of the 1960's. A prime example has been the upsurge in northern Alabama, mainly under the leadership of Bill Wilkinson's Invisible Empire, Knights of the Ku Klux Klan. Northern Alabama lies outside the cotton belt and has a relatively small black population, compared with the rest of the state. It tended to be quiescent in the 60's, when demonstrators were marching and crosses were burning in the South. Yet today, there are active KKK klaverns in many of the towns and cities of the increasingly industrialized Tennessee Valley of northern Alabama.

At the same time, the growth of the Klans in the North, which was noted in ADL's 1978 report, has been reversed. The Confederation of Independent Orders of the Invisible Empire, Knights of the KKK, headed by William M. Chaney of Indiana, the major northern Klan organization, has experienced a significant loss of membership. Chaney himself, who leads a state Klan organization in Indiana, has been convicted by a federal court of firebombing an Indianapolis advertising agency in 1976 and has been sentenced to a term of five years in federal penitentiary and five years probation. In addition, the New York State unit of his Confederation (Independent Northern Klans, Inc.) has dissolved and the Maryland organization is virtually defunct.

The overall Klan score card now reads as follows:

United Klans of America (Robert Shelton), headquartered in Tuscaloosa,
AL.: 3,500-4,000

Invisible Empire, Knights of the KKK (Bill Wilkinson), headquartered in
Denham Springs, LA.: 2,000-2,500

Knights of the Ku Klux Klan (David Duke), headquartered in Metairie,
LA.: 1,500-2,000

Confederation of Independent Orders of the Invisible Empire, Knights of
the KKK (William M. Chaney), headquartered in Greenwood, IN: 1500

Miscellaneous independent Klans (National Knights, Federated Knights,
Ohio Knights, Adamic Knights): 500

Total: 9,000-10,500

There are Klan units and activity at present in 22 states: New York, New Jersey, Pennsylvania, Maryland, Virginia, North Carolina, South Carolina, Georgia, Florida, Alabama, Tennessee, Kentucky, Arkansas, Mississippi, Louisiana, Texas, Ohio, Indiana, Illinois, Missouri, Colorado and California.

The states in which the Klan has experienced membership gains over the past year include Alabama, Mississippi, Tennessee, Arkansas, Florida, Texas,

North Carolina, Virginia, Ohio and Colorado. Losses were registered in New York, New Jersey, Maryland, Pennsylvania and Indiana.

Although the overall membership growth rate has not been startling, the nature and pattern of growth indicate that the Klan has become a more significant threat. The reason lies primarily in the difference between the Northern and Southern Klan organizations. The Northern units tend to be rather isolated, with little influence or significant following in the communities in which they operate. The Klan simply does not have a favorable image in the North, even among many who hold racist views. Consequently, the Northern klaverns are often free-floating organizations with few if any roots in the communities in which they operate. By contrast, the Southern Klans tend to be representative of a broader segment, albeit a minority, of their communities. While it is true that the Klan has in the past temporarily flourished in the North, notably in the 1920's, the South has been its native habitat ever since it was formed in Pulaski, Tennessee, in 1866, and it is regarded there as a less bizarre phenomenon.

Klan Lawlessness and Violence

The most notable aspect of the Klan's growth over the past year has been its accompaniment by an increase in lawlessness and violence, due largely to the fact that the organization which has grown the fastest, Bill Wilkinson's Invisible Empire, is the most militant and violence-prone of the existing Klans. Wilkinson, a 36-year old former electrical contractor from Denham Springs, LA, encourages his members to openly display weapons and has boasted, "These guns ain't for killing rabbits; they're to waste people. We're not going to start anything, but if anyone does, we're ready to defend ourselves." He also deliberately engages in the tactics of confrontation against black civil rights demonstrators, resulting in violence, arrests and wide media coverage.

The first instance of Wilkinson's use of these tactics occurred in Tupelo, Mississippi in the summer of 1978. There, he mobilized a group of hooded and armed Kluxers in an attack on black demonstrators, members of the United League, who were marching and conducting a business boycott to protest the alleged beating of a black suspect by local police and to demand more job opportunities.

Shortly thereafter, the Invisible Empire employed the same tactics in Okolona, another northeastern Mississippi town, where blacks were conducting demonstrations to protest alleged police inaction following the beating of a black youngster by a group of whites. There was a shoot-out in which a white man was wounded and the auto of a black leader was riddled with bullets.

The publicity that resulted from these activities enabled Wilkinson to launch an organization drive in nearby northern Alabama in late 1978 and 1979. Klaverns were formed, and about 1,000 dues-paying members were recruited, in and around the towns of Muscle Shoals, Littleville, Moulton, Hartselle, Morgan City, Huntsville, Athens, Grant, Guntersville, Cullman and Decatur. In Decatur, Wilkinson again seized on a local racial issue, the Tommy Lee Hines case, to

mount a campaign of violence and disorder. Hines, a 26-year old mentally retarded black man, had been charged in the spring of 1978 with raping three white women and robbing one of them. He was found guilty of one of the rapes in October, 1978 by an all-white jury in the nearby town of Cullman, and sentenced to thirty years in prison. Protests against his arrest were organized by Decatur's black community, on the grounds that Hines could not have committed the rapes because they required a degree of planning beyond his mental capacity. The Klan, under Wilkinson's leadership, seized on this highly charged racial issue to whip up anti-black fury in the white community. There followed a series of KKK rallies in 1978-79, just outside Decatur, which drew from 3-10,000 participants, at which Wilkinson and his lieutenants spewed forth violent anti-black and anti-Jewish bigotry.

Then, on May 26, 1979, a "Free Tommy Hines" parade, organized by the Southern Christian Leadership Conference (SCLC), was confronted by a crowd of some 100 Klansmen. Participants on both sides were armed with various kinds of weapons. Suddenly shots rang out and four persons, two blacks and two whites, fell wounded on the street. In all, some thirty shots were fired. Five persons, three blacks and two whites, were arrested.

Wilkinson's next major venture was a four-day Selma-to-Montgomery Klan march in August, 1979, in imitation of Rev. Martin Luther King, Jr.'s voting rights march over the same route in 1965. The Klan march was finally halted at the outskirts of Montgomery, where 176 KKK'ers, including 11 juveniles, were arrested on charges of marching without a parade permit. Eight of the Kluxers have since been found guilty and sentenced to six months in jail. They were required to serve 15 days and pay a fine of \$500. The remainder are to be tried in groups of 12 each week. Earlier, 21 other marchers were arrested and an arsenal of some 100 weapons confiscated, including a submachine gun, carbines, shotguns, pistols, bayonets, axhandles, knives and brass knuckles.

Recently, Wilkinson and his Alabama Grand Dragon Roger Handley have extended their base of operations to southern Tennessee and Central Alabama, where klaverns exist in Selma, Montgomery, Bessemer and Birmingham and have been recently formed in the Birmingham-area towns of Brighton, Hueytown, Tarrant City, Minor, Homewood, Wylam, Center Point and Fairfield. Among the newer members are some who have switched from Robert Shelton's United Klans of America. Wilkinson has begun traveling in a private Klan-owned plane, a 4-passenger Piper, which he claims has a value of \$30,000.

While Wilkinson's Invisible Empire has been the most violence-prone of the Klan organizations, the others have shown little inclination to pacifism. In April, 1979, a Birmingham federal grand jury indicted 20 members of Shelton's UKA in connection with violent episodes in Talladega County, Alabama. They were charged with shooting into the homes of NAACP leaders and into a house occupied by a racially mixed couple. Three of the accused pleaded guilty and ten others were subsequently found guilty in federal court and sentenced to terms in federal prison.

Earlier, three Maryland Klan members had been tried and found guilty of a July, 1978 attempt to bomb the synagogue of Congregation B'nai Jacob in Lochearn, Maryland. According to Maryland State Police, they had also plotted to bomb the home of Congressman Parren J. Mitchell. The three -- Robert L. White, Gerald Allen and Robert Glover -- were members of the Maryland unit of the Confederation of Independent Orders, Knights of the KKK, under state Grand Dragon Tony La Ricci. White and Allen were sentenced to eight years in prison while Glover drew a five year suspended sentence and three years probation. The three were members of a special Klan unit which a police spokesman said had been formed "with the intent and purpose of engaging in illegal violent acts aimed primarily at religious and ethnic targets." The episode was the precipitating factor in the decline of the Maryland Klan in 1979.

Meanwhile, in San Diego, California, two members of David Duke's KKKK were convicted of murdering a fellow Klansman. Terry Flynn Martin was found guilty in May, 1979, of first degree murder, while George Ralston Willis, Commander of the Lakeside Klan den, pleaded guilty to a charge of second degree murder. The victim, Michael E. Henson, had been shot to death because he was suspected of having informed the police about drug dealing by California Klan members.

Finally, in August, 1979, David Duke was found guilty of inciting to riot by a Louisiana court, in connection with a 1976 episode in New Orleans. He was charged with leading a Klan mob which surrounded a police car, pounding, beating and shaking it. The officers trapped in the car testified that they feared for their lives. Other witnesses testified that Duke had shouted to his followers the police officers were "Commie Jews." Sentence was scheduled for November 8th. The maximum possible penalty is six months in jail and a \$500 fine.

At Duke's recent national convention, one of the speakers candidly addressed the delegates on the subject of Klan violence. Louis Beam, the Texas Grand Titan said his state organization has a "military program" with a "military base" and members who have been training in uniform for "2-3 years." Then he shouted, "We are getting ready to reclaim Texas for the white man...so get ready. That's all I'm saying. Get ready for what we know is coming. Everyone talks of a race war. How many guns, bullets, food, training, preparations have you made? Our forefathers built this country with courage and blood. It will take fresh blood, some of our blood, but, by God, a lot of it will be the blood of our enemies...The Government is murdering our people, busing our children, supporting communist governments. There are penalties for murder: death. And they are guilty of murder! Prepare for what is coming!"

Following Beam's speech, David Duke announced that the Texan was being promoted from Grand Titan to Grand Dragon of the Lone Star state.

The Klan Profiled

As noted previously, today's Klans are not national in scope. Earlier indications of a trend toward expansion into the North have not been consummated. Instead, the Northern footholds have been weakened, while the Southern base has grown. Except for Colorado and California, today's KKK has no strength.

in the West. In the North, the only state in which the Klan has grown recently is Ohio, while it has lost strength in the Mid-Atlantic states and is virtually non-existent in New England.

Today's Klans are located almost entirely in rural and small-to-medium sized towns. The only major cities in which klaverns are known to exist are Denver, New Orleans and Birmingham. While units are also claimed in San Diego, Houston, Miami, Tampa and Richmond, they are composed mainly of residents of nearby smaller communities.

The members of the Duke and Wilkinson organizations have the following characteristics:

1. They tend to be young. At a typical Klan rally, the age breakdown is:

<u>Age</u>	<u>Percentage of Crowd</u>
Teenagers	15%
Early twenties to mid-thirties	60 - 80%
Late thirties and older	15 - 25%

Among the activists, the age range is still younger. For example, the participants in the Selma-to-Montgomery march were almost all in their twenties and early thirties. Many of them were long-haired and sported beards and drooping moustaches.

2. The sexual breakdown is approximately 1/4 to 1/3 female and the remainder male. Most of the women are wives and girl friends of the male members. Some klaverns have women's auxiliaries.
3. The class composition is mainly blue collar, with a small admixture of lower middle class types and a criminal fringe element. Typical occupations: truck drivers, machinists, handymen, boiler makers, pipe fitters, gas station attendants and operators. The lower middle class members tend to be more secretive about their Klan affiliations than do the working class members.
4. Educationally, the average Kluxer has had three years of high school. Local leaders are often young men who are brighter than their peers but whose educational advancement has been blocked, sometimes because of personal maladjustment problems.
5. Of the present-day members, some 20% were active in the 1960's, while 80% are newer recruits.
6. Although Roman Catholics are now accepted into the newer Klans, they constitute only a tiny fraction of the membership. The overwhelming majority of members are Protestant.

The foregoing profile is less applicable to Robert Shelton's UKA and William Chaney's Confederation, particularly with regard to age. While the class, sex and educational characteristics are similar, the members of these

older Klan units tend to be older. The typical UKA members is more likely to be in his mid-forties and less active today than he was a decade ago, when Shelton's Klan dominated the scene. Generally, with the exception of some newer UKA klaverns that have sprung up recently, the UKA consists of diehard remnants of the battles of the 1960's who have retained their membership but lost much of their zeal for action. The same holds true for units of the Confederation, many of which were once part of James Venable's old National Knights of the Ku Klux Klan.

Klan Efforts to Infiltrate the Armed Forces

Another disturbing consequence of the growth of the Klan in recent years has been its spillover into the armed forces of the United States. Evidence has come to light that the hooded orders have succeeded in recruiting groups of servicemen in the Army, Navy and Marine Corps.

The first sign that the KKK had intruded itself into the armed forces occurred in 1976, at the U.S. Marine Corps base at Camp Pendleton, California. There, in connection with a serious episode of racial violence, it was learned that a group of white marines were members of David Duke's Knights of the Ku Klux Klan and that recruitment was taking place at the base. Although many of the Klansmen were subsequently dispersed to other locations, the ADL at that time wrote to the Senate and House of Representatives Armed Services Committees recommending that a Congressional investigation of the activities of the Ku Klux Klan in the armed forces be initiated. The chairmen of both committees replied that they were concerned about the matter but no investigation was launched.

Recently, KKK groups have begun to emerge in the Army and Navy. At Fort Hood, Texas and Fort Carson, Colorado, soldiers have openly identified themselves as members of Duke's KKKK and have participated in public Klan activities. Some of the Fort Hood Klansmen, dressed in army fatigues, stood guard with weapons at a Klan rally in Euless, Texas in June, 1979. A group of Fort Hood Klansmen also served as security guards at the national convention of Duke's KKKK in New Orleans, over the 1979 Labor Day weekend.

At Fort Carson, Colorado, soldier members of the Duke Klan were active in the nearby KKK unit in Colorado Springs. The leaders of the group in late 1978 were Sergeants Josef W. Stewart and Kenneth C. O'Dell. Both have reportedly since ended their tours of duty with the Army. Although the Klan has continued its recruitment activities in the area, they have not been notably successful. It is estimated that the Klan group in Colorado Springs has no more than ten members, some of them civilians.

One other Army base has been the site of Klan activity: Yuma Proving Grounds, Arizona. A soldier is reliably reported to have been disciplined there after having been caught copying Klan materials on the base copy machine.

KKK activity has also occurred recently on several ships of the U.S. Navy, where Wilkinson's Klan has been active. The U.S.S. Concord, a supply ship

operating out of Norfolk, Virginia, has experienced several racial conflicts and was reported in July, 1979, to have a KKK group of some twenty members aboard. Several of the Concord Klansmen were subsequently transferred.

In September, 1979, three white sailors aboard the aircraft carrier Independence donned Klan robes and confronted black shipmates. All three, two of whom reportedly admitted Klan membership, were remanded for court martial. Other racial incidents ensued aboard the vessel, which was docked in Athens, Greece at the time.

Earlier, a cross-burning was reported to have occurred on another carrier, the U.S.S. America.

Atlantic Fleet spokesman Lt. John Alexander was quoted in June, 1979 as having stated that the Navy was investigating reports of Klan activity aboard one other vessel that operates out of Charleston, SC. It was later learned that the ship was the submarine tender U.S.S. Canopus and that several sailors had been signing up Klan members aboard it. Three "potentially dangerous" crew members were subsequently transferred or dismissed from the Navy.

Concern about these developments prompted the Anti-Defamation League, on July 26, 1979, to communicate with Secretary of Defense Harold Brown asking for action against the Klan. National Director Nathan Perlmutter wrote that "it is contrary to the spirit of the Uniform Code of Military Justice...and the express policy of the Department of Defense's Equal Opportunity Program...to allow undemocratic, violence-prone organizations like the Klan to infiltrate the armed forces for the purpose of promoting racial disorder." ADL subsequently pressed its view at a meeting with officials of the Department.

On August 29th, the Navy issued an order to all ship and shore commanders to crack down on "racist activity." Chief of Naval Operations Admiral Thomas B. Hayward told the commanders that "Prejudice and preparedness are incompatible" and instructed them to prohibit "activities of a member or members of a racist organization" when such activities "create a clear danger to the loyalty, discipline or morale of military personnel, or materially interferes with the accomplishment of the military mission." He added that commanders could ban such activity "within the military community and, in appropriate cases, restrict the participation of naval personnel in such activities when conducted off base."

At the time of this report, no similar orders had yet been issued by the other military services.

Klan Youth Corps

An especially insidious aspect of the Klan today is its effort to enlist children, aged 12 through 17, into the Klan Youth Corps. Although the effort has not met with any great success, even the modest results are disturbing, for

they signify that young minds in various parts of the country are being indoctrinated with vicious bigotry.

The Klan groups that engage in youth recruitment are David Duke's KKKK and Wilkinson's Invisible Empire, and school integration is the issue the Klan attempts to exploit to enlist youngsters. "White Students! Fight for White Power! by becoming a member of the Klan Youth Corps!" exclaims a leaflet widely distributed by Duke's cohorts in front of high school gates in a number of cities. "Are you 'fed up to here' with Black, Chicano and Yang criminals who break into lockers, and steal your clothes and wallets?" asks the leaflet, then "Join the Klan Youth Corps," which advocates "segregation of classes, followed by eventual segregation of schools."

The earliest Klan efforts to recruit school-age youngsters took place several years ago in Buffalo, New York under the guidance of Karl Hand, then commander of the Duke Klan in that city. Hand, who like his leader is a product of the neo-Nazi movement, was subsequently promoted to the post of national organizer of the KKKK, and brought to the post his penchant for school-gate activities.

Cities in which Klan Youth Corps groups have been formed, or which have been targets for youth recruitment include San Diego, CA; San Bernardino, CA; Los Angeles, CA; Denver, CO; Chicago, IL; Peoria, IL; Jeffersonville, IN; Oklahoma City, OK; Hillsborough, Co., FL; Birmingham, AL; Tuscaloosa, AL; Toscumbia, AL; and Decatur, AL.

Near Decatur, Wilkinson's Klan mobilized a group of about a dozen youngsters, in the summer of 1979 to put the torch to an old school bus while several hundred assembled Kluxers whooped and hollered. The children were dressed in Klan T-shirts.

In a field that is part of 47 acres of land in north Jefferson County owned by Roger Handley, Alabama Grand Dragon, some thirty boys and girls took part in a Klan youth camp in the summer of 1979. With a dozen of Wilkinson's Kluxers acting as counselors, the children, aged 10 to 17, alternated volley ball and dodgeball games with lessons in racism and "self-defense" (the standard Klan euphemism for training in the use of guns).

David Duke's 1980 Presidential Campaign

The Ku Klux Klan, is getting ready to inject its racist views into the 1980 Presidential election, through the vehicle of a David Duke race for the Democratic party nomination. As a preliminary step, Duke has entered the 1979 Louisiana state elections as candidate for State Senate from the 10th District. In a previous 1975 State Senate campaign, Duke succeeded in garnering 33% of the total vote, encouraging him to believe that a victory this year is not impossible.

Duke, it appears, realizes that rallies in cow pastures are hardly the most effective means of gaining power in the country. Likely he has studied Klan history enough to know that in the 1920's, when the Klan was at its height,

it succeeded in winning political office in a great number of states, Northern as well as Southern. Aiding and advising him in his ambitions is a political "pro," Glenn Parker, who once served on George Wallace's Presidential campaign staff. Parker, who lives in California, addressed a seminar on politics at the recent national convention of Duke's Klan, where he said "if we are to succeed for the white race, it [politics] is the way to go." Then he outlined a campaign strategy.

First will come the Louisiana State Senate race. "It would help," Parker stated, "if we could get David elected to the Louisiana Senate prior to the Presidential election." He went on to indicate that he had no illusions of Duke being elected President, pointing out that the Klan leader is not of legal age to hold the office (at age 29 in 1980, he'll be 6 years short of the constitutional requirement). What the Duke Klan hopes to achieve, Parker said, is the election of some delegates to the Democratic National Convention. "We want an eloquent spokesman," he continued, "to submit several planks of the KKK into the Democratic platform, specifically against busing, against affirmative action. The party will say 'no,' but will have to do it in front of 50,000,000 people watching on TV." Parker added that one or two delegates could put Duke's name in nomination for the Presidency and make nominating and seconding speeches in his behalf. He emphasized the value of the free TV coverage.

Duke's strategy calls for filing nominating petitions in 12 states, in the hope of actually qualifying in six of them. The states now under consideration are Massachusetts, Florida, Alabama, Illinois, Pennsylvania, Indiana, North Carolina, Georgia, Tennessee, Arkansas, New Jersey, Kentucky and West Virginia. Of the six states in which he hopes to qualify, two or three will be selected for "a hard run." "If we run in Arkansas and get 15% of the vote," said Parker, "we get 15% of the delegates."

Evidently, Duke's Klan intends to put most of its 1980 efforts into his political campaign. Parker made it clear that "the only Klan activity in those states where Duke will be running will be campaign activity." Duke's KKKK also plans to reach out beyond its own ranks for campaign activists. Parker said they will try to enlist "every racist in this country, all racist parties." That they may succeed in doing so was made evident by the presence at the convention, as a guest speaker, of Edward Fields, Secretary of the National States Rights Party. The NSRP is a hate-mongering group of right-wing extremists who publish a racist newspaper called The Thunderbolt. Fields told the delegates that the crux of the problem is "the nigger race is an inferior race." He then pledged the support of his organization and its paper to Duke's Presidential campaign.

The Klan Imitators

One by-product of the activism and high visibility of today's Klan is the imitative behavior it inspires, most often in the form of cross-burnings. Although the Kluxers try to perpetrate the myth that the fiery cross has a religious symbolic meaning, most Americans know that it actually represents an

attempt to terrorize a target of racial or religious hatred, usually blacks, sometimes Jews. And since the burning of a cross has often served as a preliminary warning which has been followed up by other more violent acts, it understandably causes considerable fear and anxiety in those who are its targets. Not surprisingly, all sorts of bigots, most of them not Klan members, when casting around for a means of intimidating someone, reach for a couple of sticks and a can of kerosene.

One recent epidemic of cross-burnings, and also swastika daubings, has occurred in the New York and nearby Long Island, Connecticut and New Jersey areas. The victims, predictably, have been blacks and Jews. Beginning with a cross-burning on the lawn of a black homeowner on Long Island in mid-August, the epidemic quickly spread to other nearby communities.

Several years ago, the Anti-Defamation League commissioned a scientific study of the perpetrators of swastika daubings, the results of which have been incorporated in a profile which very largely fits the descriptions of cross-burners apprehended in the recent New York epidemic. Of the 180 suspects who were interviewed in the ADL study, more than 70% were males aged 13-17, who came from low-income, poorly educated, broken or unstable homes. Most had academic or behavioral problems in school.

Cross-burnings are sometimes called meaningless acts of "vandalism," or "pranks," or dismissed as "delinquent behavior" having no racial motivation. Such explanations, however, miss the point: the burning cross is itself the message, precisely because of its association with the Ku Klux Klan. The perpetrators of cross-burnings, whether they fully understand the meaning of their acts or not, send an unmistakable signal of racial or religious bigotry.

As it happens, there is no active Klan in the Metropolitan New York area at the present time and there is no evidence of direct Klan involvement in the recent cross-burning episodes. But the Kluxers share in the moral responsibility, as do the Nazis in the swastika daubings. For it is their views, activities and symbols that have been absorbed into the consciousness of the person who lights the match or dips the brush. It is their behavior that is being imitated.

Klan Anti-Semitism

The Klan is correctly perceived by the general public as anti-black, but in its litany of hates (which includes Hispanics, Asians and American Indians) there is a special place for Jews. Throughout this century the hooded legions have been violently anti-Semitic, from the lynching in 1915 of a Georgian Jew, Leo Frank, an event which set the stage for the formation that year of the second Klan, to the bombings of Jewish temples and buildings during the 1950's and 60's.

Klan anti-Semitism today has the following main characteristics:

1. While all the Klans are anti-Jewish, the intensity of their hatred varies from one group to another. The most extreme in its anti-Semitic bigotry is David Duke's Knights of the Ku Klux Klan, which actually sees Jews as its number one enemy. This is not surprising in that Duke is a former neo-Nazi activist who has surrounded himself with lieutenants who also come from the Nazi ranks. These include his second-in-command, Karl Hand; former chief aide James K. Warner, who later fell out with his leader; writer William Grimstad, a former managing editor of the Nazi publication White Power, who registered with the Department of Justice in 1977 as a foreign agent for Saudi Arabia; and several Grand Dragons. Duke also has a close liaison with the National Alliance, a Washington, D.C.-based neo-Nazi group, whose leader William Pierce is a former top figure in the American Nazi Party.

Duke's publication, Crusader, is saturated with anti-Semitic articles and cartoons. It also regularly advertises books that are available from the KKKK bookstore, including the spurious "Protocols of Zion"; Hitler's "Mein Kampf"; "The International Jew"; "The Testament of Adolf Hitler"; "The Hitler We Loved and Why," and many other violently anti-Semitic publications.

2. The importance attached to anti-Semitism by the Klans is not always perceived at first glance because hostility toward Jews doesn't receive the same public emphasis as anti-black racism. But the closer one gets to the center of the organization, the more stress one finds on "the Jewish question." Typically, a raw recruit will join the Klan in response to its anti-black propaganda, but as he becomes more deeply involved in the inner life of the order, the more he will be taught that "behind the blacks lurk the Jews," who are the more "dangerous" enemy.

Klan anti-Semitism is not limited to words. Actions frequently follow, as in the case of the Maryland Klan terrorists who were apprehended attempting to bomb a synagogue in 1978.

In New Jersey, a group of Klansmen vandalized a Trenton synagogue in the summer of 1979. The previous summer, in Atlantic City, an effigy of a rabbi was hanged in a public park by some Klan members.

The Klan in Colorado, which is a unit of David Duke's KKKK, has also targeted Jewish institutions for attack. On July 1, 1979 some 20 robed Klansmen mounted a picket line in front of a Denver synagogue in which the annual meeting of the Colorado Zionist Federation was taking place. The pickets shouted racist slogans and carried placards reading "Zionism=Communism." The state organizer of the Colorado Klan, Fred Wilkins, told the delegates at the recent national convention of his organization that he had photographed the license plates of the cars parked at the Zionist Federation meeting, in order to obtain the names and addresses of the attendees. He also urged the delegates to subscribe to their local Jewish newspapers, as he had done, to obtain the names and addresses of local Jewish leaders and advertisers. Wilkins did not reveal how this "intelligence" was going to be used.

Evaluation

As noted, the Klan still represents only a tiny fraction of the American people. The findings of ADL's March, 1978 survey still hold true, that "The Ku Klux Klans...are not a present threat to American society, either in numbers or in influence." Yet, the activities of the hooded legions do present some real problems, particularly in the communities where they are active.

1. The new Klan militancy and lawlessness, as evidenced in Alabama and Mississippi, poses the danger of violence. Plainly, the presence in any community of a gang of heavily armed racists spoiling for a confrontation can lead to bloodshed. What happened in Decatur can happen elsewhere.

2. The Klan creates racial polarization, both in the immediate vicinity of its activities and in the larger society. Its cross-burnings and rallies, accompanied always by an outpouring of vicious racial invective and insults, makes harmonious community relations between blacks and whites impossible. If this is a tragedy in civilian life, in the armed forces it could be disastrous.

3. The KKK's demagogic exploitation of such legitimate controversial issues as busing, affirmative action, welfare reform etc., poisons the atmosphere and makes civilized discourse and debate much more difficult. It contributes to a climate in which the search for reasonable solutions and compromise becomes impossible, and in which extremist views take center stage at the expense of reason and moderation.

4. The likelihood that the Klan will regain the strength and capacity to rupture the fabric of our pluralist society that it had in the mid-1960's, remains remote, but it should not be discounted entirely. There is little evidence at this time that the efforts to rebuild the hooded order have peaked. Complacency therefore, would be as wrong a posture to adopt as alarmism. What is required is alert attention to the problem, a steady flow of accurate information and rigorous law enforcement.

Countering the Klan

The foremost requirement for coping with the Ku Klux Klan is community concern, not only by those who are its immediate targets -- the minority groups -- but by the entire community. It cannot be emphasized enough that a special moral responsibility rests on those who are not the direct victims of the organized bigots to close ranks with those who are, so that the legions of hate find themselves isolated by the entire community. This is the main lesson history teaches about the experience of Europe's Jews under Hitler, blacks in America and victimized minorities everywhere. The bigots count on community indifference to enable them to do their dirty work.

Concern can be expressed in many ways: by the clergy and the churches through sermons and public declarations; by the labor movement and the business community through educational forums and resolutions; by the schools, through teaching about bigotry and prejudice, and studying the role of the Klan in American history.

The media, in particular, have an important role to play. To the extent that the Klan makes genuine news, it must, of course, be covered. But all too often, the press has allowed itself to be manipulated by clever Klan gimmickry, such as the 1977 Klan "border patrol" in California, where a puny group of eight Klansmen, outnumbered 5 to 1 by newsmen, captured coast-to-coast coverage for what was essentially a non-event. Or inadequately researched Klan stories, consisting almost entirely of "interviews" in which a Klan spokesman -- most often David Duke, who specializes in duping the media -- are simply allowed to spout propaganda and make fanciful claims about Klan strength without contradiction or hard questioning.

When David Duke faces the microphone or TV camera he usually disclaims any belief in violence, but as with most of his other public stances, his real position is far different. At his recent national convention in September, 1979 in New Orleans, he addressed the 150-200 delegates on "public relations," cautioning them that only designated spokesmen should deal with the media. "Not everyone," he said "is to get on a soapbox. Some say the wrong things. 'Why did you join the Klan?' 'Well, I want to hang some niggers, you know.' (A delegate shouted 'right on!')" "Yeah," replied Duke, pausing for audience applause, "and that may sound good, but that's not exactly what we're trying to get over to the American public... There should be a 'media line' that everyone adheres to."

Truly professional press coverage of the Klan -- especially because it is secretive and unscrupulous -- requires research and understanding of the subject. With adequate preparation and a healthy skepticism regarding the claims of Klan spokesmen the press can perform a major service in informing the public as to the true nature of the masked order.

No report on today's Klan can ignore the fact that on a number of recent occasions it has been confronted by well-organized opponents using violent tactics. In California, Ohio, New Jersey, Alabama and Mississippi, demonstrators in helmets, shouting such slogans as "Ku Klux Klan, Scum of the Land" have waded into Klan demonstrations with two-by-fours, iron bars, bricks and bottles. The record shows that the principal victims of these clashes have been the police, who in their efforts to prevent violence and separate the conflicting forces, have suffered injuries caused by both sides.

Street brawls have contributed nothing to the solution of the problem of the KKK. They have provided the kluxers with an alibi to justify their possession of weapons: the spurious "self defense" claim. Moreover, while some of the violent counterdemonstrators have been ordinary passers-by, most have been members of far-left groups seeking to exploit the issue of right-wing extremism in order to strengthen the forces of left-wing extremism. Among these "anti-Klan" militants are the Committee Against Racism, a group closely aligned with the

Progressive Labor Party, a left-wing splinter from the Communist Party; the Coalition Against Racist and Political Repression, whose co-chairperson and Executive Director, Angela Davis and Charlene Mitchell, are leading members of the Communist Party, U.S.A.; and the Revolutionary Communist Party, an ultra-left sect of Maoist Communists. Their aim in confronting the Klan, clearly, is not to strengthen American constitutional democracy, but to weaken it in order to further their own political goals.

In the final analysis, the answer to the challenge laid down by the Klan's hoodlumism is firm political leadership and strict law enforcement. The Klan must be shown, wherever it appears, that its presence is not wanted and even the slightest infraction of the law will not be tolerated. Rigorous law enforcement can, without invading anyone's constitutional rights, effectively discourage and prevent violence and disorder. For this to happen, of course, there must be a concerned citizenry prepared to give full backing to public officials who are ready to stand up courageously to the hooded legions.

There is also a need for a greater FBI and Justice Department presence wherever Klan growth and activity present a threat to the civil rights of citizens, black and white. There has been some recent increase in FBI and Justice Department attention to the Klan, and it has had a salutary effect, notably in the indictment and trial in Birmingham of 20 Talladega County Klansmen. And the Community Relations Service of the Department of Justice has made a useful contribution, in Decatur and other communities. More such efforts are needed, on the local, state and federal levels.

Similarly, with regard to the armed forces, the U.S. Navy's announced policy of cracking down on the Klan deserves public commendation and support. It should be followed by a similar pronouncement by the Army since it has experienced a Klan problem.

Beyond the immediate task of curbing the Klan lies the longer range and more basic need to press ahead in the quest for racial justice and equal opportunity for every citizen and to strengthen education on the substance and application of American democratic values.

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The American Jewish

PORTLAND CHAPTER • Ste. 930, 1220 S.W. Morrison St. • Portland, Oregon 97205 • (503) 295-6761

TESTIMONY ON RACIAL HARASSMENT LEGISLATION

At a previous hearing before this Committee the Portland Chapter of the American Jewish Committee presented general testimony in support of House Bill 2479. This further testimony is intended to address specific issues which reach to the heart or our concerns.

While the American Jewish Committee has for 75 years been dedicated to combating bigotry directed at any individual or group, these remarks will be confined to problems of harassment confronting the Jewish community because we know that others will enunciate most convincingly the problems which affect Blacks, Hispanics and other minorities. Rest assured, however, that we are aware of and share their concerns and believe this legislation is essential for the protection of all those who have been the victims of harassment because of race or religion.

As you know, anti-Semitism has existed in this country since its founding, however, until the beginning of the 1970's it could be argued that the concern of some Jewish community leaders for the position of Jews in the United States was exaggerated. Anti-Semitism had largely disappeared in the years following World War II. Reaction to the atrocities of the Nazi era was such that even mildly anti-Semitic public utterances came to be viewed as unacceptable. The civic status of American Jews seemed more secure than ever before.

CHAIRMAN, Stuart Durkheimer; VICE-CHAIRMEN, Philip Feldman, Ralph Miller; TREASURER, Lois Rosenbaum; SECRETARY, Mark Rosenbaum; IMMEDIATE PAST CHAIRMAN, Arthur Levinson; ASSISTANT AREA DIRECTOR, Laurie Rogoway; BOARD OF DIRECTORS, Henry Blauer, Harriet Braunsten, Stephen Forman, Rabbi Yonah Geller, Lila Goodman, Bette Greenstein, Renee Holzman, Dr. Michael Kovsky, Judge Donald Londer, Jeanne Moment, Roscoe Nelson, Patti Nemer, Ken Novak, Nancy Oseran, Sam Robinson, Dr. William Rosenbaum, Victor Rosenfeld, Warren Singer, Dr. Milton Singer, Fritzi Sussman, Amy Tanne, Merritt Yoelin.

This "Golden Age" in American Jewish life has come to an end. American Jews have been experiencing a growing anxiety over various developments in the last decade. The political climate of the country is clearly changing; there appears to be a growing indifference to Jewish concerns. Jews see themselves faced with new threats to their security.

It is important that you clearly understand the nature of these threats, their implication to the Jewish community and the effect that House Bill 2479 will have upon them. A number of recent happenings in Oregon will clearly illustrate the nature of the harassment which is of concern to us and which has aroused fear in the hearts and minds of many.

You are probably aware that a few months ago anti-Semitic material was posted on the synagogue in Salem. You may not be as aware that at the same time the president of that synagogue received a phone call which in effect threatened his life. Perhaps six weeks ago police were called to a Portland synagogue because of a bomb threat there. Only last week a swastika was found on yet another synagogue, and when you are in Portland you may have noticed swastikas defacing other buildings, some of which have been left there for months, even after requests to remove them.

Racist literature has appeared in many parts of the city, left in phone booths, on cars or sent to individuals in the mail.

Not long ago a young man got off a bus in downtown Portland and saw individuals passing out racist literature. He attempted to photograph them only to have one of those distributing the literature come after him with a knife and threaten him if he did not give his attacker the film.

On May 9 and 10 over this next weekend a major event - Israel Expo - will take place at the Jewish community center in Portland. Already racist material has been placed on cars there; swastikas have been found, and a demonstration threatened.

You must understand the implications of these happenings to Jews because those implications underlie our belief that legislation is needed. As a people which has lived with anti-Semitism for thousands of years and which is a spritual and physical survivor of the Nazi Holocaust, events which might seem mildly disturbing to others are terribly disturbing to us. Picture, if you will, the reaction of a Holocaust survivor planning to attend Israel Expo who finds swastikas confronting him - would he feel even safe to enter the building knowing full well the meaning behind those swastikas?

Or take the young man who tried to photograph those individuals handing out literature. His Jewishness was unknown to those who were his attackers, but certainly he, and I might add, his parents, reacted as Jews who then had to face the anguish of deciding whether or not to take the case to court. Over the objections of his parents this individual has taken the case to

court, however, the only charge which can be levied under current law is theft for he was not actually physically attacked. His case is pending, and for months he and his parents have been living with the anguish caused not only by his confrontation with bigotry but by the knowledge that in this state no law adequately addresses the seriousness of that encounter.

There needs to be no elaboration about bomb threats or threatening phone calls - each is significant in itself but doubly so when placed in the historical context of a people who have suffered from such happenings often with government sanctions throughout history, and who now need to be assured that they live in a state where such happenings will not be tolerated. By passing House Bill 2479 the Oregon legislature will give the historical victims of bigotry that assurance.

Respectfully submitted,

Laurie Rogoway
Portland Director

LR:mlb

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81-404-38

May 21, 1981

HOUSE JUDICIARY COMMITTEE
Subcommittee 1 2 pages
Exhibit V, HB 2479
Steve Griffith May 21, 1981
Legal Counsel
Proposed amendments

Revised Text: HB 2479

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3 SECTION 1. (1) A person commits the crime of intimidation if, by
4 reason of the race, color, religion or national origin of another person,
5 "and with intent to deprive that other person of the equal protection of
6 the laws, or of equal privileges and immunities of the laws," the person
7 violates ORS 163.160, 163.190, 164.345, or 166.065.

8 (2) Intimidation is a Class A misdemeanor.

9 SECTION 2. (1) A person commits the crime of conspiracy to intimidate
10 if that person agrees with one or more persons to commit or cause the
11 commission of the crime of intimidation as defined in section (1) of this
12 Act.

13 (2) Conspiracy to intimidate is a Class C felony.

14 SECTION 3. The destruction of crosses or other religious symbols or
15 the use of swastika markings or derogatory racial, ethnic or religious
16 epithets, when directed against another person, shall constitute prima
17 facie evidence that such words or conduct were undertaken by reason of the
18 race, color, religion or national origin of the other person.

19 SECTION 4. (1) Irrespective of any criminal prosecution or the result
20 thereof, any person injured by a violation of section (1) or (2) of this
21 Act shall have a civil action to secure an injunction, damages or other
22 appropriate relief against any and all persons whose actions are unlawful
23 under this Act.

24 (2) Upon prevailing in such action, the plaintiff may recover (a)
25 both special and general damages, including damages for emotional distress,
26 (b) punitive damages not to exceed \$10,000, and (c) reasonable attorney
27 fees and costs.

28 (3) The parent, parents or legal guardian of an unemancipated

1 minor shall be liable for any judgment recovered against such minor under
2 this section.

3 SECTION 5. If the Attorney General or any district attorney has
4 reasonable cause to believe that any person or group of persons is engaged
5 in a pattern or practice involving or leading to a violation of sections
6 (1) or (2) of this Act, the Attorney General or district attorney may
7 bring a civil claim for relief in the appropriate court, setting forth
8 facts pertaining to such pattern or practice, and request such relief
9 as may be necessary to restrain or prevent such violation. Any claim
10 for relief under this section does not prevent any person from seeking
11 any other remedy otherwise available under law.

12 SECTION 6. This Act being necessary for the immediate preservation
13 of the public peace, health and safety, an emergency is declared to
14 exist and this Act takes effect on its passage.

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