

**HOUSE JUDICIARY COMMITTEE
TASK FORCE ON HATE CRIMES/TERRORISM/ARSON
HEARING ON HATE AND RACIALLY-MOTIVATED CRIMES
OCTOBER 22, 1996**

TESTIMONY (9:30 a.m.)

**TRENT HARGROVE, CHIEF DEPUTY ATTORNEY GENERAL,
PENNSYLVANIA OFFICE OF ATTORNEY GENERAL
CIVIL RIGHTS ENFORCEMENT SECTION**

My thanks to Representative Nailor and members of the Task Force on Hate Crimes, Terrorism and Arson of the Judiciary Committee, not only for the opportunity to testify but for pushing on with the continuing effort in this state to punish ethnic intimidation crimes and to reduce the ethnic and racial tension.

Holding this Task Force hearing, even after the end of the Legislative session, still is useful. For one thing, it sends a message that the Task Force members and the members of the House Judiciary Committee are absolutely serious about using their powers and their influence to help law enforcement and private organizations in their struggle against hate crimes and other hate-motivated activities.

Over the past decade and a half, the General Assembly has shown

that it does recognize the seriousness of the hate crimes problem and

has taken appropriate action on more than one occasion. A

particularly welcome step was taken last fall when the Legislature

approved and then Governor Ridge signed a bill allowing for

prosecution of cross burnings and other types of hate crimes in which

the criminal enters someone's property and starts a fire or threatens

the occupant or damages the premises.

But strong legislation is only part of the answer. We must

continue our ongoing effort to educate Pennsylvania about hate crimes

so that, for one thing, a hate crime is recognized when it occurs.

Education in this area is particularly important. Recognizing a

hate crime isn't always easy. The damaging of a synagogue and

leaving "KKK" painted on the walls is pretty clearly a hate-motivated

crime. But other criminal acts which are unquestionably violations of

criminal statutes may not be as easy to classify as being motivated by

racial, ethnic or religious hatred.

That is why the Office of Attorney General, the State Police, the

state Human Relations Commission and other organizations work

continuously at educating local and state law enforcement personnel,

private organizations and individuals in recognizing a hate crime when

it occurs, since motivation is what distinguishes a hate crime from other

crimes. And we try to emphasize the importance of reporting such

activity to an appropriate authority.

Beginning in 1988 the amount of hate crime activity was

assembled in two-year reports by the Office of Attorney General, and

in 1995 our office was joined by the Human Relations Commission in

issuing a five-year report so that, among other things, we could get a

broader sense of trends in this kind of criminal activity and discover

any particular trouble spots.

We have put together some maps, which are displayed here, which

give an overall view of the locations of where hate crimes have

occurred and the locations of militia groups and white supremacist

activities across the state.

I caution you, however, not to judge the hate crime situation in

any given county just by these statistics. There can be various reasons

for under-reporting of hate crimes. Some local police departments may

not want to have the problem associated with their town; some police

officers may not recognize an incident as being hate-motivated; and

some victims do not report because they fear retaliation or they don't

trust law enforcement.

And, perhaps just as important, it's possible that some police

departments take the reporting of hate crimes more seriously than

others, enforcing all types of hate crimes and thereby sending out the

message that commission of this type of criminal activity is likely to

result in enhanced penalties.

This can make it seem that their jurisdictions are more prone to

the occurrence of hate crimes than those who are more lax in their

reporting. However, the departments which take enforcement less

seriously might be more likely to be confronted with a truly serious

incident when racial tension erupts.

In the five-year Hate Crimes Report, covering the 1988-1993

period, one of the Pennsylvania's larger counties reported that just a

single hate crime occurred there. There is no reliable way to determine

whether the police departments in that county were not tuned into the

hate crimes situation, not familiar with the law or whether there were,

in fact, just few hate crimes going on there during this five-year period.

But statistics such as that one are what make us feel strongly about the

need to educate everyone about the seriousness of hate crimes and hate-

related activity in our state.

This is why we conduct educational programs for local police and

other enforcement personnel, such as college security people. We want

to make them familiar with the hate crimes statutes and to emphasize

the importance of reporting their activities to their local police, the

State Police or other enforcement agencies, so that appropriate legal

action can be taken and entered into our periodic Hate Crimes Reports.

We have used the information gathered in Hate Crimes Reports to put together programs for training of law enforcement personnel and promoting of public awareness of hate crimes and the importance of having members of the public report the crimes and help local police in investigating and prosecuting the crimes.

“Hate crimes” are those violations of criminal statutes legally

determined to be motivated by malicious intent toward the race, color, religion or national origin of the victim. The number of these crimes is the central statistic in each of our periodic reports.

Our report for 1994-1995 will be coming out shortly and will show a decrease in hate crimes from the previous two-year period. That statistic alone could be considered a reason for optimism.

That is probably misleading. For one thing, our forthcoming

report will also contain another piece of information which will give an entirely different view. This is the results of the Human Relations

Commission's survey of the activities of white supremacist groups in

the state and a separate survey by the Youth Violence Task Force of

the Office of Attorney General. Our last report indicated that in 1989

there were fewer than a half dozen hate groups known to be operating

in the Commonwealth.

The new report, covering fiscal years 1993-94 and 1994-1995, will

indicate the existence of 51 white supremacist groups operating in 57

communities in 31 counties. The activities of some of them are not

violations of the law. But they stir up "White Pride" with rallies and

they distribute hate literature and posters, sometimes dressed in Ku

Klux Klan robes. At times they have gone to the homes of clergymen

and other citizens and protest their attempts to unify opposition to

racial and ethnic hatred. This is a most disturbing trend.

Although some of these hate group activities are limited to sending

a hate message--perhaps "stay out of this neighborhood" or "we hate

Jews" -- some go far beyond threats and attempts to frighten. They

involve commission of serious crimes. A group of Skinheads in Lehigh

County was charged with a triple homicide, and we have had ethnic

intimidation and criminal mischief in numerous locations throughout

the Commonwealth.

Also, organizations such as the Anti-Defamation League and

Philadelphia Lesbian and Gay Task Force have reported increases in

hate-related activity.

Our Hate Crimes Reports, however, cannot be considered in any way the last word on the status of hate crimes in Pennsylvania in any given period. Over the years, the number of these crimes has

fluctuated up and down, and there is no reliable way to determine why this occurs. It could be because more or fewer crimes of this kind are committed. But it is also possible that they are being committed and not being reported.

This is why, despite reduction in outright hate “crimes,” we continue to emphasize education.

For example, last week I hosted the first meeting of a new

intergovernmental working group on hate crimes-related fires and

property crimes. We reviewed current procedures and practices

concerning the tracking and reporting of incidents, the training and

dissemination of information and establishment of coordinated

responses to such fires.

They have not been a problem in our state, but we felt it would be wise to assemble an organized effort to be ready to make effective responses to any such fires if they do occur.

The establishment of this working group is consistent with the spirit and substance of a Senate resolution adopted in June which condemned the nearly three dozen church fires which have occurred in the southern states during the past two years.

Also, last November, my office sponsored an extensive, three-day training program for federal, state and local law enforcement officers in identifying and prosecuting hate- and bias-related crimes which was conducted by experts from throughout the nation and from Canada. It was called a "train the trainer" program, one which provided specialized training for representatives from small town police departments and from cities, from the State Police, the Attorney General's Office, the Human Relations Commission, the FBI, a community college and a private corporation.

The participants were trained in the distinguishing of hate crimes from other types of crime; identifying and dealing with victims of hate crimes; and investigating, reporting and prosecuting hate crimes. The training was an advanced kind of training, not just limited to teaching law enforcement personnel how to make more arrests but also to inform them of the importance of community relations and to make them more aware of staying on top of racial or ethnic tensions which may exist in any given community. The idea behind the "train the trainer" concept was for the participants to go back to their communities with a complete package of material, including lesson plans, student handouts and visual aids.

We realized that many smaller police departments did not have the resources to send their officers to training of this type, so the federal governments created this program in which those who receive the training directly from the experts from around the country are able to take it back to their home communities to train their officers in becoming more attuned to the existence of hate crimes and how to deal with them.

It was a first-class training program which was the first of its kind conducted in the northeastern United States and only the fifth in the country. That is an indication of how serious Pennsylvania is about countering the hate crimes problem in our state.

Our hope is that this training will filter down through local police departments of all sizes, even the smallest, so that their officers are familiar with the basic concept behind hate crimes and can deal in a sensitive way with the victims so that we get all information needed to prosecute those who commit hate crimes.

And again I must emphasize the importance of reporting these

crimes so that they are eventually entered on the annual State Police

crime reports.

Battling hate crimes isn't anything new for Pennsylvania. We

have had an Ethnic Intimidation Law since 1982 and have strengthened

our enforcement efforts since then, as well as conducting numerous

training programs for local law enforcement.

I would like to call the Task Force members' attention especially

to the fact that our forthcoming Hate Crimes report will once more

contain the disturbing fact that nearly two-thirds of all hate crimes

offenders during the two-year period were between the ages of 11 and

20 years of age. That particular situation has worsened. In the first

five years of statistically tracking of hate crimes, 56 percent of the

offenders were in this 11 to 20 age group. Now it has risen to two-

thirds. Additionally, juveniles are committing hate crimes at a higher

rate than other serious offenses.

The fact that so many of the offenders are young people suggests a strong need for education. I spoke earlier about our efforts to train local law enforcement personnel. But we also need to provide hate crimes education in school districts and colleges, especially training in mediation and conflict resolution techniques.

Hate crimes education also isn't anything new. It's been going on for years, and in recent years the efforts have intensified because the problem has worsened. The Human Relations Commission has been at the job for many years, and when their representative testifies later at this hearing I'm certain you will hear about their efforts.

Despite the continuation of hate group activity, Pennsylvania is fighting back in a variety of ways -- in the training of law enforcement personnel, in cooperation with other enforcement groups, such as my office's membership in the Inter-Agency Task Force on Civil Tension and in the courts.

The Pennsylvania Office of Attorney General has fought to uphold the constitutionality of our own ethnic intimidation statute and has filed a brief in support of the similar laws of two other states which were challenged in the U.S. Supreme Court. The laws were upheld. I want the Task Force to know that the Office of Attorney General remains totally committed to using its powers to be part of the overall struggle against ethnic hatred, whether it is in local law enforcement or in the courts.

Our attitude was best expressed by Attorney General Corbett during the signing of the bill which strengthened law enforcement's ability to prosecute those who commit hate-motivated crimes such as cross burnings. On that occasion the Attorney General said:

“It is in the state’s interest in preventing crimes and threats

motivated by bigotry and hatred and prosecuting those crimes in a

most public way when they occur. We must send a message loud and

clear that hatred of the basest form will not be tolerated anywhere in

the Commonwealth.”

I thank the Task Force for the invitation to speak on this

important issue.

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RECOMMENDATIONS

1. Empower the Attorney General with concurrent jurisdiction to prosecute violations of the States Ethnic Intimidation Act. As the maps that we have presented illustrate, the Attorney General is uniquely situated to monitor and prosecute hate crimes from a state-wide perspective.
2. Explore the possibility of legislative enactment of state counterpart statutes to the Federal Civil Rights Acts enforceable by the Attorney General and/or District Attorneys. Since as we know, federal prosecution of hate crimes has most often been to compensate for the lack of effective enforcement and prosecution at the local level. In many instances we have seen cases prosecuted at the federal level after state prosecutors have been unsuccessful. Obviously these statutes would need to be tailored to meet state statutes and constitutional requirements. Federal assistance may not be available, however, on all occasions when needed.

SENATE BILL NO. 223, ACT 53-1995
Signed by the Governor October 27, 1995

§ 3503 Criminal Trespass

(b. 1) Simple trespasser--

(1) A person commits an offense if, knowing that he is not licensed or privileged to do so, he enters or remains in any place for the purpose of:

- (i) threatening or terrorizing the owner or occupant of the premises;**
- (ii) starting or causing to be started any fire upon the premises; or**
- (iii) defacing or damaging the premises.**

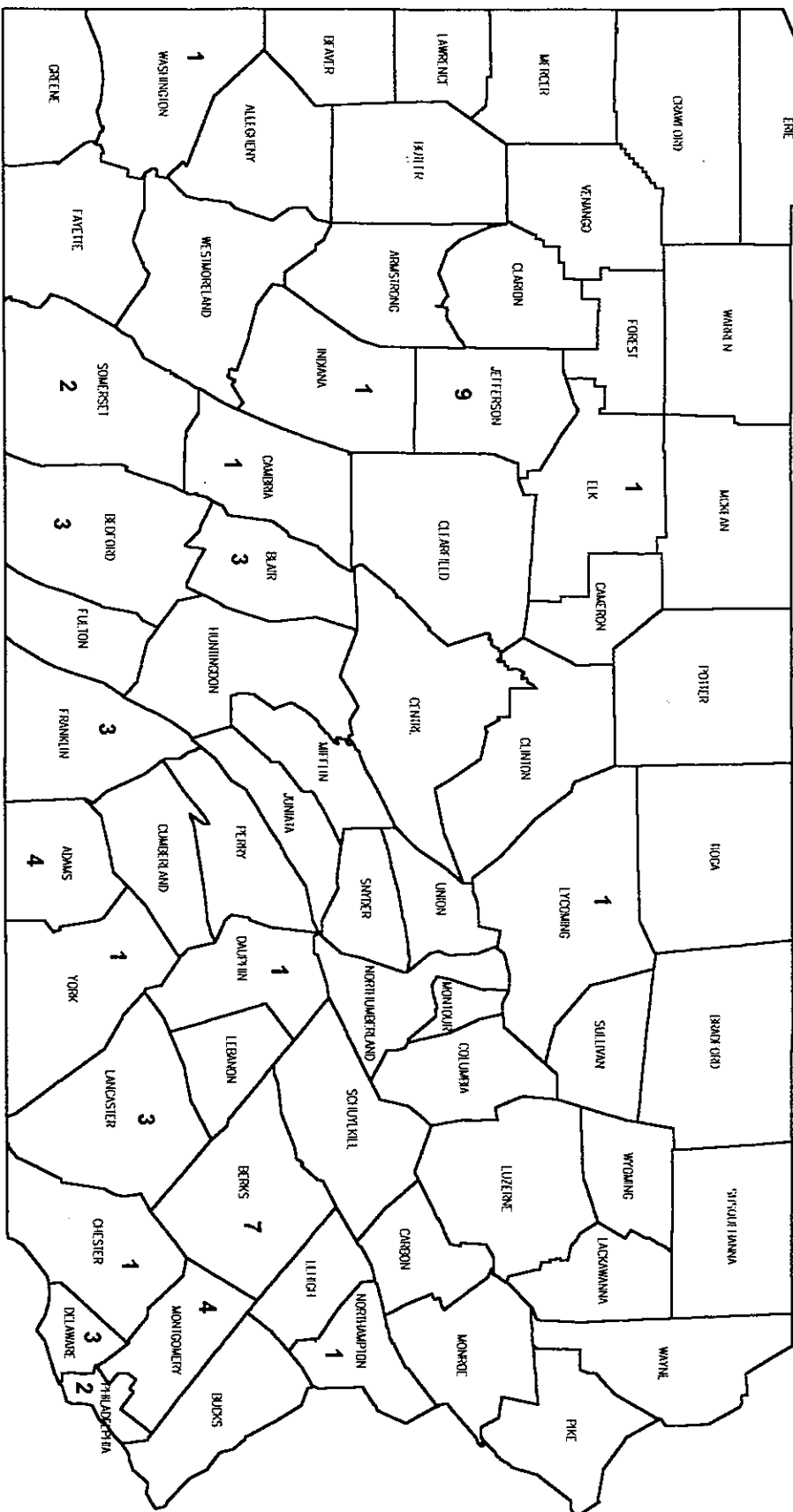
(2) An offense under this subsection constitutes a summary offense.

This legislation allows for additional prosecution of cross burnings and other types of hate crimes, where the criminal enters someones property as a simple trespasser starting a fire, threatening the occupant or damaging the premises.

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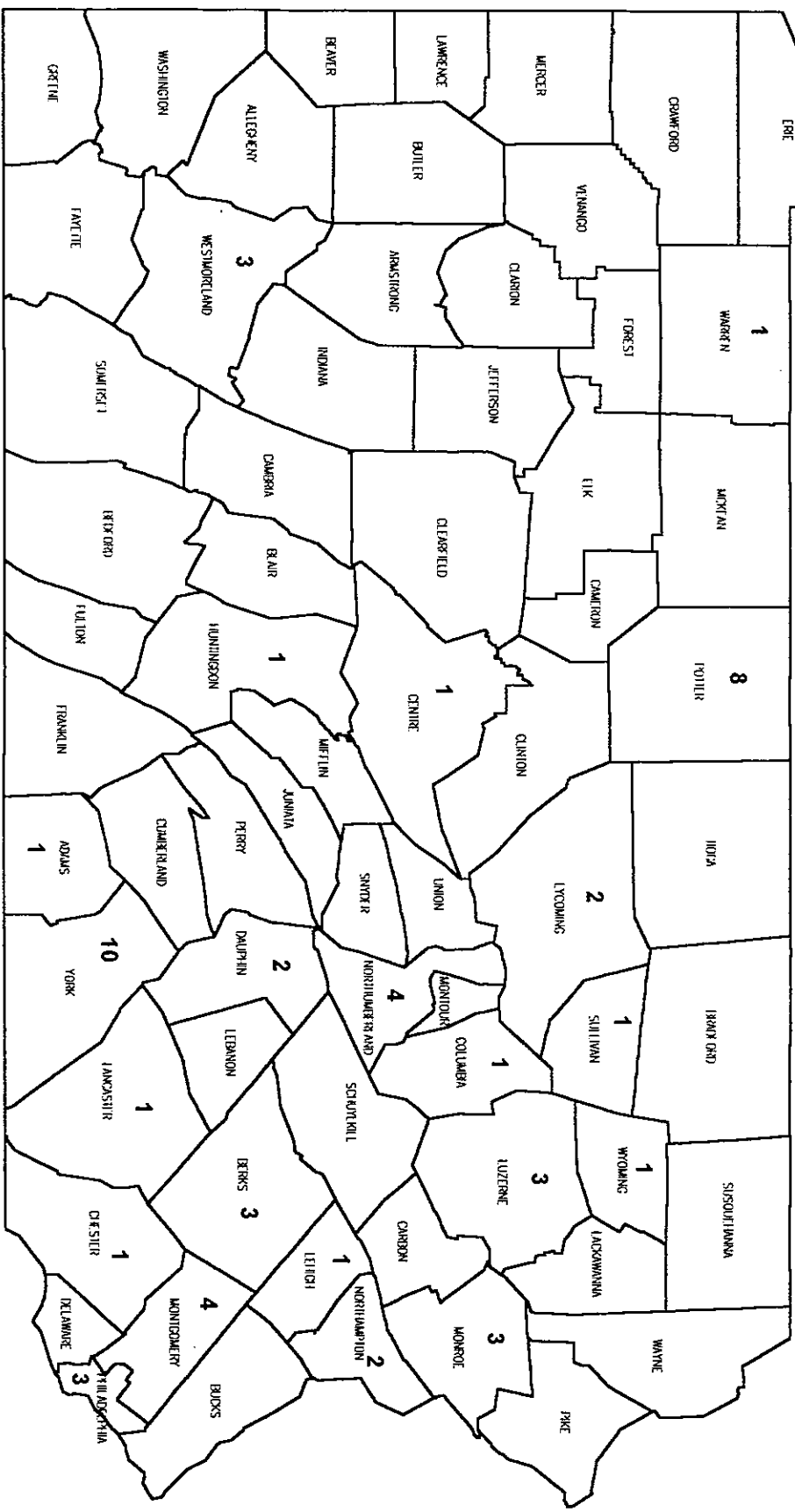
KKK ACTIVITIES Jan 1993 - Jul 1996



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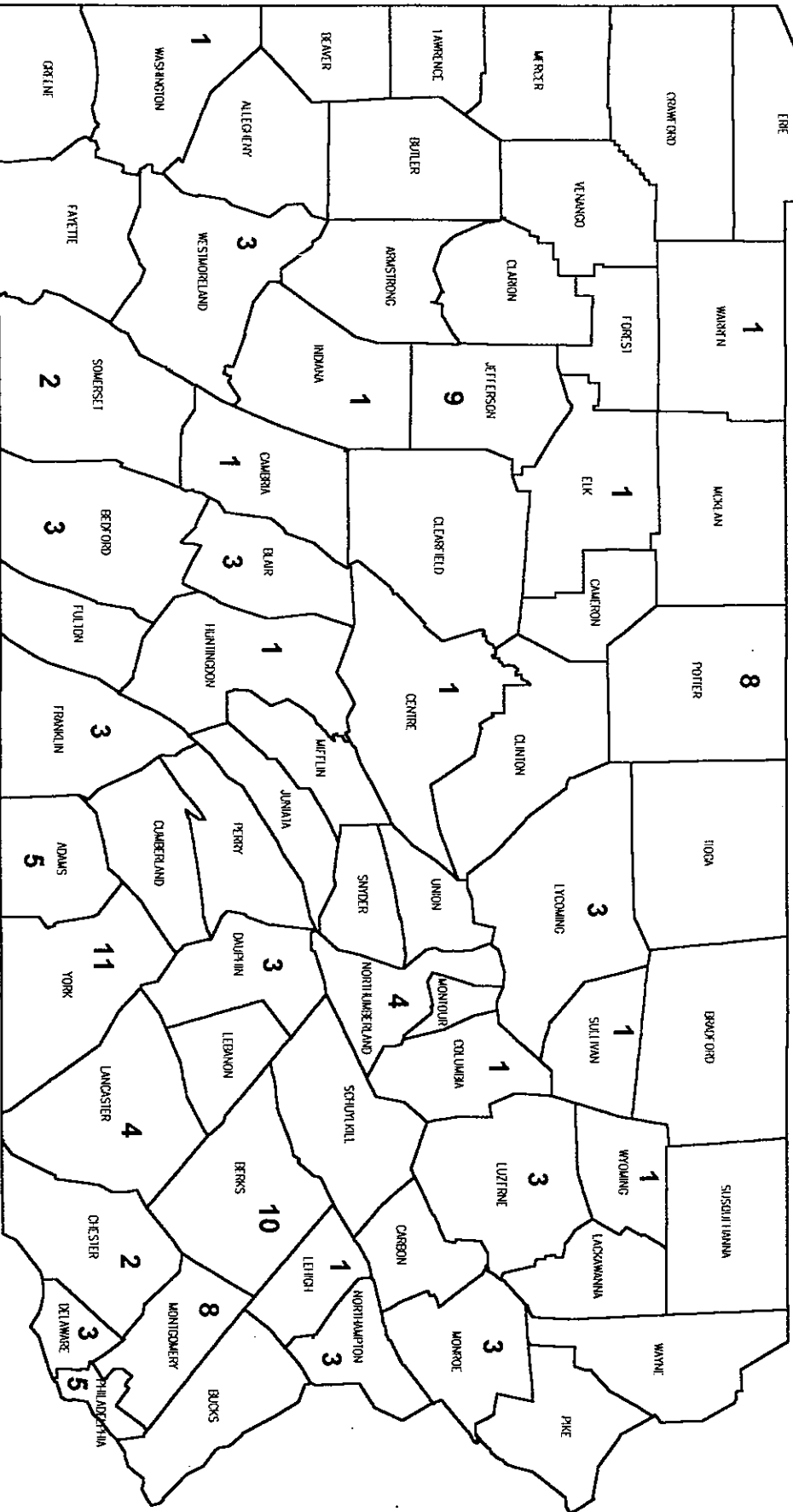
OTHER WHITE SUPREMACIST ACTIVITY Jan 1993 - Jul 1996



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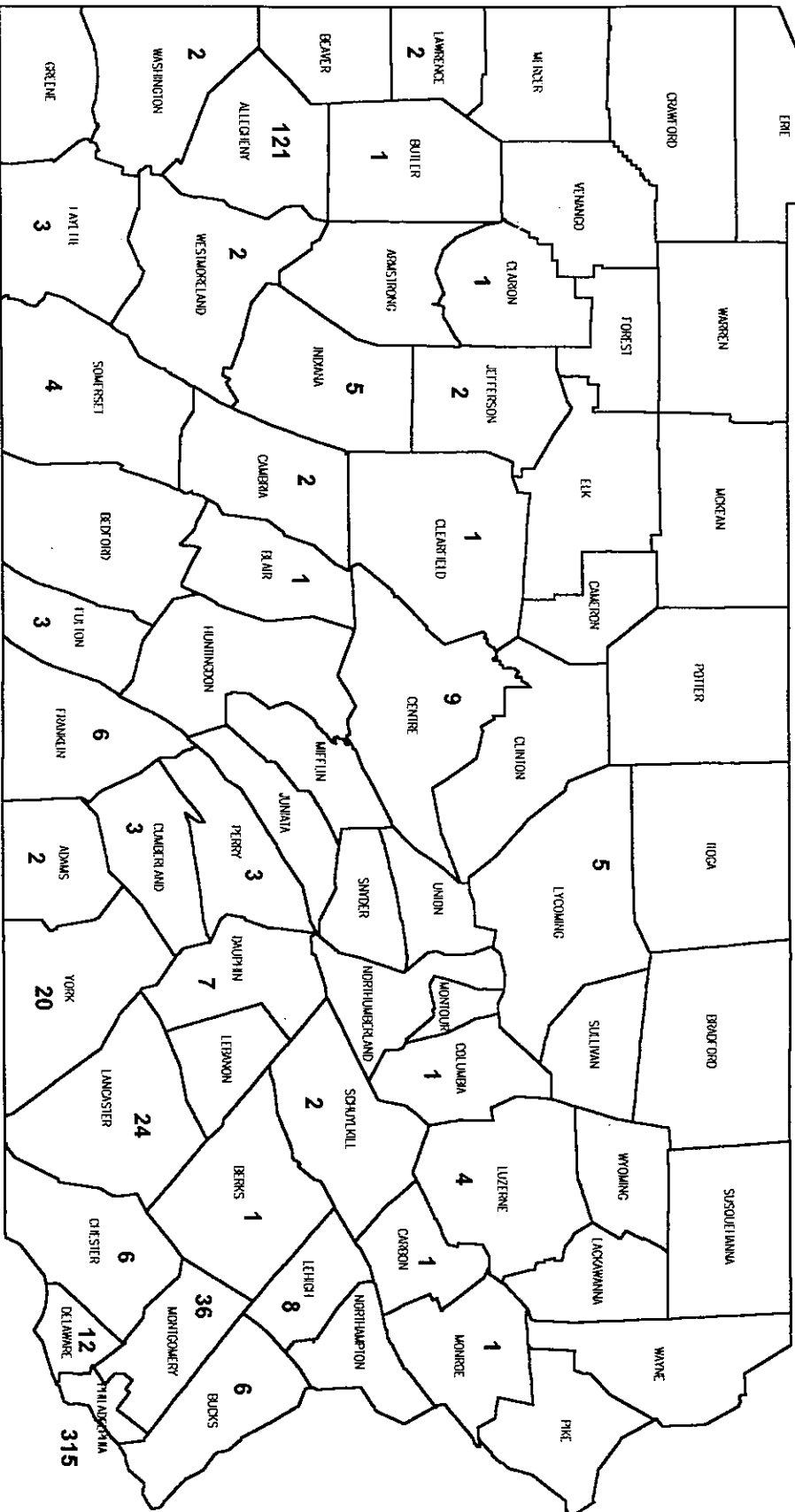
TOTAL WHITE SUPREMACIST ACTIVITY Jan 1993 - Jul 1996



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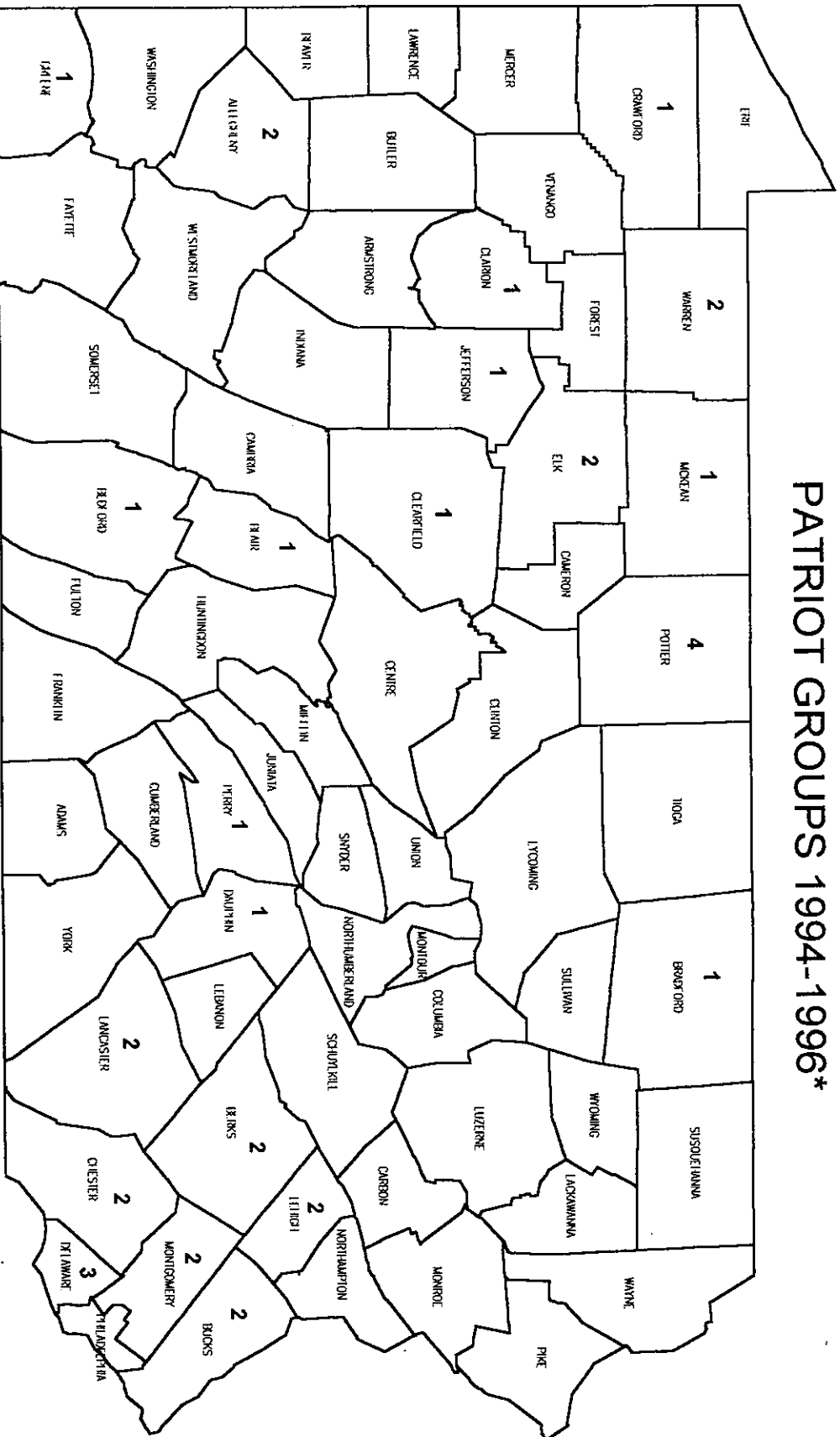
HATE CRIMES BY COUNTY 1993-1995



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PATRIOT GROUPS 1994-1996*



* This listing includes Militia Organizations, Common Law Courts, Identity Churches, and others who identify themselves as patriots opposed to a "New World Order" government conspiracy.

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