

**HOUSE DEMOCRATIC WHIP IVAN ITKIN
RACIAL VIOLENCE AND HATE CRIMES
OCT. 22, 1996**

ONE AFTERNOON ABOUT TWO WEEKS AGO, THE NEWS RACED THROUGH MY DISTRICT THAT A SYNAGOGUE WAS ON FIRE. WHILE THE FIRE RAGED, STAFF MEMBERS EVACUATED ONE HUNDRED CHILDREN FROM DAY CARE, AND CONGREGATION MEMBERS RUSHED TO SAVE THE TORAH. BUT OVERRIDING ALL THIS FRANTIC ACTIVITY WAS ONE NAGGING QUESTION: WAS IT ARSON?

FORTUNATELY, WE LEARNED SOON ENOUGH THAT THE FIRE RESULTED FROM AN ELECTRICAL MALFUNCTION. UNFORTUNATELY, WE LIVE IN A TIME WHEN THE WORD "ARSON" CAME TO EVERY MIND AS SOON THE WORDS "FIRE" AND "SYNAGOGUE" WERE HEARD IN THE SAME SENTENCE.

THE ARSON FIRES RAGING THROUGH THIS NATION'S SYNAGOGUES AND AFRICAN-AMERICAN CHURCHES ARE SYMPTOMATIC OF A MUCH LARGER PROBLEM -- NAMELY,

THAT TOO MANY AMERICANS FEEL EMBOLDENED TO ACT OUT THEIR RACIAL, RELIGIOUS, AND ETHNIC HATREDS.

OF COURSE, THE PROBLEM ISN'T NEW. BACK IN 1982, I WORKED WITH MY HOUSE AND SENATE COLLEAGUES TO PASS THE STATE'S FIRST ETHNIC INTIMIDATION LAW.

THE LAW'S PURPOSE WAS TO PUNISH "INSTITUTIONAL VANDALISM," WHICH IS A NICE WAY OF SAYING THAT WE WERE TIRED OF CROSS BURNINGS IN AFRICAN-AMERICAN NEIGHBORHOODS AND SPRAY-PAINTED SWASTIKAS ON SYNAGOGUES.

SOME MAY HAVE QUESTIONED THE CONSTITUTIONALITY OF SUCH A LAW. AFTER ALL, THEY ASKED, HOW CAN YOU PROSECUTE SOMEONE FOR WHAT THEY WERE THINKING?

WELL, YOU CAN'T ARREST SOMEONE FOR THINKING BAD THOUGHTS, BUT YOU CAN CHARGE THEM WITH PURPOSELY TERRORIZING OTHERS, AND THAT'S WHAT THE

ETHNIC INTIMIDATION LAW PROVIDED: A TOOL FOR PROSECUTING VISIBLE, INTIMIDATING ACTS OF HATRED.

LIKE OXYGEN TO FIRE, VISIBLE ACTS OF BIGOTRY FEED ON EACH OTHER. IT'S ONLY WHEN THE VICTIMS REFUSE TO BE VICTIMIZED THAT THE CYCLE ENDS. THAT'S WHY, EIGHT YEARS AFTER PENNSYLVANIA'S ORIGINAL ETHNIC INTIMIDATION LAW WAS PASSED, I PROPOSED A REFINEMENT.

I PROPOSED, AND GOT INTO LAW, AN AMENDMENT THAT STRENGTHENS THE ABILITY OF HATE CRIME VICTIMS TO SUE THEIR TORMENTORS.

IN THE ORIGINAL LAW, SUING FOR DAMAGES WAS DIFFICULT IF COSTS OF REPAIRING THE ACTUAL PHYSICAL DAMAGE WERE MINIMAL.

THIS, OF COURSE, MADE NO SENSE, BECAUSE PAINTING OVER HATE-LADEN GRAFFITI OR SWEEPING UP THE ASHES OF A BURNED CROSS MIGHT NOT COST THAT

MUCH. IT'S THE EMOTIONAL TOLL THAT ADDS UP, AND WHICH MUST BE BROUGHT TO BEAR AGAINST THOSE WHO WOULD COMMIT SUCH ATROCIOUS ACTS.

MY AMENDMENT PUT A \$500-DOLLAR FLOOR ON ANY ACTION, MEANING THAT THE COST OF ALL DAMAGES ARE NOW ASSUMED TO START AT \$500 DOLLARS AND RISE FROM THERE.

MY AMENDMENT ALSO ALLOWS VICTIMS TO SEEK INJUNCTIONS -- SOMETHING THEY COULDN'T DO BEFORE -- AND LETS COUNTY DISTRICT ATTORNEYS FILE THEIR OWN INJUNCTIONS TO PROTECT CITIZENS FROM FURTHER DISTRESS.

THIS KIND OF REFINEMENT, WHICH FORTIFIES THE FIGHT AGAINST BIGOTRY, CONTINUES. JUST LAST YEAR, THE ETHNIC INTIMIDATION LAW WAS AMENDED AGAIN TO ADDRESS A PITTSBURGH-AREA INCIDENT THAT CAUSED A GREAT DEAL OF CONSTERNATION.

YOU MIGHT RECALL THE SITUATION IN WHICH CHARGES WERE DROPPED AGAINST TWO MEN WHO BURNED A CROSS NEAR A BI-RACIAL COUPLE'S HOUSE.

THROUGHOUT THE REGION, PEOPLE WERE OUTRAGED THAT ANYONE COULD GET AWAY WITH SUCH A HEINOUS CRIME. BUT THE JUDGE CAREFULLY POINTED OUT A LOOPHOLE IN THE LAW: IN ORDER TO PROVE ETHNIC INTIMIDATION, PROSECUTORS FIRST HAD TO PROVE AN UNDERLYING CRIME, SUCH AS CRIMINAL MISCHIEF.

IN THIS CASE, CRIMINAL MISCHIEF COULDN'T BE PROVEN, BECAUSE NO PHYSICAL DAMAGE OCCURRED ON THE PROPERTY.

CLEARLY, THE LAW NEEDED TO BE CORRECTED, AND ALMOST A YEAR AGO, IT WAS. WITH SUPPORT FROM RELIGIOUS AND CIVIL RIGHTS GROUPS THROUGHOUT THE STATE, WE ADDED LANGUAGE MAKING IT CLEAR THAT ETHNIC INTIMIDATION, BY ITS VERY NATURE,

ENCOMPASSES THE CRIME OF SIMPLE TRESPASSING AND DOESN'T HAVE TO CAUSE PHYSICAL DAMAGE. NOW, THE JUSTICE SYSTEM WON'T HAVE TO RELEASE HATE CRIMES PERPETRATORS FOR TECHNICAL REASONS.

THIS IS THE KIND OF REFINEMENT THAT MAKES IT HARDER AND HARDER TO GET AWAY WITH HATE CRIMES.

BUT AS REPRESENTATIVE JAMES NOTED, SILENCE IN THE FACE OF RACIAL AND ETHNIC HATRED REMAINS A PROBLEM. BIGOTRY CAN'T BE CONDONED, AND IT CAN'T BE IGNORED. WE MUST LOOK IT IN THE EYE AND TELL IT TO BACK OFF.

IN THE HISTORY OF ETHNIC INTIMIDATION LAWS, THERE'S BEEN ONE, HOPEFUL CONSTANT: THESE LAWS ARE PASSED AND IMPROVED UPON BECAUSE THERE ARE CITIZENS WHO WILL STAND UP AND SAY THAT HATE CRIMINALS DON'T SPEAK FOR THEM. MANY, MANY PENNSYLVANIANS DEPLORE HATE CRIMES, AND THEY ARE

**LEARNING TO TRANSFORM THEIR DISTASTE INTO ACTIVE
OPPOSITION.**

**AS LAWMAKERS, WE ARE IN A POSITION TO NURTURE
THOSE FEELINGS AND TURN THEM INTO EFFECTIVE LAWS.
FIRST, WE SET AN EXAMPLE, AND THEN, WE LEAD THE
WAY TOWARD TOLERANCE. THANK YOU.**