

TESTIMONY OF

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EASTERN PENNSYLVANIA-DELAWARE REGION**

BEFORE

**THE PENNSYLVANIA HOUSE JUDICIARY COMMITTEE
SPECIAL TASK FORCE ON HATE CRIMES, TERRORISM AND ARSON**

OCTOBER 22, 1996

I am pleased to represent the Anti-Defamation League today on the subject of hate and hate crimes. In addressing this body, I hope to provide a useful perspective on the subject and to cover three areas, namely: where and how hate crimes and acts of terrorism are committed; why these crimes and terroristic threats occur; and finally, how they are to be counteracted.

The Anti-Defamation League draws on more than eighty years of experience of monitoring, exposing and countering hate groups as well as prejudice, discrimination and insensitivity. Ours is a three-pronged program of: (1) vigilance, by which we track and expose hateful and anti-democratic forces; (2) development of legal and legislative responses to discrimination and criminal acts of bigotry and: (3) education, representing our fervent belief that the ravages of hate and prejudice can be mitigated, if not prevented, by an informed citizenry. This explains our presence today.

Hate crimes have a devastating effect on individuals and communities. They leave an individual feeling isolated, fearful, violated and vulnerable, if not harmed physically and financially. They cause the group with which a victim is identified to be angry and frustrated, polarized from other groups, and, oftentimes, distrustful of government, especially law enforcement. These crimes can lead to deep and long-rooted tensions, have a devastating economic impact, and, ulti-

mately, tear at the fabric of a society, threatening its physical well-being and depriving it of a sense of security and peace.

Hate crimes are the work of individuals and hate groups. We should not lose sight of the significant role of individuals not affiliated with hate groups, and especially the young, in committing hate crimes; furthermore, that there are considerably more non-criminal hate incidents, than criminal acts of hate. These patterns are reflected in the Anti-Defamation League's annual audit of anti-Semitic incidents, which have reached unprecedented levels in recent years -- almost two thousand nationwide in 1995; in the Pennsylvania Human Relations Commission's recent report showing a twelve percent increase in hate and tension situations in 1995; and in an earlier joint report by the Commission and Attorney General of Pennsylvania showing a one hundred and thirty percent increase in hate crimes over a five-year period.

There have been some successes in working with youth, both preventively and after the fact through alternative sentencing programs, to draw them away from hate activities. Still, many are vulnerable and easy prey for hate groups. Case in point is the Skinhead movement. Though they are relatively small in number, approximately three thousand strong nationwide, the impact of these violence-prone, undisciplined and hate-filled youth has been great. In a recent stabbing incident in South Philadelphia, the victim/witness was so intimidated by threats of bodily harm

to himself and his family and dead animals on the steps of his home, that he refused to appear before a judge to testify against his neo-Nazi Skinhead assailant. Another youth, sustaining wounds to his head requiring ten stitches following a beating by a group of Skinheads from Atlantic City and also fearful of retribution, refused to press charges. Shamokin Skinheads robbed and murdered a local resident and buried a dog up to its neck, placed firecrackers in its mouth, and blew off its head. East Stroudsburg Skinheads were charged with the murder of a homeless person. The Allentown brutal murder by the Freeman brothers of their parents attracted national and international attention.

Since 1987, there have been at least forty-one murders by Skinheads, six of them in Pennsylvania. Skinheads have also committed thousands of lesser crimes. Often-times disillusioned, disenchanting and usually at odds with their families, these youth find their surrogate Skinhead family serves as a channel to vent their anger and frustration and provides them with a sense of self-worth and belonging.

The violent tendencies of Skinheads allows them to serve as "frontline warriors" for older and more cautious hate groups. The latter groups have a significant presence in Pennsylvania. They include the Identity Church whose members believe that white anglo-Saxons and their American descendants are the true chosen people; that Jews are the seed of the devil; that blacks are "mud people", are inferior, and without souls. One of the hate movement's most celebrated Christian

Identity ministers is Pennsylvania's Mark Thomas. Thomas feeds young people his distorted ideology while providing them with training in the use of firearms at his Macungie compound. They also include the more traditional Ku Klux Klan. The Keystone Knights of the Ku Klux Klan, based in Johnstown, was thrust into the news by seeking to use a public school facility in Punxsatawney for a meeting, recently, and organized a series of activities during the summer months in Blair and Bedford Counties, one attracting approximately sixty Klansmen. A local Klan chapter staged a white pride picnic in Gilbertsville two weekends ago drawing more than one hundred participants. They include pockets of handfuls of individuals who distribute literature (as in Oxford, Pennsylvania recently calling for the deportation of African-Americans), have telephone hotlines and use other modern technology to recruit and routinely convey their propaganda. These hatemongers generate anxiety, disrupt communities, and garner media attention disproportionate to their numbers. For all their notoriety they are on the fringes of society and do not enjoy general success and support. Still, they remain a menace and need to be carefully monitored.

More menacing and significant, offering an outlet for the disenchanting, the angry, the dispirited and, therefore, those most likely to engage in desperate behavior, are the Militias and the Freemen. Last week, seven people affiliated with the Mountaineers Militia in West Virginia were arrested and charged with plotting to

blow up the FBI's national fingerprinting and records center in Clarksburg, West Virginia. One of the individuals named hails from Waynesboro in southwest Pennsylvania. In testimony before the Pennsylvania Senate Judiciary Committee on the subject in August of 1995, we stated that militia members are convinced that there is an impending armed conflict with the federal government and that this necessitates paramilitary training and stockpiling of weapons. Possessed by conspiratorial views, militia members believe that government authorities are enacting gun control legislation in order to make it impossible for the people to resist the imposition of a tyrannical regime or a "one-world" dictatorship. Their obsessive conspiracy-mongering sometimes envisions Jews as among the sinister forces; and a number of militia figures have had histories of bigotry. Local authorities cite an alignment between Pennsylvania militiamen and Klan elements in south central Pennsylvania in Dauphin, Franklin, York, Perry, Adams and Cumberland Counties. Militias have also been active in Potter and other north central counties. While there had been a flurry of organizing efforts in southeast Pennsylvania, there has been little visibility achieved and known activity in the area by the militia in recent months.

The Freemen and their Common Law Courts, cousins to and oftentimes interchangeable with the militias, embody a new aspect of anti-government expression. These individuals don't want to change government -- they deny its very exis-

tence. National attention was focused on this problem when a group engaged in an eighty-one day standoff with federal law enforcement authorities in Jordan, Montana. An ADL report offered evidence of ties to this group in eighteen other states.

Pennsylvania's Freemen are largely a rural/small-town phenomenon. They are currently active in Berks, Huntington, Montrose, Perry, Snyder, Mifflin, Chester and Lancaster Counties. They are also reported to be active in southwest Pennsylvania in Washington, Fayette and Indiana Counties. Documents issued by the Freemen are replete with racial and religious bigotry including racist and anti-Semitic Christian Identity doctrine. Dissatisfied with their government, Freemen have taken up arms, declared themselves exempt from America's laws, and have influenced others to do the same. They are also aggressively promoting their brand of mob rule to imitators across the country.

Freemen have issued warrants for the arrest of public officials and bogus checks. Various judges, especially magistrates, municipal and state police, prosecutors, prothonotaries and U.S. marshals have been targeted and sometimes threatened by them. Confrontations are sparked by motor vehicle violations, court rulings in child custody cases, taxes, and foreclosures on property. The tools of their trade are extensive legal and pseudo-legal maneuverings, the plying of courts with reams of phoney documents and filings. Freemen have had to be forcefully removed from court and their vehicles, have been unwilling to be photographed and finger-printed

while under incarceration and refused to answer questions posed by judges. They not only attempt to circumvent but also directly, brazenly and aggressively challenge the legal system.

Some of the local Freemen are known to be heavily armed, though not typically illegally. In Montgomery County, in March of 1996, the chaplain of the Unorganized Militia, William Kay, was found to be in possession of automatic weapons which he converted from semi-automatic weapons and was attempting to sell to an undercover agent along with grenade launchers, silencers and machine guns.

In York County, Sidney Moyer was sentenced to thirty-nine months to seven years in state prison and payment of costs for the unauthorized practice of law and four counts of wiretapping. He dragged out his first trial for twenty-one days setting a country record. He also spent four hundred days in solitary confinement for refusing to be photographed and fingerprinted. Calling himself a "sovereign Freeman ambassador", he maintained the court had no jurisdiction to try him; that the jury was not one of his peers; and that the verdict was spurious. He referred to the judge, jury, court and prosecution as "de facto" and claimed that his rights were "God-given, constitutional and common law".

In Chester County, William Reil led state police on a ten mile traffic chase when he was arrested in December of 1993. He reportedly tried to run a state trooper's car off the road at one point, refused to exit his vehicle and had to be

physically removed. The police simply wanted to question him about an expired inspection sticker.

In Berks County, Kenneth Allen Hornack was arrested in Caernarvon Township in November of 1995. His car bore a counterfeit plate that read "Sovereign American Citizen, 1787 Republic of Montana". On the trunk was the inscription "The Right of the Poor People To Keep and Bear Arms Will Not be Infringed on by Government Tyranny". A loaded shotgun and shells were also found in the car.

Training sessions are organized by these groups to teach others to get around the legal system. According to news accounts, one group is holding monthly meetings in a restaurant in York County and is engaged in a citizen's war against the federal government which will begin with a letter-writing campaign, visits to state officials, and the introduction of a resolution calling on federal officials to abandon their powers lest they be destroyed politically. Members of this group consider themselves militia members, and believe they should use force to protect themselves if the federal government threatens them with bodily harm. They have also, reportedly, threatened a local newspaper, putting it on "constructive notice".

The Freeman and militias are to be taken seriously, and need to be exposed and challenged whenever they pose a threat. And they must be kept from gaining

legitimacy and winning wider support lest they emerge from the margins of our society.

Unlike the individuals and groups described so far, certain extremists are increasingly accepted within the mainstream, and their behaviors are wittingly or otherwise condoned and mirrored within that sector.

David Duke, long identified with a variety of hate groups, has sought and won election to public office. The Reform Party of Ross Perot looks the other way and accepts support from the New Alliance Party whose leadership has expressed blatant anti-Semitism. Vice Presidential candidate, Jack Kemp, makes positive references to Louis Farrakhan. A Pennsylvania State Representative refers to African-Americans in a local bar in a revoltingly disparaging way. A Philadelphia radio personality, in a fit of anger, uses a vulgarity to refer to an African-American woman; another radio talk station routinely fails to challenge callers espousing racism and anti-Semitism. A suburban Philadelphia School Board member is reelected after wide publicity is given to her claim that she is a good Christian and that when she goes to heaven she will be looking down on Jews burning in hell, snap, crackle and pop.

The existence of such extremism and bigotry in the mainstream demonstrates the pervasiveness of hate. It also, in part, explains why this testimony is necessary and why hate and hate crimes and acts of intolerance exist. Other fac-

tors which simultaneously account for why bigotry flourishes and reflect that bigotry include: a lack of civility -- the attitude of "just do it", implicitly, act without fear of repercussions and the effects on others' well-being and feelings; the tolerance of intolerance, by which those named earlier and others are offered a mild rebuke and given a slap on the wrist for their brazen display of intolerance.

There is a lack of faith in the political process and in our leaders, today. It is no coincidence that voter turnout in the United States is among the lowest of the world's democracies. Our times are marked by a pervasive cynicism; and idealism has become more and more of a nostalgic memory. This is captured by the recent Philadelphia *Inquirer* series "Who Stole the Dream". These conditions feed on seemingly intractable social problems -- crime, teenage pregnancy, substance abuse; changing demographics and unprecedented levels of immigration that cause those who are unprepared for these changes to be threatened and to scapegoat others whom they believe are depriving them of their privileges and rights; the technological revolution, particularly in communications, which leaves some feeling useless, unprepared and vulnerable; and economic uncertainty, and general job insecurity accentuated by downsizing, and competition from global markets, and substantial numbers of untrained, unskilled, and unemployed.

So far, this testimony has been long on drawing out the problems of hate and hate groups and short on solutions. Though the problems are daunting, there

are solutions, and this panel is encouraged to give consideration to them. They include: Tough laws -- Pennsylvania's Ethnic Intimidation and Institutional Vandalism Statutes were adopted by this body in 1982. These laws were modeled after legislation drafted by the Anti-Defamation League and recognize the severity of and, accordingly, set higher penalties for, hate-motivated crimes. Pennsylvania's paramilitary training statute, also drafted by the League and signed into law the same year (though yet to be used), represents a bulwark against those who engage in training exercises and the use of firearms, explosives and incendiary devices for purposes of bias-motivated urban guerilla warfare. In response to the growing danger of the "Common Law Courts", the Anti-Defamation League has drafted a model statute to counteract the movement's destructive and insidious activity. While mindful of constitutional guarantees, this measure would punish those who falsely pose as a public or government officer, simulate and engage in fraudulent legal proceedings and take action against persons or property to intimidate or hinder public officials or law enforcement officers in the discharge of their official duties.

This body, the media and others play a critical role in drawing attention to the bigotry that exists among us and need to continue to do so. Unfortunately, Pennsylvania has achieved an ill-deserved reputation in some quarters of being a hotbed of hate. It is likely that, in great measure, this is a function of Pennsylvania's willingness to accept that hate is part of its landscape; to conduct hearings; to

issue reports; to convene conferences; to explore and to attempt to understand and confront the problem.

Education must be taken seriously and applied consistently if we are to ever to stay ahead of hate. The ADL works, with many other private groups, our schools, law enforcement professionals and others and, yes, our elected officials to promote educational endeavors. It does take a village if we are to have an impact on hate and prejudice, particularly among the young.

Those seeking public office have to stay clear of the politics of identity, to not use it, race and religion in manipulative ways for narrow and personal gain. True leaders need to rise above such appeals in order to enjoy our support.

Those in positions of authority need to stand up to bigotry when it is in their midst, to expose and challenge it and set a moral code of conduct for others to follow.

As a society, we need to aim high, to engage our energies, in order to return to a sense of civic good and idealism. We also need to take a close hard look at and work at changing the disparities, economic and social, that exist in our state and nation without taking away from the entrepreneurial individualism that has made this country great. Finally, we need to look deeply and hard at the seemingly unsolvable societal problems which extremists try to exploit to further

their agenda. We need to address these problems with vigor and purpose to advance our agenda, namely, furthering democracy, civility, and human dignity.