

Testimony of
Kevin E. Vaughan, Executive Director
Philadelphia Commission on Human Relations

Chairman Gannon, members of the House Judiciary Committee, on behalf of the Philadelphia Commission on Human Relations, I want to thank you for the invitation to present testimony today on the subject of Hate Crimes.

My name is Kevin Vaughan, and for the past five and one half years, I have served as the executive director of the Philadelphia Commission on Human Relations (PCHR).

Hate Crimes, that is to say, violent crimes against individuals or groups motivated by hatred of the victim's race, color, ethnicity, gender, religion, or sexual orientation are what we have come together to discuss. The effects on that victim are devastating. You become a victim by virtue of who you are or who other people may think you are. Physical injury and loss of property are compounded by a blow to the core of who a person is. You are victimized because of who you are inherently or even because of those with whom you chose to associate. Just this week in Philadelphia, a family's home was

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vandalized most likely because the husband was white and the wife was African American.

As an African American and as a gay man, I have experienced discrimination and I have been the victim of a hate crime. While I was fortunate enough that neither has left me with permanent physical injuries, I must say that they have had a profound effect on my concern for the victims of discrimination and hate who come to the Philadelphia Commission on Human Relations for assistance in addressing these issues.

The Commission was established in 1952, mandated by the Philadelphia Home Rule Charter to enforce the Philadelphia Fair Practices Ordinance. The Ordinance prohibits discrimination in the areas of employment, housing and public accommodations, and in the provision of City services. It is unlawful to discriminate in these areas because of race, color, gender, religion, age (excluding public accommodations) sexual orientation, national origin, ancestry and disability. In housing, it is also unlawful to discriminate because of marital status, the source of income, and the presence of children.

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In addition, the Commission reduces and prevents intergroup tension in Philadelphia, provides education on intergroup harmony and cultural diversity, and mediates disputes through its Disputes Resolution Program.

The work of the Commission is accomplished by nine commissioners who set policy, an executive director who implements that policy, and a staff of 43 dedicated civil service employees.

Over the course of the last forty-four years, the Commission has earned the trust and respect not only of the citizens of the region, but of other law enforcement agencies. We work hand in hand with the Philadelphia Police Department, the District Attorney, the Pennsylvania Human Relations Commission, the Pennsylvania Attorney General, the Department of Justice, the Department of Housing and Urban Development and the Equal Employment Opportunity Commission, to name a few.

The work of the Commission is divided primarily into two designations -- Compliance and Community Relations. The Compliance Division of the Commission enforces the Fair Practices Ordinance. The Community Relations

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Division provides community education and outreach as well as addressing tension incidents in neighborhoods.

Because the Commission has secured a place as a trusted broker of information across communities in Philadelphia, when tension arises, we are often asked to assist neighborhoods. Intergroup tension, is manifested by stressful relationships between groups of individuals who differ by race, ethnicity, religion, sexual orientation, socio-economic status (or the perception of all of the aforementioned) and is evolutionary by nature. Some of the factors that cause tension which could lead to hate crimes have been delineated by a 1988 study done at Temple University by Yancey and Goldstein. The study indicated that neighborhood tension incidents were likely to occur in areas that were:

- *More densely populated;
- *Populated by younger persons;
- *Of lower income;
- *Residentially segregated;
- *Former centers of manufacturing employment which have witnessed the departure of industries from the neighborhood.

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Any and all of these factors can lead to an increase in neighborhood tension, which taken further would become a hate crime (all of the above presupposes an environment free of any organized effort to create tension, a situation that has changed dramatically since 1988 when this study was conducted).

Many (if not all) of these have been validated by the experiences of the PCHR staff over their years of investigation, but there are some other factors that were not considered by the study which PCHR staff continues to report. Substance abuse (alcohol and drugs) is often a part of the cycle. The study, which primarily focused on relationships between the African-American and White communities, did not take into account the effect of the media on intergroup relations; the changing demographics of the Latino and Asian populations; the increasing visibility of the lesbian and gay community. Overall, the study does provide some insights into places where one could expect hate crimes to occur, but does not anticipate the growth of new communication technologies and their abilities to disseminate messages of hate.

The nature of hate crimes has changed over the years as well. The

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implementation of civil rights laws and hate crime statutes has institutionalized the rights of minority groups in our society, rendering many of the behaviors that were overtly perpetrated in the past legally unacceptable. One result has been increased reporting of hate crimes and a sense on the part of the general public that these are situations that can generate significant jail time, penalties and fines, and social censure. This has also created an underground movement of hate related activities, some carried out by individuals and some very well organized and orchestrated. In fact, there is significant concern on the part of law enforcement that isolated individuals who might be inclined to perpetrate hate crimes now have very convenient ways to elicit support for their acts, and can easily become a part of organized hate groups.

Increased accessibility to answering machines, computers, desk top publishing, facsimile (FAX) machines, modems and now the internet have allowed isolated individuals to organize networks of hate at small cost with devastating effectiveness. Flyers can be printed and distributed in whole neighborhoods without ever having to involve an outside printing business, for example. Distribution of hate messages can be sent out by auto-dialers or by FAX or e-

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mail. Advice can be generated on how to accomplish harassment without invoking the Hate Crimes penalties once caught.

Another issue is the role of the media in perpetrating stereotypes that can lead to tension and distrust in neighborhoods. In a study conducted by Dan Romer at the University of Pennsylvania, TV news coverage of intergroup tension and crime was examined over a period of three months. The results were that crimes that made TV news were disproportionately those that showed African Americans and Latinos as the perpetrators of crimes and Whites as victims. Seldom were African Americans or Latinos seen as victims of crime (in spite of crime statistics that show otherwise), or as law enforcement officials trying to curtail crime. The result of this media bias was to set a standard for how whites view African Americans, Latinos and other minority groups.

As much it might seem that technology and the media have complicated the efforts of law enforcement in the pursuit of hate crimes and ethnic intimidation, there is some good news, too. All of these avenues are open to law enforcement agencies as well, and are being utilized to collect data, get

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information out to the public in a quick and efficient manner, and to collectively share information in the fastest possible time frame.

The Commission, with funding from the Ford Foundation and pro bono assistance from local advertising agencies, is preparing an interactive advertising campaign that will not only aid public conversation, but allow citizens to become personally involved in stopping the hate.

Recent events in Philadelphia show that the cooperative atmosphere that has developed among law enforcement agencies has led to shared resources during investigations, faster evidence collection and a show of force leaving in the public mind that to engage in these types of activities will lead to pursuit by a host of public agencies with significant law enforcement capabilities.

In addition to this coordinated law enforcement approach, the public education campaign and the use of new technologies to get across our point, there are some other significant steps that are necessary and successful in addressing hate crimes when they occur.

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Strong, public demonstrations of support for hate crime statutes and civil right laws by elected officials, civic organizations and religious institutions can have a tremendous effect in curtailing other displays of hate. These supportive demonstrations of leadership on diversity by authority figures send a message to the victim that the local institutions do not condone this behavior and signal to the perpetrator that they are unwelcome in our midst. These laws are relatively new. The restatement of support by leadership will reenforce in the public mind the need to abide by them at all times.

The power of public officials to create a positive climate in which diverse people and opinions can thrive or conversely, a climate in which diverse people and ideas can become victims of hate can be seen as recently as several months ago in the public discourse on immigration in the United States Congress.

While changes in immigration law may be a desirable goal, the inflamed rhetoric has led to an increase in the tension in neighborhoods where immigrants live, raising the anxiety of immigrants and the antipathy of non-immigrant neighbors. A recent example in Philadelphia is a set of conflicts involving first generation Eastern European immigrants and their neighbors, whose

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grandparents were Eastern European immigrants.

Hate crime statutes and civil rights laws themselves also need to be inclusive, lest they send the message that you cannot attack one group, but it is okay to attack another. Some of the success that PCHR has achieved is in part due to the inclusion of sexual orientation as part of the law since 1982. In providing anti-discrimination protection to the lesbian and gay community, the City has stood up to say that it recognizes what the Federal government has also recognized -- the large number of hate crimes that are perpetrated on the lesbian and gay population disproportionate to their numbers in the general population.

A 1995-96 survey by the Philadelphia Lesbian and Gay Task Force points out that in the twelve month period prior to the survey, in Philadelphia, 22% of the gay men and 13% of the lesbians questioned were victims of criminal violence on the basis of their sexual orientation; of suburban residents questioned, 13% of the males and 6% of the females reported that they were victims of violence; and 16% of the men and 10 % of the women living in other parts of Pennsylvania were violently victimized. While inclusion of sexual orientation in

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the Pennsylvania Hate Crimes Statute will not stop all of these crimes from happening, it would certainly act as a deterrent and send out the right message -- no matter who you are in the state of Pennsylvania, we do not condone violence against you.

In addition, even after the most successful law enforcement efforts, the underlying conflicts and issues remain. Communities need to be organized and educated. This is the work that the Commission on Human Relations does on a daily basis. There is apparently enough of this type of work that needs to be done outside of the City. PCHR has been asked by organizations in every surrounding suburb to assist in working with groups to do community education and outreach around issues of managing diversity. Many of these requests come from colleges and high schools, who are finding increased tensions between young people. This would seem inevitable from the profile that we have seen emerge of those who would get involved with hate -- young males between the ages of 15 and 25.

Religious Institutions have also become a target of hate inspired vandalism, and

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must be organized to address these issues. The tenets of most organized religions call for cooperation, peace and understanding. When religious authorities reinforce this, it can have a galvanizing effect on the rest of the community and build a consensus around unity.

The media needs to examine the images that it is sending out that prove to be misdefining the character of whole groups of people by sending an unbalanced, false image of minority groups, leaving individuals to disprove that which was never true in the first place. The media must be confronted and asked to show a more balanced picture of events.

The corrosive effects of hate crimes on the victims, our neighborhoods and communities cannot be ignored; to do so would be to allow a lawlessness toward persons which any civilized society cannot do. It is my hope that from these hearings, Pennsylvania will lead the nation in moving to eradicate hatred between people and educating its population on managing diversity to the benefit of all.

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Thank you for the opportunity to address you today. I am joined by my colleague, Lazar Kleit, Deputy Director of PCHR for Community Relations, and we are prepared, at this time , to answer any questions you may have for us.