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HOUSE OF REPRESENTATIVES
COMMONWEALTH OF PENNSYLVANIA

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House Bill 1880

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House Judiciary Subcommittee
on Crime and Corrections

Main Capitol Building
Room 140, Majority Caucus Room
Harrisburg, Pennsylvania

Tuesday, January 13, 1998 - 1:10 p.m.

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BEFORE:

- Honorable Jerry Birmelin, Majority Chairperson
- Honorable Stephen Maitland
- Honorable Al Masland
- Honorable Harold James, Minority Chairperson
- Honorable Kathy Manderino

IN ATTENDANCE:

- Honorable Robert Reber
- Honorable Timothy Hennessey
- Honorable Joseph Petrarca
- Honorable Benjamin Ramos
- Honorable Thomas Caltagirone
- Honorable Frank Dermody

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ALSO PRESENT:

Brian Preski, Esquire
Majority Chief Counsel

Judy Sedesse
Majority Administrative Assistant

James Mann
Majority Research Analyst

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1 CHAIRPERSON BIRMELIN: Good afternoon.
2 I want to welcome the Members of the
3 Subcommittee. The Subcommittee on Crimes and
4 Corrections Hearing today is on House Bill 1880.

5 And for those who are here today, if
6 you're interested in the bill or any of the
7 testimony of those who are going to be presenting
8 testimony, there's a table to my right that has
9 all that information available to you.

10 I'm Representative Birmelin from Wayne
11 County. I'm the Chairman of the Subcommittee,
12 and I'm going to introduce the other Members of
13 the Committee and the panel who are here with me
14 this afternoon. And as other members come in
15 throughout the course of the meeting, I'll try to
16 do my best to introduce them as well.

17 To my far left, Representative Hennessey
18 is with us from Chester County; to my immediate
19 left is Jim Mann, who is one of our staff people
20 who works as the staff analyst for legislation on
21 this particular bill; and to my right is
22 Representative Al Masland from Cumberland County.

23 We have before us -- we just received
24 another two Members of the Committee. To my far
25 left is Representative Kathy Manderino from

1 Philadelphia; and behind me -- walking around
2 behind me is Representative Joe Petrarca from
3 Westmoreland County. And Representative Maitland
4 is coming in, and he is from Adams County and
5 Representative Frank Dermody, who is from
6 Allegheny County.

7 You have before you House Bill 1880.
8 The prime sponsor is Representative Ramos, who's
9 not with us today; but he's on his way. So
10 we're -- they must have heard me banging that
11 gavel. They're all starting to come in.

12 The bill before you is House Bill 1880,
13 deals with creating a penalty of wearing a mask,
14 hood, or a device which conceals the identity of
15 the wearer and it has certain applications and
16 certain nonapplications which we will hear about
17 this morning.

18 And I'm going to ask Representative
19 Ramos -- did he come in? -- Representative Ramos,
20 if you would join us here on the panel, this is
21 your bill, and we would like you to have the
22 opportunity to join the panel and ask questions.

23 Our first testifiers this afternoon are
24 Alden K. Lamphear, the Executive Director of an
25 organization called Woodrock, Incorporated. And

1 with him is also from that same organization,
2 Kenneth Houston, the Training Center Director.

3 Gentlemen, if you would, come forward
4 and take the seats that you see before you at the
5 table here, you can share your testimony with us.
6 Are you Mr. Lamphear?

7 MR. LAMPHEAR: Yes, I am.

8 CHAIRPERSON BIRMELIN: Is Mr. Houston
9 here?

10 MR. LAMPHEAR: Yeah, he's here. He's
11 out to get some water.

12 CHAIRPERSON BIRMELIN: There is water in
13 here. I'm assuming he will join you shortly. So
14 in that period of time in which you're waiting
15 for him, you may begin.

16 We do have a copy of your written
17 testimony. And as I mentioned earlier to the
18 Members and those who are present, if anybody
19 needs a copy, it's available for you.
20 Mr. Lamphear, I would invite you to give your
21 testimony at this time; and thank you for coming.

22 MR. LAMPHEAR: Thank you. First of all,
23 I want to say hello to Ben. I've known Ben for I
24 guess, what, 25 years now and asked for his
25 support on this bill. That kind of dates us, I

1 guess.

2 Thank you for inviting me to testify on
3 behalf of Bill 1880. My name is Alden Lamphear,
4 and I'm the Executive Director of Woodrock, a
5 youth agency serving students between the ages of
6 9 and 19. Woodrock's mission is to promote
7 interracial, interethnic, and intercultural
8 harmony among youth.

9 Our program model consists of a
10 comprehensive array of programs ranging from
11 in-school, after school, family intervention, and
12 wilderness experiences. Woodrock has been
13 recognized nationally for its programs.

14 This past year, Woodrock was one of
15 seven agencies in the United States to receive a
16 Hate Crime Grant from the U.S. Department of
17 Education. Through the grant, we expanded our
18 programs to the middle school level addressing
19 hatred between racial and ethnic groups living in
20 Kensington.

21 During this grant, we provided five
22 family unity trips. These trips provided
23 families of different racial backgrounds an
24 opportunity to share a common experience such as
25 a trip to Baltimore Aquarium.

1 In surveying the families after
2 attending the trips, not only did communication
3 improve between families, but communication
4 improved between child and parent.

5 On June 14th, 1997, the fifth unity
6 activity was held at the Woodrock training center
7 located outside of Pottstown. Our training
8 center provides all the weekend retreats,
9 week-long summer experiences, and leadership
10 training for youth and adults that reinforce our
11 city-based programs.

12 This unity day honors families of
13 diverse backgrounds coming together to recognize
14 and celebrate their similarities as well as their
15 differences.

16 The main speaker for the day was Floyd
17 Cochran, who was the former national recruiter
18 for the Aryan Nation. Floyd spoke to parents and
19 youth about the activities of hate groups and why
20 we have to stand up against hate and bigotry
21 every day.

22 After his presentation, Floyd mentioned
23 that the Ku Klux Klan was giving out literature
24 in the Center of Boyertown, Pennsylvania, at noon.
25 Floyd, his girlfriend, and I decided to

1 demonstrate against their hatred.

2 Shortly after 12 noon, seven Klan
3 members dispersed themselves to four corners.
4 I brought with me a camera and proceeded to take
5 pictures. Three of the Klan members wore masks.
6 One of the members wearing a mask immediately
7 recognized Floyd Cochran. This individual
8 decided to harass Floyd throughout the next hour.

9 I felt a physical confrontation might
10 take place. They left once the hour was up as
11 part of an agreement with the Boyertown Police
12 Department.

13 I also had the unfortunate opportunity
14 to have a conversation with Robert Woodley, the
15 Grand Dragon of Pennsylvania. At the end of the
16 hour, Woodley informed me that the Klan had a
17 good day by giving out 150 pieces of literature.

18 After reading about the commitment
19 of the Boyertown Unity Coalition to stand up
20 against the Klan, my wife and I joined the
21 Coalition. This group of dedicated Boyertown
22 residents is very determined to rid their
23 community of this hate group.

24 This coalition replicated Project
25 Lemonade in Pennsylvania. The Project's mission

1 is to turn about the Ku Klux Klan's public
2 promotion of bigotry by using its own
3 demonstration as a vehicle to promote tolerance.

4 In effect, the Klan's and other
5 organized hate groups gatherings to recruit new
6 members to promote their beliefs will instead
7 become the focal point of public support of
8 educational programs specifically designed to
9 teach racial, ethnic, and religious tolerance.

10 The duration of each demonstration will
11 determine how much money will be raised for
12 organizations as the NAACP, The Southern Poverty
13 Law Center and the Anti-Defamation League and the
14 Boyertown Area Unity Coalition.

15 The donations are based on a pledge; for
16 example, ten cents a minute for every minute the
17 Klan promotes in Boyertown. One member of the
18 Boyertown Unity Coalition monitors the Klan's
19 time and reports to the Coalition that they were
20 promoting on a particular Saturday for 60
21 minutes.

22 Unity Coalition members would then call
23 up people who pledged and tell the person they
24 promoted for 60 minutes. The person who pledged
25 ten cents would then send a check for \$6 to the

1 Boyertown Unity Coalition designated for one of
2 the four organizations.

3 To date, Project Lemonade in Boyertown
4 has raised over 3,000. Actually, as of last
5 night's meeting, it's close to 4,000.

6 Pennsylvania ranks near the top for having more
7 hate groups than any other state. Why does
8 Pennsylvania have so many hate groups?

9 It is time that Woodrock, Boyertown
10 Unity Coalition, The Education & Vigilance
11 Network and other groups across the Commonwealth
12 promoting tolerance must be supported. Passing
13 legislation such as Bill 1880 is supporting our
14 efforts.

15 Individuals with strong convictions
16 never hide behind masks. This is not about
17 freedom of speech, but fear and intimidation.
18 Historically, the Ku Klux Klan has used the robe
19 and mask to intimidate citizens of the United
20 States. Wearing a mask is a contradiction of
21 freedom of speech.

22 Freedom of speech is an expression, and
23 wearing a mask hides the expression. The mask is
24 a symbol of fear, hate, and intimidation, not
25 freedom of speech. Let us together get these

1 masks off. Thank you.

2 CHAIRPERSON BIRMELIN: Thank you,
3 Mr. Lamphear. And as is our custom normally in
4 this public hearing, after testimony, we would
5 ask if you would sit and answer any questions, if
6 there is any, the panel may have. Now in that
7 regard, I'll start with Representative Manderino.

8 REPRESENTATIVE MANDERINO: No questions.

9 CHAIRPERSON BIRMELIN: Representative
10 Hennessey.

11 REPRESENTATIVE HENNESSEY: Thank you,
12 Mr. Chairman. Mr. Lamphear, House Bill 1880 as
13 it's drafted doesn't have any requirement for
14 persons wearing a mask or any kind of concealment
15 and intent to commit a crime. That's oftentimes
16 a commonplace provision in other types of
17 legislation.

18 Would you have a problem if we were to
19 amend the bill to include such language? What
20 problems would you think would be created if we
21 were to include that?

22 MR. LAMPHEAR: Including it as a crime?

23 REPRESENTATIVE HENNESSEY: Including the
24 language that would say you couldn't wear a mask
25 if you were intending to commit a crime while you

1 were wearing the mask as opposed to making it a
2 crime to wear a mask in public, period,
3 regardless of your intent.

4 MR. LAMPHEAR: I'm not quite following,
5 but I don't see it as a problem.

6 REPRESENTATIVE HENNESSEY: I guess what
7 I'm asking is, You don't see a problem if we were
8 to include a provision that said it would only be
9 a crime under this legislation if you actually
10 intended to do some other activity which is
11 criminal on its own?

12 MR. LAMPHEAR: You mean if the person
13 was wearing the mask and then went and committed
14 a crime at the same time as they're wearing the
15 mask --

16 REPRESENTATIVE HENNESSEY: Yes.

17 MR. LAMPHEAR: -- as a member of the
18 Klan?

19 REPRESENTATIVE HENNESSEY: I'm sorry?

20 MR. LAMPHEAR: As a member of a hate
21 group?

22 REPRESENTATIVE HENNESSEY: Well, it
23 doesn't specifically indicate that it's talking
24 toward hate groups. It indicates criminals who
25 wear a mask; but it doesn't say, Only if you're a

1 member of a hate group.

2 What I'm trying to get at is oftentimes
3 in legislation like this you have -- we make
4 something criminal if you intend -- if it's
5 intended to lead to other criminal activity.
6 Would you see any problem if we were to do that
7 with this piece of legislation?

8 MR. LAMPHEAR: No.

9 REPRESENTATIVE HENNESSEY: Secondly,
10 toward the end of your presentation you asked a
11 question but you didn't answer it. Maybe it's
12 not one of those questions that lends itself to
13 an easy answer.

14 Maybe in your experience, can you give
15 us some ideas why Pennsylvania has more hate
16 groups than other states? Are we more vigilant
17 in identifying them?

18 MR. LAMPHEAR: I appreciate that
19 question because that's one reason why I raised
20 it because I think there may be need for some
21 kind of in-depth investigation in Pennsylvania
22 why.

23 I understand Maryland's also
24 now -- somebody said Maryland's the same way,
25 that it seems to be more easy or something for a

1 group to exist in Pennsylvania or Maryland; and
2 I'm not sure why. Maybe in talking with Floyd
3 Cochran you might be able to ask him, but I'm not
4 sure why.

5 I don't know why this state and
6 Maryland, for example, were picked for groups to
7 move in to. My understanding at one time we
8 were, like, first that has this many groups in
9 the United States.

10 REPRESENTATIVE HENNESSEY: Does the fact
11 that we have more groups mean that the groups
12 that are here are more splintered and fragmented
13 than other states? Have you ever tried to find
14 out whether or not we have more membership in
15 these type of groups as a percentage of
16 population than other states do?

17 MR. LAMPHEAR: No, I have not done any
18 kind of -- you would have to refer that to the
19 Commission of Human Relations or to Floyd. He
20 may have more information on that.

21 My question that I raised is
22 that -- and it's been raised with me, like, with
23 Floyd and others saying we are, like, the No. 1
24 at one point and it was, like, all these groups in
25 Pennsylvania. But why? Why is it so easy for

1 groups to have access? They don't seem to be
2 challenged at all.

3 REPRESENTATIVE HENNESSEY: I guess the
4 point of my question --

5 MR. LAMPHEAR: My question is maybe I'm
6 wondering why, say, take a state like Georgia or
7 something where they may have more legislation,
8 like, they were one of the first, I guess, to
9 have the antimasking law. You know, why didn't
10 Pennsylvania have this? That's my kind of
11 question.

12 Maybe there's -- maybe we need to look
13 at what other states are doing and see what kind
14 of legislation may be appropriate for
15 Pennsylvania. I'm not sure. That's my question.

16 REPRESENTATIVE HENNESSEY: Okay. One
17 thought that I had is that if we have a lot of
18 groups that are fragmented and splintered and if
19 they're arguing among themselves, then that
20 perhaps reduces their effectiveness in terms of
21 spreading hate and venom across the rest of the
22 population.

23 Maybe the fact that we have more groups
24 is better for us than the -- than if we had a
25 situation where there were a smaller number of

1 groups but they were more powerful.

2 MR. LAMPHEAR: I don't know if I would
3 agree with that because the -- there's -- they
4 work so underground you don't know the full
5 extent of the network that's going. If you have,
6 like, five groups in Pennsylvania, they may be
7 very well connected.

8 Visibly they may look like they're
9 splintered, but they may not really be. They may
10 be very well connected. You know, in their
11 communication and their activities a lot of times
12 they're not always open. I mean, the Klan being
13 very visible in Boyertown, that's fine; and that
14 is very visible.

15 What is going on also behind the scene?
16 Like Woodley come up to me and he said, Oh, we
17 had a -- you know, nobody speaks about the Klan
18 when we gave out, like, 200 turkeys at
19 Thanksgiving, you know. Nobody even publishes
20 that.

21 But it makes we wonder if he's giving
22 out 200 turkeys to poor families, then he's
23 recruiting. He's definitely recruiting.

24 REPRESENTATIVE HENNESSEY: Perhaps some
25 other witness can answer that.

1 MR. LAMPHEAR: Thank you.

2 CHAIRPERSON BIRMELIN: I see you've been
3 joined by your associate, Mr. Houston. Do you
4 have any remarks prepared for the Committee?

5 MR. HOUSTON: I just want to respond to
6 that question about why there may be more in
7 Pennsylvania than other states. It's difficult
8 to make an answer for the entire state, but I
9 know that a community that doesn't respond to the
10 presence of hate crimes makes it easy for groups
11 to continue and to multiply inside of a state or
12 a region or country.

13 So it may not be so much economics or
14 law, but just the response to the community to
15 their presence, a lack of outspokenness or
16 appalling or just a resistance to having those
17 people present in a community.

18 And the second piece is about the
19 antimasking law. Alden and I spoke about it, and
20 there seems to be a contradiction between free
21 speech and wearing a mask.

22 One, the mask to me is a kind of
23 censorship. And the other one is the idea of
24 free speech is to be able to speak and have your
25 opinions heard and seen and be able to represent

1 your opinion.

2 But the idea of covering yourself while
3 you're speaking is contrary to the whole idea of
4 free speech, so I can't make a connection between
5 free speech and wearing a mask.

6 CHAIRPERSON BIRMELIN: There's a lot of
7 things that I can't make a connection between
8 free speech and doing. And the issue that comes
9 to mind is the people who burn the flag have been
10 protected as a form of free speech. To me,
11 that's not free speech.

12 And I'm not arguing your point, but
13 there are some who will tell you that to wear a
14 mask is a form of speech. To do certain things
15 people interpret as a form of speech, it boggles
16 the mind sometimes that that is the situation.

17 In any event, we want to thank you for
18 joining us. And as questions are asked, the
19 panel members may feel free to ask either one of
20 you gentleman.

21 One of the questions I had, Mr. Lamphear,
22 Is there in writing, is there a generally
23 accepted definition of what a hate group is? I
24 mean, is there some sort of consensus on what
25 constitutes a hate group or is that in the eyes

1 of the beholder?

2 MR. LAMPHEAR: You could say somewhat in
3 the eye of the beholder. But for me, a
4 definition of a hate group is one that is about
5 to restrict my ability to perform as a citizen in
6 Pennsylvania; one who may want to attack my
7 family because of my certain religious beliefs or
8 my beliefs on race, ethnic background; may want
9 to attack me because of what I believe in as far
10 as Woodrock; rather than having a discussion with
11 me or trying to have a formal, some kind of
12 presentation with each other where we can try to
13 talk it out, they're more apt to want to attack
14 me for what I believe in.

15 CHAIRPERSON BIRMELIN: Do you have any
16 distinction when you're talking about hate groups
17 between what they believe and what they do?

18 For instance, we go back to the free
19 speech argument. I mean, if somebody wants to
20 believe certain ethnic, religious, or racial myths
21 and promote them as such, they're free to do
22 that. Obviously, that's free speech.

23 But when they begin to restrict others
24 from their free practice of their racial
25 practices or religious practices or ethnic

1 practices, then it becomes a crime in most of the
2 states.

3 MR. LAMPHEAR: Right. They're taking
4 their beliefs and they're beginning then to act
5 out on them.

6 CHAIRPERSON BIRMELIN: My question is
7 then your definition of hate groups would not
8 necessarily be restricted to those who commit
9 hate crimes but those who hold to certain
10 positions that are intolerant of others'
11 positions? Is that an accurate description?

12 MR. LAMPHEAR: That are intolerant of
13 other groups?

14 CHAIRPERSON BIRMELIN: Yeah.

15 MR. LAMPHEAR: That they're acting out
16 on, yes. I think that has to be part of it.

17 CHAIRPERSON BIRMELIN: The other
18 question I had is sort of a follow-up to what
19 Representative Hennessey said, and that is that
20 though you say that we have more hate groups than
21 any other state -- and I'm not in any position to
22 debate that issue because I really don't
23 know -- does that necessarily mean that are more
24 people collectively that belong to these hate
25 groups than there are proportionately in other

1 states or is this just a phenomenon in
2 Pennsylvania that we have all these groups with
3 smaller numbers of people?

4 Do you understand what I'm trying to get
5 at? I'm talking about is Pennsylvania
6 more -- are there more people in gross numbers or
7 per capita --

8 MR. LAMPHEAR: Only percentagewise.

9 CHAIRPERSON BIRMELIN: Percentagewise,
10 yes.

11 MR. LAMPHEAR: Again, I'd have to defer
12 to the Pennsylvania Commission of Human Relations
13 for accurate figures on that. My question was
14 just raised here as to why -- and this has been
15 said to me on several occasions. The perception
16 in Pennsylvania is there are more groups than in
17 other states.

18 CHAIRPERSON BIRMELIN: Thank you very
19 much. Representative Ramos, do you have any
20 questions?

21 REPRESENTATIVE RAMOS: I just -- first
22 of all, I wanted to thank you, Alden, for coming
23 today and for contributing to obviously what I
24 already see as an accomplishment of this
25 continued discussion around hate groups in

1 Pennsylvania.

2 Can you describe some of the -- I could
3 have missed it when I was out in the hallway.
4 But being familiar with my district and some of
5 the areas that your organization will serve,
6 tremendous activity, a lot of activity, or enough
7 activity in the area by the KKK or the Nazi Party
8 which actually has caused a lot of harm, has
9 caused loss of life to adults and young people
10 in our area, but would you elaborate a little bit
11 on that?

12 MR. LAMPHEAR: I think a good example
13 would be Pentree (phonetic) Middle School which
14 historically in Pennsylvania -- or in
15 Philadelphia has had racial problems either in
16 the school or around the school.

17 At one point, students who were there
18 who were Latino, Afro-American, or White had a
19 particular door that they would go out; and it
20 was known. It was the Brown door, the Black
21 door, and the White door; and that's how you
22 left.

23 If -- at one point back in the 70s there
24 was a very serious situation happened in which a
25 student was drowned and it almost became a racial

1 violence between Latinos and Whites at that
2 school. So the tensions are very, very high at
3 that school.

4 Just this past fall with the principal
5 we were walking around the school and came up to
6 the door, the outside door; and he didn't
7 recognize it, but I did because of the symbols
8 that I've seen that Floyd published.

9 I immediately recognized some of the
10 symbols as part of the White supremacist groups
11 had been put on the building with Magic Marker at
12 the particular door. And that particular door,
13 if I remember, is for Afro-American students to
14 go out.

15 And that is done by older
16 students -- not older students, but usually
17 students who have dropped out of school who are
18 now in the community, which is basically all
19 White around the school.

20 And the school district at one point
21 and still does -- never had buses and they
22 provide buses now for students to come in and out
23 of that community.

24 But there's constant recruiting. I know
25 back in the 70s there was a three-page article or

1 a three-series article that was developed by a
2 writer about all the hate groups that exist in
3 that neighborhood and that they were recruiting
4 and that they were taking kids -- recruiting
5 the youth from that neighborhood and taking them
6 up around Reading to a camp, a secret camp up in
7 that area, for training.

8 And this is where it gets very difficult
9 to figure out what is really going on unless you
10 have somebody who can really go almost undercover
11 to find out exactly what the network is because
12 they can be very sophisticated and very
13 complicated.

14 But in that particular neighborhood and
15 also around Jones Middle School, you can
16 be -- there can be a racial incident within a
17 second.

18 And I know one time when I was involved
19 with trying to stop, there were at least 200
20 students on the street with the faculty.
21 Fortunately, the faculty and the staff of
22 Woodrock were able to stop it. But there were
23 200 students in battle with White students from
24 that neighborhood.

25 It can happen in a second in that

1 neighborhood. That's how serious it is. And
2 this is one reason why I'm here for this Bill
3 is because we need support.

4 And I think we need to look at other
5 ways that we can -- the legislators can support
6 groups such as Woodrock and other groups that I
7 mentioned, because it is a serious issue not only
8 in Pennsylvania but in the United States.

9 MR. HOUSTON: When he says it'll happen
10 in a second, I mean, the bars just empty, the
11 people in the bars, the bars on all the corners.
12 And so there's something happening outside that
13 looks like a racial incident, you'll have people
14 coming out of the bars. They'll empty the joint
15 and combat.

16 REPRESENTATIVE RAMOS: I just want to
17 ask since you work primarily for public schools
18 and students, you believe that the
19 school -- local school district in the
20 Commonwealth of Pennsylvania is doing enough to
21 provide funding and programs to educate our
22 children about this type of activity or --

23 MR. LAMPHEAR: Definitely could be more
24 funding. There are a lot of good groups in
25 Philadelphia that could provide a lot of services

1 to a number of schools not only in our area but
2 all over Philadelphia that really could have some
3 really excellent programs to deal with these
4 kinds of issues.

5 In helping -- anything you can use to
6 help the students in the schools around this area
7 is very, very important.

8 REPRESENTATIVE RAMOS: Finally,
9 Mr. Chairman, I wanted to thank you and I also
10 wanted to let you know that we are open to
11 suggestions of how we could strengthen this bill.
12 We've been offered suggestions already, and we're
13 contemplating amending the bill at some point to
14 make it as comprehensive as possible.

15 And not everybody's going to be, but
16 that's fine. I think the ongoing discussions and
17 our attempt to do something with legislative
18 action is very important. So I would like to
19 thank you.

20 CHAIRPERSON BIRMELIN: We've been joined
21 by the Democratic Chairman of this Committee.
22 Representative Caltagirone's seated to my right
23 and behind me. And also to my left is my
24 counterpart, the Chairman of this Subcommittee on
25 the Democratic side, Representative Harold James.

1 And we'll get to those gentlemen in a
2 minute for their questions. First I'll hear from
3 Representative Masland, Representative Petrarca,
4 Representative Caltagirone.

5 REPRESENTATIVE PETRARCA: Thank you,
6 Mr. Chairman. Quick question: Outside of the
7 infamy that we all know about the Ku Klux
8 Klan -- they have certainly been very active in
9 my county of Westmoreland -- who is wearing masks
10 and where is this a problem outside of, again,
11 the publicized group, the Ku Klux Klan?

12 Maybe some robber or thieves in local
13 convenience stores. Where else is wearing masks
14 a problem? Is this common with hate groups and
15 gang members? Or where exactly is this
16 happening?

17 MR. LAMPHEAR: Well, we're specifically
18 here talking about the Klan because I
19 historically see the mask as a intimidation and
20 fear. That's what I'm centering in on. For
21 other groups -- I don't know. The Aryan Nation
22 as far as I know never wore masks.

23 REPRESENTATIVE PETRARCA: All right.
24 That helps me. Thank you.

25 CHAIRPERSON BIRMELIN: Representative

1 James.

2 REPRESENTATIVE JAMES: Thank you,
3 Mr. Chairman; and I'd like to thank the
4 testifiers also. I'd also like to thank the
5 Subcommittee for holding this hearing because
6 I've been asking the Judiciary Committee for the
7 last three years to have hearings as it relates
8 to racial intolerance and hate crimes.

9 And I understand that this is going to
10 be the first in this year of several other
11 hearings, which I think we need to have. As has
12 been indicated that Pennsylvania is one of the
13 areas that have more hate groups, also -- and I'm
14 glad to see that we're dealing with this
15 legislation in terms of the masks because too
16 often now racism and racial intolerance is
17 unmasked.

18 And a lot of groups, as you indicated,
19 that the Aryan Nation is not wearing them. And I
20 guess we talked to Floyd Cochran, who I've heard
21 before. Maybe he could give us some insight as
22 to maybe some of the groups that are.

23 I don't know if you know of any other
24 hate groups, and I think the previous speaker
25 just asked was there any other hate groups that

1 you know of were wearing the masks. I know
2 they're wearing the symbols, but are there any
3 that you're aware of maybe wearing the masks?

4 MR. HOUSTON: No, I'm not aware of it,
5 no.

6 REPRESENTATIVE JAMES: The other thing I
7 think is that Pennsylvania seemingly is, do not
8 want to deal with the problem of racial
9 intolerance in terms of our policy makers because
10 I think something we need to deal with more
11 aggressively because I know that we had a person
12 here -- I think it was in Lancaster
13 County -- that was arrested for setting up or he
14 was one of the leaders of these racial hate
15 groups that was doing some bank robberies and
16 things.

17 And I kind of think that the killings,
18 the murders of the family members of -- by some
19 young people is tied in somewhere with these hate
20 groups or groups that are racial intolerant. And
21 I think all of that need to be investigated or
22 looked at through some coordinated law
23 enforcement agency.

24 So I'm just glad to see that you're
25 doing what you're doing. One thing I wanted to

1 ask you also is, In reference to the grant that
2 you got -- I see you got a Hate Crime Grant. I
3 never heard of that.

4 MR. HOUSTON: Prevention. Hate Crimes
5 Prevention.

6 REPRESENTATIVE JAMES: Oh, okay.

7 MR. LAMPHEAR: We didn't start hate
8 crimes.

9 REPRESENTATIVE JAMES: How were you made
10 aware of that and are they available for groups
11 like you or were you notified specifically for
12 that?

13 MR. LAMPHEAR: Well, it was very
14 interesting. I happened to be in a meeting with
15 two consultants from Boston who were looking at
16 our program for replication.

17 And the one consultant said, Oh, by the
18 way, you should apply for funding under this Hate
19 Crime Bill. And I said, What? What are you
20 talking about? I never heard of it. So I
21 immediately had one of my staff do research; and
22 we had, like, two weeks to get the application
23 into the federal government.

24 Apparently, it was \$2 million that was
25 made available and there was only seven grants

1 given out in the United States, which we were one
2 of them. And they range from New Jersey's
3 Department of Education; B'nai Brith; and there
4 was, like, two or three groups in California, one
5 in Mexico that got the grants.

6 But there was only \$2 million; so it was
7 very -- we got 222,000. We were, like, in the
8 middle of the group as far as the funding goes.
9 But it was only one year, which was very
10 unfortunate. It was very unfortunate.

11 To be honest with you, it was a waste of
12 money because how do we stop and prevent hate
13 groups in one year? I'm not a magician, you
14 know, or superman.

15 REPRESENTATIVE JAMES: I don't know if I
16 would say that is was a waste of money. I think
17 that --

18 MR. LAMPHEAR: I'm sorry. It should
19 have been a five-year grant, because we did get a
20 Center for Substance Abuse Grant. And it took us
21 at least two years to get really what we wanted
22 and then to have the evaluation done by Temple.

23 And by the, you know, the fourth and
24 fifth year, we really had significant results
25 because of our grant. And it takes that long now

1 to really -- I mean, we're dealing with, as you
2 are aware, a very serious, serious issue. A
3 minimum of five years.

4 REPRESENTATIVE JAMES: And I agree with
5 you. And, see, that's the problem. That's
6 what's wrong with the government and policy
7 makers. They tend to Band-Aid a lot of
8 situations and problems until we have some major
9 tragedy.

10 And what I'm seeing now is the tragedies
11 that are happening locally with incident after
12 incident and area after area as opposed to
13 holding these kinds of hearings, we would bring
14 out that kind of information, bring out that kind
15 of need so that we can draw down on the kind of
16 resources that we need to deal with prevention of
17 these kinds of problems.

18 They're going to be happening in
19 counties throughout the Commonwealth as well as
20 throughout the states. And I just say to the
21 Commonwealth is that we, the Commonwealth State
22 in terms of this kind of activity, we need to
23 increase our resources and deal with it.

24 And hopefully we will be talking with
25 you or you will share with us and maybe we can

1 talk to our congress people and senators in terms
2 of trying to get those kind of grants extended or
3 get more money into them. Thank you.

4 MR. LAMPHEAR: Yeah. I just wanted to
5 say that I regard this issue today of racism or
6 hatred as probably the worst problem we have in
7 this United States. Racism will divide this
8 country, continues to.

9 And I know during the years of the 60s
10 and 70s we were all worried about the Communism.
11 That was the least of my problems. Racism, we'll
12 do ourselves in if we don't begin to really
13 seriously take a look at how we can deal with
14 this issue.

15 I mean, I'm talking about thirty years
16 of working with youths of all different
17 backgrounds. And I see them go out the door with
18 plenty of opportunities to further life. And
19 then when they leave our program and they're
20 older than our program, and the support kind of
21 goes to something else.

22 There's no supports available to keep a
23 student, for example, in going from Kensington to
24 go to Bloomsburg University. There's no supports
25 there for the student, and I've seen this happen

1 before.

2 And that's my concern is that I do all
3 this work and it gets very frustrating when the
4 student leaves at 18 and then goes out into a
5 really racist world. And in some ways, they're
6 not prepared.

7 I see students with reading levels of
8 the third and fourth grade level who are getting
9 an education or supposed to have an education and
10 a degree, you know, a diploma, and they can't do
11 anything.

12 And they have big hopes. Some of these
13 kids have really high hopes for their lives; and
14 they deserve the opportunity -- some of them are
15 very bright. And what do they do? They drift,
16 as Ben knows, onto the corner. It's the very
17 good managers of corners and how to sell drugs
18 and make, you know, \$500 a night.

19 And I see talent -- that really is very
20 frustrating because I see that talent drifting
21 out onto that corner.

22 REPRESENTATIVE JAMES: I just have one
23 more question based on something you just said.
24 Have you noticed and the statistics show that
25 more victims and more perpetrators are younger?

1 Do you see that in your everyday contact that a
2 lot -- too many young people are getting involved
3 in this kind of activity?

4 MR. LAMPHEAR: There's also -- which is
5 alarming -- there's an attitude change in terms
6 of how long my life is. It may be -- I may go
7 out on the corner for a couple years and then
8 that's it; I may get shot or burned out or what.
9 But you're right, it is "live for the movement."
10 And that is a big concern.

11 That's -- in some ways when I was
12 working with gangs in the 70s, I enjoyed working
13 with youth and gangs because there were alive,
14 they were listening, they were, like, you know,
15 really involved and, you know -- even though it's
16 destructive -- but they were, like, there was
17 some energy there.

18 And what I see now is youth who are
19 very, very depressed. There's a high level of
20 depression, and that concerns me because that
21 tells me the youth feel their lives are out of
22 control.

23 And if you graduate from school and you
24 have a third-grade reading level, your life is
25 out of control. Somebody else is going to tell

1 you what to do.

2 REPRESENTATIVE JAMES: That is sad
3 because when we were involved in gang activity in
4 the 50s and 60s, we knew we were going to grow
5 up, you know, and get out of it and do something
6 else. But the gang members now don't expect to
7 grow up. So it's really sad, and that's due to
8 increased violence. Thank you, Mr. Chairman.

9 CHAIRPERSON BIRMELIN: Representative
10 Manderino.

11 REPRESENTATIVE MANDERINO: Thank you.
12 In your answer to a prior question, you mentioned
13 that Georgia has an anti-Nazi statute. Are you
14 familiar with the contents of it and do you know
15 of any other states that have similar statutes?

16 MR. HOUSTON: North Carolina.

17 REPRESENTATIVE MANDERINO: Georgia and
18 North Carolina are the two that you are familiar
19 with?

20 MR. HOUSTON: Yes.

21 REPRESENTATIVE MANDERINO: Are you
22 familiar with how they either are the same or
23 different from the one --

24 MR. HOUSTON: No. I know that North
25 Carolina does.

1 MR. LAMPHEAR: I think you might be able
2 to ask that of Floyd. The written piece of
3 literature I got on Georgia was from Floyd, the
4 actual bill.

5 CHAIRPERSON BIRMELIN: Floyd, being
6 Floyd Cochran?

7 MR. LAMPHEAR: I'm sorry. Floyd Cochran.

8 CHAIRPERSON BIRMELIN: Thank you, for
9 the record. Gentlemen, we want to thank you for
10 your coming here and for your testimony. For
11 those Members of the Committee who were not here
12 today, they will receive a copy of your written
13 testimony so that they have that available to
14 them. We want to thank you again for coming.

15 MR. LAMPHEAR: Thank you.

16 CHAIRPERSON BIRMELIN: While we're
17 waiting for Floyd Cochran, the Executive Director
18 of Education and Vigilance Network, to come
19 forward, I would introduce Representative Reber,
20 who is seated to my far left at the table.

21 And also I've been notified by the staff
22 that the Human Relations Commission is not taking
23 any position on this particular piece of
24 legislation; however, they are going to be
25 sending us some information pertinent to this

1 issue. And when we get that information, we will
2 copy it to all Members of the Committee.

3 Mr. Cochran, perhaps you could explain a
4 little bit about your organization and what it
5 does and get into your testimony this afternoon.
6 We want to thank you for coming, and you may
7 begin when you're ready to do so.

8 MR. COCHRAN: First of all, I'd like to
9 thank Representative Ramos and the Committee for
10 inviting me and asking me to come and
11 participate. I'm Floyd Cochran, and I'm the
12 Executive Director of the Education and Vigilance
13 Network.

14 The Education and Vigilance Network is a
15 Pennsylvania-based antiracist information and
16 resource center. We host a Web page that
17 documents organized White supremacy activity.
18 We also host an Internet radio show that talks
19 about organized racist activities and what
20 communities can do to combat the rise of hate
21 groups.

22 Also, the Education and Business Network
23 conduct seminars for the United States Military,
24 numerous Pennsylvania high schools, numerous
25 colleges and universities throughout not only the

1 Commonwealth of Pennsylvania but throughout the
2 United States.

3 Today we are here to hear testimony not
4 only on the masking law but also on hate groups
5 and racist gangs. We'll hear how the racist
6 movement has propelled Pennsylvania into a leader
7 of hate. Today we will hear that more often than
8 not that hate is being spread under the mask of
9 the Ku Klux Klan.

10 As you know, my name is Floyd Cochran.
11 Today I sit before you as a member of the human
12 race and a citizen of the Commonwealth of
13 Pennsylvania. A little over four years ago, I
14 would have sat here before you as a believer in
15 the false doctrines of the master race and a
16 officer in a hate group known as Aryan Nations.

17 From 1990 to 1992, I was a youth
18 recruiter and a spokesman for one of the most
19 violent hate groups in the United States; the
20 Church of Jesus Christ Christians, slash, Aryan
21 Nations.

22 While I cannot change the things of the
23 past, I stand today before you and the people of
24 the Commonwealth of Pennsylvania and apologize
25 and take responsibilities for those beliefs and

1 actions.

2 Public rallies, marches, burning
3 crosses, hooded men and women shouting racial
4 epithets and threats, acts of violence and
5 intimidation -- Georgia of the 1960s? No.
6 Pennsylvania of the 1990s.

7 No one can deny that the face of
8 organized racism and bigotry is growing here in
9 the Commonwealth. More often than not, that face
10 is covered by the mask and the hood of the Ku
11 Klux Klan.

12 Here in the Commonwealth of
13 Pennsylvania it is becoming fashionable to use
14 public taxpayers' property such as the courthouse
15 over in Hollidaysburg, for instance, or the
16 school gym over in Punxsutawney, Pennsylvania,
17 for instance, to spread one's hatred and bigotry.
18 And best of all, you can hide your face behind a
19 mask.

20 In June of 1996, about forty masked and
21 hooded members of the Ku Klux Klan occupied the
22 steps of the Blair County courthouse. Sounding
23 like schoolyard bullies who can't get their way,
24 the Klan threatened violence.

25 Steve Bowers, a Klan leader from

1 Lancaster, Pennsylvania, stated, If we, the Klan,
2 can't take back this country by peaceful means,
3 we'll take it back by force. Contrary to what
4 Mr. Bowers would like to think, the Ku Klux Klan
5 never had the country in the first place.

6 But what history does show is that the
7 Ku Klux Klan lives up its threats of violence and
8 intimidation. More often than not, the first
9 step to violence by the Klan is their ability to
10 put on a mask and a hood and intimidate people.

11 By being masked and hooded, the
12 Pennsylvanian Klans are able to accomplish one of
13 their goals -- intimidation -- and terrorize the
14 people of Pennsylvania.

15 If we are, Pennsylvania, are ever to get
16 serious about confronting bigotry and hate
17 groups, we must first strip away the mask of
18 hate -- the mask of racism and bigotry that
19 dwells in each of us and the physical mask that
20 the Ku Klux Klan wears.

21 One of the greatest strengths of
22 organized hate groups such as the Klan is their
23 ability to intimidate people. They intimidate
24 people not only through acts of violence, but
25 also through their rhetoric and their hoods

1 they're hiding their face of hate.

2 For almost 100 years in Georgia, the
3 Klan committed acts of violence and terrorism.
4 In 1951, the State of Georgia passed an
5 antimasking law which made it illegal for anyone
6 to wear a mask on public property with the intent
7 to intimidate someone.

8 In 1990, the Georgia Supreme Court
9 upheld the 1951 antimasking law as
10 constitutional. Georgia Supreme Court Justice
11 Harold Clarke noted that a nameless, faceless
12 figure strikes terror in the human heart; but
13 remove the mask, and the nightmarish form is
14 reduced to its true dimensions. The face betrays
15 not only identity, but human frailty, unquote.

16 The Education and Vigilance Network
17 believes that the wearing of a mask to spread the
18 message of hate at public taxpayers' expense on
19 public property is not guaranteed under the
20 Constitution.

21 If wearing a mask or hood is equated
22 with freedom of speech, then that hood or mask
23 has to be viewed as fighting words or shouting
24 fire in a theater. Is it no less a crime
25 when the Klan can put on a mask with the

1 intent to rob and intimidate Pennsylvania of
2 their dignity?

3 And I would like to add here, Where in
4 the Constitution is it guaranteed that anyone in
5 this room or any other room has a right to put on
6 a mask and strike fear in your heart or
7 intimidate you?

8 The Education and Vigilance Network
9 further believes that when using the public arena
10 to advance one's views, whatever those views and
11 beliefs may be, the community has a right to see
12 the actual face and not a hood.

13 The antimasking statutes have been
14 created as not interfere with the secular and
15 religious holidays such as Halloween and Easter
16 and so forth. You have a copy of the proposed
17 legislation. This legislation I took from the
18 State of Georgia word for word where it was
19 upheld as Constitutional in 1991.

20 There are also similar legislation in
21 seventeen other states, primarily throughout the
22 south; and I'm hoping that during question and
23 answers we'll be able to go into that a little
24 bit more in depth.

25 The one thing that this does leave out

1 that's been pointed out to me since we authored
2 and advocated this for the last year is that we
3 might need a little bit more inclusion -- I guess
4 that's the right word -- to include religion so
5 someone of the Muslim or Islamic faith would not
6 be arrested or given a ticket because a veil was
7 part of their everyday religion.

8 I say that because that happened in New
9 Hampshire where they have a antimasking law. An
10 officer pulled over a Islamic woman and gave her
11 a ticket. Then when she appeared in court and
12 they read the law, religion had been inserted.

13 Often I am asked, What caused me to
14 become a racist? Racism is a learned behavior.
15 Like many in the racist movement, I didn't wake
16 up one day and say, Oh, jeez, I can't join the
17 Chess Club. I guess I'll go join the Ku Klux
18 Klan.

19 It was a natural progression from the
20 bigotry I learned from the society I lived in. I
21 grew up in an all-White farming community in
22 upstate New York just across the Pennsylvania
23 border.

24 The first thing I learned to hate was
25 New York City. The examples presented to me of

1 people on welfare or those who committed crimes
2 were always Black. Listening to my parents and
3 teachers, I heard that there was, quote, good
4 Colored people and bad Colored people.

5 Never once that I can recall was I
6 taught that there was just good people and bad
7 people. I was predisposed to labeling and
8 stereotypes. I learned the basics of racism and
9 hatred at an early age, and I also learned to
10 hide them behind a mask and a hood.

11 What I didn't learn was that the
12 hate would turn on me. My youngest son was born
13 with a cleft palate. When the Aryans Nations
14 found this out, I was told that he would have to
15 be killed because he was a genetic defective.

16 As a father, I would not let anyone hurt
17 my son. And at that moment, a light went on. I
18 could not reconcile how on one hand it was a
19 wrong to want to kill my son, who had harmed no
20 one, but at the same time it was all right to
21 feel and think the same about people who were
22 born different than myself.

23 Inasmuch as I didn't learn to hate
24 overnight, I did not stop hating overnight. It
25 has been over four years since I left behind the

1 doctrines of hate and racial bigotry. I have
2 come a long ways, and I have a long ways to go.

3 I've been able to make this change by
4 challenging myself and reaching out to people.
5 For me, the answer has been to reach out and
6 educate myself about differences and diversity.
7 To learn to respect others after so many years of
8 hate is not easy.

9 And likewise for the citizens of
10 Pennsylvania, to admit that racism and bigotry is
11 alive and well is never easy. What we must do
12 first: Admit that bigots are among us and that
13 they are committed to implementing their
14 ideologies -- their beliefs -- of racism and
15 bigotry.

16 We must take immediate and decisive
17 action. The Education Vigilance Network
18 recommends the passing of the antimasking law.
19 Give public and immediate support to anyone or
20 any community that's been victimized by hate
21 groups and hate crimes.

22 Add sexual orientation to the current
23 anti-intimidation law, as Pennsylvania leads the
24 nation in the commission of violent crimes
25 against gay and lesbians. Encourage mainstream

1 elected officials and religious leaders to take
2 strong stands against bigotry. Incorporate an
3 honest discussion of the history of bigotry and
4 racism into the school curriculum. Support your
5 local grass roots unity coalitions.

6 And I also would like to add that we are
7 encouraging people to support House Bill 1220 and
8 it's also Senate Bill 1034 being sponsored by
9 Senator Allyson Schwartz that would fund \$1
10 million and set up a Prevention Hate Activity
11 Fund.

12 Again, as Pennsylvania is No. 4 in the
13 country in just sheer numbers of organized White
14 supremacy gangs and activities -- up until
15 recently, we had two White supremacy compounds:
16 One outside of Allentown, Pennsylvania; one up in
17 Potter County, Pennsylvania, we have Klan
18 activity in the western part of the state,
19 Neo-Nazi activity in the eastern part of the
20 state, and the White House Network here in
21 Harrisburg, Pennsylvania.

22 I brought this along. This is
23 put out by Ann VanDyke's office, the Pennsylvania
24 Human Relations Commission. This documents hate
25 activity in sixty-six communities by thirty-nine

1 hate groups.

2 If you were to take a look at this, you
3 would see that last year in the first six months
4 alone of 1997, twenty incidences by the Ku Klux
5 Klan; ten by the Adolph Hitler Free Corps; four
6 by the Aryan Nations, including the arrest and
7 conviction of Pennsylvania Aryan Nations leader
8 Mark Thomas; numerous incidences by groups such
9 as the Aryans Womens' League, the Pagans
10 Motorcycle Club, Aryan Nations, Posse Comitatus,
11 the White House Network, Alpha, and Aryan Mothers
12 Inspiring Something Hopeful.

13 So again, with that, wraps up my
14 testimony. And, again, I'm grateful to be here.
15 The one thing I would like to point everyone that
16 you will see that sits here today before you, you
17 can see our face. You can hear our expressions
18 and see what (sic) we're coming from.

19 Is it not -- can't we ask that of the
20 Klan? No one is asking that they cannot stand
21 on that street corner and issue those words of
22 hate or fly those symbols of hatred and still
23 wear the robes. We're simply asking that they
24 flip the mask.

25 Because history has shown that where the

1 Klan has taken root, that many times that face
2 behind the mask is the Sheriff or the powerful
3 businessman or community leaders.

4 One of the inabilities of not only the
5 Education Vigilance Network but of law
6 enforcement of being able to find out who was
7 behind that mask is that very thing. We can't
8 see who is behind that mask. So when the Klan
9 comes into your community and crimes happen, we
10 have an idea of where to look.

11 I also can tell you from my personal
12 experience of being a member of Aryan Nations and
13 the Ku Klux Klan in the past that more often than
14 not, the average, everyday bigot, he doesn't want
15 his face to be seen.

16 He doesn't want his neighbors to know
17 that he belongs to a gang, a criminal gang. He
18 doesn't want his employer to find out that he
19 belongs to a criminal gang. So taking off the
20 mask, we'll see less rallies in Pennsylvania.
21 We'll also see less people showing up at these
22 rallies in Pennsylvania.

23 As a 14-year old, I was drawn to the very
24 fact that here is somebody with a mask and a hood
25 and here was somebody that was similarly

1 unacceptable but had a violent history and
2 therefore was condoned or at least condoned in my
3 mind. I was attracted to that mask.

4 You know, many times if we were to
5 talk -- sit here and talk about gangs, it would
6 instantly occur to us, Gangs, we must be talking
7 about Bloods and Crips over in Philadelphia or in
8 Pittsburgh.

9 Well, where I live in rural
10 Pennsylvania, the gang is the Ku Klux Klan. And
11 more often than not, they're coming into our
12 towns hooded and robed and are intimidating
13 people.

14 CHAIRPERSON BIRMELIN: Let the record
15 reflect that none of the Legislators are wearing
16 masks. I'd like to turn the questioning over to
17 Members our Committee. Representative James.

18 REPRESENTATIVE JAMES: Thank you. I'm
19 glad to see none of the Legislators are wearing
20 masks, though some might have some invisible
21 masks --

22 But anyhow, I want to thank you for your
23 testimony. I want to thank you for continuing to
24 go around and educate, and I think that's very
25 important that we do that.

1 I would like -- what do you think -- we
2 was at a hearing last year and I see some of your
3 recommendations which are good in terms of things
4 that we might do. Is there anything else you
5 think we as legislators and policymakers need to
6 be doing in order to kind of deal with this
7 problem?

8 MR. COCHRAN: I think first and foremost
9 is leading.

10 REPRESENTATIVE JAMES: Is what?

11 MR. COCHRAN: Is to show leadership, to
12 lead. When one of the local Unity Coalitions of
13 Pennsylvania sent a letter to the Governor -- and
14 I'm not picking on the Governor, but this is a
15 good example -- sent a letter to the Governor
16 asking him to take a moral stand on hate and
17 racism, basically, we were told this is a freedom
18 of speech issue.

19 While it may be a freedom of speech, you
20 as a legislator and the rest of us in the
21 Commonwealth of Pennsylvania need to exercise
22 some freedom of speech and point out that we're
23 not going to become like the Georgia of the 50s
24 or Idaho of the 1990s.

25 I think we also have to lead by example.

1 We can't stand up and say one thing and then
2 take up the newspapers and read that Legislators
3 or some of their aides have made other type of
4 comments in local business establishments here in
5 Harrisburg.

6 I also think that after being to
7 numerous high schools in the Commonwealth of
8 Pennsylvania -- and I have to tell you, I was
9 really floored. I thought that everyone went to
10 a high school like I did.

11 You go into the high school, it's
12 brightly lit, and teachers are smiling and people
13 are happy to see you and the hallways are all
14 decorated and students are walking up and down
15 the hallways anxious to get an education. And
16 I've seen that at some places in the Commonwealth
17 of Pennsylvania.

18 But more often than not, I've gone into
19 many high schools in the Commonwealth of
20 Pennsylvania that look like prisons. I went to
21 one high school one morning and there was books
22 and computers and nice desks and good equipment.

23 And I left that high school and I went
24 to an inner-city high school and I saw guards, I
25 saw people walking around that didn't want to be

1 there, I saw books that were out of date, and I
2 saw no computers. So there obviously is an
3 inequity in education.

4 But we can draw up laws such as the
5 antimasking law or we can tell someone else how
6 or how not to think; but until we start educating
7 people about the history and the culture of other
8 people that have made contributions to the
9 Commonwealth of Pennsylvania, we're going to keep
10 repeating this.

11 You know, these images that I tapped
12 into as a young kid, as I pointed out, I didn't
13 just one day wake up and say, Well, I guess I'll
14 go join the Klan. I thought only White people
15 built America. I thought only White people
16 contributed and that people of color were
17 negative.

18 You could walk out this door here and go
19 down the hall and take a look at the rotunda and
20 you're going to see a history of the Commonwealth
21 of Pennsylvania. And the only pictures you are
22 going to see up there are White men and women
23 building the Commonwealth of Pennsylvania.

24 Now, what if you're 10 and you come here
25 with your teachers and you look up there and you

1 see White people building things and you go home
2 and pick up the newspaper and you read about
3 crimes or welfare or negative things -- and more
4 often than not, that picture in that picture is
5 Black (sic). What does that 10-year old think?

6 You don't have to sit down and teach
7 that 10-year old to be a bigot in a direct way.
8 He's already learned it through a very indirect.
9 So we need to educate people, we need to change
10 some of the images, and we need to take away the
11 intimidation that organized hate groups seem to
12 be able to do in the Commonwealth of
13 Pennsylvania.

14 REPRESENTATIVE JAMES: Do you see some
15 connection with the fact of some of the young
16 people killing their parents tied into some of
17 these kinds of groups?

18 Like, we had a incident of shooting in
19 one of the southern states -- I don't know if it
20 was Mississippi -- where this kid killed some
21 student, another shooting in Tennessee or
22 something like that. And I believe that they
23 are usually tied into some of these type groups.
24 Do you see that kind of --

25 MR. COCHRAN: I'm not sure. For

1 instance, over in Mississippi I had read that in
2 Pearl, Mississippi, where there was a group of
3 young people shot, another group of people, that
4 there was some White supremacy activity.

5 But here in the Commonwealth of
6 Pennsylvania when the Freidman boys killed their
7 parents in 1995, there was a direct tie-in to the
8 Aryan Nations leader, Mark Thomas where Mark
9 Thomas had taught them that anyone that was not
10 White or any White person who did not think like
11 them was an enemy of God and should be put to
12 death.

13 Now, since then Mr. Thomas has gone to
14 jail and been convicted for recruiting a group
15 of young people to rob banks in seven states and
16 give him the money and fund the White supremacy
17 movement here in the Commonwealth.

18 But, you know, maybe the tie-in isn't so
19 much to organized White Supremacy groups, but the
20 tie-in is more towards the violence that we learn
21 and see and teach as acceptable day after day
22 after day.

23 When you and I were growing up, yes,
24 there was violence; but we weren't bombarded with
25 it 24 hours a day as much as young kids and young

1 people are today.

2 And, again, more often than not, many
3 times legislators, many times teachers, many
4 times law enforcement, many times us as parents
5 have failed to take that stand and each teach our
6 children just basic morals.

7 Thou shalt not kill is not relegated
8 just for conservatives or liberals. That is
9 a -- or Christians or Jewish people or Muslims.
10 Thou shall not kill, that is something that
11 needs to be taught to people. It needs to be
12 taught firmly.

13 Many times racist organizations,
14 right-wing organizations, they have an idea.
15 They expound upon them with force. Many times
16 people in the liberal movement more often than
17 not are wishy-washy where they stand.

18 We have to start taking a firm stand on
19 violence and that connection to hate groups that
20 have always been there.

21 REPRESENTATIVE JAMES: Well, I agree
22 with you and I thank you. And Mr. Chairman, I
23 just think that it's important -- too important
24 for us not to be able to have the services of PCN
25 on these type of hearings.

1 As we talk about racial intolerance
2 growing throughout the country, we have the
3 President on down talking about hearings and
4 stuff. I think that any type of hearing -- I
5 don't know if that's a request we have to make
6 before we have a hearing.

7 But I would hope that we would do that
8 in the future for any hearings we would have as
9 it relates to racial intolerance or hate crimes
10 that we can ask for the services of PCN. And I
11 again thank you and -- talking to Mr. Cochran and
12 hope that you'll be available for us as we
13 continue to deal with this problem.

14 CHAIRPERSON BIRMELIN: In response to
15 Representative James' comment and for the benefit
16 of other Members of the Committee, we never
17 request that Pennsylvania Cable Network cover any
18 of the hearings. It's not our function to do
19 that. They choose to do that. Sometimes they
20 show up and sometimes they don't.

21 I mean, they're -- we could request it
22 if you'd like to do that. That's not a problem.
23 But I don't want you to think that they didn't
24 come because we didn't request them, because we
25 never requested them to come to any of the

1 hearings. It's not our role to do that.

2 They are a free-standing organization
3 apart from the Legislature; and I would be happy
4 to, you know, go along with you if you want to
5 write a letter to them and asking them the next
6 time we have a hearing asking them to cover the
7 hearings.

8 But I didn't want -- I don't want
9 Members to think that we neglected to ask them to
10 come today and had asked them on other occasions,
11 because we never asked them. It's not our policy
12 to ask them to come.

13 They know what the schedule is because
14 they have access to it through public
15 notification process. And, you know, I don't
16 know on what basis they decide to come or not
17 come. I suspect they're covering the Farm Show
18 today.

19 Be that as it may, Representative James,
20 I'll be glad to help you in the future if you
21 wish to do that.

22 REPRESENTATIVE JAMES: Thank you,
23 Mr. Chairman. I didn't mean to say that you
24 didn't, but I do know they come and go. And I
25 just hope that as it relates to these types of

1 hearings as it relates to this type of subject
2 that we, you know, request them. And I'll be
3 glad to go on a letter with you.

4 CHAIRPERSON BIRMELIN: Representative
5 Masland.

6 REPRESENTATIVE MASLAND: Thank you,
7 Mr. Chairman. Sir, I was looking at your
8 testimony; and you talked about the law in
9 Georgia. It contains, I guess, the phrase, "With
10 the intent to intimidate someone."

11 It strikes me that that is absent from
12 House Bill 1880; and without it, I think there's
13 a constitutional problem. There may be a
14 constitutional problem with it; but as I've
15 looked over some of the other testimony and just
16 briefly looked at the results in one Bedford
17 County case, I feel that if we don't have
18 that -- and that may be something that
19 Representative Ramos will address with an
20 amendment.

21 But if we don't have that, we're going
22 to have a tough time with the courts based on
23 what their reasoning has been up to this time.

24 MR. COCHRAN: Right. What I did was,
25 again, I took it word-for-word. I looked for a

1 law that had been put before the court recently
2 and upheld as constitutional.

3 Now, in reference what happened in
4 Bedford County, there was more than just the
5 courts saying that it was -- this was
6 unconstitutional.

7 My understanding is that the Bedford
8 County commissioners inserted in there along with
9 the antimasking law that if you wanted to hold a
10 rally in Bedford County you had to be sponsored
11 by two or more people who reside in Bedford
12 County, which is a very clear violation.

13 REPRESENTATIVE MASLAND: I'll have to
14 look at that case to see what else. One other
15 thing I was wondering about is are you concerned
16 at all that a law such as this has an unintended
17 side effect in that it, by focusing on the Klan
18 and putting pressure on the Klan, also is helpful
19 for their organizing activities?

20 We've kind of seen that in another
21 instance, and I think that it may not be the
22 best analogy. But the Higgins Pigeon Shoot is
23 one of those things.

24 From what I understand, that thing would
25 have died if there hadn't been so much

1 controversy around it; and all of a sudden,
2 people started coming there to shoot the pigeons.

3 MR. COCHRAN: Well, you know, I think
4 about that everytime I go somewhere to speak
5 or every time I do an interview. Am I actually
6 helping the Klan? I was since reading their Web
7 pages, and they are numerous Web pages. And the
8 Klan actually is fearing this more than they are
9 looking at it as a possible recruitment tactic.

10 And I think the other thing that we must
11 take note is that the Pennsylvania Human Relations
12 Commission reports that in 1988 there was less
13 than half a dozen hate groups in the Commonwealth
14 of Pennsylvania and today, less than ten years
15 later, there are 39.

16 So with or without the mask, they have
17 done fairly well. Again, this legislation, yes, is
18 being, from my point of view, specifically
19 targeting the gang the Ku Klux Klan; but it also
20 could be used to target other types of gangs
21 because in many cities, for instance, there
22 are gang members who cover their face with a
23 bandanna. So we have to keep that in mind that
24 this law could be used.

25 REPRESENTATIVE MASLAND: One other thing

1 I guess it kind of relates to the side effect
2 issue is -- and I was on the Social Justice
3 Coalition in Carlisle, Pennsylvania, on the
4 Crisis Management Committee where we were trying
5 to develop the anti-Klan or Unity Day Rally,
6 which is designed to take the focus away from the
7 Klan.

8 It seems to me that possibly the funding
9 that's called for in the Senate Bill -- and I
10 forgot the number of the House Bill -- which
11 would create a funding stream might be something
12 that could be used to, again, make them
13 irrelevant, make the Klan irrelevant so that they
14 can have a parade, they can have a rally, but
15 nobody shows up because they're going to
16 something positive instead.

17 MR. COCHRAN: Right. But we also have
18 to do more than have Unity Picnics. I've been to
19 hundreds of Unity Picnics throughout the
20 Commonwealth of Pennsylvania, and they're great
21 things. And the people over in Boyertown who are
22 here today have used Unity Rallies, Project
23 Lemonade, and so forth to confront the Klan.

24 But in terms of drawing young people in
25 a long-term basis, we have to do more than go to

1 Unity Rallies and watch the ducks float down the
2 river. The Unity Rally for that specific day
3 is good, but if we don't do something to follow
4 up in the schools afterwards and challenge people
5 to think and expose the bigotry within
6 themselves and wherever that comes from and
7 start talking to one another, we're going to keep
8 coming back to this issue over and over and over
9 again.

10 It had been earlier asked of the people
11 from the Woodrock Foundation, Why Pennsylvania?
12 And part of it is because we've told ourselves
13 for ten, fifteen years that, well, racism was
14 defeated. It would be best if we didn't talk
15 about it because somehow it might help them grow.

16 Well, we haven't talked about it for ten
17 years and we have an explosion of hate groups.
18 We're beginning to lead the country just in sheer
19 numbers of organized White supremacy gangs, and
20 we've done nothing. Now we have to start doing
21 something.

22 And I look at it today that if this
23 fails, this bill, or succeeds, we have gotten our
24 accomplishment; and that is to bring more
25 awareness about this issue, getting more people

1 to talk about issue, and we have challenged some
2 people to think.

3 We've challenged some people to get off
4 the fence, so to speak, one way or the other.
5 But getting back to your question, yes, the Unity
6 Rallies are a great thing and a good thing; but
7 we need to do more than just that.

8 It's unfortunate though we only have
9 Unity Rallies when the Klan comes to town. We
10 ought to be able to have Unity Rallies before the
11 Klan would ever think about coming to that
12 specific town.

13 Our churches need to play a -- houses of
14 worship -- a bigger role. Many times -- and I've
15 heard it throughout the Commonwealth, especially
16 in the smaller rural, all-White towns -- the
17 Klan's the only group that comes here and talks
18 to us.

19 Maybe the town is hurting like they are
20 over in Ukon (phonetic), Pennsylvania. There was
21 a toxic dump put in Ukon, Pennsylvania, and
22 people started getting sick; animals started
23 dying, I understand; and no one did anything.

24 And the Klan come rushing in as being
25 the saviour. Then everyone started showing up to

1 find out what the answer would be. We should
2 have been there before the Klan went there.

3 We need to do those things, pull that
4 rug from underneath the Klan, so to speak. And
5 that'll be done through education and speaking
6 out and also what you do here today by showing
7 your ability to lead.

8 REPRESENTATIVE MASLAND: Thank you, and
9 I do agree that we need to do more than just hold
10 Unity Day Rallies. And certainly there are other
11 events that can and do take place in a lot of
12 communities that are good. Whether or not the
13 Klan is there, we just need to try to keep that
14 focus on the positive.

15 But thank you. And one thing I would
16 say, you're a good speaker. You're also very
17 fast. And I've been watching the stenographer
18 here, and she's having a tough time keeping up
19 with you.

20 MR. COCHRAN: I'm sorry. I have the
21 same problem. Up in Potter County, Pennsylvania,
22 where we have armed White supremacy compound
23 where they have bragged to the newspapers that
24 they will be shooting first where they held the
25 largest Neo-Nazi/Skinhead festival ever to be

1 held in the United States in 1993, this past
2 summer, we held a Rock Against Racism concert
3 where a young, anti-racist band came from
4 Columbus, Ohio, played and gave a free concert
5 down at the Green.

6 We had a hundred kids show up out of
7 a town of 3,000. No violence. No arrests. The
8 music was basically, the message. Only ten
9 minutes allowed for speeches and so forth.
10 People just had fun, and people were talking
11 about it afterwards.

12 So, yes, there are many different things
13 that we can do; but telling ourselves that it's
14 not here is one of the things that we should be
15 doing.

16 REPRESENTATIVE MASLAND: Thank you.
17 Thank you, Mr. Chairman.

18 CHAIRPERSON BIRMELIN: I too have noted
19 that you tend to speak rapid fire. I've also
20 tended to notice that you go far beyond the
21 question that has been asked you, and I
22 understand that because of your enthusiasm about
23 your subject matter.

24 But I just want to let you know that we
25 have four other legislators who would like to ask

1 you questions and I would like this portion of
2 your testimony to be concluded in the next 15
3 minutes.

4 So I'm not telling you not to say what's
5 on your heart; but I'm asking you for an abridged
6 version to that -- so we're not -- I don't want
7 to extend into the time period that we've allowed
8 for our next testifiers and still give the
9 Legislators their chance to ask questions. So
10 word to the wise is sufficient, hopefully.

11 MR. COCHRAN: It's funny. I hear that
12 everywhere I go.

13 CHAIRPERSON BIRMELIN: Well, sooner or
14 later it'll sink in maybe.

15 MR. COCHRAN: It's taken me a long time
16 to learn new things here.

17 CHAIRPERSON BIRMELIN: I'm not trying to
18 tell you not to say what is on your heart. I'm
19 just asking you to answer the questions as
20 succinctly as a possible without losing the meat
21 of the subject. Representative Petrarca.

22 REPRESENTATIVE PETRARCA: Thank you,
23 Mr. Chairman. Very, very short questions, two of
24 them. One is I thought earlier you said that you
25 wanted to touch upon what is happening in other

1 states, be it Georgia or whoever else has the
2 antimasking laws.

3 Do you have an opinion or information on
4 how effective these laws have been in those
5 states?

6 MR. COCHRAN: I think we can look at
7 Georgia. First of all, the antimasking law is in
8 effect in seventeen states, most of them in the
9 south. And most of them were developed in the
10 south in the 60s at the height of Klan activity.

11 Let's look at Georgia, for instance. No
12 one can deny that up until 1951 or up until the
13 50s there was massive Klan presence. The
14 implementation of the antimasking law in 1951
15 caused the Klan to come out in the open.

16 And no one can deny that since 1951
17 there's been less of a Ku Klux Klan presence in
18 Georgia. Doesn't mean that bigotry went away. It
19 also has forced people to discuss racism out in
20 the open and among themselves. So in many ways,
21 Georgia is much further ahead than we are.

22 In Alabama, there's another place that
23 you can show a correlation between having an
24 antimasking law and less Ku Klux Klan violence
25 and activity.

1 REPRESENTATIVE PETRARCA: One other
2 question: Could you tell me briefly what you did
3 between 1990 and '92? You recruited --

4 MR. COCHRAN: I traveled throughout the
5 United States, primarily the Pacific Northwest,
6 looking for issues to exploit, getting myself
7 invited to high schools where I could talk to
8 young people and recruit them into an organized
9 White Supremacy gang -- Aryan Nations.

10 I did a lot of work in terms of taking
11 any type of issue and turning it into a racial
12 issue with a smile. My job was also to go into
13 communities and to terrorize people, to
14 convince them that I was a threat and also to
15 convince people not to take a stand against me.

16 Because, again, if you didn't stand
17 against me when I went into a community as a
18 racist, you were standing with me in my mind.
19 But first and foremost, I was -- went into
20 communities to teach hatred to people and that it
21 was all right to hate people and that you had a
22 God-given right to hate people.

23 And not just hate people, but call for
24 the death and extermination of people and to put
25 those ideas into motion and into play.

1 REPRESENTATIVE PETRARCA: And how would
2 you get your audience?

3 MR. COCHRAN: Just for the -- if the
4 Klan had been here today, PCN would have been
5 here today. And so what I'm getting at is
6 wherever I went into a community, the first thing
7 we do is call the media and tell them Aryan
8 Nations is in town and we will be recruiting and
9 the media would follow us all over the place.

10 We would be front page story, No. 1 news
11 at the night. We would also pass out literature.
12 At the time, the Internet wasn't all that big;
13 but today, the Internet is being used.

14 We also put together rock videos and CDs
15 and pass them out to young kids, stand outside
16 the schoolhouse when they were coming out of the
17 school and pass out literature, get myself
18 invited to a social studies class to, quote, give
19 the other side.

20 And I would go there and talk to young
21 people about hating someone. And by far, the
22 easiest way to spread hatred anywhere in the
23 country was simply by using the Bible.

24 And we would show people that they had a
25 perfect, legitimate reason to hate someone and

1 that Adolph Hitler was a biblical profit of God.
2 Same Bible you'd find in any Protestant church.
3 I'm doing it again. I'm sorry.

4 REPRESENTATIVE PETRARCA: Thank you.
5 Thank you, Mr. Chairman.

6 CHAIRPERSON BIRMELIN: One of our four
7 other legislators has had his question answered
8 by Representative Petrarca's question. And
9 just before I pass onto the other two, I think
10 one of the -- I'm not asking a question.

11 I'm just making an editorial comment
12 that one of the things that disturbs me the most
13 is that people use the name of Christ and they
14 use the Bible -- misuse, rather, and pervert
15 what I believe is the true message that you find
16 in the Bible.

17 And that is exactly the opposite of what
18 you were instructed to do. And as a person who
19 claims Christ as his saviour -- I know that this
20 is a very distressing thing for me to say -- but
21 these people run around and the name of the group
22 that you belonged to, the Church of Jesus Christ
23 Christian Aryan Nations, does a great disservice
24 to Jesus Christ and to his teachings.

25 So for whatever that's worth, I would

1 echo my disgust at the abuse and misuse and
2 perversion of what I believe is the true use of
3 the gospels and the forms of Christian
4 expression. I'll turn next to Representative
5 Hennessey for his questions.

6 REPRESENTATIVE HENNESSEY: Thank you,
7 Mr. Chairman. Thank you, Mr. Cochran, for your
8 testimony. As I listen to it though, I was
9 struck with the number of references that you
10 made to the Klan, and then I started to count
11 them up. I think it was twelve or fifteen or so
12 in the first page.

13 Mr. Lamphear was talking about the
14 number of different types of groups that we have
15 or different groups we have in Pennsylvania. And
16 yet, in listening to your testimony, you know,
17 occasionally when you talk about Aryan Nation and
18 you talk about some of the other groups, you seem
19 to lump them under the Klan.

20 I'd like to get some idea of what the
21 structure is. Is the Klan the umbrella and are
22 these splinter groups all somehow affiliated with
23 the Klan but have their own specific or
24 individual differences or is the Klan just a
25 convenient term for this kind of hatred -- hate

1 activity?

2 MR. COCHRAN: Somewhere they're all in
3 between. First of all, it didn't matter how you
4 approached your racism. When I was with Aryan
5 Nations, if you were a member of the Klan or
6 Posse Comitatus or Aryan Nations or a Skinhead or
7 any of other 261 assorted bigoted organizations
8 in the country, race was the unifier. I could
9 work with you.

10 Yes, we would have different political
11 beliefs or different aspects. Some were
12 religious and some were not. The reason I spoke
13 a lot about the Klan is that the Klan is -- when
14 most people think of an organized hate group, the
15 first thing that comes to mind is the Ku Klux
16 Klan.

17 Today in the 1990's in many places of
18 the Commonwealth, the Klan is the portal into the
19 hard-core racist movement.

20 REPRESENTATIVE HENNESSEY: I'm sorry?

21 MR. COCHRAN: Is the portal.

22 REPRESENTATIVE HENNESSEY: Into the
23 what?

24 MR. COCHRAN: Into the hard-core racist
25 movement. When I was a kid and started to get

1 involved with right-wing organizations, that
2 portal was the John Berks Society. Today in many
3 places, again, especially in the Commonwealth, it
4 is the Ku Klux Klan.

5 And while they are different
6 organizations, again, race is the unifier. So
7 you can have Ed Foster over in western
8 Pennsylvania has his little Klan group and Woody
9 Woodson over in Bechtelsville has his little Klan
10 group and Roy Feinouser (phonetic) has his up in
11 Reading.

12 They all work together and they're all
13 talking with one another and they're also talking
14 with the Aryans and the Posse Comitatus and the
15 Alpha people down in Philadelphia or the Adolph
16 Hitler Free Corps, for instance, the, quote, Nazi
17 Ninjas who dress up in a black robe and wear a
18 black mask and go out into communities to
19 intimidate people.

20 They all still work together. They
21 exchange information. They will run their
22 Internet Web sites together. They will have
23 different links under pages which ones to
24 recommend and things of that nature. So again --

25 REPRESENTATIVE HENNESSEY: Where does

1 that cooperation come from? Does somebody try to
2 orchestrate that cooperation so that Aryan
3 Nations and Alpha, the group out of Philadelphia,
4 and some of the others actually work and share
5 information on the Web sight? Does that just
6 happen?

7 MR. COCHRAN: Here in Pennsylvania, it
8 seems today since Mark Thomas went to jail it's
9 the Klan who's trying to bring those various
10 divergent groups together.

11 Now, before Mark Thomas went to jail, at
12 his Aryan compound over outside of Allentown, he
13 would host rallies. He was growing 200 racists
14 from different organizations from throughout the
15 northeast. His place was that conduit, so to
16 speak.

17 He had the profile; he was the one in
18 the news; he was the one in the newspapers
19 holding rallies in downtown Boyertown at the
20 senior citizens complex and things of that
21 nature. Since he went to jail, we've seen Ed
22 Foster over in western Pennsylvania over in
23 Punxsutawney --

24 REPRESENTATIVE HENNESSEY: So he's a
25 Klan member and not Aryan Nation or anybody else?

1 MR. COCHRAN: Right. He's the Klan
2 leader. He's trying to fulfill that role of
3 being the No. 1 racist in the state to have that
4 umbrella group.

5 We also have to understand that within
6 the last couple of years within the racist
7 movement is a doctrine called legalist
8 resistance. And that is instead of becoming
9 part of a large, monolithic group that can be
10 infiltrated by law enforcement, break into
11 smaller cells; stay with small groups;
12 don't-get-yourself known type of thing because
13 then you can act under the cover of darkness.

14 And maybe the best example -- while
15 there's a great debate about Timothy McVeigh
16 being a White supremacist (sic), him and Terry
17 Nichols would have been an underground cell.
18 They sort of kept to themselves, they expressed
19 their ideas among themselves and then went out
20 and acted upon those ideas.

21 Where did they get those ideas such as
22 blowing up the Oklahoma building? They got them
23 from the White supremacy group the National
24 Alliance, probably the largest hate group in the
25 country. The National Alliance was founded by

1 Dr. William Pierce (phonetic), the author of the
2 Turner Diaries.

3 REPRESENTATIVE HENNESSEY: What diaries?

4 MR. COCHRAN: The Turner Diaries. Of
5 which the government has shown that in Oklahoma
6 was the blueprint for the Oklahoma bombing.

7 And incidently, Mr. Pierce runs one of
8 the largest compounds just across the border into
9 West Virginia. He also puts out a comic book
10 that is showing up in elementary schools in the
11 Commonwealth that teaches 8-year olds to attack
12 other 8 year olds of different races. So, I
13 mean, they're starting at an early age.

14 REPRESENTATIVE HENNESSEY: The kind of
15 activities that you spoke of before, passing out
16 videos to high school students and passing out
17 whatever, costs a lot of money. Travelling
18 across the country probably costs a lot of money.

19 Has your group, the Education Vigilance
20 Network, tried to track that money now that
21 you've flipped to the other side of the issue?
22 Do you try to track that money and expose where
23 it's coming from so that it's a tax problem that
24 way?

25 MR. COCHRAN: It's hard, and I'll use

1 some examples. First of all, there's money in
2 organized hate. The earning compound in Idaho
3 is -- just that compound is \$120,000-a-year
4 operation.

5 People send in money and leave their
6 homes. When I would go into communities, we
7 would make a pitch for funds and people would
8 send in checks.

9 In 1988 when David Duke ran for
10 president on Populous Party ticket, the Federal
11 Elections Commission reported that outside of his
12 base of Louisiana, the bulk of his contributions
13 came through the mail from Western Pennsylvania.

14 Again, how do you track the individuals
15 unless they stand up and say that? With Mark
16 Thomas, we were able to pinpoint that he robbed
17 banks to fund his operations. He also got public
18 assistance. So we all funded his operation.

19 Unfortunately, there's a lot more money
20 in hate than there is in antihate, I can tell you
21 that. I made \$10,000 last year doing this and
22 spoke at over a hundred high schools and
23 colleges.

24 It was very easy to raise money in the
25 racist movement through book sales, CD sales,

1 video sales. Anytime I showed up in the
2 newspaper, somebody would send money.

3 REPRESENTATIVE HENNESSEY: Okay. It
4 seems to me that if you do have some exposure in
5 terms of sending checks to political candidates
6 and that gets recorded, that information can be
7 disseminated and perhaps people can be exposed in
8 that way.

9 Just the fact that a check is used as
10 opposed to cash probably leads itself to allowing
11 the government to try to find out where that
12 money not only comes from but goes to
13 after -- how it's spent.

14 MR. COCHRAN: One of the things that
15 Mark Thomas did shortly before he was arrested
16 was make appeals for people to send cash or money
17 orders. So it makes it harder to track.

18 REPRESENTATIVE HENNESSEY: Thank you.

19 CHAIRPERSON BIRMELIN: Representative
20 Manderino.

21 REPRESENTATIVE MANDERINO: Thank you.
22 Actually, my specific question was answered by
23 Representative Masland.

24 But I just want to go on record that I
25 have real concerns about the bill as it's drafted

1 and I'd feel much more comfortable if we were to
2 look at other statutes and look at and have a
3 discussion about the intent component which in
4 your -- in your oral remarks you kept linking the
5 activity with the intent to intimidate; but the
6 bill doesn't do that, and that troubles me.

7 Thanks.

8 MR. COCHRAN: I can get that for you and
9 get it to you. I'd would like to just say one
10 thing and then -- as a White person, it's
11 difficult for us to understand that fear and
12 intimidation when somebody's standing in front of
13 you with a mask of the Ku Klux Klan.

14 If you were an African-American person
15 or a Hispanic person who has a history where you
16 have been attacked by the Ku Klux Klan and where
17 people have died and they were wearing masks and
18 hoods to do that, that ability to intimidate is
19 far more powerful than if it was directed towards
20 you and I because we haven't had those same
21 experiences.

22 And hopefully Bob Hillman from the
23 Poconos Unity Coalition will be able to touch
24 upon that.

25 REPRESENTATIVE MANDERINO: With all due

1 respect, I see it as a different distinction. I
2 understand what you're saying. I happen to be
3 one of those people who isn't ashamed to say that
4 I do think flag burning is protected speech. I
5 think it's political speech.

6 I'm trying to distinguish in my mind how
7 I can say that I think it should remain protected
8 speech and a political speech to -- to not make
9 somebody a criminal because they express their
10 political views by way of defacing symbolisms.

11 As abhorrent as many of us may find
12 that and not -- I think I would be hypocritical
13 to not make the same connection with just the
14 wearing of the mask.

15 I can go to a abortion clinic and I
16 could be rabidly on one side or the other of that
17 debate and if I want to wear a mask of Bill
18 Clinton dressed as the Grim Reaper because that
19 is my expression of how I view him, I should not
20 be a criminal for doing that; and the bill as
21 drafted would make me a criminal for doing that.

22 And that's the distinction I'm having
23 trouble with in my mind with how we've drafted
24 this language. I mean -- so I'm not disagreeing
25 with what you're saying. I'm just -- that's the

1 problem I'm having and the issue that I'd like to
2 see if there is a way to resolve.

3 CHAIRPERSON BIRMELIN: Mr. Cochran, we
4 want to thank you for your testimony. I
5 appreciate your taking -- insights. You did
6 well.

7 As I mentioned to earlier testifiers,
8 your testimony will be given to all Members of
9 the Committee and given out to them. Thank you
10 very much for coming. We're going to take a
11 short break.

12 (AT WHICH TIME, A BRIEF BREAK WAS TAKEN.)

13 CHAIRPERSON BIRMELIN: We'd like to
14 resume with the hearing if we could and call to
15 our testifier's table Bob Hillman, Chairman of
16 the Unity Coalition of the Poconos, and Mel
17 Gillespie, Director of the Office of Social
18 Equity at East Stroudsburg University.

19 Gentlemen, I'm not sure which you of is
20 Mr. Hillman and which is Mr. Gillespie.

21 MR. HILLMAN: I am Mr. Hillman.

22 CHAIRPERSON BIRMELIN: You're
23 Mr. Hillman and Mr. Gillespie is to the left.
24 Now, there is a size difference.

25 MR. HILLMAN: Yes, there is.

1 CHAIRPERSON BIRMELIN: We've noticed
2 that.

3 MR. HILLMAN: I don't know why people
4 always notice that. I don't understand it.

5 CHAIRPERSON BIRMELIN: Mr. Hillman, did
6 you want to go first or Mr. Gillespie?

7 MR. HILLMAN: Yes, I will. Mr. Chairman
8 and Members of the Subcommittee on Crime and
9 Corrections, I wish to thank you for affording me
10 the opportunity to speak to you about House Bill
11 1880.

12 The Unity Coalition of the Poconos
13 was one of the organizations that initially
14 requested this bill be introduced and passed into
15 law. We are very pleased to see the process
16 started, which we hope will end with House Bill
17 1880 becoming law in the Commonwealth of
18 Pennsylvania. We are also very pleased that we
19 can be a part of this process.

20 House Bill 1880 stipulates that a person
21 commits a misdemeanor of the second degree when
22 he wears a mask, hood, or device by which any
23 portion of the face is so hidden, concealed, or
24 covered as to conceal the identity of the wearer
25 and is upon the public way or public property or

1 upon the private property of another without the
2 written permission of the occupier of that
3 property to do so.

4 The Bill excludes those who wear
5 traditional holiday costumes on the occasion of a
6 holiday, people who wear a mask for protection at
7 work or while playing sports or for other
8 stipulations covered in the situations covered in
9 the Bill.

10 However, the Bill does not allow for
11 nonapplicability to those who traditionally
12 have worn a veil or a mask to cover their face as
13 a result of their religious beliefs. We feel
14 that this is an oversight that should be
15 corrected before the Bill becomes law.

16 I have talked with many numbers of
17 people from many communities across the
18 Commonwealth who have attended public meetings
19 and events in support of unity that were also
20 attended by members of hate groups wearing their
21 robes and hoods.

22 These people, who were usually elderly,
23 frail, or who had small children with them tell
24 me of how they had to leave the meeting because
25 they felt so afraid and were intimidated by the

1 faceless figures.

2 They told me that the men in hoods had
3 come into their meeting and stood along the walls
4 staring at them. They could only see the eyes
5 looking out from behind the hood. Eyes that they
6 perceived as being filled with hate and evil.

7 Because of the fear that this caused in
8 them, they would get up and leave the meeting.
9 Some of the people were crying as they told me
10 their reasons for having to leave. Most of these
11 people were not African-American or members of
12 other minority groups in their community.

13 They were White, they were elderly, they
14 lived alone, they had small children, and they
15 were very much afraid of the hooded, nameless,
16 faceless people standing along the wall.

17 The State of Georgia has had an
18 antimasking law for over forty years. In 1990,
19 Georgia's Supreme Court chief justice upheld the
20 law as constitutional and made the following
21 statement while doing so:

22 A nameless, faceless figure strikes
23 terror in the human heart; but remove the mask,
24 and the nightmarish form is reduced to its true
25 dimensions. The face defies not only identity

1 but also human frailty.

2 We live in a great nation that has the
3 constitution and laws that protect our rights and
4 freedom; however, freedom has its limits. And
5 that is usually the point where one person's
6 actions infringes on the rights of others.

7 For example: I have the right to throw
8 a rock, but I don't have the right to throw a
9 rock at another person or through that person's
10 window.

11 People have the right to smoke
12 cigarettes; others have the right not to inhale
13 secondary smoke. People smoking in areas
14 occupied by nonsmokers has become a major concern
15 in many areas of this country.

16 Smokers want to exercise their right to
17 smoke, and nonsmokers want to exercise their
18 right to be in a smoke-free environment. Today
19 people still have the right to smoke; but they
20 are prohibited from smoking in U.S. government
21 buildings, on most airlines, and other public and
22 private places -- and I must also add that this
23 building is also a smoke-free
24 environment -- where the smoking might be inhaled
25 by others.

1 These anti-smoking laws, regulations, and
2 guidelines relating to where people can and
3 cannot smoke had to be passed in order to
4 establish the limits of acceptable public
5 behavior.

6 Although there is currently no law in
7 Pennsylvania that prohibits the wearing of a hood
8 or mask in public places, I asked the chief of
9 police in my community, What would be the effect
10 of someone going to their local bank to cash a
11 check if they were to wear a hood over their head
12 that only allowed their eyes to be seen? Would
13 they be breaking the law?

14 His response was, No; but they could be
15 putting themselves and others in danger. Because
16 they enter the bank wearing a hood, the security
17 guard or other bank employees would likely
18 mistake them as a person who is intending to rob
19 the bank. The alarms would likely be activated,
20 and the police would respond.

21 When I was a child, I used to notice
22 while watching TV that bad guys would cover their
23 face with a mask or hood before going in to stick
24 up a bank, rob a train, or shoot someone from
25 ambush.

1 I also noticed while listening to the
2 Lone Ranger on radio or watching him on TV that
3 he always had to tell people that he came across
4 not to be afraid of his mask and that he was on
5 the side of law and order.

6 He said that he wore the mask to protect
7 his identity from being known by the members of
8 the gang that killed his brothers and tried to
9 kill him.

10 Because of this, I and many other people
11 in Pennsylvania and across the United States have
12 formed a core belief and come to equate the
13 wearing of a mask with the picture of someone who
14 is out to do us harm, who is evil, and who is to
15 be feared.

16 An example of core belief would be if
17 you are looking out of your window one afternoon
18 and you see a car pull up out in front of your
19 house, two strangers wearing masks get out of the
20 car and start walking towards your door, you
21 would most likely make sure that your door is
22 locked.

23 You may call the police or take other
24 actions to protect your family and property. The
25 two people have not broken a law and you do not

1 know why they are coming to your door, but you
2 are concerned and even afraid because of the mask
3 covering their face.

4 Many of us have over the years developed
5 a belief that a person wearing a mask or hood to
6 hide their identity is most likely going to do
7 us harm and would respond to them accordingly.

8 I have been told that members of hate
9 groups such as the KKK wear hoods to protect
10 their identity and to keep them from being
11 discriminated against by those who may not agree
12 with their views and actions.

13 This, like smoking cigarettes, is their
14 right; and we have no problem with this as a
15 reason for wearing a mask. We do question why
16 someone would join an organization of which they
17 are ashamed to be identified as members, but that
18 is their right.

19 However, we do have a problem with hate
20 groups and other gangs and individuals who use
21 the hood and mask to intimidate and cause fear in
22 the hearts and minds of others.

23 Many African-American, Jewish,
24 Asian-American, Latino, and other people across
25 the Commonwealth and across the United States

1 have been intimidated and beaten and even killed
2 by people who are allowed to hide their identity
3 behind a hood or mask.

4 Many elderly and frail people have been
5 intimidated into not attending or leaving public
6 meetings and events because of hooded, faceless
7 figures staring at them and striking terror in
8 their hearts and minds.

9 Freedom is truly a great thing, and it
10 should be protected by all of us. It is
11 understood by most of us that our rights and
12 freedoms are limited to the point where they
13 infringe on the rights and freedoms of others.
14 Most of us understand this and try not to
15 infringe on the rights of others.

16 There are also those in our Commonwealth
17 who are not willing to consider the rights of
18 others. And for these people, laws have to be
19 passed to clarify the limits of acceptable public
20 behavior.

21 The members of the Unity Coalition of
22 the Poconos and many other people across
23 Pennsylvania see House Bill 1880 as doing just
24 that. Thank you.

25 CHAIRPERSON BIRMELIN: Thank you,

1 Mr. Hillman. At this time, I'll ask
2 Mr. Gillespie for his testimony.

3 MR. GILLESPIE: Thank you very much.
4 I'd like to thank you very much for the
5 opportunity to speak before you today. And I'll
6 make mine very short and brief because you've
7 probably heard a lot and people are starting to
8 give you the same messages; but these are very
9 important messages.

10 And probably one of the questions our
11 society must answer in 1988 (sic) and one that's
12 been asked today is, Why should a person wear a
13 mask? A mask is described by speakers before me
14 as used to celebrate holidays, festive occasions,
15 and religious ceremonies.

16 It is also used by bandits; gangsters;
17 and also, as we have seen in the past, the Lone
18 Ranger. As a Black American, a
19 mask -- especially a White, hooded one -- has a
20 meaning all in itself.

21 It is a symbol of hatred and intolerance
22 against specific citizens of the United States.
23 It symbolizes oppression, violence, lynching, and
24 sources of demeaning labels to people of color,
25 Jews; women; and, as Mr. Cochran pointed out,

1 even disabled Americans.

2 It is that symbol that represents a
3 philosophy that is anti-American. It is that
4 symbol that represents a philosophy that its
5 members claim is trying to save America, that
6 they are soldiers campaigning to return America
7 to its past glory.

8 As a retired Air Force officer with two
9 tours in Vietnam, I took an oath to protect and
10 defend the Constitution of the United States from
11 all enemies foreign and domestic.

12 Our Constitution and the laws written to
13 enforce it does not condone murder, violence, or
14 violence against a citizen. It does not condone
15 hatred, prejudice, discrimination, destruction of
16 private or government property, or intimidation
17 of its citizens.

18 The Bill of Rights and the Constitution
19 were designed to protect all citizens of this
20 great country. Individual or groups who violate
21 this sacred trust are to be considered enemies
22 of the nation, not soldiers practicing individual
23 rights.

24 In American history, the mask worn by
25 the Ku Klux Klan is well known to Black

1 Americans. It is a vivid symbol with over 100
2 years of bitter memories:

3 Visions of knight-riders wearing White
4 robes and White, hooded masks roaming the
5 countryside on their horses spreading fear and
6 controlling the behavior, movements of black
7 citizens.

8 When black people did not respond or
9 move -- when black people did not respond or
10 moved too slowly, the Klan would beat, whip, or
11 lynch them.

12 Members of the Klan consisted of White
13 farmers, businessmen, professionals, sheriffs,
14 judges, and other politicians. They wore masks
15 not only to scare black people but also to
16 conceal their identities.

17 Today in 1998, the Klan's still active.
18 Its members still consist of White farmers,
19 businesspeople, sheriffs, policemen,
20 professionals, and politician of all ages in both
21 genders. They still wear robes, masks designed
22 to spread fear and to conceal their identity.
23 Now they ride in Fords and Mercedes.

24 The symbolism associated with the robe
25 and the mask has not changed in over a hundred

1 years. Those who wear them are not crusaders
2 fighting for American principles, are rather
3 enemies of our beliefs, values, and ideals.

4 Those who wear those masks are
5 cowards whose individual identities and beliefs
6 cannot stand the light of public scrutiny. Laws
7 must be passed to ensure that individuals cannot
8 hide behind these masks. They cannot hide their
9 personal hate. They cannot hide their
10 intimidation. They cannot hide their beliefs.

11 At the same time, we must have laws to
12 protect all our citizens of this country. This
13 goes back to my opening question, In 1998, why
14 should a person be allowed to wear a mask in
15 public?

16 No one has offered a sane, logical
17 answer except for the reasons provided in this
18 law in that we do have certain conditions,
19 certain situations when masks are allowed. But
20 for public use, public observations, there is no
21 rational or logic (sic) reasons.

22 If, for example -- and I'll go back and
23 I'll conclude with this particular thing.

24 Example: If half the people in this room were
25 wearing masks, would that not disrupt this

1 proceeding?

2 Would that not produce further anxiety
3 for the Committee Members and have a negative
4 effect as far as your proceedings are concerned?

5 Image Black Americans, imagine other
6 individuals who have this history, this vivid
7 image impressed upon our psyche in which it's
8 still present as far as the Klan's concerned; and
9 that's why laws like this are necessary today.
10 Thank you..

11 CHAIRPERSON BIRMELIN: Thank you,
12 gentlemen. If you'll remain there for a few
13 minutes, we have some members who may want to ask
14 you a few questions. I'll start with
15 Representative James.

16 REPRESENTATIVE JAMES: Thank you,
17 Mr. Chairman, and thank you both for testifying
18 and I appreciate your testimony. It is evident
19 based on the hearings that we've had so far as
20 it relates to this bill that there needs to be
21 some amendments.

22 And I thank you and I see that you were
23 one of the initiators of this, and it's good to
24 see you participate in the process.

25 What I'd like to know is -- I've never

1 heard of the Unity Coalition of the Poconos. And
2 I'd just like to know what made you start and
3 where in the Poconos are you from?

4 MR. HILLMAN: I'm also the Chairman of
5 the Pennsylvania Network of Unity Coalitions.
6 There are about 67 Unity Coalitions across the
7 state.

8 REPRESENTATIVE JAMES: One for each
9 county?

10 MR. HILLMAN: No. There are some
11 counties that have two. But in the Poconos, we
12 had a cross burning in Stroudsburg, Pennsylvania.

13 REPRESENTATIVE JAMES: When?

14 MR. HILLMAN: This was in September of
15 1993. It was at the home of a family that lived
16 about a block and a half away from the
17 Stroudsburg police department.

18 A 7-foot cross was lit in their front
19 yard. The result of this was at the time I was
20 the vice president of the NAACP of Monroe County.
21 I was asked to investigate hate crimes in Monroe
22 County and to give a report.

23 I found that over a 17-month period we
24 had had seven cross burnings in Monroe County, I
25 found that there was six active hate groups in

1 Monroe County, I found that Pennsylvania was on
2 the rise for hate group activity even at that
3 time, and I also found that there was hate
4 graffiti in several areas in the area.

5 What our primary concern was coming out
6 of the cross burning in Stroudsburg that started
7 us was the fact that nobody responded to the
8 victim. There was no response to them. They
9 were pretty much left alone once the press and
10 police left a day later.

11 And that isolation that they felt really
12 caused them to actually move, to question their
13 neighbors as to what they did or did not see or
14 why they are not reporting.

15 And the Unity Coalition was formed to
16 offer a positive response to negative
17 group -- hate group activity in our community and
18 also to offer assistance to the victim.

19 If a cross is burned in our community
20 now, we will ask that person if we could plant a
21 tree or flower in the spot where the cross was
22 burned.

23 So instead of coming out of their house
24 and seeing a burn spot put there by someone who
25 hates them, they will see 50 to a hundred of

1 their neighbors planting a tree or flower saying
2 that there are people here who love you.

3 We also offer if the Klan is going to
4 march, which they have, down Main Street of
5 Stroudsburg, we will offer to hold a program in
6 an area away from where the Klan's going to be to
7 give an alternative. Instead of going out and
8 throwing rocks at the hate group, come over and
9 listen to us and promote unity.

10 These are pretty much things that we
11 have done. We're also working in the area of
12 education in the schools, in churches, in other
13 organizations in trying to gain support for
14 multi-cultural understanding.

15 We also have an "us and them" problem in
16 our area. The Poconos is growing. A lot of
17 people from New York and New Jersey are
18 coming in there, living and moving back and forth
19 by bus to New York to work.

20 REPRESENTATIVE JAMES: Doesn't a judge
21 have a place --

22 MR. HILLMAN: Judge Murray (phonetic),
23 yes, he does. Hillside Inn.

24 REPRESENTATIVE JAMES: Is that close to
25 where --

1 MR. GILLESPIE: It's in the Poconos.

2 MR. HILLMAN: It's just a few blocks
3 from my home. I know Judge Murray very well.

4 REPRESENTATIVE JAMES: Okay. Thank you.
5 It's good to know. Do you have an organization
6 out in Philadelphia?

7 MR. HILLMAN: There are two
8 organizations in Philadelphia -- two Unity
9 Coalitions.

10 REPRESENTATIVE JAMES: As part of the
11 network?

12 MR. HILLMAN: It's part of the network,
13 that's correct.

14 REPRESENTATIVE JAMES: Do you know any
15 names?

16 MR. HILLMAN: No, I do not right offhand.

17 REPRESENTATIVE JAMES: The -- staff is
18 going to get back in touch with you in terms of
19 we can get it because I'm from -- I represent the
20 Gray's Ferry area in which we're having some
21 problems down in Gray's Ferry starting to come
22 around.

23 MR. HILLMAN: The Human Relations
24 Commission, Ann Vandyke's office, has a listing
25 of all the Unity Coalitions and how to get in

1 touch with each of us.

2 REPRESENTATIVE JAMES: Okay. Thank you.
3 Thank you, Mr. Chairman.

4 CHAIRPERSON BIRMELIN: Representative
5 Hennessey.

6 REPRESENTATIVE HENNESSEY: Thank you,
7 Mr. Chairman. Mr. Hillman and Mr. Gillespie,
8 we're all familiar with the Ku Klux Klan's
9 pointed, hooded mask. Are there others?

10 I didn't think to ask the other people
11 who testified. Are there other types of masks
12 that are generally used or do they all adopt the
13 Klan mask as -- as their type of mask?

14 MR. HILLMAN: The mask of the Ku Klux
15 Klan, the hood as an example that is here is the
16 common one that we're looking at in the sense
17 that if you're dealing with racism. But there
18 are other situations where masks are starting to
19 be worn.

20 Gangs are wearing them. I think Floyd
21 talked about the Bloods and the Crips. There is
22 a blue bandanna; there's a red bandanna. And
23 that identifies the different groups. When
24 they're having situations in the community, they
25 will wear that bandanna as a hood to hide their

1 identity.

2 If you've watched the news clippings
3 during certain riots and other incidents that
4 we've had, people have put masks over their faces
5 while running down the street with a television
6 on their back.

7 In each of these cases what we're
8 looking at is, yes, the Klan is the primary thing
9 that we're concerned with because of the
10 intimidation of people attending Unity Coalition
11 meetings.

12 And it is intimidating to have somebody
13 staring at you and you can't see their face. You
14 don't know whether they live next door to you.
15 You don't know what they're going to do to you
16 when you go outside.

17 But there are other situations. For
18 instance, if you were looking out your window,
19 would you lock your door if you saw two people
20 get out of a car with a mask over their face or a
21 hood? Or would you open the door and welcome
22 them in?

23 We have an inherent fear that is built
24 into us pretty much our entire life of that mask;
25 and there is no place, as Mr. Gillespie said, for

1 that mask in public. It should not be because of
2 the -- just the fear that we do have of it and
3 plus the fact that it's used for intimidation.

4 REPRESENTATIVE HENNESSEY: To get back
5 to the point of my question, the Aryan Nation,
6 the -- whatever those groups were that
7 Mr. Cochran has spoken about, the Klan itself, do
8 they all adopt -- when they're out in public
9 handing out the literature, do all these groups
10 sort of fall back on the Klan mask and hood as
11 their method of concealing their identity?

12 MR. HILLMAN: Mr. Cochran I think would
13 be the expert in that particular area. But from
14 my experience, no, they don't. I know that the
15 KKK does, but I don't know if the Aryan Nation or
16 any of the others. I think there is a Neo-Nazi
17 group that also wears a mask, but I'm not sure.

18 But I am really not sure on that, but I
19 do believe that the KKK is the one that I
20 certainly see wearing it.

21 MR. GILLESPIE: See, history was the
22 Klan, their formal regalia -- and costumes come
23 in different colors also. The hood is an
24 integral part of that particular costume,
25 historically.

1 You can imagine back in the 1920s when
2 you had thousands of them marching down the
3 streets in Washington, D.C. in open display. So
4 as far as the masks are concerned, yes, most
5 identify and the image that comes to your mind
6 first of all is the Klan and the hood that you
7 see right there.

8 Others as far as hate groups are
9 concerned, Mr. Cochran pointed out the Ninjas,
10 which take on the mask of the martial arts. And
11 that's about the only ones I've really seen that
12 much in terms of masks.

13 REPRESENTATIVE HENNESSEY: Thank you.
14 Thank you very much, Mr. Chairman.

15 CHAIRPERSON BIRMELIN: We want to thank
16 you gentlemen for coming and for testifying. And
17 as I indicated to the earlier testifiers, copies
18 of your testimony will be given to those members
19 who are not here for it. Thank you. Great
20 hearing from the great Poconos.

21 REPRESENTATIVE HENNESSEY: Do you have
22 any snow up there?

23 MR. HILLMAN: Little bit of rain. Never
24 snows in the Poconos unless we want it to.

25 CHAIRPERSON BIRMELIN: Our next

1 Commonwealth, however, do have a constitutional
2 right to maintain anonymity in connection with
3 the expression of their ideas, beliefs, and
4 associations.

5 A couple of years ago, the United States
6 Supreme Court struck down an Ohio statute that
7 required all campaign literature to bear the name
8 of the person or group responsible for the
9 distribution of that literature. That case is
10 McIntyre versus Ohio Elections Commission.

11 In finding that statute to be
12 unconstitutional, the court looked to the history
13 of anonymous political speech specifically in
14 this country. That legacy includes the
15 Federalist Papers which advocated the
16 ratification of the United States Constitution.

17 The constitutional right to remain
18 anonymous has been particularly important to
19 members of political and advocacy organizations.
20 In 1958, the United States Supreme Court held
21 that the NAACP could not be required to turn over
22 the names of its members to the State of Alabama.

23 The State of Alabama wanted both names
24 for whatever purposes and the NAACP did not want
25 to give them and the court said they could not be

1 required to give them.

2 The Court found that requiring that
3 disclosure would discourage membership and
4 ultimately restrain the First Amendment right to
5 associate for purpose of advocating ideas or
6 beliefs.

7 Another Supreme Court decision, Talley
8 versus State of California where an ordinance
9 requiring handbills and pamphlets to contain the
10 name of the person responsible for distribution
11 of those handbills to be unconstitutional.

12 These cases demonstrate that the Supreme
13 Court recognizes that remaining anonymous plays
14 an important role in the dissemination of ideas
15 in this country. It is the right of the speaker
16 to decide whether or not he or she wants to
17 reveal his identity.

18 Just because we don't like the speaker's
19 point of view doesn't give us -- doesn't give the
20 Government the right to say, Well, we get to know
21 who you are. That becomes a content-based
22 distinction, and that's not permitted in this
23 country.

24 It's just not the role of the government
25 to dictate whether a speaker has to reveal who he

1 or she may be. The courts have also recognized
2 that wearing a mask or a costume can be a very
3 powerful form of symbolic speech.

4 A case out of Texas concerned a rule
5 that was being pushed by a university down there
6 that would have prevented students who wanted to
7 protest the visit of the Shah of Iran from
8 wearing masks.

9 Wearing the mask had become a
10 traditional symbol of that protest all over the
11 world for those who are opposed to the regime in
12 the Iran at the time. The University claimed
13 that this might lead to violence while the Shah
14 was there.

15 The case was taken to federal court. The
16 Court held that the university had not
17 demonstrated that the prohibition on masks
18 furthered legitimate interests of the
19 University and that the students' interest in
20 wearing the mask as a form of symbolic speech was
21 very important to them in expressing their
22 message at that protest.

23 Another federal court struck down an
24 ordinance which prohibited parade participants
25 and individuals from wearing masks or

1 disguises. That case is Ku Klux Klan versus
2 Martin Luther King Worshippers, and it's from a
3 federal court in Tennessee in 1990.

4 In that case, the Court wrote that, In
5 the context of parades and demonstrations,
6 certain masks and disguises may constitute
7 strong, symbolic political expression that is
8 afforded protection by the First Amendment.

9 The courts recognize that wearing a mask
10 or covering one's face is a form of free speech
11 and have accorded it constitutional protection.
12 The Court went on to find that that particular
13 ban on masks and disguises was unconstitutional
14 because it could be used to stifle symbolic
15 political expression, which is protected by the
16 First Amendment.

17 A little closer to home -- there was
18 some discussion of this matter earlier today -- a
19 federal judge for the Western District of
20 Pennsylvania less than a year ago addressed the
21 very issue raised by this legislation.

22 In that case, the American Knights of
23 the Ku Klux Klan versus the County of Bedford,
24 Judge Smith of the western district found an
25 ordinance passed by Bedford County to be

1 unconstitutional.

2 That ordinance had a number of
3 provisions. One of the provisions was an
4 anti-mask provision very similar to that which is
5 contained in this legislation.

6 The Court found that this ordinance was
7 a content-based restriction on the First
8 Amendment rights of the plaintiffs. The Court
9 also found that the mask provision was a
10 transparent attempt to restrict public rallies of
11 the Ku Klux Klan.

12 The Court held that the ordinance
13 banning the masks was unconstitutional because it
14 could be used to stifle the symbolic, political
15 expression of the Klan.

16 The case teaches that no matter how
17 unpopular the viewpoint of the speaker may be,
18 it's not the role of the government to stifle
19 that speech or the manner in which they want to
20 express it provided that they are not actually
21 committing damage to somebody at the time.

22 The ACLU believes that Judge Smith
23 decided the case correctly; after all, we
24 represented the parties that challenged the
25 ordinance. We are confident in predicting

1 that this bill, if it were enacted, would also be
2 found to be unconstitutional.

3 The First Amendment protects the rights
4 of those of us who have unpopular views. It
5 prevents our government trying to silence us or
6 censor our symbolic speech.

7 And I would submit that particularly in
8 light of the recent decision of a federal court.
9 And I think the likelihood that this legislation,
10 if enacted as it is written, would be struck down.

11 I would certainly caution you from doing
12 that because if you pass this legislation and
13 let's say the Klan were the ones to challenge it
14 and won a victory in federal court, that would
15 probably be doing much more damage to fighting
16 their beliefs than anything else you could do
17 other than handling these in many courts so they
18 could go around and claim, They tried to make us
19 victims; and we won. And that would not be
20 helpful at all.

21 The First Amendment permits a person who
22 wants to come to the State Capitol here to
23 protest against the Governor's policies to
24 don a Tom Ridge mask as part of that
25 demonstration.

1 The First Amendment allows another
2 person who wants to make fun of the
3 loquaciousness or pomposity of a member of the
4 General Assembly -- not any of the Members who
5 are here today, obviously -- but if someone
6 wanted to make some fun of them, they could come
7 in to the rotunda, quote from the legislative
8 record all the while wearing a clown's mask. The
9 First Amendment protects that activity.

10 REPRESENTATIVE HENNESSEY: Don't we have
11 a law against that?

12 MR. FRANKEL: You can try. I could
13 challenge it.

14 REPRESENTATIVE HENNESSEY: Sorry for the
15 interruption.

16 MR. FRANKEL: That's okay. Under our
17 form of government, we just do not allow the
18 State to force citizens to disclose their
19 identity as a condition for being permitted to
20 convey their message to the public, nor do we
21 allow the government to say, You want to speak;
22 this is how you can do it.

23 First Amendment and our promise of
24 speech does not permit that. What the
25 Constitution does teach us is that the way to

1 fight what we deem to be bad speech or hate
2 speech is with more speech. Rather than
3 attempting to silence those we disagree with, we
4 need to speak louder and more persuasively.

5 Government should not focus on trying to
6 exclude speakers from the marketplace of ideas.
7 Government can address the criminal acts that may
8 be the consequences of hate speech.

9 To that end, I would join an earlier
10 speaker who suggested you consider Senate Bill
11 1220, which would appropriate money so that the
12 Human Relations Commission could expand its work
13 in trying to prevent hate activity and trying to
14 educate the public as to the dangers of
15 intergroup tension and hate group activities.

16 Educating the citizens of this
17 Commonwealth about the consequences of bigotry
18 and hatred rather than attempting to silence
19 unpopular speakers is consistent with our
20 constitution and the principles of free speech
21 that have served this country so well. Thank
22 you.

23 CHAIRPERSON BIRMELIN: Thank you,
24 Mr. Frankel. We have some Members who would like
25 to ask you some questions. I call first on

1 Representative Hennessey.

2 REPRESENTATIVE HENNESSEY: Thank you,
3 Mr. Chairman. Larry, good to see you again. The
4 question was raised earlier and Mr. Cochran's
5 testimony indicated that the Supreme Court of
6 Georgia has apparently upheld the
7 constitutionality of its antimasking statute
8 perhaps in part because there's a provision in
9 there that says the act or is acting with the
10 intent to create terror in someone or to
11 intimidate someone.

12 And that was the purpose of the thrust
13 of several questions that people asked earlier in
14 the hearing today. If the House Bill 1880 were
15 to be amended to include that type of an element,
16 is it still your position that the Bill would be
17 unconstitutional?

18 And how do you square that with the
19 Georgia Supreme Court's ruling?

20 MR. FRANKEL: Let me talk about the
21 Georgia ruling first. I will note it was -- the
22 latest ruling was in 1990, which precedes the
23 McIntyre case which I talked about which really
24 established the importance of anonymity and
25 anonymous speech.

1 REPRESENTATIVE HENNESSEY: McIntyre is
2 the Ohio case?

3 MR. FRANKEL: The United States Supreme
4 Court case, yeah. And it would be interesting to
5 see whether another challenge to the Georgia
6 Statute with arguments based on the U.S. Supreme
7 Court decision would survive. It's not clear
8 that it would.

9 REPRESENTATIVE HENNESSEY: It never went
10 there? Is that what you're telling us?

11 MR. FRANKEL: It never went to the
12 Supreme Court.

13 REPRESENTATIVE HENNESSEY: Okay.

14 MR. FRANKEL: It's also my understanding
15 of the courts in Georgia, rather than the
16 language being right in the statute how it
17 limited the statute so that it can only -- a
18 conviction will require proof that a person
19 concealed his or her identity with the intent to
20 threaten or intimidate another. But the courts
21 are already limited in the statute in that way.

22 Now, that's to talk about the Georgia
23 statute. Whether this bill were amended to
24 include that kind of language, I would want first
25 to take a look again at all of the crimes that

1 are already in Title 18.

2 It seems to me that threatening or
3 intimidating somebody in such a manner may indeed
4 already be a crime and this may not be necessary.
5 This may be repetitious.

6 That doesn't necessarily stop the
7 General Assembly from, you know, congesting Title
8 18; but I wouldn't want to answer that specific
9 question without taking a look at that.

10 In addition, I'm not entirely certain,
11 again, if you're making -- if you're going to
12 criminalize that activity merely because someone
13 is not disclosing their identity but it wouldn't
14 be criminal otherwise, I don't think you've
15 solved the constitutional problem.

16 I mean, the problem you're trying to
17 address is people intimidating others whether
18 they're wearing a mask or not. And it would
19 seem to me if you don't already have the
20 crime -- and I think you do; although, I don't
21 want to speak authoritatively on that without my
22 reviewing Title 18.

23 If you don't have a crime where you are
24 so intimidating or threatening somebody as you're
25 trying to get at with this kind of a law, then it

1 seems to me you ought to make that a crime and
2 not worry about whether somebody's doing it
3 anonymously or not.

4 REPRESENTATIVE HENNESSEY: Thank you,
5 Mr. Chairman. That's all.

6 CHAIRPERSON BIRMELIN: Representative
7 Caltagirone.

8 REPRESENTATIVE CALTAGIRONE: My
9 question's been answered. Thank you,
10 Mr. Chairman.

11 CHAIRPERSON BIRMELIN: Representative
12 Petrarca.

13 REPRESENTATIVE PETRARCA: Quick question
14 along that same line. Does any
15 mask -- antimasking legislation pass the
16 constitutional test in your opinion? Can
17 anything be done to this to make it okay or
18 illegal to wear a mask in Pennsylvania in your
19 mind?

20 MR. FRANKEL: I think that if you try to
21 limit it in such a way that we don't prevent
22 people who want to put on the Tom Ridge mask or
23 the Legislator's mask or Bill Clinton and the
24 Grim Reaper, then you're going to get so specific
25 to certain groups' content of their speech that

1 you're going to have a problem.

2 So I believe you will, indeed, run into
3 constitutional problems no matter what you do.
4 You either have it so broad that there's all
5 sorts of perfectly legitimate speech that would
6 be denied or so narrow that you focused on the
7 content of specific groups that are unpopular.

8 And the First Amendment protects against
9 restricting their speech. So my answer to your
10 question, yes, I think any effort would be
11 unconstitutional. The limitation -- I know this
12 gets ambiguous.

13 The limitation with, such as
14 Representative Hennessey was talking about, may
15 make a difference. But then again, I question
16 why would you make the distinction between
17 someone who does it anonymously and someone who
18 doesn't?

19 REPRESENTATIVE PETRARCA: Maybe because
20 of the history of intimidation, fear, and murder
21 that this group has perpetrated over the years.
22 I guess the idea is to try to fit this into one
23 of these exceptions in the First Amendment.

24 Mr. Cochran talked about fighting words
25 and things like that. You know, if it can pass

1 constitutional test, it may be in everyone's best
2 interest if some of this could be worked on or
3 worked out, let's say. Thank you, Mr. Chairman.

4 CHAIRPERSON BIRMELIN: Representative
5 James.

6 REPRESENTATIVE JAMES: Thank you,
7 Mr. Chairman. And thank you, Larry, on behalf of
8 the ACLU. We know you always make sure that you
9 keep us consciously aware. If, in fact,
10 that -- and Representative Hennessey asked part
11 of my question.

12 If, in fact, that the Bill was that -- or
13 was -- if you had in there that when wearing a
14 mask and committing a crime or wearing a mask
15 with the intention to do something, would that
16 come under the constitutional restraint?

17 MR. FRANKEL: There already is an ethnic
18 intimidation statute in the State. It may not be
19 as broad as Mr. Cochran thinks or others may
20 think it should be; but there is an ethnic
21 intimidation statute which is a penalty to
22 enhance the statute.

23 It doesn't create itself a separate
24 crime but allows the enhancement of a penalty.
25 That has survived a test in the U.S. Supreme

1 Court. When you make a penalty enhancement -- I
2 forget. And, again, I think this indicates that
3 we already have some criminal statutes on the
4 books that cover much of what is being discussed.

5 The question may be how vigorously some
6 of that is being enforced. Have people been
7 using the ethnic intimidation statute, if there
8 are other crimes being committed to increase the
9 penalty?

10 And if the statutes are not being used
11 that are on the books already, why would we add
12 more statutes onto the books so that we would
13 have more statutes that were not being enforced?

14 REPRESENTATIVE JAMES: I think I got
15 your drift. Thank you. Thank you, Mr. Chairman.

16 CHAIRPERSON BIRMELIN: Representative
17 Manderino.

18 REPRESENTATIVE MANDERINO: Thank you,
19 Mr. Chairman. In response to a point raised by
20 Mr. Hennessey about adding the Georgia court
21 limitation about the intent, I'm hearing you say,
22 well, we have ethnic intimidation laws on the
23 books.

24 And listening to the concerns raised by
25 other speakers, I would agree with you that those

1 would work in the case of active enticement or
2 active acts of intimidation, the mask combined
3 with words of hateful speech that in and of
4 itself would fall under that intimidation act.

5 But it won't cover the situation of the
6 good citizens of Podunk, PA, decide to hold an
7 anti-Klan rally or Unity Day Celebration to
8 contradict or to -- contradict isn't the right
9 word -- but to counterbalance the effect of hate
10 activity in their community.

11 And it's one thing from their
12 perspective to observe from afar or to boycott an
13 active rally of the Klan. It's another thing for
14 them to have an active rally of their own and be
15 stared down by masked figures and feel the
16 intimidation.

17 I'm not sure any statute could solve
18 that. I understand the issue, but is it your
19 opinion that if we added the intent to intimidate
20 that an arrest based on that statute probably
21 wouldn't hold muster unless there was some
22 other -- I mean, just standing around at the
23 unity day rally in a hood and mask if the police
24 acted to arrest you on that, the charge of, well,
25 they were intending to intimidate the crowd

1 probably wouldn't hold muster anyway? Is that
2 what you're suggesting?

3 MR. FRANKEL: I would answer, yes,
4 that's what I'm suggesting. It also brings to
5 mind the notion of the hecklers, that you can't
6 deny somebody else's right to speak because
7 somebody else may heckle them or not want them to
8 speak.

9 And while it's not entirely analogous,
10 if the group shows up with a mask on and commits
11 no other crime and the claim is, well, this other
12 groups feels intimidated by the fact that they're
13 just wearing that and we're going to let their
14 sense of feeling intimidated prevent somebody
15 from speaking in what is an otherwise lawful
16 manner, we open it up here.

17 Where else are we opening it up? We're
18 going to say this group can't rally because these
19 people will be upset about it? I mean, that's
20 the danger when we start trying to criminalize
21 this kind of activity unless there's some other
22 kind of crime occurring.

23 Because what you're allowing people then
24 to come in and say is, That person even though
25 they aren't trespassing on my property, they're

1 not damaging, you know, my personal property,
2 they're not injuring anyone; but they scare me
3 because they're wearing something that I
4 associate with something that scares me, you're
5 allowing them to control the other person's
6 ability to speak based on their fear rather than
7 on actual acts of a criminal nature. So --

8 REPRESENTATIVE MANDERINO: Thank you.

9 CHAIRPERSON BIRMELIN: Thank you,
10 Mr. Frankel, for your presentation. Thank you
11 for the information you gave us. And as I've
12 indicated to the others who have testified, your
13 copies of your testimony will be given to the
14 Members who were not here today.

15 Before I adjourn, I just want to remind
16 Members of the Committee that we're meeting at
17 9:30 tomorrow in Room 16 in the East Wing for a
18 public hearing of a different matter. Today's
19 meeting is adjourned.

20 (At or about 3:38 p.m., the hearing was
21 concluded.)

22

23

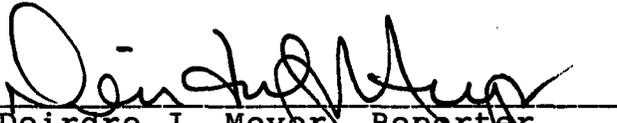
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C E R T I F I C A T E

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