

BIGOTRY AND VIOLENCE IN NEW YORK STATE

March 1983

A summary of a conference cosponsored by the Office of the Governor of the State of New York and the New York State Advisory Committee to the United States Commission on Civil Rights. The contents of this report should not be attributed to the Commission, but only to the conference participants.

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ATTRIBUTION:

The opinions and recommendations in this report are those of the conference participants and, as such, are not attributable to the Commission. This report has been prepared by the New York State Advisory Committee for submission to the Commission.

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New York State Advisory Committee to the
U.S. Commission on Civil Rights
March 1983

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Dear Commissioners:

The New York State Advisory Committee submits this report, Bigotry and Violence in New York State, as part of its responsibility to advise the Commission on relevant civil rights problems within the State.

The report summarizes the proceedings of a conference held June 17, 1982, cosponsored by the Office of the Governor of the State of New York and the Advisory Committee. Its goal was to discuss the recent increase of incidents of racial, ethnic, and religious bigotry and violence, review recent developments including legislation and educational developments, and further communication among individuals and groups working on the issue. More than 250 representatives of advocacy groups, public and private agencies, and other organizations attended the meeting.

The conference discussion focused on four broad topics: media, education, law enforcement, and the social cost of bigotry. The conferees made a number of recommendations which might be useful to the State and Federal governments. These include State requirements for a curriculum on racism and bigotry for teacher training programs and for public school students. The conferees also supported legislation proposed by the State Attorney General expressly authorizing the Attorney General to act in cases which involve the interference with an individual's civil rights. At the Federal level, the conferees recommended that the Federal Communications Commission strengthen affirmative action requirements for radio and television and reconsider other recent changes affecting those media.

Sincerely,

Robert J. Mangum, Chairperson
New York State Advisory Committee

ACKNOWLEDGMENTS

The Advisory Committee wishes to thank the Office of the Governor of New York State and the State Division of Human Rights for their contribution to the conference. It is particularly indebted to James C. Jones, Assistant Secretary to the Governor; Werner Kramarsky, Commissioner of the State Division of Human Rights; and Robert Shaw, Deputy Commissioner of the Division of Human Rights. Additional assistance was provided by Ramona Cacquias, Angela DelBalsa, and Denise Stephens, all of the State Division of Human Rights. It also would like to thank the principal speakers, panelists, resource persons, and workshop moderators, who are listed in the Appendix. The Committee also would like to recognize the work of Committee members including Lucille Breach, Antonio Stevens-Arroyo, Charles Wang, Emma Bowen, and other subcommittee members.

Commission staff primarily responsible for organizing the conference were Eleanor Telemaque, principal field representative, and Diane Diggs, administrative assistant. Additional assistance was provided by Sandra Patterson. The conference summary was written by Eleanor Telemaque and Linda Dunn with assistance from Ira Krause, Larry D. Martin and Celeste Wiseblood. The conference was organized under the supervision of Ruth J. Cubero, Eastern Regional Director.

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CONFERENCE ON BIGOTRY AND VIOLENCE IN NEW YORK STATE

June 17, 1982

1. INTRODUCTION

For the past 3 years, the members of the New York State Advisory Committee to the U.S. Commission on Civil Rights (USCCR) have been concerned about the growing number of violent incidents and vandalism in the State caused by racial, ethnic, and/or religious tensions. Among the most tragic of these incidents was the unprovoked assault on three black men and the slaying of one of them by a group of white youths in the Gravesend section of Brooklyn in June. Many incidents, such as cross burnings, desecration of churches and temples, the toppling of tombstones, firebombings, and assaults on individuals, have been reported and the number of reported incidents is increasing. Valuable property has been destroyed. According to several media reports, the Ku Klux Klan (KKK) and other neo-Nazi groups have reemerged and several communities in the Tri-State area have witnessed their rallies.

The greatest number of incidents has been reported in Metropolitan New York City including sections of New York City proper, and Nassau and Suffolk Counties on Long Island. Most persons do not believe that these incidents can be attributed to organized hate groups such as the Ku Klux Klan. Hate group activity has been reported primarily in rural sections of upstate New York and observers indicated that these groups have a small base. When the KKK announced a rally on Martin Luther King Day in January 1981 in Buffalo, New York, the rally attracted only one known KKK member. An estimated 400 persons demonstrating against the Klan turned out.

Of the spectrum of social institutions responding to these incidents of bigotry and violence, several play particularly important roles. These include the media, criminal justice systems, and educational institutions. The responsibility of the media to report such events of bigotry and violence without sensationalism or overdramatization is highlighted by what may be considered overreporting by the press of the neo-Nazi demonstration in Buffalo. Although only one KKK member attended the demonstration, the event made front page headlines in the Buffalo press and was reported widely in other papers including The New York Times. Karl Hand, the KKK demonstrator, was later quoted as saying: "The media made it go..We got all the attention we wanted."¹

The racially motivated murder of six black men in upstate New York in 1980 highlighted the need for extensive investigation and other law enforcement efforts during such crises. Because of heightened tensions in the city and polarization of racial

groups, the Advisory Committee as well as other groups contacted Governor Carey and requested executive intervention to help resolve the crisis. The Governor requested assistance from the Federal Bureau of Investigation, authorized overtime payment for State police investigation of the incidents, and signed into law a bill enabling local authorities to set rewards for information leading to the conviction of the murderer/s.

The broader issue of the criminal justice system's response to the growing number of "less serious" incidents of racially and religiously motivated violence has also been addressed in legislation. Three amendments, which are discussed below, have been enacted in the past 2 years increasing penalties for such vandalism and violence. Police departments throughout the State, notably New York City and Nassau and Suffolk Counties, have established anti-bias units to accurately document and investigate incidents related to bigotry and violence.

Many agencies and organizations including advocacy groups, school systems, and other educational institutions have played a role in combating bigotry and violence through public education. The Anti-Defamation League (ADL) of B'nai B'rith, whose national headquarters are located in New York City, has played an extensive role in documenting vandalism and violence arising from not only religious, but also racial and ethnic bigotry. It has collected data on the KKK and other organized hate groups for a number of years. It has long promoted coalitions as an effective means of combating bigotry and violence. The Council on Interracial Books for Children, Inc. (CIBC), located in New York City, is the national distributor of a curriculum and instructional kit on the Klan entitled Violence, the Ku Klux Klan and the Struggle for Equality, developed by the Council, the Connecticut Education Association, and the National Education Association. This kit can be purchased from CIBC.

2. THE CONFERENCE

On June 17, 1982, the Office of the Governor of the State of New York in conjunction with the New York State Advisory Committee to the U.S. Commission on Civil Rights convened a conference on the growth of racial, ethnic, and religious bigotry in the Empire State. The goal of the conference was to review developments related to the issue including recent legislation increasing penalties for such incidents and model curricula on the pluralistic nature of society and racism. It also was intended to further communication among individuals and groups working on the issue. More than 250 representatives of advocacy groups, public and private agencies, and other organizations attended the meeting at 2 World Trade Center.

The Honorable Robert J. Mangum, Chairperson of the New York State Advisory Committee to the USCCR, opened the conference. Official welcomes to the conferees were made by James Jones, Assistant Secretary to the Governor; Werner Kramarsky, Commissioner of the New

York State Division of Human Rights (DHR); and Deputy Commissioner Robert Shaw (DHR). The keynote speaker for the conference was the Right Reverend Paul Moore, Jr., Bishop of the Episcopal Diocese of New York. Morning speakers were Deborah Bachrach, chief of the Civil Rights Bureau, New York State Attorney General's Office; Carmen Perez, chief of the Bureau of Bilingual Education, New York State Department of Education; and the Reverend Eugene Schneider, deputy director of the Office of Communication, United Church of Christ. Also speaking were Assemblyman Albert Vann, chairperson of the Black and Puerto Rican Caucus of the New York State Legislature, and Dr. Paul Zuber, director of the Center for Urban and Environmental Studies at Rensselaer Polytechnic Institute. John Hope III, USCCR Acting Staff Director, closed the morning session.

The Right Reverend Paul Moore, Jr.
Bishop
Episcopal Diocese of New York

Bishop Moore provided a psycho-sociological perspective on bigotry and violence and discussed the causes of violence and its interaction with bigotry. He said:

Personal violence grows out of anger, particularly repressed anger. Anger comes from frustration, the repression of legitimate emotions, the denials of legitimate desires. Feelings of violence come out of the repression of anger caused by frustration or, if the frustration is deep enough, in the expression of anger in acts of violence.

In addition to frustration, fear and loss of identity lead to these anti-social sentiments, he said. The "frustration of everyday life," the disintegration of established roles, economic uncertainty, too much choice for some combined with too little choice for others, and social mobility all contribute to the pressures of modern life. The result, he said, is often racism, polarization of different groups, and scapegoating. Bishop Moore stressed that bigotry leads to violence. "If the racism is pounded into you deeply enough, the alien in your midst becomes not only strange but threatening," he said. He cited his personal experience with the Japanese. He said that after being taught that Japanese people were his enemy in World War II, he would "have cold shivers and goose pimples" when he ran into a Japanese person on the subway and would immediately react with hostility. "I have seen whites go pale with anger seeing an interracial couple dancing," he continued. "It is this deep racism that produces violence. By the same token if you are threatened or frustrated by any cause...as the South was in the Civil War, the scapegoat becomes a member of another race or nation."

He argued that "increasing speed and change" in the world with its accompanying insecurity lead to increased violence. More specifically, he discussed "the insecurity of change," the "insecurity of

the bomb," and "economic insecurity." "There is nothing more frustrating than when carefully laid plans prepared and worked for over the years to furnish you and your children with financial security are torn apart by inflation and/or depression. This increases the level of violence," he said.

Bishop Moore criticized society for ceasing to understand the "dynamics of bigotry" and said that "increased separation of the races occurred, especially in the North." He cited a broad range of socioeconomic factors and concluded:

Other causes, overall unemployment, urban despair and fear, lack of housing, inferior education...The violence caused by these factors...has been turned inward into addiction and individual crime. (Minority) crime adds to the alienation of the white population which continues to identify muggings with the minority races.

The present crisis, suggested Bishop Moore, is complicated by his belief that "the Federal Government no longer appears to be on the side of racial justice, but (is) its enemy...Anti-establishment feelings turn to anti-law feelings and politics ceases to be a possible way out of social frustration." He decried the lack of role models in the nation and in the State: "There is no one whom we can trust." He called for a wide range of reforms saying:

I pray that some new leaders will rise to restore the vision of our nation as a nation of justice and freedom and peace... Ultimately, I believe there must be a redistribution of wealth. You cannot have vulgar conspicuous consumption on Fifth Avenue next to the increasing despair of Harlem without bigotry and violence being the result. You cannot have the exploitation brought on by the gentrification of the West Side driving the poor violently into the street without a reaction. You cannot burn down the South Bronx without polarization being the result. You cannot invest pension funds saved by members of labor unions over the years, in Third World enterprises that threaten their livelihood without building up anger.

In conclusion, Bishop Moore called for a "conscious widespread education program, a reintroduction, if you will, of the study of race relations" to offset "ignorance, greed and unclear thinking," which he termed the "real causes of bigotry and violence."

Deborah Bachrach
Chief
Civil Rights Bureau
Office of the New York State Attorney General

Deborah Bachrach addressed the role of the Office of the State

Attorney General in "fighting and stopping those who would foment and exploit bigotry and violence." She deplored that perpetrators of this violence appear to have "respectability" and cited the self-announced KKK member who is on a race relations/affirmative action committee at an upstate prison as one example of the apparent acceptability of racial hatred.

Among steps taken by the Attorney General is the creation of "an affirmative civil rights bureau." She also lauded the efforts of local district attorneys and police departments who have set up special units to investigate acts of racial and religious violence. Following are the new laws related to bigotry and violence:

- The 1981 amendment to New York State's civil rights law broadening the definition of discrimination to include intimidation or harassment of a person because of his race, creed, color, or national origin. According to Ms. Bachrach, the penalty for such discrimination is increased to a Class A misdemeanor. But if in the course of the discrimination, the victim is injured or his property damaged, the penalties escalate to the felony level.¹
- The 1981 amendment to the religious corporation law making parents liable up to \$5,000 when their children between the ages of 10 and 18 deface, defile, or otherwise damage a church or synagogue or any religious property. In addition, the court may order the child to perform public or community services to work off the damage he/she has caused.²
- A 1982 bill amending the penal law concerning aggravated harassment. The bill provides that anyone who strikes or otherwise subjects another to physical contact because of that person's race, color, religion, or national origin is guilty of a Class A misdemeanor. The penalty escalates to the felony level if the assailant has previously been convicted of such aggravated harassment or if property damage to religious premises exceeded \$500.³

Ms. Bachrach cited the work done in Nassau, Suffolk, and Rockland Counties and in the Bronx and Queens in New York City in monitoring and prosecuting acts of racial and religious violence. In closing, Ms. Bachrach asked for public support for a bill proposed by Attorney General Robert Abrams and cosponsored by Assemblymen Arthur Eve and Albert Vann which would amend the civil rights law making unlawful any act that prevents the exercise of civil rights guaranteed by the Constitution or laws of the United States or New York State. The bill would empower the Attorney General or private individuals to sue for injunctive relief as well as money damages, including punitive damages. The bill also makes willful deprivations of civil rights a crime, subject to fine and imprisonment.

The Reverend Eugene Schneider
 Deputy Director
 Office of Communication
 United Church of Christ

Mr. Schneider outlined current efforts on the part of the Congress and the Federal Communications Commission (FCC) towards deregulation. Such steps include the extension of the period of radio and television licenses,⁴ the elimination of the requirements that radio must keep logs and ascertain community needs,⁵ and the proposed use of the "lottery" to determine ownership of low power television stations and other new technology media. He stated that he believed that the use of the lottery for such ownership, if used at all, should be limited to low power television stations. He warned the participants of the dangers of what he termed "electronic red-lining" which would limit access of minorities to media networks which would provide security to home dwellers and the use of cable television for such daily tasks as grocery shopping, banking, and other consumer affairs.

Citing the need for employment of women and minorities to help insure fair and impartial reporting of the news, he warned that minorities and women may not have equal access to the ownership of these new stations. He criticized the lottery because it "would award a valuable communication facility not to the best applicant but to the lucky draw from the lottery." He suggested that it was not adequate to provide a preference for minorities and women, and those with no media holdings, with "an extra ball with their number thrown into the lottery bowl." He suggested the following action on the lottery bill: 1) defeat the bill in order to force the FCC to act in accordance with the Communications Act of 1934 and determine the best applicant for each potential low power station; 2) if outright defeat is not possible, limit use of the lottery to the low power stations to handle the avalanche of applications but not include the other new media allocations; 3) require that the winner be unable to sell the license for at least 3 years.

Carmen Perez
 Chief
 Bureau of Bilingual Education
 New York State Department of Education

Carmen Perez traced her first experience with prejudice and racism to her own upbringing. She discovered that "something was wrong with her family since her father was considered to be black while

her mother was considered to be white." Furthermore, both were Puerto Rican and spoke Spanish at home, so she grew up in a racial, cultural, and linguistic environment that was different from the majority population. Therefore, it was "wrong."

In order to combat racism, she called for continuing efforts on the part of the participants to further racial, ethnic, cultural, and linguistic pluralism in all educational programs throughout the State. She also discussed increased State requirements for such programs and stressed the important role of educational institutions in helping children understand that differences among persons are "healthy." The following are among the positive achievements in the area of education:

- the 5-4 Supreme Court ruling that laws denying free education to the children of illegal aliens were unconstitutional;
- the decision by the New York State Board of Regents to provide a competency examination in mathematics in the native language of the student; and
- the development by the State Department of Education of programs in intercultural relations and bilingual education.

Ms. Perez then described the activities of the State Office of Bilingual Education and its role in promoting multilingualism and multiculturalism. She discussed the development of Board of Regents competency tests in 26 languages, standards for English-as-a-second-language at the secondary level, a bilingual curriculum, and her plans to develop and implement a program of "global education" including the many different cultures of the world.

Closing Remarks

Assemblyman Albert Vann, chairman of the Black and Puerto Rican Caucus of the New York State Legislature, spoke out against the current climate of bigotry and violence in New York State, which he termed as "Up South" to differentiate it from "Down South." He called on the conference participants to "stand up and be counted" and recognize what he called "the power line." "The power line is the color line," he said. He argued that in order to change attitudes, one must understand power and that the solution to the problem of bigotry and violence is political.

Stressing Assemblyman Vann's theme, Dr. Paul Zuber, professor at Rensselaer Polytechnic Institute, noted that without power the victims of bigotry and violence were helpless. He discussed the State government's role in advancing civil rights. "One only need look at the State budget to see the State's priorities," he said. He criticized enforcement of civil rights in the State because the State carried laws on the books with "no muscle." Citing the trickle down theory of assistance to the poor and minorities, he pointed out that during times of economic plenty,

the poor and minorities were allotted "makework type" employment. During recessionary periods, "the government closed up these organizations and took the jobs with them," he said.

John Hope III, Acting Staff Director of the U.S. Commission on Civil Rights, stressed the importance of speaking out against all incidents of bigotry and violence, even off-hand remarks.

3. WORKSHOPS

Media

Participants in Workshop No. I concluded that the media coverage both in news reporting and general programming frequently was not adequate and that this inadequacy contributed to the increase in incidents based on racial, ethnic, and religious bigotry and violence. According to Father Joseph Fenton, manager of broadcast productions of the U.S. Catholic Conference, irresponsible reporting is most likely to be found at the local level.

Participants discussed the underrepresentation of minorities and women in programming, commentator, and policymaking roles in the media as one factor leading to the unfair coverage. A yet unpublished report by the United Church of Christ documents the overrepresentation of white males in the cable industry, particularly in upper level jobs. Many previous studies, including those by the United Church of Christ and the U. S. Commission on Civil Rights (USCCR), have shown similar patterns in television, radio, and the print media. Dr. Clara Rodriguez, a professor of sociology at Fordham University, said that although minorities had made some gains in employment, those gains were not in the higher paying policymaking positions. "In terms of power, women and minorities are still excluded," she said. As a result, the employment gains had not resulted in significant changes in programming.

The media commonly reinforce prejudice through the portrayal of negative stereotypes and images of racial and ethnic groups and related subjects. The South Bronx was discussed as one example of negative treatment by the media. Robert Jagoda, workshop moderator and a member of the USCCR New York State Advisory Committee, described the efforts of the Committee and a broad coalition of advocacy groups to modify the portrayal of the South Bronx in the film, Fort Apache: The Bronx. In what he termed as "limited success," the producers agreed to edit some of the more offensive parts of the text and, at the Committee's suggestion, to add a prologue indicating that the film was not a portrayal of all the segments of the community. Dr. Rodriguez cited stereotyped roles of minorities, women, and members of the working class in television, as other examples of negative portrayals.

Other issues include inadequate or no coverage of stories relevant to the minority community and distorted coverage of other stories, such as crime in the South Bronx.

The role of the Federal Government in controlling the level of violence was discussed. It is generally accepted that the airwaves belong to the public and that radio and television have an obligation to serve the public interest. Many participants discussed the importance of freedom of the press. Nonetheless, recognizing that the line between censorship and regulation was a fine one, many participants called for increased Federal regulation. Nolan Bowie, an assistant attorney general in the State Attorney General's Office, gave a brief history of government regulation of radio and television and of the so-called "fairness doctrine" which requires that broadcasters present controversial issues of public importance in a community and give time to opposing points of view on those issues. Newspapers are not subject to most government regulations; however, he said, it is possible to argue that when they are distributed electronically they have similar obligations, e.g. view data, teletext, electronic mail, electronic publishing.

Controversial issues within the broadcast industry include the extension of the time period of radio and television licenses, the easing of Federal regulations in regard to radio, proposed licensing procedures for low power television and new technology stations, and other proposals affecting cable. Recent deregulatory steps by the Federal Communications Commission (FCC) include the elimination of the requirements that commercial radio must keep logs, ascertain local needs, include public service programming such as news, and limit commercials. The United Church of Christ filed suit challenging the new regulations on the grounds that the FCC violated a 1934 law by not providing evidence that the changes were desirable and hearings have been held in the District of Columbia circuit court. Mr. Bowie found this trend toward deregulation particularly disturbing in light of the unknown and untested impact of new forms of media distribution including cable, direct broadcast satellite television, and other new technology apparatus. Mr. Bowie predicted the emergence of an "information underclass" made up of the poor and near poor including many minorities and non-English speaking persons who cannot afford to pay for the new informational services. "The primary issues which emerge are what can be done at the State and Federal levels to alleviate or minimize this information gap and assure information equity and how can more Americans participate in the shaping of telecommunications policy," he said.

Invasion of privacy is only one of many issues related to the development of these new technologies, he said. Eugene Schneider, deputy director of the Office of Communication of the United Church of Christ, criticized a proposal to award licenses to low power television stations, cable, satellite stations etc. through a lottery rather than a system based on qualification or preference. Angela Jorge, a USCCR New York State Advisory Committee member, discussed the broader obligation of the media to develop through its programming a curriculum for a multiethnic, multiracial, multicultural society.

Participants also discussed means of having impact on the media. Emma Bowen, president of Black Citizens for a Fair Media (BCFM) as well as a USCCR New York State Advisory Committee member, described

the work of BCFM, and suggested regular meetings with local media executives in order to improve programming. Many persons called for a letter writing campaign to Congresspersons and the FCC, particularly on issues such as the current FCC deregulation or specific bills. Mr. Schneider called for a similar campaign against House Bill 5008, which establishes the lottery for licensing low power television stations. Mr. Schneider also called for increased information networks and described the Telecommunications Consumer Coalition (TCC) set up by the United Church of Christ.

At the same time, participants agreed that the media is a reflection of society and that radio, television, and the print media give people what they want. "Violence is a commodity which is bought and sold," said Mr. Bowie.

Education

Participants in the workshop focused on several issues. These included the pervasive nature of racism and its reflection in school curricula, employment opportunities for minorities in the educational system, and the failure of the government to monitor its own regulations on equal educational opportunity.

Each of the presentors agreed that the concepts of bigotry and ethnocentrism were established early in a child's development. Frances M. Sonnenschein, national education director of the Anti Defamation League (ADL) of B'nai B'rith, said that one of their studies showed clearly that by the time children reached the eighth grade (13-14 yrs old), they had a complete system of prejudices and stereotypes firmly in place. However, the more education students had, the lower their quotient of stereotyping. Other research showed that 52 percent of grade school graduates had acquired anti-Semitic stereotypes.

Dr. Robert Moore, resource director of the Council on Interracial Books for Children, Inc., raised the issue of the impact of classroom teaching materials. He posited that the kinds of books and materials available to teachers continue to reflect the values and historical perspectives of "white colonialists." This simplistic view of the world is inadequate to prepare children to live in today's complex world, he continued. He said that there is a visible, consistent pattern in the attempts to limit the materials that teachers may use in their classrooms. "The forces of white supremacy seek to preserve the status quo and deny the growth of the 1960s," he said.

All the presentors and the resource persons agreed that there was a need to understand the pervasive nature of racism and bigotry. Students need to have a historical and contemporary understanding of racism if there is to be any change. The participants emphasized that racism is not a simple topic. It is an institutional, functional issue. It is not simply like and dislike of individuals or groups.

Several participants suggested that institutionalized racism is perhaps the major problem today in society. David Johnson, a participant, was concerned about teaching about institutional racism in an institution that is in fact racist. Dr. John Stevens, president of the National Scholarship Service Fund for Negro Students, strongly emphasized that individual relationships are not as important as institutional relationships in perpetuating the problems of racism and bigotry.

Participants agreed that school systems to be most effective should reflect the multiracial/multicultural world in their staffing patterns. Participants charged that there is little comprehensive monitoring of the performance of school systems in insuring equal employment opportunity at most levels. Dr. Stevens charged that personnel practices in the State colleges and universities discriminate against minority staff in hiring and promotions. Promotions and decisions about tenure at most universities are routinely based on the quality and quantity of research and subsequent publications. However, faculty members who choose to study areas of black culture or history have their work denigrated because of the subject matter. While participants recognized the growing efforts to weaken equal employment opportunity efforts, Dr. Stevens stressed that school officials and administrators must be held to a consistently high standard. For instance, school systems should be responsible for internal hiring and promotion procedures which are discriminatory by accident as well as by design, he said. Participants called for increased affirmative action efforts to increase minority staff at all levels of educational systems.

Dr. Stevens and other participants voiced concern about equal educational opportunity. He said many recruiters for colleges routinely will not interview candidates from ghetto communities. He cited the imposition of fees at the New York City University system as a further example of a seemingly neutral action having disparate effect on minority and low income families.

Daisy C. Hicks, head of the Bureau of Pre-Service Training and Recruitment for the New York City Board of Education, recommended improved training and educational programs, improved enforcement of equal employment opportunity procedures and requirements, and increased communication among educational institutions, civil rights agencies, and employers.

Law Enforcement

Although legislation increasing penalties for racial and religious vandalism and violence was passed in 1981 and 1982, many workshop participants concluded that further amendments were needed to strengthen law enforcement efforts against those who victimize individuals or groups because of race, creed, color, or national origin. Two acts were passed in 1981 and the third in 1982. They are discussed above in the summary of Deborah Bachrach's speech.

Despite passage of these measures, the panelists felt that the Attorney General's authority and the categories of and penalties for some offenses need strengthening. Presently, New York law does not make many interferences with civil rights other than those stipulated by the recent amendment a crime. The Attorney General is seeking amendments to the civil rights law which would give his office the express power to enjoin interferences with an individual's civil rights. This legislation also would give to the individual the right to sue for money damages, injunctive relief, and punitive damages. A bill to amend the civil rights law cosponsored by Assemblymembers Eve and Vann died in committee in the last legislative session, but will probably be reintroduced in the next legislative session.

Edward Lieberman, assistant district attorney for Nassau County, and Detective Sergeant Howard Mandell, coordinator of the Anti-Semitism Task Force of the Suffolk County Police Department, discussed the nature of incidents in Nassau and Suffolk Counties. According to Mr. Lieberman, a review of those cases reported to Nassau County law enforcement officials reveals a dramatic decrease of racial assaults and incidents but an increase of anti-Semitic acts. The number of reported racial incidents decreased after a civil rights unit was formed in 1979 as a result of cross burnings in the area. However, the number of anti-Semitic incidents increased by 50 percent this year. Detective Mandell stated that Suffolk County was the only county with declining racial, religious, and ethnic incidents. He stated that out of 250 incidents in Suffolk County, 150 perpetrators were arrested.

The assistant district attorneys from Kings and Nassau Counties, and the police sergeant from Suffolk County then discussed the types of penalties imposed on perpetrators. Mr. Lieberman advocated the preclusion of plea bargaining in all cases directed against religious institutions, property, and persons that involve civil rights deprivations. Zachary W. Carter, assistant district attorney for Kings County, and Mr. Lieberman supported sentencing alternatives which include provisions for community service, education (i.e. courses on the holocaust to those who committed anti-Semitic offenses), and the like in addition to the imposition of incarceration and fines. Mr. Carter stated that sentencing alternatives provide a punishment with a positive statement. He felt that attitudes would not be changed through incarceration alone or probation without community service conditions. He further said that there is no existing framework for sentencing alternatives and that contacts and lists for community service were necessary in order to place offenders. He also discussed the possible problem of providing workers compensation if a person is sentenced to work with a victim at his place of business. Detective Mandell, who criticized "make work" or meaningless sentencing alternatives, stressed that community service sentences should be actual hard work for the good of the general public. He supported prosecution and incarceration or heavy fines as the most effective deterrent to people who might commit civil rights violations.

Laura Blackburn, workshop moderator and representative of the NAACP New York State Conference, was also concerned with equal employment opportunity and affirmative action policies in law enforcement agencies. She stressed the importance of increased racial, ethnic, and religious representation among officers as one means of increasing police sensitivity to racial, religious, and ethnic groups.

Social Cost of Bigotry

Participants in Workshop No. 4 concluded that the social costs of bigotry were "immeasurable" and complicated by the "economics of scarcity" in New York State. They called for the building of coalitions among minority and women's groups throughout the State to deal with systemic, institutional racism which would offset the polarization evidenced by the growth of bigotry and violence as documented by the Anti-Defamation League and other groups. At the same time, they stressed that great care must be taken to eliminate a power struggle among minority groups and women who may become victims of "demagoguery" and "chauvinism" in difficult economic times. It was agreed that during periods of unrest whites tend to blame the victims of discrimination. Dr. Setsuko Nishi, a member of the New York State Advisory Committee and workshop moderator, summarized the workshop recommendation for a greater cohesiveness among minority groups and women. Cohesiveness could make a difference in the allocation of scarce economic resources which often create situations of increased competition among groups. It was agreed that any formal coalition should support enforcement of all civil rights statutes which would lessen the "acting out of bigotry and violence."

Dr. Oscar Alers, coordinator of the Puerto Rican Migration Research Consortium, Inc. and a panelist, noted that the demographic pattern of New York has changed in the past decade; the influx of immigrants of "color" from Cuba, Korea, the Philippines, India, Haiti, Dominican Republic, Colombia, and other Latin American countries has caused the majority white society to view these new immigrants as contributing to economic scarcity. Describing the fear of the majority population as that of rats in a small cage, he charged that society often acts out its fear by creating scapegoats. One example is the growing public opposition to undocumented persons. In fact, the economic difficulties are the result of factors inherent in the U.S. socioeconomic structure, and not caused by the immigrants who have been made scapegoats, he said.

Dr. Antonio Stevens-Arroyo, a panelist and member of the USCCR New York State Advisory Committee, stated that in the past there was a balance in New York State between the cities and the "Yankee" countryside. Currently, this balance is tilted and the politics of the State are governed by real estate and banking interests, and builders who may not necessarily be responsive to the real needs of the population, he said. Dr. Stevens-Arroyo stated: "Economic scarcity gives us a tendency to misplace blame.

We attribute blame to other groups. We, therefore, become involved in a systemic discriminatory behavior pattern towards each other." He cited as an example of this fear, the incarceration of Haitian refugees whose sole crime was poverty and an undocumented status. He also cited the "which minority suffers the most syndrome" as another manifestation of bigotry held by minority groups and females against each other.

Dr. Paul Zuber, the third panelist in the workshop, stated that minorities and women are ignored by the power structure. He indicated that "power responds to power" and that the lack of cohesiveness among groups in the State was exemplified by the isolation of minorities and women in stratified jobs such as in model cities programs.

Participants also discussed means of developing cohesiveness among women and minorities outside of the forming of formal coalitions. Among the suggestions were networks to provide information on funding for groups which had demonstrated an ability to combat acts of racial and religious violence and on model non-biased curricula for use in the public school systems.

4. RECOMMENDATIONS

The Advisory Committee heard many proposals during the day's proceedings. Because the conference format is not suitable for a systematic investigation of issues, further inquiry is needed on many subjects. Nonetheless, the Committee heard from the conferees a number of general recommendations to the State and Federal Governments which highlight concerns with broad and far reaching civil rights implications.

The conferees submitted to the Advisory Committee several recommendations related to the Federal Communications Commission for consideration by the USCCR Commissioners. Some of these recommendations are similar to those already adopted by the USCCR in its report, Window Dressing on the Set: An Update. Others deal with more recent developments related to media regulation and licensing. The Advisory Committee, in response to the recommendations of the conference participants, conveys these recommendations for further study in the event that the Commission may want to consider a review of the recent FCC steps to deregulate the radio and television industry and proposals for licensing new technology media.

Following are the recommendations of the conference participants:

General

1. The State Civil Service Commission should develop an anti-racism training program for State employees. The program

should be made available to county and local governments and private and other public organizations, upon request.

2. A statewide coalition of private, nonprofit organizations should meet to develop a monitoring system for incidences of racial, ethnic, and religious violence. Among its goals, the coalition in cooperation with the Office of the Governor should establish a network for the exchange of information among participating agencies, and initiate a public education program on the social costs of bigotry and violence.

Law Enforcement

1. The State Legislature should enact legislation empowering individuals and the Attorney General to bring suit for injunctive relief, monetary damages, and punitive damages in cases which involve the interference with an individual's civil rights.

2. At the same time, police departments and local district attorneys should aggressively pursue investigation and prosecution of all incidents of racial, ethnic, and religious harassment or violence.

3. The Bar Association of the State of New York or a legislative study group should initiate a study reviewing the adjudication of cases against persons charged with crimes related to racial, ethnic, and religious bigotry and violence with an emphasis on penalties imposed.

4. Federal, State, and local agencies funding law enforcement systems should more aggressively enforce nondiscrimination requirements under and, whenever possible, strengthen affirmative action requirements in order to increase the number of minority and female law enforcement personnel and the sensitivity of law enforcement agencies to racial, ethnic, and religious bigotry and hatred. In addition, training in combating racial, ethnic, and religious bigotry should be required for all law enforcement personnel.

Education

1. The New York State Department of Education should review history and social studies curricula currently used in school systems to insure that they provide a perspective that is historically accurate reflecting the racial, ethnic, and religious complexity of the world and the contributions of different racial, ethnic, and religious groups.

2. The New York State Board of Regents should require that a curriculum on racism and bigotry such as the National Education Association curriculum on the Ku Klux Klan be used in

the public school systems in New York. This curriculum and other appropriate materials should also be provided to private and parochial schools on request.

3. State competency examinations at the lower, middle, and high school levels should test knowledge of racial, ethnic, and religious pluralism.

4. The New York State Board of Regents should require a curriculum on issues of racism and bigotry in all teacher training programs and the successful completion of such a curriculum as a prerequisite for certification.

5. The New York State Department of Education should initiate a study analyzing hiring and promotion patterns for racial and ethnic minorities in elementary, secondary, and higher educational institutions in the State in order to better assure racially and ethnically balanced staffs.

Media

1. The Federal Communications Commission (FCC) should reconsider the recent changes in FCC regulations easing requirements for radio and television licensing and radio programming. The conferees believe that continued Federal oversight is desirable for fair and equitable access to ownership and programming for minorities.

2. The FCC should strengthen equal employment opportunity and affirmative action requirements for radio, television, and cable television as well as other new technology media.

3. Congress should consider systems other than a lottery for the allocation of licenses for low power television, cable, and satellite stations. The system selected should take into account both the qualifications of the applicants and other factors such as race, ethnicity, and sex for which Congress may wish to establish a preference. The conferees believe that goals for minority and female ownership of such stations should be established.

4. The FCC should conduct an investigation of the relationship between the network programming decisionmaking process, the resulting portrayal of minorities and women, and the impact of these portrayals on viewers.

FOOTNOTES

¹Buffalo Evening News, Second front page, p. 31, January 15, 1981.

²McKinney Sess. Laws chapter 870 § 40-c (1981).

³McKinney Sess. Laws chapter 76 § 28 (1981).

⁴Consolidated Laws of New York Penal Law: art. 240 § 240-31 (September 1, 1982).

⁵47 C.F.R. parts 73 and 74 (1982).

⁶47 C.F.R. parts 0 and 73 (1981).

Workshop**Moderators, Panelists, and
Resource Persons****I - MEDIA**

Moderator: Robert Jagoda
New York State Advisory Committee, USCCR

Panelists: Father Joseph Fenton, F.M.
Manager, Broadcast Productions
U.S. Catholic Conference

Dr. Clara Rodriguez
Professor of Sociology
Fordham University

Nolan Bowie, Assistant Attorney General
Civil Rights Bureau
N.Y.S. Attorney General's Office

Resource Persons: Emma Bowen, President
Black Citizens for a Fair Media,
and N.Y.S. Advisory Committee, USCCR

Barbara Riley
Director, Public Information
N.Y.S. Division of Human Rights

II - EDUCATION

Moderator: John Gallagher
New York State Advisory Committee, USCCR

Panelists: Dr. Robert Moore, Resource Director
Council on Interracial Books for Children

Frances Sonnenschein
National Education Director
Anti-Defamation League of B'nai B'rith

Daisy Hicks, Director
Bureau of Recruitment
New York City Board of Education

Resource Persons: Adam Sims, Urban Affairs Specialist
American Jewish Committee

Dr. John Stevenson, President
National Scholarship Service Fund for
Negro Students

Barbara Rappaport
Associate in Educational Integration
N.Y.S. Department of Education

Margaret Fung, Director
Asian American Legal Defense and
Education Fund

III - LAW ENFORCEMENT AND LEGISLATION

Moderator: Laura Blackburn
New York State Conference, NAACP

Panelists: Sheila Abdus-Salaam
Assistant Attorney General
Civil Rights Bureau
N.Y.S. Attorney General's Office

Zachary W. Carter
Kings County Deputy Executive
Assistant District Attorney

Edward L. Lieberman
Nassau County Assistant District Attorney

Detective Sergeant Howard Mandell
Coordinator, Anti Semitism Task Force
Suffolk County Police Department

Resource Persons: James D. Rice, Executive Director
Nassau County Commission on Human Rights

Captain Paul Donnelly, Bias Unit
New York City Police Department

IV - SOCIAL COST OF BIGOTRY

Moderator: Dr. Setsuko M. Nishi
New York State Advisory Committee, USCCR

Panelists: Dr. Oscar Alers, Coordinator
Puerto Rican Migration Research Consortium, Inc.

Dr. Antonio Stevens-Arroyo
New York State Advisory Committee, USCCR

Dr. Paul Zuber, Director
Center for Urban and Environmental Studies
Rensselaer Polytechnic Institute

Resource Persons: Horace Morris, Executive Director
New York Urban League

Tamaara Danish, Compliance Investigations Unit
N.Y.S. Division of Human Rights

