

# **Bigotry and Violence in Idaho**

A report prepared by the Idaho Advisory  
Committee to the United States Commission on  
Civil Rights

January 1986

## **THE UNITED STATES COMMISSION ON CIVIL RIGHTS**

The United States Commission on Civil Rights, first created by the Civil Rights Act of 1957, and reestablished by the Civil Rights Commission Act of 1983, is an independent, bipartisan agency of the executive branch of the Federal Government. By the terms of the act, as amended, the Commission is charged with the following duties pertaining to discrimination or denials of the equal protection of the laws based on race, color, religion, sex, age, handicap, or national origin, or in the administration of justice; investigation of individual discriminatory denials of the right to vote; study of legal developments with respect to discrimination or denials of the equal protection of the law; appraisal of the laws and policies of the United States with respect to discrimination or denials of equal protection of the law; maintenance of a national clearinghouse for information respecting discrimination or denials of equal protection of the law; and investigation of patterns or practices of fraud or discrimination in the conduct of Federal elections. The Commission is also required to submit reports to the President and the Congress at such times as the Commission, the Congress, or the President shall deem desirable.

## **THE STATE ADVISORY COMMITTEES**

An Advisory Committee to the United States Commission on Civil Rights has been established in each of the 50 States and the District of Columbia pursuant to section 105(c) of the Civil Rights Act of 1957 and section 6(c) of the Civil Rights Commission Act of 1983. The Advisory Committees are made up of responsible persons who serve without compensation. Their functions under their mandate from the Commission are to: advise the Commission of all relevant information concerning their respective States on matters within the jurisdiction of the Commission; advise the Commission on matters of mutual concern in the preparation of reports of the Commission to the President and the Congress; receive reports, suggestions, and recommendations from individuals, public and private organizations, and public officials upon matters pertinent to inquiries conducted by the State Advisory Committee; initiate and forward advice and recommendations to the Commission upon matters in which the Commission shall request the assistance of the State Advisory Committee; and attend, as observers, any open hearing or conference which the Commission may hold within the State.

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## **Right of Response:**

Prior to the publication of a report, the State Advisory Committee affords to all individuals or organizations that may be defamed, degraded, or incriminated by any material contained in the report an opportunity to respond in writing to such material. All responses have been incorporated, appended, or otherwise reflected in the publication.

## LETTER OF TRANSMITTAL

Idaho Advisory Committee to the  
U.S. Commission on Civil Rights  
October 1985

### MEMBERS OF THE COMMISSION

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Dear Commissioners:

The Idaho Advisory Committee to the U.S. Commission on Civil Rights submits this report on racial and religious bigotry and violence in Idaho in fulfillment of its mandate to advise the Commission regarding civil rights problems in the State. This report, in a recorded poll of all members of the Advisory Committee, was adopted unanimously.

The information on which this report is based was obtained through an extensive literature review and through interviews with government and law enforcement officials on the Federal, State, and local levels, education officials, representatives of community and religious organizations, representatives of the private sector, and victims of racial and religious bigotry and violence.

The Advisory Committee found that the problem of racial and religious bigotry and violence affects the entire State of Idaho, although more incidents have been reported in the Northern portion of the State, that commendable public and private initiatives have been developed in the State to address bigotry and violence, and that certain additional responses are necessary.

The Advisory Committee found that there is no comprehensive system for the reporting of racially and religiously motivated incidents of intimidation and violence among Federal, State, and local law enforcement agencies, nor a central monitoring agency of any kind on the State and local levels to collect, compile, and prepare reports of such violence. The Advisory Committee also found that although Federal agencies and officials are monitoring, investigating, and prosecuting incidents of racial and religious intimidation and violence, State and local law enforcement personnel and citizens in general are largely unaware that certain racially and religiously motivated incidents of intimidation and violence are violations of Federal statutes. In addition, the Advisory Committee found that educators generally are unclear as to the role they can play in developing an understanding of and appropriate responses to racial and religious bigotry and violence. The report also contains findings related to the private sector, the media, and the community at large.

The Advisory Committee made a number of recommendations that are addressed to Federal, State, and local government officials, and to law enforcement agencies, educators, and to the private sector, the media, and the community at large. We request that the Commission accept this report and adopt its recommendations.

Sincerely,

Rudy Pena, *Chair*  
Idaho Advisory Committee



**MEMBERSHIP**  
**IDAHO STATE ADVISORY COMMITTEE TO THE UNITED**  
**STATES COMMISSION ON CIVIL RIGHTS**

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Rudy Pena, *Chair*  
Boise

Bernadine Ricker  
Fort Hall

Janet Benson  
Idaho Falls

Frank Sanchez \*  
Idaho Falls

Barbara Griffin \*  
Boise

Gayle Speizer  
Boise

Donald Masterson, Jr. \*  
Boise

Perry Swisher  
Boise

Don J. McClenahan \*  
Boise

Yoshie Ochi  
Idaho Falls

Constance Watters  
Lapwai

\* No longer a member of the Advisory Committee.

## ACKNOWLEDGMENTS

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The Idaho Advisory Committee wishes to express its appreciation for the assistance provided by the Commission's Northwestern Regional Office in the preparation of this report.

The report was the principal assignment of Alec Stephens, Regional Attorney. Production support was provided throughout by Shelby Summers, Office Secretary. The initial phases of the report were undertaken under the supervision of Thelma A. Crivens and Melvin L. Jenkins, former Acting Regional Directors. The report was completed under the overall supervision of Susan L. McDuffie, Regional Director.

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## Chapter 1

# Introduction

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Racial and religious bigotry and violence is considered a tragic part of our nation's history by many Americans; however, incidents of bigotry and violence continue to occur in various parts of the United States.

During the past 3 years in the Northwestern region of the country, incidents of bigotry and violence have been reported in the States of Idaho, Oregon, and Washington, and on a few occasions in the State of Alaska as well.

The issue of bigotry and violence within the State of Idaho came to the attention of the Idaho Advisory Committee through a number of means. The Committee received reports from an interstate (Idaho and Washington) conference on the prevention and response to racial and religious harassment, from the Idaho Human Rights Commission, from various governmental agencies, and from civic organizations such as the National Association for the Advancement of Colored People (NAACP). These reports informed the Advisory Committee of the occurrence of a number of incidents of racial and religious harassment within the State and expressed concern regarding these developments. At its November 1982 meeting, the Idaho Advisory Committee decided to undertake a study of bigotry and violence within the State of Idaho.

It is not the purpose of this report to focus upon various groups within the State of Idaho that already have received extensive local, State, and national coverage. Instead, the Advisory Committee determined that it would undertake a comprehensive analysis of the extent of the problem of bigotry and violence within Idaho, with an emphasis upon an assessment of the resources available to combat the problem and upon the presentation of appropriate solutions.

This report will provide information to all levels of government, the private sector, community, civic and religious organizations, and the general public regarding the extent of racial and religious bigotry and violence in Idaho. The report also contains recommendations regarding appropriate responses to racial and religious bigotry and violence. These recommendations are directed to officials on the Federal, State, and local government levels, and to the general public to encourage immediate and effective action whenever the problem of racial and religious bigotry and violence occurs. As was stated by the president of the Ecumenical Association of Churches in Idaho:

You have to become aware that there is a problem before you can address a problem.<sup>1</sup>

<sup>1</sup> Jim Ballantyne, President of the Ecumenical Association of Churches of Idaho, interview in Boise, ID, Mar. 18, 1983.

## Racial and Religious Bigotry and Violence in Idaho

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Idaho is a State with such diversity of geography and environment that it has become known as the "Gem of the Mountains," with a quality of life unsurpassed.<sup>1</sup> The natural beauty of the State, room to grow, low taxes, a productive labor force, close proximity to the West Coast, a clean environment, uncrowded urban areas, and varied outdoor recreational opportunities are all cited as reasons why businesses and individuals move to Idaho and want to stay.<sup>2</sup>

Idaho is a sparsely populated State. Although it ranks 13th among the 50 States in total area,<sup>3</sup> it is 41st in population, comprising a 1980 census total of 943,935.<sup>4</sup> The average population per square mile in the United States is 63.9.<sup>5</sup> Idaho has a population density of only 11.5 people per square mile, 43rd among the States.<sup>6</sup> Only four-tenths of 1 percent of the land is classified as urban or built-up land, while almost 56 percent of Idaho is used as agricultural and range land, and an additional 38 percent is forest land.<sup>7</sup> The largest city—Boise—has a population of just over 100,000, and only 6 Idaho cities have a

population of more than 25,000.<sup>8</sup> Idaho's racial profile is relatively homogeneous.

Almost 96 percent of Idaho's residents are White, 1 percent are Native American, .7 percent are Asian, and .3 percent are Black.<sup>9</sup> The largest minority ethnic group is of Spanish origin, comprising nearly 4 percent of the State's population.<sup>10</sup> An examination of the racial distribution within Idaho reveals the following information by county:

1. Of its 44 counties, Blacks comprise over 100 people in 6 counties, over 500 people in 3 counties, and over 1,000 people in 0 counties.<sup>11</sup>
2. Indians comprise over 100 people in 17 counties, over 500 people in 6 counties, and over 1,000 in 4 counties.<sup>12</sup>
3. Asians comprise over 100 people in 13 counties, over 500 people in 3 counties, and over 1,000 people in 1 county.<sup>13</sup>
4. Persons of Spanish origin comprise over 100 people in 28 counties, over 500 people in 16 counties, and over 1,000 people in 10 counties.<sup>14</sup>

<sup>1</sup> State of Idaho, Secretary of State, *Idaho Blue Book (1981-1982 edition)*, p. 2 (hereafter referred to as *Idaho Blue Book*).

<sup>2</sup> Dr. David Porter, Administrator, Idaho Division of Economic and Community Affairs (DECA), telephone interview, Mar. 29, 1984.

<sup>3</sup> U.S. Department of Commerce, Bureau of the Census, *Statistical Abstract of the United States—1982-1983*, p. 199 (hereafter referred to as *Statistical Abstract*).

<sup>4</sup> U.S., Department of Commerce, Bureau of the Census, *1980 Census of Population and Housing*, Part 14, Idaho, PHC 80-52-14, p. 3 (hereafter referred to as *1980 Idaho Census*).

<sup>5</sup> *Statistical Abstract*, p. 11.

<sup>6</sup> *Ibid.*

<sup>7</sup> *Idaho Blue Book*, p. 330.

<sup>8</sup> *1980 Idaho Census*.

<sup>9</sup> *Ibid.*, p. 27.

<sup>10</sup> *Ibid.*

<sup>11</sup> *Ibid.*, pp. 28-39.

<sup>12</sup> *Ibid.*

<sup>13</sup> *Ibid.*

<sup>14</sup> *Ibid.*

5. In 11 counties in Idaho, the total combined minority and Spanish origin population is below 100 people.<sup>15</sup>

Since 1979, various incidents of racial and religious harassment, intimidation, and violence have occurred in Idaho. The following incidents are among those that have been reported:

- Coeur d'Alene: An Hispanic family living in a trailer received repeated telephone threats and was told to leave the area. The family later discovered that someone attempted to set fire to the trailer. Subsequently, the family dog's throat was slashed, and the family received another phone call threatening harm to the children. The family moved out of the area.<sup>16</sup> (1979)
- Post Falls/Spokane, Washington: Targets, consisting of caricatures of Black males running, were posted in the Post Falls area. The targets included scores to be awarded for hitting the target at various places corresponding with various points of the body. Rabbi Eugene Gottesman was falsely named on the "target" as the sponsor of the target and the source from which additional targets could be ordered. The Rabbi's address and telephone numbers were included on the target, with an invitation to "call anytime day or night!" The Rabbi is the leader of the Temple Beth Shalom congregation in Spokane. Rabbi Gottesman also received hate mail in 1981 and 1982. Many of the pieces of hate mail received by the Rabbi contained the name and address of an organization located in Idaho as the source.<sup>17</sup> (1980-1982)
- Post Falls: The agency, Adoptions in Idaho (AID), was harassed because of their placement of minority children with White families. Most of the harassment was through hate mailings. An AID

guardian and a Korean-born adoptee were confronted in a restaurant. The harasser attempted to spit on and verbally abused the child.<sup>18</sup> (1980-1983)

- Boise: The NAACP received hate leaflets in the mail. Later St. Paul's Missionary Baptist Church, which housed the Boise Branch of the NAACP, received a bomb threat.<sup>19</sup> (1981)
- Boise: Ahavath Israel Synagogue was defaced with a swastika and received two bomb threats.<sup>20</sup> (1981)
- Hayden Lake: A Jewish restaurateur's 17-year-old business was defaced with swastikas and anti-Semitic references. On two previous occasions stickers containing anti-Semitic statements and the message "Do not patronize this place" were applied to the walls of the restaurant.<sup>21</sup> (1981-1982)
- Coeur d'Alene: The First Baptist Church of Idaho was defaced with a swastika.<sup>22</sup> (1982)
- Coeur d'Alene: A printing business was defaced with a swastika.<sup>23</sup> (1982)
- Coeur d'Alene: Two teenagers, a minority male, and a White female, were roller skating at an area rink. The teenagers were physically and verbally attacked by young White males. The Idaho Human Rights Commission reported that the White males allegedly were associated with white supremacist groups.<sup>24</sup> (1982)
- Coeur d'Alene: A cross was burned on the lawn of an area home, which was also defaced with swastikas and "anti-Christ" graffiti.<sup>25</sup> (1982)
- Coeur d'Alene: A White mother and her children (bi-racial and White) experienced harassment for over eight months. She received hate mail stating that she is a "race-traitor" and other literature stating that "miscegenation is punishable

<sup>15</sup> Ibid.

<sup>16</sup> Jesse Berain of IMAGE, interview in Boise, ID, Mar. 18, 1983 (hereafter referred to as "Berain Interview").

<sup>17</sup> Eugene Gottesman, Rabbi of Temple Beth Shalom, interview in Spokane, WA, Mar. 14, 1983 (hereafter referred to as "Gottesman Interview").

<sup>18</sup> Susan Smith, Executive Director of Adoptions in Idaho, interview in Post Falls, ID, Mar. 15, 1983 (hereafter referred to as "Smith Interview").

<sup>19</sup> Bertha Edwards, NAACP Boise Branch President, interview in Boise, ID, Mar. 17, 1983 (hereafter referred to as "Edwards Interview"); Marilyn Shuler, Director, Idaho Human Rights Commission, interview in Boise, ID, June 6, 1983 (hereafter referred to as "Shuler Interview").

<sup>20</sup> Citizens' Coalition Against Malicious Harassment, interview in Boise, ID, Mar. 17, 1983 (hereafter referred to as "Citizens' Coalition Interview"); Shuler Interview.

<sup>21</sup> Sid Rosen, notarized statement, Feb. 1, 1983 (Idaho Human Rights Commission files) (hereafter referred to as "Rosen Statement").

<sup>22</sup> Rick Morse, Coordinator, Kootenai County Task Force on Human Relations, interview in Coeur d'Alene, ID, Mar. 15, 1983 (hereafter referred to as "Morse Interview"); Larry Broadbent, Kootenai County Undersheriff, "Reported Acts of Vandalism and Harassment" (1982) (hereafter referred to as "Reported Acts, 1982").

<sup>23</sup> Reported Acts, 1982.

<sup>24</sup> State of Idaho, Human Rights Commission, "Fact Sheet Regarding Malicious Harassment in Idaho" (1983) (hereafter referred to as "Idaho Human Rights Commission Fact Sheet"); Dina Tanners, interview in Coeur d'Alene, ID, Mar. 16, 1983.

<sup>25</sup> Reported Acts, 1982.

by death." The children have been harassed and threatened.<sup>26</sup> (1982-1983)

- Boise/Pocatello: Hate literature was distributed to private residences.<sup>27</sup> (1982)
- Kootenai and Bonner Counties: Paramilitary target ranges were discovered. A range in Bonner County was discovered containing Jewish "Star of David" targets riddled with bullet holes.<sup>28</sup> (1982)
- Twin Falls: Swastikas were applied to a Laotian family's home.<sup>29</sup> (1983)
- Twin Falls: A Senior Citizens Center property was defaced with swastikas and hate messages.<sup>30</sup> (1983)
- Coeur d'Alene: The Coeur d'Alene Fire Department notified the Police Department that a cross was burned on the property of an all-White family. The Coeur d'Alene Police noted that there are interracial families living on the same block. The police believe that possibly the "wrong" home was targeted. The victims refused to make a report to the police.<sup>31</sup> (1983)
- Boise: Two Catholic churches were the targets of anti-Catholic activity. Parishioners discovered anti-Catholic literature placed in the hymnals.<sup>32</sup> (1984)
- Boise: A bomb was exploded under the kitchen area of Ahavath Israel Synagogue. The bomb was thought to be a sophisticated time-delayed, detonating device that did an estimated \$10,000 damage to the building. The device exploded on the same day that a week-long national commemoration of the victims of the Holocaust began. No one was injured in the blast.<sup>33</sup> (1984)
- Boise: A new temple of the Church of Jesus Christ of Latter-Day Saints (Mormon) was defaced with graffiti on the walls surrounding the temple. German phrases meaning "work makes free," and "thoughts are free" were painted on the walls. The phrases were reportedly slogans of German concentration camps during the Holo-

caust. The vandalism occurred during the same week as the bombing of Synagogue Ahavath Israel. The new Mormon Temple was also the target of anti-Mormon picketing.<sup>34</sup> (1984)

- Idaho Falls: A bomb was exploded near the front doors of the Mormon Temple. The explosion, which shattered three windows in the temple's front doors, did an estimated \$300 damage. No one was injured in the blast. The explosion at the Idaho Falls Mormon Temple was the third act of vandalism of a Southern Idaho religious institution in less than a month.<sup>35</sup> (1984)
- Pocatello: The letters "K.K.K." and racially derogatory messages were spray-painted on a Black Idaho State University scholarship student's car less than one week after he and his family moved into their home in a predominantly White neighborhood. Although the community promptly denounced the act and demonstrated its support for the student, he moved from the house and withdrew from the University. Black students previously renting the house had also been harassed.<sup>36</sup> (1984)
- Hailey: Racial epithets were spray-painted on the car of a White mother of two adopted Black children. The car also sustained approximately \$1,500 damage. It was reported that one of the children was subjected to racial taunts while traveling to area high schools for athletic events, and that racial slurs were written on the other child's locker.<sup>37</sup> (1984)
- Pocatello: One of the team buses of the Boise State University football team was spray-painted with the message "Go Home BSU-KKK."<sup>38</sup> (1984)
- Meridian: The Meridian East Stake Center of the Church of Jesus Christ of Latter-Day Saints (Mormon) was spray-painted with upside-down crosses, obscenities, and anti-Mormon slogans, and five 15-foot trees were felled on the grounds. Similar damage to trees on the grounds had

<sup>26</sup> Connie Fort, interview in Coeur d'Alene, ID, Mar. 15, 1983 (hereafter referred to as "Fort Interview").

<sup>27</sup> Shuler Interview; Idaho Human Rights Commission Fact Sheet.

<sup>28</sup> Larry Broadbent, Kootenai County Undersheriff, interview in Coeur d'Alene, ID, June 8, 1983 (hereafter referred to as "Broadbent Interview").

<sup>29</sup> Ibid.

<sup>30</sup> Ibid.

<sup>31</sup> Frank Premo, Coeur d'Alene Chief of Police, interview in Coeur d'Alene, ID, June 9, 1983 (hereafter referred to as "Premo Interview").

<sup>32</sup> Marilyn Shuler, Director, Idaho Human Rights Commission, telephone report, May 2, 1984.

<sup>33</sup> Ibid. See also, *Idaho Statesman* (Boise), Apr. 30, 1984, p. 1A.

<sup>34</sup> Marilyn Shuler, telephone report, May 25, 1984.

<sup>35</sup> Ibid.

<sup>36</sup> Robert Hughes, Conciliator, Community Relations Service, report, Aug. 22, 1984.

<sup>37</sup> Robert Hughes, telephone report, Nov. 13, 1984.

<sup>38</sup> Betty Hecker, Affirmative Action Director, Boise State University, letter to Alec Stephens, Regional Attorney, U.S. Commission on Civil Rights, Nov. 2, 1984.

occurred and several windows were shot out at the church previously during the past year.<sup>39</sup> (1984)

According to the Community Relations Service of the Department of Justice (CRS), there were 22 instances of racial harassment reported to that agency as having occurred in Idaho between Fiscal Years 1979 and 1983.<sup>40</sup> CRS reports that 16 of those instances occurred in Fiscal Years 1982 and 1983, and 9 of those instances occurred in Fiscal Year 1983 alone.<sup>41</sup> Because of reported interstate activity, CRS also reports that 13 instances were reported in Eastern Washington between Fiscal Years 1979 and 1983, 11 of these instances occurring in Fiscal Years 1982 and 1983, and 5 occurring in Fiscal Year 1983 alone.<sup>42</sup>

During field research interviews conducted for this report, differing assessments regarding the extent to which racial and religious violence was a problem in Idaho surfaced. While there was frequent agreement that incidents of racial and religious harassment and violence were cause for alarm in Northern Idaho,<sup>43</sup> there was a divergence of opinion as to the extent of the problem in the Boise area or other parts of the State. For example, persons representing the NAACP, the Kootenai County Task Force on Human Relations, the Citizens' Coalition Against Malicious Harassment (organized initially to support and lobby for passage of legislation to respond to the problem), and the Idaho Migrant Council, believed that racial and religious harassment and violence was a significant problem beyond the confines of Northern Idaho.<sup>44</sup> On the other hand, the U.S. Attorney for Idaho, the Director of the Idaho Human Rights Commission, and the President of the Ecumenical Association of

Churches in Idaho believed that racial and religious harassment and violence was a significant problem in Northern Idaho, but not as significant in other parts of the State.<sup>45</sup>

In the Northern Idaho area, where there have been more reported incidents of racial and religious harassment and violence than elsewhere, there was not complete agreement that such incidents were significant. There were, for example, opposing assessments of the significance of the various incidents on the part of officials in Kootenai County and the City of Coeur d'Alene. While the Kootenai County Prosecutor and Sheriff were concerned that racial and religious harassment and violence were problems in the area, the Coeur d'Alene City Attorney and Chief of Police did not share that concern.<sup>46</sup>

These conflicting assessments demonstrate the difficulty in determining the extent to which racially and religiously motivated violence exists within the State. One of the reasons for the difficulty is the lack of hard data reflecting the number of incidents over time. On the national level, the U.S. Commission on Civil Rights reported that the Federal Bureau of Investigation (FBI) does not keep separate statistics on incidents of racially or religiously motivated violence.<sup>47</sup> In an update to that report, the Idaho Advisory Committee learned that the FBI does keep statistics on discrimination in housing cases which include criminal violations involving racially or religiously motivated cross burnings and vandalism.<sup>48</sup> A Civil Rights Unit Supervisory Special Agent in the Criminal Investigation Division of the FBI in Washington, D.C., noted however, that while racially and religiously motivated acts could be compiled from the housing cases, similar information is generally difficult to compile from cases that

<sup>39</sup> Marilyn Shuler, telephone report, Nov. 9, 1984.

<sup>40</sup> Paul Sheehan, Program Analyst, Community Relations Service (Department of Justice), letter to Alec Stephens, Regional Attorney, Northwestern Regional Office, U.S. Commission on Civil Rights, Oct. 28, 1983 (hereafter referred to as "Sheehan Letter").

<sup>41</sup> Sheehan Letter.

<sup>42</sup> Ibid.

<sup>43</sup> Edwards Interview; Shuler Interview; Morse Interview; Citizen's Coalition Interview; Hector deLeon, Deputy Director, Idaho Migrant Council, interview in Boise, ID, Mar. 18, 1983 (hereafter referred to as "deLeon Interview"); Jim Ballantyne, President, Ecumenical Association of Churches in Idaho, interview in Boise, ID, Mar. 18, 1983 (hereafter referred to as "Ballantyne Interview"); Guy Hurlbutt, U.S. Attorney for Idaho, interview in Boise, ID, June 7, 1983 (hereafter referred to as "Hurlbutt Interview"); Richard Eardley, Mayor of Boise, interview in Boise, ID, June 7, 1983 (hereafter referred to as "Eardley

Interview"); Larry Broadbent, telephone interview, Dec. 2, 1983 (hereafter referred to as "Broadbent Telephone Interview").

<sup>44</sup> Edwards Interview; Morse Interview; Citizens' Coalition Interview; deLeon Interview.

<sup>45</sup> Hurlbutt Interview; Shuler Interview; Ballantyne Interview.

<sup>46</sup> Glen Walker, Kootenai County Prosecutor, interview in Coeur d'Alene, ID, June 9, 1983 (hereafter referred to as "Walker Interview"); Floyd Stalder, Kootenai County Sheriff, interview in Coeur d'Alene, ID, June 8, 1983 (hereafter referred to as "Stalder Interview"); William McFarland, Coeur d'Alene City Attorney, interview in Coeur d'Alene, ID, June 9, 1983 (hereafter referred to as "McFarland Interview"); Premo Interview.

<sup>47</sup> U.S. Commission on Civil Rights, *Intimidation and Violence—Racial and Religious Bigotry in America* (1983), p. 24 (hereafter referred to as *Intimidation and Violence*).

<sup>48</sup> Supervisory Special Agent, Civil Rights Unit, Criminal Investigative Division, Federal Bureau of Investigation, U.S. Department of Justice, telephone interview, Mar. 28, 1984.

may in fact involve, for example, "racial murder or racial assault," but are not so identified.<sup>49</sup> The Supervisory Special Agent stated that overall, racial violence statistics are not compiled, and that he would generally have to agree with the 1983 report of the U.S. Commission on Civil Rights.<sup>50</sup>

The Idaho Advisory Committee has learned that the lack of a Federal effort to routinely compile and report separate statistics on racially and religiously motivated violence affects the type of crime statistics maintained on the State and local law enforcement levels. The Idaho Department of Law Enforcement collects uniform crime reports and information from State and local law enforcement agencies, but that information is keyed to the six "Index Crimes" for criminal statistical data used in the Uniform Crime Reporting System of the FBI.<sup>51</sup> Those crimes are Aggravated Assault, Arson, Motor Vehicle Theft, Murder, Rape, and Robbery, which as presently counted cannot be readily identified as racially or religiously motivated crimes.<sup>52</sup>

Without the hard data, which can only result from a specific monitoring effort, the assessment of racially and religiously motivated violence is difficult. Even with a monitoring effort, however, the information that is available may or may not be viewed as significant, depending upon the definition of the term "violence." Violence often is defined as physical acts of harm. Other acts—non-physical acts—often are not included in the working definition.

Non-physical acts of racial and religious violence were discussed in a paper presented to a symposium sponsored by the National Organization of Black Law Enforcement Executives (NOBLE). The paper, entitled "Non-Physical Assaults on Blacks," stated:

Many of the acts . . . although non-physical, are just as despicable and psychologically damaging as physical acts of violence.<sup>53</sup>

The inclusion of non-physical acts in the definition of racial and religious violence is important when

such acts are viewed from the victim's perspective. The damaging effects of intentional non-physical acts of racial and religious violence can be compounded by the community or government that inadequately responds to the initial act of violence or ignores it because the act was not viewed as a "serious" offense.

### Impact of Racial and Religious Violence on the Victim

To understand the impact of acts of racial and religious bigotry and violence, it is useful to consider what two victims had to say. Sid Rosen wrote the following statement:

In February of 1982, my restaurant was painted with swastikas, "K.K.K.," Jewish stars, "Jew," and "Jew Swine." I left it all on the building for a couple of weeks because I was so mad, and everyone knew of it. Christian neighbors donated paint and helped me repaint the place. I am very careful how I open my mailbox. I am worried that something dangerous is in it. I sometimes get anti-Semitic blurbs in my mail. I got one letter addressed to "Rabbi Rosen" that advertised a picnic with caged Blacks that the organizers planned to let loose to shoot. I am concerned for myself and my son—for our safety. I sold my restaurant last year. I did not sell it because of the things that happened to me, but I think having these things happen did hurt my business.<sup>54</sup>

Another victim, Connie Fort, discussed some of the acts of harassment and the affect of those incidents on her and her family. Ms. Fort explained that the first act of harassment occurred during the summer of 1982, when her 8-year-old bi-racial son informed her that an adult neighbor had called him a racially derogatory name. In confronting the neighbor, Ms. Fort was informed by him that her son correctly reported what he had said, adding that the name was to be expected. The neighbor then proceeded to utter obscenities to Ms. Fort. When the Coeur d'Alene police responded to her complaint, she was informed by the police that if she wished, she could make a citizen's arrest, but that otherwise there was nothing the police could do. Believing that she had to physically make an arrest,

of Black Law Enforcement Executives (NOBLE), 5th Annual Conference and Community Anti-Crime Expo '81, Baltimore, MD, July 15, 1981) (hereafter referred to as "Lamb Article"). See, Lee P. Brown, ed., *Violent Crime—Who Are the Victims?*, p. 14. Mr. Lamb's remarks at the NOBLE Symposium were not made in his official capacity as Regional Director of the Community Relations Service.

<sup>54</sup> Rosen Statement.

<sup>49</sup> Ibid.

<sup>50</sup> Ibid.

<sup>51</sup> John Rooney, Director, Idaho Department of Law Enforcement, telephone interview, Oct. 14, 1983 (hereafter referred to as "Rooney Interview").

<sup>52</sup> Rooney Interview.

<sup>53</sup> Robert Lamb, Jr., "Non-Physical Assaults on Blacks" (speech delivered at a symposium sponsored by the National Organization

Ms. Fort stated "I told them I didn't feel I was big enough to go in there [the man's house], considering that the man was 100 pounds more than I am, plus he might have had a weapon or something."<sup>55</sup>

One week later, Ms. Fort received mail which referred to her as a race-traitor, and included a message that miscegenation with Blacks was a crime and that offenders should be publicly hung. Similar mail was received by Ms. Fort two weeks later, and she requested that Kootenai County Undersheriff Larry Broadbent open the letters which were becoming familiar to her as hate mail. One of the letters contained a news clipping reporting that the decomposed body of a Black man had been found at nearby Spirit Lake. To Ms. Fort the message appeared to be stating, "Look what I did, I can do this to you."<sup>56</sup>

The harassment continued with a series of incidents directed toward Ms. Fort's 8 and 18-year-old sons. In addition to repeated incidents in which the older son was subjected to racial epithets, on March 8, 1983, the harasser reportedly told him "How art thou today? Thou shalt not live very long."<sup>57</sup> On another occasion, the older son was run off the road and into the mud while riding his bicycle home. Describing what happened to her son, Ms. Fort stated, "this car turned its lights on and revved up the motor and was heading right for him, and he fell down in the mud."<sup>58</sup> Ms. Fort also described an incident in which her younger son and a friend were nearly run down in an alley.<sup>59</sup>

In the following exchange, Connie Fort discussed the impact of these incidents on her family:

Q. How have the incidents affected you? Your family?

A. A lot of sleepless nights for one. Afraid that the Ku Klux Klan is going to drive up. What this has done to my family and me, the children have been very upset and have dreams and nightmares, and there's nights when I can't sleep and I run through the house afraid that somebody's going to start burning crosses for some reason. I don't think I should have to live with this fear.

<sup>55</sup> Fort Interview. In Idaho, if a misdemeanor occurred outside the presence of a law enforcement officer, the officer would not have the authority to make an arrest or swear-out a complaint. Although a citizen's arrest is not required, a citizen's complaint is required. The citizen's complaint is a report taken by a law enforcement officer and filed with the prosecutor. The prosecutor then determines whether a warrant should be issued and a probable cause hearing scheduled. (See, Walker Interview; Stalder Interview); Jim Jones, Idaho Attorney General, interview in Boise, ID, June 6, 1983 (hereafter referred to as "Jones Interview").

My little boy has gotten aggressive. My two little ones are bi-racial and my little boy, Lamar, he has gotten really aggressive through it all he has stated, "When I grow up I want to kill [the harasser]." My little boy is 8 years old and I think that's pretty sad. My oldest boy has been harassed. . . I just can't believe it. . . It's just really upsetting."<sup>60</sup>

Larry Broadbent commented on the impact of racially and religiously motivated acts of harassment and violence on victims. In his official capacity and as a member of the Interstate and Kootenai County Task Forces on Human Relations, the Undersheriff is particularly familiar with the acts of harassment and threats of violence to Connie Fort and her family. He explained that the acts made the Fort family feel second-rate and unwanted in the community, and that there has been a negative psychological effect on Ms. Fort's younger children.<sup>61</sup>

Reverend Rick Morse, also a member of the Interstate and Kootenai County Task Forces, gave his perspective on the impact to victims of racial and religious harassment and violence in general, and the impact to Connie Fort and her family in particular. He stated:

Emotionally, you can define their reaction to being victimized as two things: Extreme fear and extreme loneliness. A person feels extremely violated. It's almost similar—in fact, in our victim support group right now, we're doing a study of how the rape crisis center deals with rape victims because we see that there's a great similarity between the feelings of a rape victim and the feelings that person who has been victimized by harassment seems to exude.<sup>62</sup>

Regarding the reported acts of harassment and threats of violence to the Fort family, Reverend Morse noted that Ms. Fort is a single parent, and stated that the long-term effects have "eroded at their family structure."<sup>63</sup> Morse continued:

There isn't one person who is a member of that family that hasn't noted some behavioral change in their attitudes towards going out in the evening hours or anything like that, or over-protectiveness of their younger brothers and

<sup>56</sup> Fort Interview.

<sup>57</sup> Ibid.

<sup>58</sup> Ibid.

<sup>59</sup> Ibid.

<sup>60</sup> Ibid.

<sup>61</sup> Broadbent Telephone Interview.

<sup>62</sup> Morse Interview.

<sup>63</sup> Ibid.

sisters, or recurrent nightmares. There is just intense fear on the part of that family.<sup>64</sup>

The reactions from other victims also included feelings of outrage, apprehension, and anger.<sup>65</sup>

One of the goals of the Kootenai County Task Force on Human Relations is to provide support for people who are victimized by racial and religious harassment and violence.<sup>66</sup> Reverend Morse explained that if there is a sheriff's office report on an incident, Undersheriff Broadbent informs him of the incident and the Task Force tries to contact the victim within 24 hours of the reported incident. The Task Force initially contacts victims by telephone to see if they are willing to discuss the incident with Task Force members. Morse noted that, "A lot of times they are not willing to talk to anybody about it. They either don't think it's a very good vehicle or they just don't want to re-live it again."<sup>67</sup> Reverend Morse explained that in cases where the victim has been willing to talk about it, an effort is made to go to the person's home and discuss it. He stated:

The number one thing is to deal with the fear and anger that they have, and they go through real extreme emotional stress after an incident of this nature. We try to deal, first of all, with helping them get a realistic picture because there is all this mythology about what these groups do. We help them get a realistic picture about the fact that there hasn't been any physical harm to anybody in recent history and that we don't feel that they are going to be the first victim of that kind of physical threat. We try to share with them in a general way that we as a community are supportive of them. In one instance, a family has been victimized over eight months. We circulated a petition of support for her [Connie Fort] and in less than a week we got 819 signatures from members of the community, including her neighbors, stating that "we support her and her family, and that we believe they have a right to live in that neighborhood and that we are going to do anything we can to let her know that we support her."<sup>68</sup>

Undersheriff Broadbent noted that very little support is given to victims of any crime, but that more awareness leads to more concern. He commented that with the crime of rape, there is now more awareness about the issue, concern on a

national level, and local support organizations for rape victims. The Undersheriff explained that there continues to be concern on a national level regarding rape, and people are being educated that rape is not "just a sex crime."<sup>69</sup> Broadbent also noted the strategies being used to make people aware of the drunk-driving issue, and stated that the strategies used to make people aware of these issues should be used to make people aware of racial and religious bigotry and violence.<sup>70</sup>

### **Organized Group Activity—Is There a Relationship?**

While there is not sufficient evidence to conclude that particular organizations are responsible for the previously listed incidents involving persons or property, there is believed to be a relationship between the activity of extremist organizations in Idaho and the incidents that have been reported. All of those interviewed in connection with this report who believed racial and religious harassment and violence were problems in their community or elsewhere in the State, also stated that the incidents became noticeable as such organized group activity began to surface in that community or elsewhere in the State.<sup>71</sup>

Undersheriff Broadbent has been monitoring bigotry and violence in Northern Idaho and around the State for the past 3 years. He has made over 25 presentations in 5 States on this issue. His presentations addressed bigotry and violence in the region, and how people—particularly law enforcement personnel—can recognize the signs and overtones of such activity in an area. According to the Undersheriff, there are pockets of various extremist groups in 5 counties in Idaho.<sup>72</sup> These counties are: Ada, Bonner, Kootenai, Idaho, and Twin Falls.<sup>73</sup> He pointed out that in Idaho County, there exist organizations whose members hold dual membership in survivalist, constitutionalist, and neo-Nazi groups.<sup>74</sup> He explained that while not all members in each group share the same views, each group has

<sup>64</sup> Ibid.

<sup>65</sup> Gottesman Interview; Smith Interview.

<sup>66</sup> Morse Interview.

<sup>67</sup> Ibid.

<sup>68</sup> Ibid.

<sup>69</sup> Broadbent Telephone Interview.

<sup>70</sup> Ibid.

<sup>71</sup> Citizens' Coalition Interview; Berain Interview; Edwards

Interview; Ballantyne Interview; Morse Interview; Interstate Task Force on Human Relations, interview in Spokane, WA, Mar. 14, 1983 (hereafter referred to as "Interstate Task Force Interview").

<sup>72</sup> Broadbent Telephone Interview.

<sup>73</sup> Ibid.

<sup>74</sup> Ibid.

some members who allegedly agree with the white supremacist philosophy.<sup>75</sup>

Law enforcement officials on the Federal, State, and local levels indicated that extremist group activity is not confined to one geographic segment of Idaho. The Kootenai County Undersheriff said that such activity is a statewide problem.<sup>76</sup> The Director of the Idaho Department of Law Enforcement stated that such groups have been more active in recent years in Eastern Idaho as well as in Northern Idaho.<sup>77</sup> Although the U.S. Attorney for Idaho indicated that he did not believe such activity was a serious problem in Idaho, he stated that activity in Northern and Eastern Idaho is of concern to his office.<sup>78</sup> The Director of the Department of Law Enforcement and the U.S. Attorney also indicated their concern regarding the growth of constitutionalist groups throughout the State, pointing out that the groups are influenced by a racial supremacist philosophy or by some members who agree with that philosophy.<sup>79</sup> The foregoing information leads to the conclusion that such activity is not limited to Northern Idaho.

Some observers may discount the significance of the existence and activities of various organized groups in Idaho. This may be because the groups seem to be relatively small in number, or because the groups have not been directly linked to physical acts of racial and religious harassment and violence. In discussing the significance of the existence of such groups, the U.S. Commission on Civil Rights stated:

The significance of the problem does not lie exclusively in the existence and activity of particular organizations that promulgate spurious doctrines of racial superiority and advocate religious persecution. . . . What is significant, however, is the fact that these groups advocate openly the racist and discriminatory beliefs that survive in individuals and institutions despite efforts at their eradication. . . . In the final analysis, the problem is the continuing existence of racism and anti-Semitism that surface in the acts of some individuals and compose the rhetoric of a number of extremist organizations. That an undercurrent of racism and religious prejudice persists is evidenced by the very fact that groups espousing such views persist.<sup>80</sup>

This perspective is applicable to these groups wherever they may exist in the United States, including the State of Idaho.

Undersheriff Broadbent stated that racial and religious harassment and violence has become a potential problem in Idaho because of the numbers of various groups and persons sharing their philosophies, and their ability to disseminate their message.<sup>81</sup> He is also concerned because persons with criminal backgrounds have become involved with these groups, there is an increased presence of the Ku Klux Klan, and the groups have been conducting paramilitary activities.<sup>82</sup> Broadbent explained that the potential for violence exists as a result of their presence and their belief that a race war is inevitable.<sup>83</sup>

The Kootenai County Undersheriff commented that while the efforts of community organizations to combat racial and religious bigotry and violence were supported by law enforcement agencies, the biggest problem on the part of government has been that government has not realized the magnitude of this issue and the linkages between extremist groups throughout Idaho. He stated that racial and religious bigotry are not only problems in the Kootenai County area, but are matters of State and national concern.<sup>84</sup>

Another matter of concern is the role that such groups play in justifying acts of racial and religious violence. The U.S. Commission on Civil Rights commented that the groups justify the acts perpetrated by themselves or individual imitators.<sup>85</sup> In *Intimidation and Violence*, the Commission stated:

Even the perpetrators with no known or professed connection with such groups are clearly imitators of them or adopt their symbols of terror—the swastika, the burning cross, and the graffiti of hate and intimidation. In all cases, however, a major role of extremist groups is to provide the rhetoric of justification for acts perpetrated either by the groups themselves or individual imitators.<sup>86</sup>

Guy Hurlbutt, U.S. Attorney for the Idaho District, commenting on the size of various groups in Idaho, stated that while he believed them to represent a small segment of the population, "They

<sup>75</sup> Ibid.

<sup>76</sup> Ibid.

<sup>77</sup> Rooney Interview.

<sup>78</sup> Hurlbutt Interview.

<sup>79</sup> Ibid.; Rooney Interview.

<sup>80</sup> *Intimidation and Violence*, p. 7.

<sup>81</sup> Broadbent Telephone Interview.

<sup>82</sup> Ibid.

<sup>83</sup> Ibid.

<sup>84</sup> Ibid.

<sup>85</sup> *Intimidation and Violence*, p. 10.

<sup>86</sup> Ibid.

are active statewide. They are very diligent and very dedicated people.”<sup>87</sup>

A commonly asked question has to do with what has brought such groups into the particular geographical area. In other words, “Why Idaho?”<sup>88</sup>

In its statement on racial and religious bigotry in America, the U.S. Commission on Civil Rights identified the fundamental cause of “bigotry-bred” violence as “the continuing presence and tenacious survival of deep-seated racism and anti-Semitism.”<sup>89</sup> The Commission noted that public officials and community leaders who provided information to State Advisory Committees to the U.S. Commission on Civil Rights in previous reports identified a number of factors as contributors to racial and religious bigotry and violence. Those factors included economic conditions, scapegoating, media treatment of hate groups, retrenchment in civil rights enforcement, and the inadequate response to incidents by law enforcement agencies.<sup>90</sup> In the interviews conducted in connection with this report, these factors also were identified.<sup>91</sup>

Representatives of racial and religious minority groups mentioned racism and anti-Semitism as key factors. Rabbi Eugene Gottesman of Temple Beth Shalom in Spokane stated that “Anti-Semitism, unfortunately, is on the rise again.”<sup>92</sup> Hector deLeon, Deputy Director of the Idaho Migrant Council, discussed discrimination, racial tensions in schools, prevalent assumptions that all persons who look Hispanic are not citizens, the lack of positive images of Hispanics in the media, and poor police-Hispanic community relations as contributing factors. Mr. deLeon referred to these problems as being indicative of a “definite racial tone” which was a concern in the Hispanic community.<sup>93</sup>

Jesse Berain of the Incorporated Mexican-American Government Employees (IMAGE), spoke of the existence of a “racial tone” also, stating:

One of the questions asked of me comes in the form of the statement [seeking agreement], “There’s no discrimination in Idaho, is there?”, and it comes out like a statement. We’ve had signs up that said, “No Mexicans Allowed,” in the early ’50’s and ’60’s. In the ’70’s, these signs changed to

“English Spoken Here Only” or “Don’t Speak Spanish.” This is in public places.<sup>94</sup>

Berain noted that in general, the “racial tone” was not manifested through overt acts, and added:

A lot of it here is very, very subtle. A lot of the major problems come from people on the lower rung of the ladder. The poor White. Because in fact, they feel like we come in here to compete with them for the kind of jobs they were doing. These people were not the most organized. In terms of religious discrimination, most of us are Catholic, and that was even more subtle. The fact remains that we were unable to get jobs in most cases, in the early ’50s and ’60s, until the Federal civil rights laws came into effect.<sup>95</sup>

Bertha Edwards, Boise Branch President of the National Association for the Advancement of Colored People (NAACP), noted that discrimination exists in Idaho, as in any other State, although most of the time the majority of the people are not aware of it because of the small number of minorities in the population. She stated:

In the past, discrimination and these types of things in Idaho [have] been very quiet. It has been under the cover. It was there, but it was not out [in the open]. Now it is beginning to come out.<sup>96</sup>

Persons interviewed in connection with this report often referred to the racial make-up of the State. Jesse Berain commented on this factor. Berain was concerned with the effort of various organized groups to bring people with similar beliefs to Idaho with the message, “There’s not too many minorities in the State of Idaho, so we can create a haven, a power within the State.”<sup>97</sup> Reverend Rick Morse stated that less than 5 percent of the population is non-White, and he believes that Idaho is viewed by some observers as “the last bastion of the White race, and because of that we’ve had a lot of people migrate to Idaho because they see it in this light.”<sup>98</sup> He also stated that they are intent upon making Idaho their stronghold and that they are “digging in.”<sup>99</sup>

Another factor identified is that Idaho is a large, very rural, and sparsely populated State. Guy

<sup>87</sup> Hurlbutt Interview.

<sup>88</sup> Shuler Interview.

<sup>89</sup> *Intimidation and Violence*, p. 9.

<sup>90</sup> *Ibid.*, p. 11.

<sup>91</sup> Morse Interview; Interstate Task Force Interview; deLeon Interview; Shuler Interview; Ballantyne Interview; Edwards Interview.

<sup>92</sup> Gottesman Interview.

<sup>93</sup> deLeon Interview.

<sup>94</sup> Berain Interview.

<sup>95</sup> *Ibid.*

<sup>96</sup> Edwards Interview.

<sup>97</sup> Berain Interview.

<sup>98</sup> Morse Interview.

<sup>99</sup> *Ibid.*

Hurlbutt, mentioned the lack of significant numbers of racial minorities as a factor, and then added:

If you have an underpopulated area, as in Northern Idaho, there is a greater possibility of being left alone, as opposed to larger, more urban areas where they [various organized groups] would be opposed or monitored closely, and where they could run into problems with law enforcement.<sup>100</sup>

John Rooney, Director of the Idaho Department of Law Enforcement, also identified the sparsely populated nature of the State as a factor. The Department of Law Enforcement's director added:

Importantly, the public has through apathy or non-action, allowed them [various organized groups] to go unimpeded. The community in many of these areas may even show signs of tacit consent or silent approval.<sup>101</sup>

<sup>100</sup> Guy Hurlbutt, U.S. Attorney for Idaho, telephone interview, Oct. 19, 1983.

Undersheriff Broadbent identified factors that he believed were significant. He stated that the primary factors were ignorance and myths about different races and religions based on repeated tales or isolated negative experiences. He also cited the lack of contact with minority groups by residents of the county and the lack of education about different peoples.<sup>102</sup>

### **A Need to Respond**

Although there may be differing assessments as to the extent of racially and religiously motivated bigotry and violence within Idaho, there have been reported incidents from various parts of the State. In the following chapters, possible responses to racial and religious bigotry and violence are discussed.

<sup>101</sup> Rooney Interview.

<sup>102</sup> Broadbent Telephone Interview.

## State and Local Government and Law Enforcement Responses to Bigotry and Violence

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Most of the incidents of racial and religious violence reported in the State have occurred in Northern Idaho. In other areas, isolated incidents have been reported. The Advisory Committee is concerned that government, law enforcement, and the community make a swift and unambiguous response to all acts that occur, regardless of their geographic location or frequency. Some responses serve to communicate the message that future occurrences will not be tolerated. Other responses are more preventative in nature. Still other responses serve to ensure that justice will be done when people are victimized. These responses are not mutually exclusive, nor are they exhaustive. They may be initiated by government or by members of the community. They all can be effective toward the end that racial and religious bigotry and violence will not increase throughout the State or take hold within a particular community. In the pages that follow, various strategies to counteract bigotry and violence are discussed.

### Legislation

On July 1, 1983, a new chapter relating to crimes and designated as "Malicious Harassment" was

<sup>1</sup> Idaho Code Secs. 18-7901-7904 (1983). This Act was originally introduced in the Idaho Senate by Norma Dobler (D-Moscow), as Sen. Bill No. 1020.

<sup>2</sup> *Id.*, Sec. 18-7902. Prior to passage of the Malicious Harassment Act, the U.S. Commission on Civil Rights reported that since 1981, legislatures in 13 States passed a total of 18 bills dealing with the problem of racial and religious terrorism. See, U.S. Commission on Civil Rights *Intimidation and Violence—Racial and Religious Bigotry in America* (1983), p. 22 (hereafter referred to as *Intimidation and Violence*).

added to the Idaho Code.<sup>1</sup> As defined by this statute, the crime of malicious harassment is committed when a person maliciously and with specific intent to intimidate or harass another person because of that person's race, color, religion, ancestry, or national origin, causes physical injury to another; or damages, destroys, or defaces the property of another; or threatens to do such act if there is reasonable cause to believe the threat will be carried out.<sup>2</sup> Malicious harassment is a felony "punishable by imprisonment in the State prison for a period not to exceed five (5) years or by fine not exceeding five thousand dollars (\$5,000) or by both."<sup>3</sup> The Idaho Malicious Harassment Act has been reproduced in Appendix B to this report.

The effort to make a legislative response to racial and religious bigotry and violence in Idaho began with the Idaho Human Rights Commission. On July 24, 1982, the Human Rights Commission convened a panel on racial and religious harassment to obtain information on the extent of this problem within the State and the alternative ways in which the State could respond.<sup>4</sup> Of the alternatives presented, the Idaho Human Rights Commission was particularly

<sup>3</sup> *Id.*, Sec. 18-7903(a).

<sup>4</sup> State of Idaho, Idaho Human Rights Commission, Minutes of July 24, 1982 meeting (hereafter referred to as "Idaho Human Rights Commission July 1982 Minutes"). Panelists were representatives of the American Civil Liberties Union, the Kootenai County Sheriff's Office, the Community Relations Service (Department of Justice, Region 10), the Interstate Task Force on

interested in legislation drafted by its legal staff for the Human Rights Commission's review.<sup>5</sup>

After draft legislation was accepted by the members of the Idaho Human Rights Commission, the draft was submitted to the State legislature with a recommendation from the Human Rights Commission for its passage.<sup>6</sup> Originally submitted in the State senate, the bill received bipartisan support in both legislative chambers. Interest in the malicious harassment bill was great. It was reported that the bill received extensive coverage by news organizations throughout the State,<sup>7</sup> and that members of the legislature received more mail from constituents on this bill than on any other piece of legislation during the 1983 session.<sup>8</sup>

The Idaho Human Rights Commission actively lobbied for passage of the malicious harassment bill, and also prepared a fact sheet on the need for malicious harassment legislation.<sup>9</sup> The malicious harassment bill also received bipartisan support from the chief executive and the chief legal officer of Idaho. Democratic Governor John Evans and Republican Attorney General Jim Jones were commended by spokespersons for the Idaho Human Rights Commission, the Citizens' Coalition Against Malicious Harassment, and the Region 10 office of the Community Relations Service (CRS) for their strong support for passage of the bill.<sup>10</sup>

Both the Idaho Attorney General and the Director of the Idaho Human Rights Commission noted the wide range of support from the community and government organizations, agencies, and officials. Attorney General Jones stated that a coalition [the Citizens' Coalition Against Malicious Harassment] was formed in support of the bill, and commented on the effectiveness of their effort.<sup>11</sup> The Attorney General stated that he was pleased that meetings

were held in communities around the State to discuss the bill.<sup>12</sup> The Idaho Human Rights Commission worked with the community organizations and churches that supported the bill.<sup>13</sup> Marilyn Shuler, Director of the Human Rights Commission, stated that this was the first working relationship between the Commission and these groups and churches.<sup>14</sup>

The Citizens' Coalition Against Malicious Harassment lobbied for passage and sought a broad base of support for the legislation. The list of supporters of the malicious harassment bill compiled by the Citizens' Coalition included over 50 government officials, agencies, and associations; community organizations; education and labor organizations; religious institutions and organizations; and minority and women's associations and organizations.<sup>15</sup>

After approval by the House of Representatives and the Senate, the Governor signed the bill on March 30, 1983.<sup>16</sup> Discussing the passage of the Malicious Harassment Act, the Idaho Human Rights Commission director commented on the balance that was needed between First Amendment rights and the rights of people to live without fear. She stated:

The line between freedom of speech and assembly and the right that people have to exist without fear is a fine line. People who belong to supremacist organizations have learned that line quite well in a calculated way and walked the edge of what is today, Idaho's existing laws, and yet have apparently been able to terrorize or victimize people who are innocent of anything except the fact of their race or ethnic origin. This law will make that line stronger, and make the line more in favor of people's right to exist free from reasonable fear that they're about to be harmed. Unless you have ever been the victim of intimidation, I'm sure that you can't appreciate how absolutely devastating it is.<sup>17</sup>

Human Relations, the Deputy Attorney General for the Idaho Human Rights Commission, the U.S. Commission on Civil Rights Northwestern Regional Office, and the Idaho State Advisory Committee to the U.S. Commission on Civil Rights.

<sup>5</sup> Idaho Human Rights Commission July 1982 Minutes; *See also*, State of Idaho, Idaho Human Rights Commission, Minutes of Dec. 7, 1982 meeting.

<sup>6</sup> Marilyn Shuler, Director, Idaho Human Rights Commission, interview in Boise, ID, June 6, 1983 (hereafter referred to as "Shuler Interview").

<sup>7</sup> Shuler Interview.

<sup>8</sup> Reverend Rick Morse, Coordinator, Kootenai County Task Force on Human Relations, interview in Coeur d'Alene, ID, Mar. 15, 1983 (hereafter referred to as "Morse Interview").

<sup>9</sup> Shuler Interview.

<sup>10</sup> *Ibid.*; Citizens' Coalition Against Malicious Harassment,

interview in Boise, ID, Mar. 17, 1983 (hereafter referred to as "Citizens' Coalition Interview"); Robert Lamb, Director, Community Relations Service (Department of Justice), Region 10, interview in Seattle, WA, Sept. 14, 1983 (hereafter referred to as "Lamb Interview").

<sup>11</sup> Jim Jones, Idaho Attorney General, interview in Boise, ID, June 6, 1983 (hereafter referred to as "Jones Interview").

<sup>12</sup> Jones Interview.

<sup>13</sup> Shuler Interview.

<sup>14</sup> *Ibid.*

<sup>15</sup> *Ibid.*; Citizens' Coalition Interview; Jesse Berain, interview in Boise, ID, Mar. 18, 1983 (hereafter referred to as "Berain Interview").

<sup>16</sup> State of Idaho, Department of State, Certificate of Senate Bill No. 1020, as amended in the House, Apr. 21, 1983.

<sup>17</sup> Shuler Interview.

The passage of the Malicious Harassment Act to address the problem of racial and religious harassment and violence serves several purposes. As Attorney General Jones stated:

One of the reasons we came out in strong support of the bill is just to make a statement. . .that people here in Idaho believe that regardless of your racial group or your religious group, that you have a right to enjoy the fruits of our society. . .it was important to have the Legislature and the State government process let it be known that's what we believe in here in Idaho.<sup>18</sup>

The Act may serve as a deterrent. Attorney General Jones commented that the passage of the malicious harassment law gives those inclined to commit racially and religiously motivated acts of harassment and intimidation notice that they will be pursued as felons and vigorously prosecuted.<sup>19</sup> The potential deterrent effect of the Act was also cited by the Director of the Idaho Department of Law Enforcement, the Coeur d'Alene City Attorney, and the Kootenai County Undersheriff.<sup>20</sup> Since the passage of the law, there is some evidence that this purpose is being realized. The Kootenai County Undersheriff reports that racial and religious harassment in his area decreased in 1983, primarily due in his opinion to the passage of the Malicious Harassment Act.<sup>21</sup>

In addition, the Act will give law enforcement agencies and prosecutors a legal basis to prosecute and obtain convictions.<sup>22</sup> Attorney General Jones pointed out that prior to passage of the Malicious Harassment Act, most of the acts of harassment that were brought to his attention were not covered in existing State laws.<sup>23</sup> Jones stated that until the Act went into effect, law enforcement officials were hampered in putting a stop to harassment and intimidation. He stated that under the malicious harassment law, local officials will have the authority to arrest and prosecute offenders.<sup>24</sup>

John Rooney, Director of the Idaho Department of Law Enforcement, was in agreement with the Idaho Attorney General's assessment that the legislation will be a valuable enforcement measure.

<sup>18</sup> Jones Interview.

<sup>19</sup> Ibid.

<sup>20</sup> John Rooney, Director, Idaho Department of Law Enforcement, telephone interview, Oct. 14, 1983 (hereafter referred to as "Rooney Interview"); William McFarland, Coeur d'Alene City Attorney, interview in Coeur d'Alene, ID, June 9, 1983 (hereafter referred to as "McFarland Interview"); Larry Broadbent, Kootenai County Undersheriff, telephone interview, Dec. 2, 1983 (hereafter referred to as "Broadbent Telephone Interview").

Rooney noted however, that on the local level, there has been a problem of prosecutors failing to prosecute the racially and religiously motivated misdemeanor violations that were chargeable under pre-existing laws.<sup>25</sup>

Finally, the law makes it clear that acts of harassment and intimidation with a racial or religious motive are not pranks or jokes, and the law is a public policy statement of that fact.<sup>26</sup>

The Idaho Advisory Committee cautions, however, that the passage of legislation as a response to racial and religious bigotry and violence has its limitations. Prior to the enactment of the Malicious Harassment law, Reverend Rick Morse of the Kootenai County Task Force on Human Relations, commented on legislation as a response, stating:

[e]ven if the law passes, I don't think that it's going to be adequate. There's still going to be harassment. People are going to take their chances, and are probably just going to be more careful about the types of harassment that they are going to do, and be sure that you can't trace it back. I think that. . .it's [legislation] just one way to deal with it.<sup>27</sup>

Laws are only as meaningful as the efforts to enforce them, and the enforcement of law is a shared responsibility. Certainly aggressive law enforcement responses and prosecutions will be needed to make the law work, but it is unfair to place the burden solely on law enforcement and prosecutorial agencies. It is equally important that the general public becomes aware of the law, and that those who have been victimized by "malicious harassment" or those who have knowledge of such victimization notify the authorities. In the event that authorities fail to respond or do not respond promptly and/or adequately, it is important that the community expresses its dissatisfaction to law enforcement and government officials.

In response to the question of what other steps need to be taken by government to combat the problem, Jim Ballantyne of the Ecumenical Association of Churches in Idaho stated:

<sup>21</sup> Broadbent Telephone Interview.

<sup>22</sup> Jones Interview; Rooney Interview.

<sup>23</sup> Jones Interview; *Idaho Statesman* (Boise), Jan. 22, 1983, pp. 1C and 4C.

<sup>24</sup> Jones Interview.

<sup>25</sup> Rooney Interview.

<sup>26</sup> Shuler Interview.

<sup>27</sup> Morse Interview.

It remains to be seen if the laws are strong enough. . . but it ultimately goes back to the personal attitudes of the citizenry and the strength of our law enforcement officers. If they are of a mind to enforce the present law, I believe that we can contain malicious harassment.<sup>28</sup>

## Monitoring

In its statement on racial and religious bigotry in America, the U.S. Commission on Civil Rights concluded as follows:

Precise measures of the extent of racial and religious violence and intimidation do not exist primarily because Federal, State, and local law enforcement agencies have not devised methods for reporting and compiling statistics on crimes that involve clear signs of racial and religious motivation. Such data are needed to measure trends, develop preventative programs, allocate resources, and adjust public policy.<sup>29</sup>

Field research revealed that there is no standardized system for State and local law enforcement agency reporting of racially or religiously motivated violence in Idaho.<sup>30</sup> To date, the principal effort to monitor such incidents within Idaho is being conducted by the Kootenai County Sheriff's Office.<sup>31</sup>

Attorney General Jones commented that "record-keeping is somewhat spotty," and that while the Idaho Human Rights Commission and the Idaho Department of Law Enforcement collect information, "the Department of Law Enforcement does not do a comprehensive job of keeping records on these types of occurrences."<sup>32</sup> The Attorney General went on to state that there is no central monitoring agency that collects information as far as he is aware.<sup>33</sup>

John Rooney was asked whether records were kept on occurrences of racial and religious violence. He explained that records are kept only sporadically, and that the Department of Law Enforcement does not have the capability to monitor the issue on a continuous basis. He explained that in most cases

the reports received by the Department are from local law enforcement units. He added that some of the information received is second and third-hand information.<sup>34</sup> The Idaho Department of Law Enforcement does have a Criminal Identification Bureau with coordination functions between the Federal Bureau of Investigation (FBI) and other law enforcement units. Since the Department of Law Enforcement collects Uniform Crime Reporting information for the FBI, Rooney expressed the belief that monitoring of racially and religiously motivated violence could be implemented, but that the support and cooperation of local law enforcement agencies is necessary in order to effectively monitor such incidents.<sup>35</sup>

In the Kootenai County Sheriff's Office, Undersheriff Larry Broadbent monitors racial and religious harassment and violence around Idaho.<sup>36</sup> When asked whether there existed a standardized system for State and local law enforcement agency reporting of racially or religiously motivated crimes, Undersheriff Broadbent stated that incidents of this nature are not included in the National Guidelines for the Uniform Crime Reports.<sup>37</sup> Undersheriff Broadbent believes that the State's computer could be modified to include or indicate racially and religiously motivated crimes, but added that this change could also be implemented nationally. Broadbent asserted that as additional States enact "malicious harassment" laws, and Federal violations due to racial and religious harassment and violence increase, the impetus to collect and report racially and religiously motivated crimes may be forthcoming.<sup>38</sup>

There is some movement in this direction. In the State of Maryland, a standardized system for reporting racially and religiously motivated incidents has been established through legislation. This law, entitled "An Act Concerning State Police—Reports of

<sup>28</sup> Jim Ballantyne, President of the Ecumenical Association of Churches of Idaho, interview in Boise, ID, Mar. 18, 1983 (hereafter referred to as "Ballantyne Interview").

<sup>29</sup> *Intimidation and Violence*, pp. 27-28.

<sup>30</sup> Jones Interview; Broadbent Telephone Interview; Rooney Interview; Floyd Stalder, Kootenai County Sheriff, interview in Coeur d'Alene, ID, June 8, 1983 (hereafter referred to as "Stalder Interview"); Guy Hurlbutt, U.S. Attorney, interview in Boise, ID, June 7, 1983 (hereafter referred to as "Hurlbutt Interview"); Frank Premo, Coeur d'Alene Chief of Police, interview in Coeur d'Alene, ID, June 9, 1983 (hereafter referred to as "Premo Interview"); John Church, Boise Chief of Police (Retired), interview in Boise, ID, June 7, 1983 (hereafter referred to as "Church Interview"); Calvin Bernard, Superintendent of Idaho

State Police, interview in Boise, ID, June 7, 1983 (hereafter referred to as "Bernard Interview").

<sup>31</sup> Rooney Interview; Hurlbutt Interview; Broadbent Telephone Interview.

<sup>32</sup> Jones Interview.

<sup>33</sup> Ibid.

<sup>34</sup> Rooney Interview.

<sup>35</sup> Ibid.

<sup>36</sup> Stalder Interview; Broadbent Telephone Interview; Hurlbutt Interview.

<sup>37</sup> Broadbent Telephone Interview.

<sup>38</sup> Ibid.

Incidents Directed Against Racial, Religious, or Ethnic Groups," directs the Maryland State Police to collect and analyze information relating to such incidents, and requires the State Police to request information from all local law enforcement agencies and from the State Fire Marshall.<sup>39</sup> The Maryland law also requires the State Police to compile and analyze the information and to make monthly reports to the Maryland Human Relations Commission.<sup>40</sup> Of the legislative initiatives discussed in the U.S. Commission on Civil Rights' statement on racial and religious bigotry in America, the Commission particularly noted the Maryland statute and stated:

[i]t is the only measure in the country that requires a separate statewide reporting system of crimes that are racially and religiously motivated.<sup>41</sup>

Since the enactment of the Maryland law, the Maryland State Police held a seminar to educate law enforcement officers throughout the State on the reporting procedure.<sup>42</sup> For nine months before the law went into effect, the sporadic reporting and collection of data regarding incidents reflected that there were 129 reports of incidents directed against racial, religious, or ethnic groups. From July 1981 to November 1982, 221 incidents were systematically reported, including the type of crime and the geographic location of incidents.<sup>43</sup> A copy of the Maryland statute has been included in Appendix D to this report.

The Advisory Committee recognizes that data collection without utilization serves very little purpose. The collection of data can be useful in determining the decrease or increase of incidents of racial and religious harassment and violence, whether such incidents are concentrated in a particular part of Idaho, and whether the incidents are widespread or isolated. A standard system for reporting incidents of this nature can produce an accurate and comprehensive measurement of racially and reli-

giously motivated crimes. The information obtained from the monitoring effort can then be used in determining whether law enforcement responses are effective, and in fashioning effective responses.

## Task Forces

In 1981, the Advisory Committee participated in a survey conducted by the U.S. Commission on Civil Rights of present and potential government responses and strategies to combat hatred and violence.<sup>44</sup> One of the potential responses/strategies assessed by the Advisory Committee members was the effectiveness of establishing officially sanctioned task forces to combat hatred and violence. The Idaho Advisory Committee reported that while task forces sometimes have met with limited success, a key to the success of a task force depends upon how it was formed and the mandate it received.<sup>45</sup> Specifically, the Advisory Committee stated that the task force approach was beneficial if the task force's function was to collect information and expose acts of racial and religious harassment and violence in reports to the general public.<sup>46</sup> The Advisory Committee also stated that a task force established at a high level of government (e.g., formed by the governor of a State or the mayor of a city) has credibility.<sup>47</sup> The credibility of a task force is important if the problems and issues identified by the task force, and the solutions and responses it recommends, are to be accepted and implemented.<sup>48</sup>

As reported in *Intimidation and Violence*, task forces or commissions established by governors or local officials exist in at least eight States.<sup>49</sup> One of the task forces is the Maryland "Governor's Task Force on Violence and Extremism."<sup>50</sup> The Maryland task force was formed after Maryland Governor Harry Hughes met with a group of community leaders who expressed concern over the "intolerable increase of acts of violence and intimidation" in the State.<sup>51</sup> The community leaders represented organizations that formed a statewide private sector

<sup>39</sup> Md. Ann. Code art. 88B, Secs. 9(b) and 10(b) (Supp. 1981).

<sup>40</sup> *Id.*

<sup>41</sup> *Intimidation and Violence*, p. 23. See also, State of Maryland, Governor's Task Force on Violence and Extremism, *Interim Report* (February 1983) (hereafter referred to as *Maryland Interim Report on Violence and Extremism*).

<sup>42</sup> *Maryland Interim Report on Violence and Extremism*, p. 8.

<sup>43</sup> *Ibid.*

<sup>44</sup> John I. Binkley, Deputy Director, Office of Regional Programs, U.S. Commission on Civil Rights, Memorandum to Regional Directors, "Strategies to Combat Hatred and Violence," Sept. 28, 1981.

<sup>45</sup> Joseph Brooks, Regional Director, Northwestern Regional Office, U.S. Commission on Civil Rights, Memorandum to John I. Binkley, "Strategies to Combat Hatred and Violence," Nov. 20, 1981, p. 10 (hereafter referred to as "Brooks Memorandum").

<sup>46</sup> Brooks Memorandum, p. 4.

<sup>47</sup> *Ibid.*

<sup>48</sup> *Ibid.*

<sup>49</sup> *Intimidation and Violence*, pp. 19-20.

<sup>50</sup> *Ibid.*, p. 19.

<sup>51</sup> *Maryland Interim Report on Violence and Extremism*, p. 1.

umbrella coalition called the Coalition Opposed to Violence and Extremism (COVE).<sup>52</sup> The Governor's Task Force was established by Executive Letter (Order) on March 31, 1981, and is comprised of the heads of various State agencies, two members of the Maryland General Assembly, and the Chief Judge of the District Court of Maryland.<sup>53</sup> The Governor's Task Force is to "determine the dimensions of the problem of racial, religious, or ethnic bias or hatred in Maryland, design and implement an effective public education project to sensitize citizens to the dangers of extremism, involve every appropriate agency of State and local government in the development and implementation of a standardized system of reporting incidents of intimidation or violence, develop and publicize procedures to provide timely and effective assistance to victims of violence or intimidation, and to employ the combined resources of the community to create a statewide information service and speakers bureau to actively promote tolerance and understanding throughout Maryland."<sup>54</sup>

Aside from task forces or commissions established by Governors or local officials to combat bigotry and violence, the U.S. Commission on Civil Rights also reported that most existing State and local civil rights or human relations agencies were concerned about and actively exploring responses to racial and religious bigotry and violence.<sup>55</sup> In Idaho, the Human Rights Commission convened a panel on racial and religious harassment, prepared and submitted the original draft "malicious harassment bill," and actively sought passage of the malicious harassment law.<sup>56</sup>

There is no task force chartered by State or local government in Idaho specifically charged to address the issue of racial and religious bigotry, harassment, and violence; however, State and local government have taken other significant action, discussed elsewhere in this chapter, in this regard. Further, there is an Interstate Task Force on Human Relations that was formed to address racial and religious bigotry and violence in Eastern Washington and Northern

Idaho.<sup>57</sup> The Interstate Task Force was formed because of concerns regarding bigotry and violence in the Coeur d'Alene-Spokane area. Responding to requests for technical assistance related to bigotry and violence, Robert Hughes, conciliator with CRS, met with citizens and officials in the two areas, and helped to organize joint meetings concerning racial and religious bigotry and violence.<sup>58</sup> A group from those areas met several times and decided to hold an educational seminar on racial and religious bigotry. After the seminar, in May 1982, the Interstate Task Force was formally established.<sup>59</sup> A copy of the resolution commissioning the Interstate Task Force on Human Relations is included in Appendix M to this report.

The Interstate Task Force is a public and private sector coalition composed of representatives from law enforcement, government, and education agencies, and religious and civil rights organizations from Idaho and Washington.<sup>60</sup> Among the organizations and agencies represented on the Interstate Task Force are the NAACP, the Spokane, Washington School District, the Christian Coalition, the Kootenai County and Spokane County Sheriff's Departments, the City of Spokane Police Department, the Idaho and Washington Human Rights Commissions, and Temple Beth Shalom in Spokane.<sup>61</sup> The Interstate Task Force was formed to educate the community on bigotry and violence in their areas; monitor bigotry and violence; present positive approaches in response to bigotry and violence; work with local government officials in Spokane to study, investigate, and recommend government responses to bigotry and violence; work with Idaho agencies and organizations to secure passage of legislation making racial and religious harassment a felony; and to aggressively pursue the equal protection of all citizens.<sup>62</sup>

The approach of the Interstate Task Force on Human Relations is to inform and educate people regarding the existence of racial and religious bigotry, harassment, and violence in the area. Conferences and seminars have been the focal point of

<sup>52</sup> Ibid.

<sup>53</sup> Ibid.

<sup>54</sup> Ibid., p. 2.

<sup>55</sup> *Intimidation and Violence*, p. 20.

<sup>56</sup> Idaho Human Rights Commission, July 1982 Minutes; Shuler Interview.

<sup>57</sup> Interstate Task Force on Human Relations, interview in Spokane, WA, Mar. 14, 1983 (hereafter referred to as "Interstate Task Force Interview").

<sup>58</sup> Interstate Task Force Interview.

<sup>59</sup> Ibid.

<sup>60</sup> Ibid.

<sup>61</sup> Interstate Task Force Interview.

<sup>62</sup> See, in Appendix M, Resolution Commissioning the Interstate Task Force on Human Relations. In May 1982, when the Interstate Task Force on Human Relations was formed, the State of Washington had already enacted "Malicious Harassment" legislation. [Wash. Rev. Code 9A.36.080 (1981).]

their work. They attempt to monitor racial and anti-Semitic acts within their communities, but their monitoring effort is limited due to the lack of a staff.<sup>63</sup>

The Spokane members of the Interstate Task Force explained that because only a short distance separates Spokane from Northern Idaho, there is a concern in Spokane that the problems of racial and religious harassment and violence in Coeur d'Alene could easily spill over to Spokane, unless preventative efforts are made.<sup>64</sup>

In Kootenai County, a task force has been formed in response to reported incidents of racial and religious harassment. Reverend Rick Morse explained that the Task Force was formed to provide support to victims of racial and religious harassment and violence; to promote legislation as a response to racial and religious harassment and violence; to provide educational material promoting positive human relations for community use; and to monitor incidents of bigotry and violence.<sup>65</sup>

The Kootenai Task Force has received the endorsement of the Coeur d'Alene City Council and the Coeur d'Alene Chamber of Commerce.<sup>66</sup>

## Governmental Leadership

A recurring message received from those interviewed in connection with this report was the need for people in Idaho to speak out against the growth of racial and religious bigotry, harassment, and violence in the State.<sup>67</sup> Those interviewed stated that it was particularly important that government officials in Idaho speak out on this issue.<sup>68</sup>

Marilyn Shuler noted that in terms of political leadership, civil rights is going through a period when people are "soft on it."<sup>69</sup> She added that

government officials must "come out strong and hard stating their beliefs in the [malicious harassment] law and enforce it."<sup>70</sup>

Susan Smith, Executive Director of Adoptions in Idaho, received hate mail because the agency had on occasion placed minority children with White families.<sup>71</sup> When asked what she believed State and local government should do in response to racial and religious harassment, Smith stated:

I think the harassment bill is a start, but I think all it is, is just a start. I'm not sure how, but I would like to see State [government], local [government], community groups, and individuals making statements about it and standing up for what they believe in and letting these people know that we don't like their activities and that we are not going to tolerate them.<sup>72</sup>

Commenting on government leadership as an effective response to racial and religious harassment and violence, Undersheriff Broadbent assessed the impact of government leadership on a community. He explained that because community members respect the leadership of their government, the community takes its stance based largely on the example set by its leaders.<sup>73</sup> The Undersheriff stated:

If they did nothing, the community would do nothing. By government and law enforcement taking a stance, this has encouraged more people to get involved.<sup>74</sup>

There have been various examples of governmental leadership in response to racial and religious bigotry and violence in Idaho. The passage of the Malicious Harassment Act and the comments made by public officials in support of the legislation were statements of public abhorrence regarding racial and religious harassment, intimidation, and violence. In

<sup>63</sup> Interstate Task Force Interview.

<sup>64</sup> Ibid.

<sup>65</sup> Morse Interview. See also, Coeur d'Alene City Council, Resolution No. 84-5, passed Oct. 18, 1983; Coeur d'Alene Chamber of Commerce, "Human Rights Policy Statement," adopted Sept. 15, 1983. The Coeur d'Alene City Council resolution and the Coeur d'Alene Chamber's policy statement are reproduced in Appendix I and Appendix J to this report.

<sup>66</sup> G. Eugene McAdams, Coeur d'Alene City Administrator telephone interview, Dec. 2, 1983 (hereafter referred to as "McAdams Interview"); J.A. "Sandy" Emerson, Executive Vice President and Manager, Coeur d'Alene Chamber of Commerce, telephone interview, Oct. 19, 1983 (hereafter referred to as "Emerson Telephone Interview").

<sup>67</sup> Jones Interview; Hurlbutt Interview; Morse Interview; Shuler Interview; Citizens' Coalition Interview; Eugene Gottesman, Rabbi of Temple Beth Shalom, interview in Spokane, WA, Mar. 14, 1983 (hereafter referred to as "Gottesman Interview"); Hector

deLeon, Deputy Director of Idaho Migrant Council, interview in Boise, ID, Mar. 18, 1983 (hereafter referred to as "deLeon Interview"); Richard Eardley, Mayor of Boise, interview in Boise, ID, June 7, 1983 (hereafter referred to as "Eardley Interview"); Susan Smith, interview in Post Falls, ID, Mar. 15, 1983 (hereafter referred to as "Smith Interview"); Bertha Edwards, President, Boise Branch of the NAACP, interview in Boise, ID, Mar. 17, 1983 (hereafter referred to as "Edwards Interview"); Glen Walker, Kootenai County Prosecutor, interview in Coeur d'Alene, ID, June 9, 1983 (hereafter referred to as "Walker Interview").

<sup>68</sup> Ibid.

<sup>69</sup> Shuler Interview.

<sup>70</sup> Ibid.

<sup>71</sup> Smith Interview.

<sup>72</sup> Ibid.

<sup>73</sup> Broadbent Telephone Interview.

<sup>74</sup> Ibid.

stating the purpose of the Malicious Harassment Act, the Idaho legislature found and declared that "it is the right of every person regardless of race, color, ancestry, religion, or national origin, to be secure and protected from fear, intimidation, harassment, and physical harm caused by the activities of groups and individuals."<sup>75</sup>

The support by public officials for the enactment of the malicious harassment law was noted by the Citizens' Coalition Against Malicious Harassment, an organization formed to urge passage of the malicious harassment bill. The members of the Coalition reported that officials made public statements in support of the legislation or wrote letters of support.<sup>76</sup> It was also reported that public officials discussed their support with individual legislators, or gave testimony before legislative committee hearings.<sup>77</sup> The Coalition also noted the support of the legislation by the Governor, and explained that some public officials demonstrated their support of the Citizens' Coalition's effort by attending meetings of the Coalition.<sup>78</sup>

Commenting on the contribution of government leadership in the enactment of the malicious harassment legislation, the Director of the Idaho Human Rights Commission stated that it was "significant that key political leaders, such as the Governor and the Attorney General, supported the legislation."<sup>79</sup> Robert Lamb, Region 10 Director of the Community Relations Service of the Department of Justice, also commented on the concern and involvement by government officials in Idaho, which led to the enactment of the Malicious Harassment law.<sup>80</sup> He stated:

The State and its officials, with the active involvement of the Idaho Human Rights Commission and some officials in one of the Sheriff's Departments, with support of the Governor's Office down, recognized signals that warranted need for legislation.<sup>81</sup>

<sup>75</sup> Idaho Code Sec. 18-7901.

<sup>76</sup> Citizens' Coalition Interview. A list of individuals and organizations that supported the Malicious Harassment bill was compiled by the Citizens' Coalition Against Malicious Harassment. The Citizens' Coalition list of supporters of SB 1020 is included in Appendix C to this report.

<sup>77</sup> Citizens' Coalition Interview.

<sup>78</sup> Ibid.

<sup>79</sup> Shuler Interview.

<sup>80</sup> Lamb Interview.

<sup>81</sup> Ibid.

<sup>82</sup> As reported in *Intimidation and Violence*, such resolutions have

Another example of exercising political leadership in response to racial and religious bigotry and violence is the passage of official resolutions. This is an approach that can be taken by city and county commissions or councils, by mayors, and by State boards and commissions.<sup>82</sup>

In Spokane, Washington, a week after a controversial rally including extremist groups at a city park, the mayor issued a proclamation for Human Relations Week in the city "in recognition of the fact that we are indeed, for all our differences, united as one people."<sup>83</sup>

In Idaho, the Coeur d'Alene City Council passed a resolution adopting a Human Rights policy endorsing the goals of the Kootenai County Task Force on Human Relations, and opposing racial and religious harassment.<sup>84</sup> The Coeur d'Alene City Council resolution is the first measure of its kind passed by a local governmental body in Idaho.<sup>85</sup> In a speech before the 1983 Convention of the Idaho Association of Counties, Undersheriff Broadbent urged the delegates to adopt similar policies.<sup>86</sup> A copy of the City Council's resolution has been included in Appendix I to this report.

Another method of providing governmental leadership is utilized when key government officials make public speeches and issue statements concerning racial and religious bigotry, harassment and violence. Robert Lamb cited the Governor of Oregon's decision to make bigotry and violence the primary topic in his message at the opening session of the 1981 Oregon legislature, as a commendable example of governmental leadership.<sup>87</sup> Hector deLeon of the Idaho Migrant Council also discussed the need for elected officials to speak out. He stated that if elected officials would at least indicate that they do not condone racial and religious bigotry, harassment, and violence, this would be a positive step.<sup>88</sup> Undersheriff Broadbent has been monitoring hate group activity and incidents of racial and religious harassment and violence in Idaho since

been passed by the Wilmington, Delaware City Council and by the Maryland State Department of Education. See, *Intimidation and Violence*, pp. 30-32.

<sup>83</sup> Spokane, WA, Office of the Mayor; Proclamation, July 5, 1983.

<sup>84</sup> McAdams Interview; Coeur d'Alene, ID City Council, Resolution No. 84-5, passed Oct. 18, 1983.

<sup>85</sup> Broadbent Telephone Interview.

<sup>86</sup> Ibid.

<sup>87</sup> Lamb Interview.

<sup>88</sup> deLeon Interview.

December 1980. At the 1983 Convention of the Idaho Association of Counties, Undersheriff Broadbent urged the delegates to "loudly and publicly denounce" racial and religious bigotry and violence.<sup>89</sup>

The need for government officials to exercise leadership on this issue is present not only on the national and State level, but also on the local level. To the extent that these problems are occurring more frequently in particular communities in Idaho, it is important for local public officials to speak out. In its statement on racial and religious bigotry in America, the U.S. Commission on Civil Rights concluded that some national, State, and local leaders have not been as vocal as they should be in expressing outrage over criminal acts that deny constitutional rights to persons because of their color, creed, or national origin.<sup>90</sup> The Commission further concluded that regardless of whether this failure to speak out is due to unintentional insensitivity, or to a deliberate conspiracy of silence, this failure becomes a ground for perpetrators to believe that illegal acts of racial or religious violence will not be challenged seriously.<sup>91</sup> Discussing the need for governmental leaders to speak out the Commission stated:

Members of hate groups. . .view themselves as true patriots who stand as the last defenders of the American way. They must learn from repeated public statements, as well as the determined enforcement of law, that they are the most anti-American among us. Were they to succeed in having a one-race, one-religion, one-ancestry Nation, then any semblance of the pluralism that is America would be destroyed.<sup>92</sup>

### Law Enforcement/Prosecution

While some law enforcement officials and prosecutors have been very responsive to incidents of racial and religious harassment and violence, and have been concerned with the potential for violence; others have not been as responsive, or have responded late, or have not shown a concern for the potential of violence. The Kootenai County Sheriff's Office and the Kootenai County Prosecutor have

been very involved as active supporters of the malicious harassment legislation, have participated in the activities of a community task force, and have indicated their intent to respond swiftly and fully to incidents that occur.<sup>93</sup> Undersheriff Broadbent believes that the County Sheriff's Department has taken a leadership role in law enforcement because of the comparatively high level of incidents of racial and religious harassment, and the potential for violence in his area.<sup>94</sup> He also believes that other jurisdictions in Idaho have been or will be vigorous in their response.<sup>95</sup> The "Malicious Harassment Act" was supported by the Idaho Sheriff's Association, the Chiefs of Police Association, and the Idaho Department of Law Enforcement.<sup>96</sup>

On the other hand, there were complaints from the victims of racial and religious harassment, and from other concerned individuals regarding the alleged lack of a swift response, and/or the inadequacy of the response by some law enforcement and prosecutorial officers and agencies.<sup>97</sup> Also, some law enforcement officials interviewed had very limited information regarding the problem of racial and religious harassment in any part of Idaho, and very limited knowledge about the "Malicious Harassment Act."<sup>98</sup>

The Citizens' Coalition Against Malicious Harassment expressed its concern regarding the need for effective law enforcement responses to racial and religious harassment and violence. Mary Daley, one of the members of the Citizens' Coalition, commented upon the harm that can accrue from an inadequate or ineffective law enforcement response. She stated:

Another thing that can happen is a disrespect for the law. When the law is no longer protecting people, then a disrespect for law enforcement and for the law itself may eventually break down government because you lose communication. We are in the budding stages of some of that right now. The tendency for taking the law into your own hand, "I can't get any justice from the law, so I'll do it myself."<sup>99</sup>

Hughes, Conciliator, Community Relations Service, Region 10 (Department of Justice), interview in Seattle, WA, July 13, 1983 (hereafter referred to as "Hughes Interview No. 1").

<sup>97</sup> Gottesman Interview; Connie Fort, interview in Coeur d'Alene, ID, Mar. 15, 1983 (hereafter referred to as "Fort Interview"); Morse Interview; Edwards Interview; deLeon Interview; Berain Interview.

<sup>98</sup> Church Interview; Bernard Interview.

<sup>99</sup> Citizens' Coalition Interview.

<sup>89</sup> Broadbent Telephone Interview.

<sup>90</sup> *Intimidation and Violence*, p. 28.

<sup>91</sup> *Ibid.*

<sup>92</sup> *Ibid.*, p. 25.

<sup>93</sup> Stalder Interview; Walker Interview; Jones Interview; Morse Interview.

<sup>94</sup> Broadbent Telephone Interview.

<sup>95</sup> *Ibid.*

<sup>96</sup> Citizens' Coalition Interview; Berain Interview; Robert

In its statement on racial and religious bigotry in America, the U.S. Commission on Civil Rights noted that a "factor that affects police response is the widespread lack of hard, comprehensive, and comparative data concerning the number, location, and types of crimes that are motivated by racial or religious bigotry."<sup>100</sup>

The need for data regarding racially and religiously motivated crimes does not mean that racial and religious violence should only be a concern if a large number of racially and religiously motivated crimes can be retrieved and provided to law enforcement officials. The number of racially and religiously motivated incidents should not dictate the quality of law enforcement's response. As Attorney General Jones stated, "if a person is on the receiving end of the harassment, one instance is too many."<sup>101</sup>

Too often, single incidents of racial and religious harassment and violence have been considered harmless pranks or jokes, particularly since the incidents were determined by law enforcement agencies to be "isolated incidents." After the denial of the seriousness of the act, the response has been to do very little, if anything at all. An effective response by law enforcement should not turn on whether there are frequent occurrences or whether major criminal acts (e.g., homicide or aggravated assault) are committed. As Robert Lamb stated:

I am disturbed by those who dismiss these forms of racism as isolated acts by pranksters or weirdos. This myopic view fails to recognize that such acts cause deep suffering to their victims in every instance. Law enforcement officers in particular should not regard these cross burnings, intimidations, defacements, and other hate acts as committed by kids having "harmless fun" on a Saturday night. They are atrocities that are calculated and committed by haters of Jews, Blacks, Hispanics, Asian Americans, and other minorities. They are haters who are determined to destroy the individual freedom of the people they despise.<sup>102</sup>

<sup>100</sup> *Intimidation and Violence*, p. 15.

<sup>101</sup> Jones Interview.

<sup>102</sup> Robert Lamb, Jr., "Non-Physical Assaults on Blacks" (speech delivered at a symposium sponsored by the National Organization of Black Law Enforcement Executives (NOBLE), 5th Annual Conference and Community Anti-Crime Expo '81, Baltimore, MD, July 15, 1981). See, Lee P. Brown, ed., *Violent Crime—Who Are the Victims?*, p. 16. Mr. Lamb's remarks at the NOBLE Symposium were not made in his official capacity as Regional Director of the Community Relations Service.

<sup>103</sup> This factor was discussed by the U.S. Commission on Civil Rights in *Intimidation and Violence*, p. 29.

The response of law enforcement officers and prosecutors to reported incidents of racial and religious harassment and violence may be enhanced by the provision of training on this subject.<sup>103</sup> During the spring of 1983, seven seminars were held across the State on the issue of "White Supremacy Groups in Idaho."<sup>104</sup> These seminars were held in Caldwell, Moscow, Twin Falls, Coeur d'Alene (two sessions), Pocatello, and Boise. In addition to a local agency host, co-sponsors included the Idaho Peace Officers Standards and Training (POST) Academy, the Idaho Department of Law Enforcement, the Kootenai County Sheriff's Office, and the Region 10 office of the Community Relations Service, Department of Justice (CRS).<sup>105</sup>

According to CRS, 460 persons, representing 125 local, State, and Federal agencies participated in the seminars.<sup>106</sup> Most attendees were law enforcement personnel, and the topics discussed included a national and regional overview of hate group activity, white supremacy group activity in Idaho, legal resources for addressing racial and religious harassment (with an overview of and emphasis on the "Malicious Harassment Act"), and community resources for addressing racial and religious harassment.<sup>107</sup>

Larry Plott, Executive Director of the Idaho Peace Officers Standards and Training (POST) Academy, explained that these seminars were held to increase the awareness of officers about white supremacy groups in the State, and to discuss the actions officers should take in responding to complaints of racial and religious harassment and violence.<sup>108</sup> In a follow-up interview, the POST Academy's Executive Director stated that another series of training seminars on white supremacy groups was scheduled for 1984.<sup>109</sup>

The Director of the Idaho Department of Law Enforcement offered his assessment of the value of the seminars. He stated that the training sessions were an "eye-opener" in familiarizing law enforce-

<sup>104</sup> Hughes Interview No. 1.

<sup>105</sup> Ibid. This information was gleaned from agendas of four of the seven workshops, provided to Northwestern Regional Office staff by Robert Hughes, Community Relations Service, Department of Justice, Region 10 (hereafter referred to as "Law Enforcement Training Agendas").

<sup>106</sup> Hughes Interview No. 1.

<sup>107</sup> Law Enforcement Training Agendas.

<sup>108</sup> Larry Plott, Executive Director, Idaho Peace Officers Standards and Training (POST) Academy, telephone interview, July 5, 1983 (hereafter referred to as "Plott Interview").

<sup>109</sup> Larry Plott, follow-up telephone interview, Mar. 28, 1984.

ment personnel with the issues. He cautioned however, that with regard to the Malicious Harassment Act, it is too early to tell how effective the training sessions have been.<sup>110</sup> He added that although some prosecutors attended the training sessions, more prosecutors need to be trained.<sup>111</sup>

The Director of the Idaho Human Rights Commission also believed that it is too early to assess how effective the law enforcement training seminars have been.<sup>112</sup> When asked whether government has done enough in response to racial and religious harassment and violence, Marilyn Shuler observed that a determination that the enactment of the Malicious Harassment Act is sufficient "depends on how local law enforcement handles the law."<sup>113</sup> She added that if the law is not enforced, nothing will be gained from its enactment.<sup>114</sup>

Undersheriff Broadbent stated that while one-time seminars are useful in making law enforcement personnel aware of an issue, without follow-up training activities, the level of interest and concern may not be maintained.<sup>115</sup> The Undersheriff was a panelist at each of the seminars, providing an overview of white supremacy group activity in Idaho.<sup>116</sup>

Robert Hughes stated that the main purpose of the seminars was to make law enforcement personnel aware of the Malicious Harassment Act.<sup>117</sup> The goal of the seminars was to enhance enforcement of racially and religiously motivated crimes through awareness and understanding.<sup>118</sup> Hughes added that, related to this goal, the development of departmental policies for handling complaints of racial and religious harassment was encouraged during the seminars.<sup>119</sup> He indicated that the development of such policies helps to ensure that complaints of racial and religious harassment are not ignored or given low priority, but instead are taken seriously as potential felony offenses.<sup>120</sup>

The issuance of departmental or policy statements by the executive officer of law enforcement and

prosecutorial agencies can be an effective method to help facilitate the training process. Such documents call attention to the criminal activity; direct attention to State law(s) or local ordinance(s) relevant to the criminal activity; and discuss the type of response that should be made, including the appropriate investigatory techniques. Policy statements also indicate to law enforcement personnel the priority the top official of that unit places on the particular criminal activity.

In March 1983, Kootenai County Sheriff Floyd E. Stalder took the lead in Idaho and issued a departmental policy statement on malicious harassment to all personnel.<sup>121</sup> The Kootenai County policy statement will become a permanent part of the policy manual for the Sheriff's Department.<sup>122</sup> Although other law enforcement agencies within Idaho have been encouraged by CRS and the Kootenai County Sheriff's Office to adopt policies similar to Kootenai County's,<sup>123</sup> according to Undersheriff Broadbent, only Ada County (Boise) has indicated an intention to do so.<sup>124</sup> The Kootenai County Sheriff's Office policy on racial and religious harassment was used as a model during the training seminars on "White Supremacy Groups in Idaho."<sup>125</sup>

A copy of this policy is included in Appendix E to this report.

One of the concerns of the Advisory Committee is the level of coordination by State, local, and Federal law enforcement agencies, including familiarity with Federal criminal civil rights statutes. The CRS conciliator was asked whether Federal laws were reviewed and whether Federal-State-local law enforcement coordination of the investigation and referral of cases relevant to racial and religious harassment and violence were covered during the seminars. Robert Hughes stated that only the Federal statute pertaining to Fair Housing and the prevention of intimidation (Title IX of the Civil Rights Act of 1968)<sup>126</sup> was covered, and that the main focus of

<sup>110</sup> Rooney Interview.

<sup>111</sup> Ibid.

<sup>112</sup> Shuler Interview.

<sup>113</sup> Ibid.

<sup>114</sup> Ibid.

<sup>115</sup> Broadbent Telephone Interview.

<sup>116</sup> Law Enforcement Training Agendas.

<sup>117</sup> Robert Hughes, Conciliator, Community Relations Service, Region 10 (Department of Justice), interview in Seattle, WA, Oct. 5, 1983 (hereafter referred to as "Hughes Interview No. 2").

<sup>118</sup> Hughes Interview No. 2.

<sup>119</sup> Ibid.

<sup>120</sup> Ibid.

<sup>121</sup> Kootenai County, ID (Coeur d'Alene), Office of County Sheriff, *Special Order No. 2*, (effective Mar. 30, 1983) (hereafter referred to as "Kootenai County Sheriff's Special Order"). Similar information has been disseminated to law enforcement agencies in the State of Washington including the City of Spokane Police Department and the Spokane County Sheriff's Office.

<sup>122</sup> Broadbent Telephone Interview.

<sup>123</sup> Ibid.; Hughes Interview No. 2.

<sup>124</sup> Broadbent Telephone Interview.

<sup>125</sup> Hughes Interview.

the seminars was the Idaho Malicious Harassment Act.<sup>127</sup> He explained that the State and local law enforcement personnel attending the seminars generally had very little knowledge of Federal criminal civil rights statutes.<sup>128</sup> The Community Relations Service conciliator added that based on the interaction during the seminars, it is his impression that coordination and information sharing between Federal, State, and local law enforcement agencies, as it relates to racial and religious harassment and violence, are lacking.<sup>129</sup>

Undersheriff Broadbent informed the Advisory Committee that while there has been a dialogue between local law enforcement agencies and the Federal law enforcement agencies, there is a need for improvement in communications.<sup>130</sup> The Undersheriff stated that local law enforcement agencies that refer cases to the Federal level need to receive feedback from Federal law enforcement agencies to make sure that the referrals are useful, and to determine where improvements should be made.<sup>131</sup> He pointed out that the feedback from the Federal level should indicate the disposition of the referral.<sup>132</sup> The Undersheriff also stated that, in general, local law enforcement personnel are unaware of potential violations of Federal criminal civil rights statutes.<sup>133</sup> He added that educational seminars on applicable Federal laws would be helpful in this regard.<sup>134</sup>

Another aspect of training, particularly for law enforcement officials, is related to improving relations between police and minority communities. In several interviews, the problem of tension between police and members of racial minority groups—particularly Hispanics—was raised.<sup>135</sup> Marilyn Shuler, Director of the Idaho Human Rights Commission, told the Advisory Committee that the Human Rights Commission has received complaints from the Hispanic communities in the Cassia and Canyon

County areas concerning discriminatory police practices.<sup>136</sup> Shuler stated that the complaints were from minority victims of crime who did not believe that they received the same type of police assistance as non-minorities, complaints regarding the selective enforcement of the laws, and complaints regarding discrimination in employment.<sup>137</sup> Jesse Berain of IMAGE noted what he believed to be the “tendency to selectively enforce the law,” in discussing law enforcement officials and their treatment of Hispanics.<sup>138</sup> Hector deLeon, Deputy Director of the Idaho Migrant Council, stated that racial and religious harassment and violence was a particular problem for Hispanics in Idaho as it relates to harassment from law enforcement.<sup>139</sup> In addition, Roy Lemos, a member of the Citizens’ Coalition Against Malicious Harassment, stated that there have been reports of police brutality and of law enforcement not being fair because of “the color of the individual or the individual’s racial group.”<sup>140</sup>

Larry Broadbent expressed the opinion that a course on human relations should be taught on an on-going basis during the mandatory training course conducted by the Idaho Peace Officers Standards and Training (POST) Academy.<sup>141</sup> In Idaho, all city and county law enforcement officers, State Police officers, and Fish and Game Wardens are required by State regulation to complete a course of 300 hours of training at the POST Academy to become certified as law enforcement officers.<sup>142</sup> The POST Academy presently does not have a specific “human relations/race relations” course within its required curriculum.<sup>143</sup> The POST Academy does expose the officer trainees to 27 hours of behavioral science training regarding how to interact effectively with people.<sup>144</sup> It also conducts 6-hour courses in “transactional analysis” and “ethics in professional-

<sup>126</sup> 42 U.S.C. Sec. 3631 (1976). This statute refers to acts such as cross burnings and vandalism or other acts to injure, intimidate, or interfere with rights to housing because of race, color, religion, sex, or national origin. The text of the statute is included in Appendix F to this report.

<sup>127</sup> Hughes Interview No. 2.

<sup>128</sup> Ibid.

<sup>129</sup> Ibid.

<sup>130</sup> Broadbent Telephone Interview.

<sup>131</sup> Ibid.

<sup>132</sup> Ibid.

<sup>133</sup> Ibid.

<sup>134</sup> Ibid.

<sup>135</sup> Berain Interview; deLeon Interview; Citizens’ Coalition Interview; Shuler Interview.

<sup>136</sup> Shuler Interview.

<sup>137</sup> Marilyn Shuler, Director, Idaho Human Rights Commission, telephone interview, Mar. 28, 1984.

<sup>138</sup> Berain Interview.

<sup>139</sup> deLeon Interview.

<sup>140</sup> Citizens’ Coalition Interview.

<sup>141</sup> Broadbent Telephone Interview.

<sup>142</sup> Plott Interview.

<sup>143</sup> Ibid.

<sup>144</sup> Larry Plott, Executive Director, POST Academy, Affected Agency Review response to Susan McDuffie, Regional Director, U.S. Commission on Civil Rights, Northwestern Regional Office, Nov. 7, 1984; Larry Plott, second follow-up telephone interview, Nov. 21, 1984.

ism," which do cover human/race relations to some extent.<sup>145</sup> The Executive Director of the POST Academy stated that while human relations courses were very important, courses such as these tend to be cut in the budget process.<sup>146</sup> He also stated that in the area of interpersonal communications, courses were set up as in-service training in the field, but that there was resistance and lack of interest on the part of officers because "some officers don't think they need it."<sup>147</sup>

The Advisory Committee recognizes that some law enforcement or prosecutorial officials believe that the passage of the "Malicious Harassment Act" was not necessary because, in their opinion, pre-existing laws were adequate.<sup>148</sup> Whether the criminal justice system responds to an incident of racial and religious harassment and violence on the basis of the new law or the pre-existing statutes is not the issue, however. It is noteworthy, for example, that the City of Coeur d'Alene used the Idaho Code Misdemeanor Assault Statute to successfully prosecute and convict an individual accused of racially motivated criminal acts.<sup>149</sup> What is important is that when incidents of racially and religiously motivated crimes occur or are reported, the criminal justice system should make a prompt and adequate response, based upon existing applicable law. In *Intimidation and Violence*, the U.S. Commission on Civil Rights stressed the urgency of an effective law enforcement response, and stated:

Effective police responses to incidents of racial and religious violence are necessary to keep such incidents

from spreading. If the police fail to respond, or respond in ways that clearly demonstrate a lack of sensitivity, perpetrators can interpret the police inactivity as official sympathy or even sanction.<sup>150</sup>

The U.S. Commission on Civil Rights concluded that "the phenomenon of racial and religious violence is a serious threat to the maintenance of a peaceful, democratic, and pluralistic society."<sup>151</sup> Although this threat is of national concern, the manifestations of bigotry-bred violence occur in different ways among the various States and in local communities. While there is a need for Federal leadership to deter and combat racial and religious bigotry, harassment, and violence, state and local agencies and departments are often the first and only units asked to respond to incidents of this nature. State and local government and law enforcement officials should recognize that the actions they take determine to a significant degree whether incidents increase, or decrease and disappear. The State of Idaho has taken a significant step in response to bigotry and violence in the State through the passage of the Malicious Harassment Act. In this chapter, the Idaho Advisory Committee has suggested other responses that can be taken on the State and local government level to help ensure that the purposes of that law are fulfilled. The Advisory Committee believes that while there are actions that should be taken by the Federal government in response to racial and religious violence, the most immediate and effective responses will come at the State and local levels.

<sup>145</sup> Plott Interview.

<sup>146</sup> Ibid.

<sup>147</sup> Ibid.

<sup>148</sup> This view was expressed, for example, by Coeur d'Alene Police Chief Frank Premo (Premo Interview), and to some extent by Coeur d'Alene City Attorney William McFarland (McFarland Interview).

<sup>149</sup> Premo Interview; McFarland Interview. See, *State of Idaho v. Keith D. Gilbert*, Case No. M38339, State of Idaho, Kootenai County, 1st Judicial District, District Court—Magistrate Division (filed, Mar. 28, 1983). See also, Idaho Code Sec. 18-901(b) (1979).

<sup>150</sup> *Intimidation and Violence*, p. 14.

<sup>151</sup> Ibid., p. 27.

## Federal Government Responses

### Community Relations Service/Department of Justice

The Community Relations Service of the Department of Justice (CRS) was created by the Congress of the United States "to provide assistance to communities and persons therein in resolving . . . difficulties relating to discriminatory practices based on race, color, or national origin which impair the rights of persons in such communities."<sup>1</sup> In carrying out its duties, CRS may provide "its services in cases of such difficulties whenever, in its judgment, peaceful relations among the citizens of the community involved are threatened thereby, and it may offer its services either upon its own motion or upon the request of an appropriate State or local official or other interested person."<sup>2</sup>

Robert Lamb, Director of the Region 10 office of the Community Relations Service, discussed his office's assessment of racial bigotry and violence in Idaho that resulted in services being offered to communities in the State by CRS.<sup>3</sup> He explained that government officials and citizens in Idaho became concerned with the presence of organiza-

tions and/or individuals in the State that adhere to and engage in white supremacist attitudes and activities.<sup>4</sup> Further, CRS received reports from racial and religious minorities of harassment and threats that could be interpreted as racially or ethnically motivated. CRS, in its role of providing resources and technical assistance in the resolution of racial disputes, responded to requests from citizens and officials to provide its services.<sup>5</sup>

In providing resources and technical assistance, CRS was instrumental in helping to form the Interstate and Kootenai County Task Forces on Human Relations and continues to interact with those task forces;<sup>6</sup> it has co-sponsored a public education and awareness conference for Idaho and Washington in the Coeur d'Alene-Spokane area;<sup>7</sup> it has shared information on its perspective of the problem and its activities with the Idaho Human Rights Commission;<sup>8</sup> it has helped initiate and co-sponsor training sessions for law enforcement and criminal justice officials on "White Supremacy Groups in Idaho,"<sup>9</sup> and it has responded to other community/citizen organizations on this issue.<sup>10</sup> In

<sup>1</sup> 42 U.S.C. Sec. 2000g-1 (1976).

<sup>2</sup> *Id.*

<sup>3</sup> Robert Lamb, Director, Community Relations Service, U.S. Department of Justice, Region 10, interview in Seattle, WA Sept. 14, 1983 (hereafter referred to as "Lamb Interview").

<sup>4</sup> Lamb Interview.

<sup>5</sup> *Ibid.*

<sup>6</sup> Interstate Task Force on Human Relations, interview in Spokane, WA, Mar. 14, 1983 (hereafter referred to as "Interstate Task Force Interview"); Reverend Rick Morse, Coordinator, Kootenai County Task Force on Human Relations, interview in

Coeur d'Alene, ID, Mar. 15, 1983 (hereafter referred to as "Morse Interview"); Guy Hurlbutt, U.S. Attorney for Idaho, interview in Boise, ID, June 7, 1983 (hereafter referred to as "Hurlbutt Interview").

<sup>7</sup> Interstate Task Force Interview.

<sup>8</sup> Marilyn Shuler, Director, Idaho Human Rights Commission, interview in Boise, ID, June 6, 1983 (hereafter referred to as "Shuler Interview").

<sup>9</sup> Shuler Interview; Larry Broadbent, Kootenai County Undersheriff telephone interview, Dec. 2, 1983 (hereafter referred to as "Broadbent Telephone Interview").

addition, it has assisted the Advisory Committee by providing oral or written information on racially and ethnically motivated acts, and community and government responses, and by referring some of the individuals who were interviewed in connection with this report.

During a presentation before the Idaho Human Rights Commission on the subject of racial and religious harassment and violence, CRS discussed the possibility of convening a statewide conference on these issues.<sup>11</sup> A statewide conference could help educate and inform government officials and the general public about racial and religious bigotry and violence, and present approaches to combat and respond to bigotry and violence. Such a conference could also serve as a forum for governmental leaders to speak out against racial and religious bigotry, harassment, and violence.

The Advisory Committee is concerned regarding the level of coordination between Federal, State, and local law enforcement and prosecutorial agencies relative to responses to racial and religious violence. During the spring of 1983, law enforcement training seminars were held across the State on the issue of "White Supremacy Groups in Idaho."<sup>12</sup> One of the sponsors of the seminars was the Region 10 office of CRS.<sup>13</sup> Robert Hughes, a conciliator in the Region 10 office of CRS, stated that the coordination of law enforcement and prosecutorial efforts to combat racial and religious violence was not covered in the seminars.<sup>14</sup> Hughes added that as a result of the seminars, CRS learned that there are no clearly understood channels of coordination or information-sharing in these types of cases.<sup>15</sup>

The Advisory Committee is also concerned that certain applicable Federal criminal civil rights statutes are largely unknown to law enforcement offi-

cials, prosecutors, and government officials on the State and local level, and to citizens. These laws are:

- Conspiracy Against Rights of Citizens (18 U.S.C. Section 241).
- Federally Protected Activities (18 U.S.C. Section 245).
- Fair Housing—Prevention of Intimidation (42 U.S.C. Section 3631).<sup>16</sup>

The text of these laws has been included in Appendix F to this report.

Robert Lamb gave his perception of the understanding of Federal criminal civil rights statutes by government, prosecutorial, and law enforcement officials on the State and local level, and on the part of citizens. The CRS Regional Director stated that most people are not sufficiently familiar with the civil rights laws of any jurisdiction on any level of government.<sup>17</sup> He believes that an important way to address this problem is through seminars and conferences with law enforcement officials, prosecutors, judges, government officials, media representatives, the clergy, educators, and citizens.<sup>18</sup> Lamb suggested that attorneys within the U.S. Commission on Civil Rights, the Civil Rights Division of the Department of Justice, and other Federal attorneys could possibly work together on a project to develop handbooks to instruct persons on what to do when they suspect violations of criminal civil rights laws.<sup>19</sup> He explained that in the Seattle area approximately one and one-half years ago, the U.S. Attorney secured an indictment and conviction of a person charged with a cross burning using a little-known criminal civil rights statute in the area of housing law (42 U.S.C. Section 3631).<sup>20</sup> The CRS Regional Director believes that law enforcement agencies that have legal advisors, should consult

<sup>10</sup> Bertha Edwards, President, Boise Branch of the NAACP, interview in Boise, ID, Mar. 17, 1983 (hereafter referred to as "Edwards Interview"); Citizens' Coalition Against Malicious Harassment, interview in Boise, ID, Mar. 17, 1983 (hereafter referred to as "Citizens' Coalition Interview").

<sup>11</sup> Robert Hughes, Conciliator, Community Relations Service, U.S. Department of Justice, Region 10, interview in Seattle, WA, July 13, 1983 (hereafter referred to as "Hughes Interview No. 1"). The panel presentation was made during the July 24, 1983 meeting of the Idaho Human Rights Commission in Boise.

<sup>12</sup> Hughes Interview No. 1.

<sup>13</sup> The other sponsors were the Idaho Peace Officers Standards and Training (POST) Academy, the Idaho Department of Law Enforcement, and the Kootenai County Sheriff's Office.

<sup>14</sup> Robert Hughes, interview in Seattle, WA, Oct. 5, 1983 (hereafter referred to as "Hughes Interview No. 2").

<sup>15</sup> Hughes Interview No. 2.

<sup>16</sup> 18 U.S.C. Secs. 241, 245 (1976); 42 U.S.C. Sec. 3631 (1976).

<sup>17</sup> Lamb Interview.

<sup>18</sup> Ibid.

<sup>19</sup> Ibid. The U.S. Commission on Civil Rights has prepared a handbook entitled *Getting Uncle Sam to Enforce Your Civil Rights* (1980). This publication describes where and how to file a discrimination complaint with the Federal government. The publication also contains listings of key Federal government offices, including regional offices. The listings include telephone numbers with telecommunications devices for the deaf (TDD). This publication is also available in Spanish. The publication does not include where and how to file a complaint of racial or religious harassment and violence, however.

<sup>20</sup> Lamb Interview. See, *United States v. Huffman*, No. CR 82-73C (W.D. Wash., filed Mar. 23, 1984).

with those advisors in order to identify the various statutes that may be utilized to charge violators.<sup>21</sup>

### Prosecution/Law Enforcement

In the discussion of racial and religious harassment and violence in Idaho in Chapter 2, it was noted that there is evidence that acts of racial and religious harassment have occurred in Eastern Washington with some evidence of Idaho origins.<sup>22</sup> Because of the interstate nature of the activity and the reported incidents, the U.S. Attorneys for the Idaho and Eastern Washington districts of the Department of Justice have been concerned about these issues, particularly violent activity that is racially or religiously motivated.<sup>23</sup> John E. Lamp, the U.S. Attorney for Eastern Washington in Spokane, has been active as one of the initial members of the Interstate Task Force on Human Relations, which is composed of Spokane area and Northern Idaho Federal, State, and local government officials, education officials, and church and community organizations.<sup>24</sup> On the Interstate Task Force, Mr. Lamp represents the offices of the U.S. Attorney for the Eastern Washington and Idaho districts.<sup>25</sup> Guy Hurlbutt, U.S. Attorney for Idaho, monitors the activities and incidents that are violent or potentially violent, from his office in Boise.<sup>26</sup>

In its statement on racial and religious bigotry in America, the U.S. Commission on Civil Rights took the position that while the need to explore new legislative initiatives at the State and local level may exist, Federal laws, with some modification, are adequate to prosecute perpetrators of racially motivated violence.<sup>27</sup> The Commission suggested that the Civil Rights Division of the Department of Justice should intensify its prosecution of racially and religiously motivated violence, and reiterated its

belief that too few cases were being prosecuted under the civil rights provisions entitled "Federally Protected Activities" (18 U.S.C. Section 245 [1976]).<sup>28</sup>

The U.S. Department of Justice has been criticized by civil rights organizations and legal scholars who alleged that a low number of cases of racially or religiously motivated violence was pursued by the Department.<sup>29</sup> In 1983, the Center for Constitutional Rights, on behalf of eight individual plaintiffs and the National Anti-Klan Network, filed a Federal civil suit seeking a declaratory judgment that "the Department of Justice for many years under the past as well as the present administration has improperly interpreted its jurisdiction to prosecute violations of certain criminal statutes," and the plaintiffs demanded government prosecution of racially motivated violence. In September 1984, the lawsuit was dismissed by the U.S. District Court for lack of standing to bring the suit.<sup>30</sup>

Charles Jones, Associate Professor at the Rutgers University School of Law, criticized the Justice Department in a paper entitled, "Federal Jurisdiction Over Private Acts of Racially Motivated Violence."<sup>31</sup> Professor Jones noted that "although the Justice Department has articulated a policy of actively prosecuting all allegations of racially targeted violence, the record does not support that declaration."<sup>32</sup> The Rutgers University Law School Professor continued:

The Department has offered two explanations for the relatively low number of indictments and convictions. First, the government's burden of proof is high in racially targeted violence cases. Second, the Department's view of the Federal government's jurisdiction is that it is limited to situations where the victim is engaged in Federally protected activity.<sup>33</sup>

<sup>21</sup> Lamb Interview.

<sup>22</sup> Morse Interview; Interstate Task Force Interview; Eugene Gottesman, Rabbi of Temple Beth Shalom, interview in Spokane, WA, Mar. 14, 1983 (hereafter referred to as "Gottesman Interview").

<sup>23</sup> Hurlbutt Interview; John Lamp, U.S. Attorney for Eastern Washington District, telephone interview, July 15, 1983 (hereafter referred to as "Lamp Interview").

<sup>24</sup> Lamp Interview.

<sup>25</sup> Hurlbutt Interview.

<sup>26</sup> Ibid.

<sup>27</sup> U.S. Commission on Civil Rights, *Intimidation and Violence—Racial and Religious Bigotry in America* (1983), p. 24 (hereafter referred to as *Intimidation and Violence*).

<sup>28</sup> Ibid., p. 29.

<sup>29</sup> U.S., Congress, House, Committee on the Judiciary, Subcom-

mittee on Criminal Justice, *Hearings on Racially Motivated Violence*, 97th Cong., 1st sess., 1981, Serial No. 135, pp. 46-58, 102-180, 385-404 (hereafter referred to as *Racially Motivated Violence*); Dr. Charles E. Cobb, ed., *Racially Motivated Violence in America* (New York: United Church of Christ, Commission for Racial Justice, 1983), pp. 40-52 and 93-112.

<sup>30</sup> See, *McCullum v. Smith*, No. 83-2509 (D.D.C., dismissed, Sept. 28, 1984). See also, KLANWATCH (Southern Poverty Law Center), *Intelligence Report*, Dec. 1983, p. 3.

<sup>31</sup> Charles Jones, "Federal Jurisdiction Over Private Acts of Racially Motivated Violence" (paper delivered at the Fifteenth Annual Convention of the National Conference of Black Lawyers, Los Angeles, CA, Oct. 9, 1983), pp. 9-10 (hereafter referred to as "Private Acts of Racially Motivated Violence").

<sup>32</sup> "Private Acts of Racially Motivated Violence," p. 8.

<sup>33</sup> Ibid., p. 9.

The Federally Protected Activities statute (18 U.S.C. Section 245) was enacted "to deter and punish those who would forcibly suppress the free exercise of the civil rights enumerated in that statute,"<sup>34</sup> such as voting, enrolling in or attending a public educational institution, participating in or enjoying the benefit of a State or publicly sponsored activity, using places of public accommodation and public facilities, and traveling in or using any facility of interstate commerce.<sup>35</sup> The statute applies to anyone who, whether or not acting under color of law, uses or threatens to use force to willfully injure, intimidate, or interfere with the civil rights of another.<sup>36</sup> Also, there are specific prohibitions against acts motivated by race, color, religion, or national origin.<sup>37</sup>

According to Daniel Rinzel, Criminal Section Chief of the Civil Rights Division of the Department of Justice, the Civil Rights Division prosecutes cases when violent force or threats of force are used to interfere with a Federally protected activity (18 U.S.C. Section 245), when two or more persons conspire to interfere with the rights of citizens (18 U.S.C. Section 241), or when acts are committed to intimidate persons under the fair housing laws (42 U.S.C. Section 3631).<sup>38</sup> Rinzel stated that the Civil Rights Division's policy is to vigorously prosecute such offenses, provided that there is a known perpetrator.<sup>39</sup> According to the Criminal Section Chief, the biggest problem the division has in prosecuting racial violence cases is in identifying a perpetrator, because usually the perpetrator is unknown.<sup>40</sup> He explained that although there have not been prosecutions in Idaho, investigations are being conducted by the FBI in connection with possible civil rights violations in Idaho by groups and individuals.<sup>41</sup> As for the criticism of the Justice Department by Professor Charles Jones, Rinzel stated that of the total complaints, investigations, and prosecutions of matters reviewed by the criminal section of the Civil Rights Division, only a small

percentage of the complaints and investigations involve allegations of racial violence.<sup>42</sup> Rinzel stated that there were more Federal prosecutions of racial violence cases in fiscal year 1984 (October 1, 1983 through September 30, 1984), than in any previous single year in the history of the Civil Rights Division.<sup>43</sup> Rinzel discussed the Civil Rights Division's policy regarding the prosecution of racially motivated violence, stating:

Our policy is to investigate all complaints which allege a potentially prosecutable violation of the criminal civil rights statutes. Many of the complaints we receive do not allege prosecutable violations. For example, we receive many complaints from prisoners challenging their criminal convictions. However, virtually all complaints involving allegations of racial violence are investigated. If the investigation reveals sufficient evidence to meet the prosecution's burden of proof in a criminal case, and if Federal jurisdiction exists, it is our policy to prosecute.<sup>44</sup> Rinzel stated that the low number of cases filed relating to racially motivated violence is attributable to the difficulty of meeting the government's burden of proof of guilt beyond a reasonable doubt, in order to obtain a conviction.<sup>45</sup>

At a hearing before the Subcommittee on Criminal Justice of the U.S. House of Representatives' Committee on the Judiciary, William Bradford Reynolds, Assistant Attorney General for the Civil Rights Division of the Department of Justice, discussed the concern and the commitment of the Division, the Department, and the Administration regarding the issue of racially motivated violence.<sup>46</sup> In prepared remarks submitted to the Subcommittee, the Assistant Attorney General stated that since his appointment to that post, he had "become increasingly aware of, and alarmed by, reports of senseless acts of apparently racially motivated acts of violence in this country."<sup>47</sup> Reynolds cited repeated instances of cross burnings, threats to injure the leaders of civil rights organizations, assaults of immigrants and

<sup>34</sup> See, *Johnson v. Mississippi*, 421 U.S. 213, 224 (1975).

<sup>35</sup> 18 U.S.C. Sec. 245(b)(1) and (2) (1976).

<sup>36</sup> *Id.*, Sec. 245(b).

<sup>37</sup> *Id.*, Sec. 245(b)(2).

<sup>38</sup> Daniel F. Rinzel, Criminal Section Chief, Civil Rights Division, Department of Justice, telephone interview, Oct. 20, 1983 (hereafter referred to as "Rinzel Interview"). Mr. Rinzel is now Deputy Assistant Attorney General in the Civil Rights Division.

<sup>39</sup> *Ibid.*

<sup>40</sup> *Ibid.*

<sup>41</sup> *Ibid.*

<sup>42</sup> Daniel F. Rinzel, Deputy Assistant Attorney General, Civil Rights Division, Department of Justice, letter to Susan McDuffie, Regional Director, Northwestern Regional Office, U.S. Commission on Civil Rights, Oct. 24, 1984 (hereafter referred to as "Rinzel Letter").

<sup>43</sup> Rinzel Letter.

<sup>44</sup> *Ibid.*

<sup>45</sup> Rinzel Interview.

<sup>46</sup> *Racially Motivated Violence*, p. 363.

<sup>47</sup> *Ibid.*

refugees because of their race or national origin, and random, violent attacks on biracial groups.<sup>48</sup> He reported that between 1980 and 1981, the Department of Justice investigated approximately 350 complaints of criminal interference with housing rights, and over "40 other matters of racial intimidation or violence—many involving racial hate groups such as the Ku Klux Klan."<sup>49</sup>

In oral testimony before the Subcommittee on Criminal Justice, Assistant Attorney General Reynolds commented on groups such as the Klan and "Nazi-type" organizations, stating that "the menace of racial violence is real," and that these groups "seem committed to keep that menace alive."<sup>50</sup> He also indicated that based on the most recent statistics, both complaints and prosecutions of racially motivated violence have increased in recent years. Reynolds pointed out to the Subcommittee that of particular concern "are the reports about the existence of paramilitary camps operated by such hate groups for the alleged purpose of training persons for racial warfare."<sup>51</sup>

In his prepared remarks, the Assistant Attorney General also stated that:

The view of this Administration, the view of the Department of Justice, and the view of the Civil Rights Division is that even a single act of racially motivated violence is intolerable. Such acts strike at the very fabric of society. . . .As Assistant Attorney General, I intend to focus on the grave problem of racial violence in our society as a priority matter. The Department of Justice will investigate thoroughly all incidents of racial violence wherever Federal jurisdiction exists. Whenever our investigations produce sufficient evidence to warrant prosecution, we will vigorously prosecute.<sup>52</sup>

The Advisory Committee inquired regarding the number of Federal criminal civil rights prosecutions during the past five years. Data submitted by the Civil Rights Division revealed the following information:

- In FY 1980 (October 1, 1979–September 30, 1980), 8 cases involving 16 defendants were filed. Of those cases, 4 defendants were convicted, and 12 defendants pled guilty.

<sup>48</sup> Ibid.

<sup>49</sup> Ibid.

<sup>50</sup> Ibid., p. 358.

<sup>51</sup> Ibid.

<sup>52</sup> Ibid., p. 363

<sup>53</sup> Rinzel Letter, "Cases Filed in Matters Involving Racial Violence." Two of the FY 1983 cases involved six Ku Klux Klan members and three Nazi Party members charged with conspiring

- In FY 1981 (October 1, 1980–September 30, 1981), 4 cases involving 7 defendants were filed. Of those cases, 2 defendants were convicted, 3 defendants pled guilty, 1 defendant received an adjudication of juvenile delinquency, and 1 defendant was acquitted.

- In FY 1982 (October 1, 1981–September 30, 1982), 8 cases involving 14 defendants were filed. Of those cases, 4 defendants were convicted, 6 defendants pled guilty, 1 defendant pled nolo contendere, 2 defendants were acquitted, and 1 defendant is a fugitive.

- In FY 1983 (October 1, 1982–September 30, 1983), 10 cases involving 23 defendants were filed. Of those cases, 3 defendants were convicted, 11 defendants pled guilty, 9 defendants were acquitted, and 1 defendant is a fugitive.

- In FY 1984 (October 1, 1983–September 30, 1984), 13 cases involving 36 defendants were filed. Of those cases, 4 defendants were convicted, 12 defendants pled guilty, 11 defendants have been charged with criminal civil rights violations, and 9 persons are facing Federal civil rights criminal charges.<sup>53</sup>

In the data submitted by the Civil Rights Division of the Department of Justice, the Justice Department indicated that between FY 1982 and FY 1984, of the total of 31 cases filed against 74 defendants, 11 of those cases (35%) filed against 34 defendants (46%), were prosecutions involving members of the Ku Klux Klan.<sup>54</sup>

In prepared remarks submitted to the House Judiciary Committee's Subcommittee on Criminal Justice, Assistant Attorney General Reynolds also discussed the need for local officials to combat racial violence, stating:

We have. . . elicited the able assistance of local authorities whenever possible to assist us. . . .Many violent incidents can be prosecuted under State criminal statutes governing assault, murder, arson, and the like without the necessity of proving racial motivation. We therefore, encourage local authorities to become active in the fight against racial

to interfere with the Federally protected rights of participants in an anti-Klan parade authorized by the City of Greensboro, North Carolina, which resulted in the deaths of five members of the Communist Workers' Party, and bodily injury to six other participants and a television camera operator on Nov. 3, 1979. All nine defendants were acquitted.

<sup>54</sup> Rinzel letter, "Cases Filed in Matters Involving Racial Violence."

violence, providing full support and cooperation for the Federal government when and as needed.<sup>55</sup>

The Advisory Committee sought to ascertain the level of Federal, State, and local coordination between law enforcement and prosecutorial agencies. In certain circumstances, incidents of racial and religious harassment and violence may be violations of Federal and State law. Under other circumstances, racially or religiously motivated incidents may only be violations of Federal law, or, in the alternative, only violations of State law. Logically, Federal law enforcement agents are specially trained to recognize violations of Federal statutes, while State and local law enforcement personnel are trained to recognize violations of State statutes. The victims of racial and religious harassment and violence, and interested and concerned third parties, cannot always be relied upon to report incidents to State or local law enforcement units and to Federal officials. Nor will victims and/or third parties necessarily realize that a particular Federal or State law may have been violated. It is important then, for Federal, State, and local law enforcement agencies and departments to coordinate their activities, and to refer incidents of racially and religiously motivated harassment and violence to law enforcement units on other levels of government as appropriate.

When asked about the level of coordination of law enforcement activities between Federal, State, and local agencies and departments, an FBI Supervisory Special Agent assigned to the Civil Rights Unit at the FBI Headquarters in Washington, D.C., explained that FBI agents do not refer a racially motivated crime to local law enforcement departments without the concurrence of the Department of Justice.<sup>56</sup> He stated that referrals are "a hazy area," but that the FBI does refer cases to local law enforcement agencies if there is no Federal jurisdiction involved.<sup>57</sup> He commented that in the usual situation, it is the FBI that is not receiving referrals from local law enforcement agencies.<sup>58</sup> The FBI Supervisory Special Agent offered as an example a

cross burning situation in which the local law enforcement response is to conduct a vandalism investigation, and the information regarding the incident is not referred to the FBI.<sup>59</sup> He added that in many such instances, local law enforcement departments may determine that a cross burning was a prank committed by juveniles and end their investigation at that point.<sup>60</sup> On the other hand, he indicated that it is rare for the FBI to refer a case to local authorities if there is any possibility of Federal prosecution.<sup>61</sup>

Daniel Rinzel also discussed coordination of law enforcement activities between Federal, State, and local agencies. He cited the lack of referrals from local law enforcement authorities to the Federal level, as a critical problem affecting Federal law enforcement agencies' ability to combat racially and religiously motivated harassment and violence.<sup>62</sup> Rinzel noted that incidents that come to the attention of local law enforcement authorities tend not to be referred to the Federal level.<sup>63</sup>

As a local law enforcement official, Undersheriff Larry Broadbent offered a different perspective regarding coordination and information-sharing between Federal, State and local law enforcement agencies and departments. Undersheriff Broadbent explained that although there has been a dialogue between Federal, State, and local law enforcement agencies in Idaho regarding racial and religious harassment and violence, more needs to be done.<sup>64</sup> Specifically relating to the referral of cases among the Federal, State, and local jurisdictions, Broadbent explained that local law enforcement personnel are generally unaware that a reported incident is a potential violation of Federal law.<sup>65</sup> He added that training seminars on the applicable Federal laws can help to increase the level of awareness on the State and local levels.<sup>66</sup> The Undersheriff also noted that local jurisdictions generally do not receive feedback

<sup>55</sup> *Racially Motivated Violence*, p. 364. The Civil Rights Division of the Department of Justice noted that in one of the cases prosecuted in FY 1983, a second person was charged with murder by the State and convicted, based on his involvement in the incident. (Rinzel Letter, "Cases Filed in Matter Involving Racial Violence").

<sup>56</sup> Supervisory Special Agent, Civil Rights Unit, Criminal Investigative Division, Federal Bureau of Investigation, telephone interview, Nov. 28, 1983 (hereafter referred to as "FBI Headquarters Supervisor's Interview").

<sup>57</sup> FBI Headquarters Supervisor's Interview.

<sup>58</sup> Ibid.

<sup>59</sup> Ibid.

<sup>60</sup> Ibid.

<sup>61</sup> Ibid.

<sup>62</sup> Rinzel Interview.

<sup>63</sup> Ibid.

<sup>64</sup> Broadbent Telephone Interview.

<sup>65</sup> Ibid.

<sup>66</sup> Ibid.

from the Federal level regarding the referrals that are made to Federal law enforcement agencies.<sup>67</sup> Broadbent explained that feedback from the Federal level would inform local authorities of the usefulness of the referrals that were made, the action that was taken on the Federal level as a result of the referral, and those areas where improvement is needed.<sup>68</sup> Neither an overview of Federal civil rights statutes, nor the coordination of Federal, State, and local law enforcement efforts to combat racial and religious harassment and violence were covered in law enforcement training seminars held throughout Idaho in the spring of 1983.<sup>69</sup>

Within the State of Idaho, there is an effort to coordinate law enforcement activities on a wide range of criminal justice issues. Operating under the auspices of the U.S. Attorney for Idaho, the Law Enforcement Coordinating Committee is comprised of representatives from each Federal law enforcement agency within Idaho, and selected representatives from State and local law enforcement and prosecutorial agencies.<sup>70</sup> The Coordinating Committee's purpose is to provide a forum for law enforcement and prosecutorial agencies to discuss law enforcement issues and concerns.<sup>71</sup> As part of its activities, at a 1983 meeting of the Coordinating Committee, the members received a presentation on bigotry and violence in Idaho from the FBI, Kootenai County authorities and the Region 10 office of CRS.<sup>72</sup>

In addition to the presentation on bigotry and violence in the State, Guy Hurlbutt explained that the Law Enforcement Coordinating Committee plans to hold a series of seminars on the subject of "constitutionalist" groups.<sup>73</sup> John Rooney, Director of the Idaho Department of Law Enforcement, explained that "constitutionalists" are people who assert the belief that certain laws and regulations are unconstitutional and that they do not need to comply with those laws.<sup>74</sup> As examples of "constitu-

tionalist" tendencies, the U.S. Attorney and the Idaho Law Enforcement Department's Director noted that these individuals may refuse to pay taxes, refuse to register their vehicles, or refuse to obtain a driver's license to operate a motor vehicle.<sup>75</sup> John Rooney expressed the concern that the unsuspecting law enforcement officer may not properly or carefully approach constitutionalists regarding suspected violations, and that the wrong approach could result in violence.<sup>76</sup> Rooney noted that "the racial aspect is but one aspect of these groups."<sup>77</sup> Guy Hurlbutt noted that a person subscribing to constitutionalist beliefs may also be a member of a survivalist group or a tax-revolt organization, and may have white supremacist beliefs as well.<sup>78</sup> The U.S. Attorney stated that the seminars regarding constitutionalists were targeted for law enforcement officers and managers throughout the State.<sup>79</sup>

The Advisory Committee was also interested in assessing the Federal law enforcement response to alleged violations of the Federal civil rights statutes relating to racial and religious harassment and violence. Three persons who were identified as having been victims of racial and religious harassment and violence gave their assessment of the response by the FBI.<sup>80</sup> These individuals were interviewed by staff, and only one, Susan Smith of Adoptions in Idaho, indicated that she received a timely and adequate response by, and advice from, the FBI.<sup>81</sup> In that instance, according to Ms. Smith, the FBI advised her on the physical handling of hate mail so as not to interfere with relevant evidence (such as fingerprints), and informed her of the backgrounds of the suspected perpetrators in order to make her aware of the potential for violence.<sup>82</sup> According to Ms. Smith, the FBI added the reported incident to their files.<sup>83</sup> While this was helpful, the Advisory Committee notes that Ms. Smith's husband is a law enforcement officer with the Kootenai County Sheriff's Office, and that the FBI

<sup>67</sup> Ibid.

<sup>68</sup> Ibid.

<sup>69</sup> Hughes Interview No. 2.

<sup>70</sup> Guy Hurlbutt, U.S. Attorney for Idaho, telephone interview, Oct. 19, 1983 (hereafter referred to as "Hurlbutt Telephone Interview"); John Rooney, Director, Idaho Department of Law Enforcement, telephone interview, Oct. 14, 1983 (hereafter referred to as "Rooney Interview").

<sup>71</sup> Jim Jones, Idaho Attorney General, interview in Boise, ID, June 6, 1983 (hereafter referred to as "Jones Interview").

<sup>72</sup> Jones Interview.

<sup>73</sup> Hurlbutt Telephone Interview.

<sup>74</sup> Rooney Interview.

<sup>75</sup> Ibid; Hurlbutt Telephone Interview.

<sup>76</sup> Rooney Interview.

<sup>77</sup> Ibid.

<sup>78</sup> Hurlbutt Telephone Interview.

<sup>79</sup> Ibid.

<sup>80</sup> Gottesman Interview; Connie Fort interview in Coeur d'Alene, ID, Mar. 15, 1983 (hereafter referred to as "Fort Interview"); Susan Smith, interview in Post Falls, ID, Mar. 15, 1983 (hereafter referred to as "Smith Interview").

<sup>81</sup> Smith Interview.

<sup>82</sup> Ibid.

<sup>83</sup> Ibid.

was contacted by that office and not directly by Ms. Smith.<sup>84</sup>

Another victim, Connie Fort, explained that when she contacted the FBI regarding hate mail, although the agent was polite, the agent informed her that a similar incident happened to Sammy Davis, Jr., and that there was nothing that could be done about hate mail.<sup>85</sup> Yet another victim, Rabbi Eugene Gottesman, explained that when he initially attempted to contact the Spokane FBI office (on a Saturday night), there was no answer, so he called the Seattle office.<sup>86</sup> Rabbi Gottesman stated that the FBI agent in Seattle informed him that he should contact local law enforcement authorities.<sup>87</sup> Recalling the steps he took during the first incident that implicated him as the preparer and source of a derogatory poster of a Black man as a firing range target, and his initial contact with the FBI, the Rabbi stated the following:

Even if it was out of their jurisdiction, certainly they [FBI] are more qualified to give advice to someone who is picked out as a target like that because, when you come to think of it, what they [the perpetrator(s)] were doing is not only singling out an individual. . . . Since I am a Rabbi, I represent the Jewish people. So it is Jews against Blacks. A Jew is putting out signs of that kind which was very demeaning. So it also has critical overtones. Not just religious overtones, but racial overtones. A Jew, a leader of his people, is putting out signs like that against Blacks. I am sure you can understand what the implications of that are. . . . So I felt the FBI, who are trained in these things—they are the experts, not I—should have been a little more understanding and perhaps advise me. If I am criticizing, I am sorry about that.<sup>88</sup>

Although Rabbi Gottesman pointed out that the FBI subsequently called him to alert him of possible incidents that might target him, he also indicated that he was “disturbed by the first call, so I did not call them again.”<sup>89</sup>

Regarding these assessments, the staff interviewed the Special Agents in Charge of the FBI field division offices in Butte, Montana (covering Idaho), and Seattle, Washington (covering Spokane).<sup>90</sup> The

Special Agent in Charge of the FBI's Butte Field Division Office discussed the response to the incidents regarding Susan Smith and Connie Fort. Regarding the incident involving Ms. Smith, his assessment was that there is communication between local law enforcement and the FBI and that a record was made of the incident.<sup>91</sup> Special Agent William Fallin explained that it was good for the FBI agent to give the advice to Ms. Smith regarding the handling of hate mail and the precautions that should be taken.<sup>92</sup> The Special Agent doubts, however, that Ms. Fort's assessment of the FBI's response was accurate. He explained that hate mail could raise an extortion issue that would be subject to a limited FBI investigation, and reported to the U.S. Attorney for further instructions.<sup>93</sup> Fallin cautioned that the message within the hate mail would be important, to determine whether extortion was the objective. He explained that normally a complaint regarding hate mail would be investigated.<sup>94</sup>

The Special Agent in Charge of the FBI's Seattle Field Division Office discussed the response to the incident regarding Rabbi Eugene Gottesman. Special Agent Allen Whitaker explained that while he did not have enough information to determine whether the FBI's response was proper or improper, local law enforcement should be involved in such cases and can continue to have a prevailing interest.<sup>95</sup> Whitaker explained that the Spokane FBI office is not staffed 24 hours a day, and that calls are referred to the Seattle Field Division Office during off-duty hours.<sup>96</sup> He also stated that during off-duty hours, the person in the Seattle office who receives calls is not an FBI Special Agent, but that the advice given to Rabbi Gottesman to contact local authorities was not improper.<sup>97</sup>

In discussing the assessments of the FBI's response to some of the persons victimized by racial and religious harassment and violence, the Advisory Committee learned that over the past four years, the FBI in Idaho has received allegations of racially and

<sup>84</sup> Ibid.

<sup>85</sup> Fort Interview.

<sup>86</sup> Gottesman Interview.

<sup>87</sup> Ibid.

<sup>88</sup> Ibid.

<sup>89</sup> Ibid.

<sup>90</sup> William D. Fallin, Special Agent in Charge, Butte Field Division Office, Federal Bureau of Investigation, telephone interview, Oct. 25, 1983 (hereafter referred to as “Fallin Interview”); Allen P. Whitaker, Special Agent in Charge, Seattle Field

Division Office, Federal Bureau of Investigation, interview in Seattle, WA, Oct. 21, 1983 (hereafter referred to as “Whitaker Interview”).

<sup>91</sup> Fallin Interview.

<sup>92</sup> Ibid.

<sup>93</sup> Ibid.

<sup>94</sup> Ibid.

<sup>95</sup> Whitaker Interview.

<sup>96</sup> Ibid.

<sup>97</sup> Ibid.

religiously motivated violence in various parts of the State.<sup>98</sup> Although the Special Agent in Charge for the Butte Field Division Office of the FBI was not sure that racial and religious violence had increased over the past four years, there has been concern within the FBI in this regard, particularly in reference to Northern Idaho.<sup>99</sup> The Advisory Committee also learned that the FBI has been conducting investigations in Idaho regarding racially motivated violence under the direction of the Civil Rights Division of the Department of Justice.<sup>100</sup>

The Advisory Committee recognizes that the negative assessment of the FBI's response by 2 out of 3 persons victimized by racially motivated acts cannot accurately measure the effectiveness of the Federal law enforcement response. In the case of Connie Fort, the FBI disputes her account of how the FBI agent responded to her complaint.<sup>101</sup> In the case of Rabbi Gottesman, the FBI maintains that given the time of day when the complaint was made, and limited to the facts presented, the advice that Rabbi Gottesman received was not improper.<sup>102</sup>

Although no conclusion on the Federal law enforcement response can be reached based on these assessments, the perceptions of the two victims cannot be ignored. They believe that the FBI's response was lacking in concern for them as victims in a racially motivated attack. Robert Lamb stated that a law enforcement response that does not indicate concern increases the trauma and the concern of minority citizens that they will not be protected.<sup>103</sup> Lamb observed that the law enforcement response to allegations of racial harassment serves as one of the most critical moments in the evaluation by minority citizens of the fairness and objectivity of law enforcement.<sup>104</sup>

The importance of the law enforcement response to victims of racial and religious harassment and violence was stated in the introductory remarks of the Kootenai County Sheriff's Office policy statement which says (in part):

It is difficult for many people to really appreciate the concern, anger, fear, and other strong emotions which can

be generated by harassment based on prejudice. All too often such harassment is viewed as minor, isolated, a prank, a joke or outside the purview of law enforcement. It is none of these. . . . To respond to such incidents with less than professionalism, dedication, and all the resources at our disposal, can only degrade our profession and alienate the victims of such harassment.<sup>105</sup>

The Advisory Committee has been concerned with the training law enforcement personnel receive to adequately and effectively respond to complaints of racial and religious harassment, intimidation, and violence. This concern extends to the Federal as well as to the State and local levels.

The FBI conducts a 15-week training program for new agents, in which they receive an instructional block of information on civil rights laws.<sup>106</sup> A Supervisory Special Agent in the Civil Rights Unit at FBI Headquarters in Washington, D.C., stated that the training during the new agents course concentrates on methods agents should use to investigate any complaint, and that the basic investigatory techniques used in a racial violence case are the same as for other violations of Federal law.<sup>107</sup> He also stated that the FBI conducts in-service training classes for field supervisors and case agents that primarily work on civil rights cases.<sup>108</sup> These are 3-4 day refresher courses to review changes in investigatory procedures and reporting requirements. The in-service courses are held every 12-18 months.<sup>109</sup> The Special Agent also stated that FBI agents are supervised by a field supervisor and a headquarters supervisor to make sure that the FBI's guidelines are being followed, and investigations are handled correctly.<sup>110</sup>

In addition to the training and supervision of FBI agents in civil rights violations, the FBI's *Manual of Investigative Operations and Guidelines* contains policies and instructions for the investigation of violations of criminal civil rights statutes (18 U.S.C. Sections 241, 245; 42 U.S.C. Section 3631), that explain to an agent how to investigate and prepare a report on the violation.<sup>111</sup> On an "as needed" basis, FBI headquarters also issues memoranda to its field divisions for all supervisors and agents to call

<sup>98</sup> Fallin Interview.

<sup>99</sup> Ibid.

<sup>100</sup> Rinzel Interview.

<sup>101</sup> Fallin Interview.

<sup>102</sup> Whitaker Interview.

<sup>103</sup> Lamb Interview.

<sup>104</sup> Ibid.

<sup>105</sup> Kootenai County, Idaho (Coeur d' Alene), Office of County

Sheriff, "Special Order No. 2," effective Mar. 30, 1983 (hereafter referred to as "Kootenai County Sheriff's Special Order").

<sup>106</sup> FBI Headquarters Supervisor's Interview.

<sup>107</sup> Ibid.

<sup>108</sup> Ibid.

<sup>109</sup> Ibid.

<sup>110</sup> Ibid.

<sup>111</sup> Ibid.

attention to changes in policies or in investigatory procedures, or to remind field divisions of particular violations.<sup>112</sup>

The FBI Headquarters Supervisory Special Agent stated that a memorandum was issued in 1982 reminding agents that cases involving acts of intimidation (such as cross burnings) committed at the homes of individuals are violations of 42 U.S.C. Section 3631, and are to be investigated.<sup>113</sup> He stated that after several calls from FBI agents in the field inquiring as to whether cross burnings in their respective areas were Federal violations, which they were, the FBI issued the memorandum.<sup>114</sup> He commented that cross burnings or racially motivated vandalism did not appear to be a problem in Idaho, but added that this may be because law enforcement units, victims, and others may not have brought such incidents to the attention of the FBI.<sup>115</sup>

The Advisory Committee is concerned that State and local law enforcement agencies and the general public appear to be largely unaware of the existing Federal laws enacted to protect persons from racially and religiously motivated violence.<sup>116</sup> The lack of awareness of Federal laws, and the impact that lack of awareness has on Federal enforcement efforts, were discussed by the FBI's Headquarters Supervisory Special Agent in the Civil Rights Unit.

The FBI Headquarters Supervisory Special Agent stated that in cross burnings or other racially motivated acts of vandalism, the incidents are often not brought to the attention of the FBI.<sup>117</sup> He stated further that the reason the FBI is not notified about such incidents is because local law enforcement or the victims do not know that cross burnings or other racially motivated acts of vandalism are violations of Federal law (42 U.S.C. Section 3631).<sup>118</sup> He explained that if local law enforcement knows of a cross burning or an act of vandalism and does not report the incident to the FBI, and the victim does not report the incident to the FBI, the Bureau may

not find out about it unless an agent sees a news report.<sup>119</sup> He also stated that usually in a cross burning situation, local law enforcement will investigate and decide, for example, that the act was a prank committed by kids and end the investigation at that point. In such cases, the local law enforcement response is to conduct a vandalism investigation and the information is not given to the FBI. The Supervisory Special Agent explained that the FBI does not view such acts as pranks, however, and will investigate cross burnings and seek prosecutions regardless of the age of the perpetrator.<sup>120</sup>

The U.S. Attorney for Idaho was asked to explain the complaint process for reported incidents of racial or religious violence, and the interaction between the U.S. Attorney's Office and the FBI. Guy Hurlbutt recommended that people contact the FBI if they are a victim of, or know of someone who was victimized because of racial or religious violence, or know of someone who has committed an act of racial or religious violence.<sup>121</sup> He explained that while the U.S. Attorney's Office can be contacted, the information is forwarded to the FBI for investigation, and the U.S. Attorney informs the Civil Rights Division of the U.S. Department of Justice that a complaint has been filed.<sup>122</sup> The U.S. Attorney stated that once the FBI completes a preliminary investigation, the FBI reports the results of the investigation to the U.S. Attorney and the Civil Rights Division.<sup>123</sup> After receipt of the preliminary investigation report from the FBI, the U.S. Attorney and/or the Civil Rights Division make a determination as to whether further investigation is necessary.<sup>124</sup> Hurlbutt explained that the ultimate decision on whether or not to prosecute is made by the Civil Rights Division, with a recommendation from the appropriate U.S. Attorney.<sup>125</sup> If the Civil Rights Division decides to go forward with

"Vandalism" refer to acts to injure, intimidate, or interfere with the rights of persons because of a racial or religious animus, and are not applicable to ceremonial activities of groups displaying symbols in a gathering or burning a cross on the land of a person giving the group permission to do so.

<sup>119</sup> FBI Headquarters Supervisor's Interview.

<sup>120</sup> Ibid.

<sup>121</sup> Hurlbutt Telephone Interview.

<sup>122</sup> Ibid.

<sup>123</sup> Ibid.

<sup>124</sup> Ibid.

<sup>125</sup> Ibid.

<sup>112</sup> Ibid.

<sup>113</sup> Ibid.

<sup>114</sup> Ibid.

<sup>115</sup> Ibid.

<sup>116</sup> 18 U.S.C. Sec. 241 ("Conspiracy Against Rights of Citizens"); 18 U.S.C. Sec. 245 ("Federally Protected Activities"); 42 U.S.C. Sec. 3631 ("Fair Housing—Prevention of Intimidation"). The complete text of these laws has been included in Appendix F to this report.

<sup>117</sup> FBI Headquarters Supervisor's Interview.

<sup>118</sup> Ibid. 42 U.S.C. Sec. 3631 relates to selling, purchasing, renting, financing, occupying, or contracting or negotiating activities related to dwellings. "Crossburnings" and "Acts of

prosecution, the U.S. Attorney may assist the Division in that prosecution.<sup>126</sup>

The Advisory Committee has included the texts of the Federal laws related to racially and religiously motivated acts of harassment, intimidation, and violence in Appendix F to this report. The Advisory Committee has also included in Appendix A infor-

mation that may assist a person who wishes to report an incident on their own behalf or on the behalf of another. It is hoped that this information will facilitate the complaint process for persons who have been victimized or who know of someone who has been victimized by racially or religiously motivated acts of harassment, intimidation, and violence.

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<sup>126</sup> Ibid.

## Education, Private Sector, and Community Responses

### Education

In its statement entitled *Intimidation and Violence—Racial and Religious Bigotry in America* (hereafter referred to as *Intimidation and Violence*), the U.S. Commission on Civil Rights cited the “continuing presence and tenacious survival of deep-seated racism and anti-Semitism” as the fundamental cause of bigotry-bred violence in the United States.<sup>1</sup> However, the Commission on Civil Rights noted that “racism and anti-Semitism are not caused by Klan and Nazi-like organizations; these groups simply attract persons whose anti-Black, anti-Jewish, and anti-foreigner beliefs are already developed.”<sup>2</sup> The Commission continued by pointing out that “the organizations provide an enclave of support for expressing and implementing ideas that are formed by a host of other influences encountered in the family, schools, and other situations.”<sup>3</sup> The Commission stated:

<sup>1</sup> U.S. Commission on Civil Rights, *Intimidation and Violence—Racial and Religious Bigotry in America* (1983), p. 9 (hereafter referred to as *Intimidation and Violence*).

<sup>2</sup> *Intimidation and Violence*, p. 10.

<sup>3</sup> *Ibid.*

<sup>4</sup> *Ibid.*, p. 28.

<sup>5</sup> Bertha Edwards, President, Boise Branch of the NAACP, interview in Boise, ID, Mar. 17, 1983 (hereafter referred to as “Edwards Interview”); Marilyn Shuler, Director, Idaho Human Rights Commission, interview in Boise, ID, June 6, 1983 (hereafter referred to as “Shuler Interview”); Reverend Rick Morse, Coordinator, Kootenai County Task Force on Human

Education is one key element in efforts to eradicate racism and prevent violence. Effective educational strategies can be developed. . . .<sup>4</sup>

In recognition of the U.S. Commission on Civil Rights’ interest in education as a promising response to racial and religious bigotry and violence, the Idaho Advisory Committee decided to assess the extent to which educational strategies are being considered and implemented in Idaho.

The need for educational strategies to combat bigotry and violence was cited by community organizations, government officials, and law enforcement officials in Idaho. The representatives or spokespersons for the NAACP, the Idaho Human Rights Commission, the Kootenai County Task Force on Human Relations, the Idaho Migrant Council, the Citizens Coalition Against Malicious Harassment, the Coeur d’Alene Police Department, the Kootenai County Sheriff’s Office, and the Coeur d’Alene Chamber of Commerce all cited the need for the development of such educational strategies.<sup>5</sup>

Relations, interview in Coeur d’Alene, ID, Mar. 15, 1983 (hereafter referred to as “Morse Interview”); Hector deLeon, Deputy Director of Idaho Migrant Council, interview in Coeur d’Alene, ID, Mar. 18, 1983 (hereafter referred to as “deLeon Interview”); Citizens’ Coalition Against Malicious Harassment, interview in Boise, ID, Mar. 17, 1983 (hereafter referred to as “Citizens’ Coalition Interview”); Frank Premo, Coeur d’Alene Chief of Police, interview in Coeur d’Alene, ID, June 9, 1983 (hereafter referred to as “Premo Interview”); Larry Broadbent, Kootenai County Undersheriff, telephone interview, Dec. 2, 1983 (hereafter referred to as “Broadbent Telephone Interview”); J.A. “Sandy” Emerson, Executive Vice President and Manager,

The Spokane members of the Interstate Task Force on Human Relations, and the Regional Director of the Community Relations Service, also cited the need for the development of educational strategies.<sup>6</sup> The Interstate Task Force and the Community Relations Service have worked closely with various Idaho organizations and with government and law enforcement officials in the effort to combat bigotry and violence in the State.<sup>7</sup>

Larry Broadbent, Kootenai County Undersheriff, pointed out that the basic factors contributing to racial and religious harassment and violence in his area were ignorance, myths about different races and religions based on isolated negative experiences, the lack of minority group contact in the county, and the lack of education about people.<sup>8</sup> Broadbent observed that more information about racial prejudice needs to be given to the general public, and provided in the schools.<sup>9</sup> He added that the need exists for education programs on racial prejudice and human relations because, while Idaho is a rural State, more people of different races are moving into the State.<sup>10</sup>

Bertha Edwards of the NAACP stated:

There is a need for an educational program because it isn't necessary for Idaho to go through the same things other States and cities have gone through. Government should encourage and support educational programs to learn more about other people and cultures. While people in Idaho may think they are ready for the movement into Idaho by people of different nationalities, they are not mentally ready to cope with this.<sup>11</sup>

Marilyn Shuler, Director of the Idaho Human Rights Commission, is of the view that public schools should address attitudes and ideas about racism and discuss these issues in the classroom. Her comments regarding whether enough has been done to combat racial and religious bigotry and violence by citizens and civic organizations also related to the need for education strategies. Shuler noted that

Coeur d'Alene Chamber of Commerce, interview in Coeur d'Alene, ID, June 10, 1983 (hereafter referred to as "Emerson Interview").

<sup>6</sup> Interstate Task Force on Human Relations, interview in Spokane, WA, Mar. 14, 1983 (hereafter referred to as "Interstate Task Force Interview"); Robert Lamb, Regional Director, Community Relations Service (Department of Justice), Region 10, interview in Seattle, WA, Sept. 14, 1983 (hereafter referred to as "Lamb Interview").

<sup>7</sup> Interstate Task Force Interview; Lamb Interview.

<sup>8</sup> Broadbent Telephone Interview.

<sup>9</sup> Ibid.

<sup>10</sup> Ibid.

when groups with overtly bigoted views are present in a community or are reported in the news media, people who are not as extremist as those reported upon, but who do have some intolerance toward racial or religious minorities, try to distinguish themselves from extremist groups.<sup>12</sup> The Human Rights Commission director stated:

With the problem of racism and religious intolerance. . . those people [who are also bigoted] sort of relax and say, "Aha, those white supremacists are the bad guys, now I'm not really such a bad guy. After all, that's what a racist and a bigot and a bad guy is. Gee, I'm just a person who would never hire a Black or never let my daughter marry a Jew," and go on and on down the list of that person's feelings of the inferiority of certain other groups of people. I think there's a tendency for those people to feel vindicated. . . . The real threat that we face as a community is possibly not as much from the extremists as it is from the more moderate racists who express their feelings and pass their feelings on to future generations in a much more socially acceptable way. Through jokes and through belittling people just because of the race or religion, and I think that's the thing that we've got to address and that's the thing that has to be made socially unpopular.<sup>13</sup>

Interviews were conducted with officials representing the State of Idaho and the school districts for Boise and Coeur d'Alene, respectively, to assess the extent to which educators were addressing the issues related to racial and religious bigotry and violence, and/or stressing positive human or race relations. Although all three officials agreed that there was a role for education to play in responding to racial and religious bigotry, harassment, and violence, there were varying degrees of concrete actions reported as to how these issues were being addressed. When asked whether they were aware of the existence of the educational guides on racial and religious bigotry and violence that were reported in *Intimidation and Violence*,<sup>14</sup> Warren Bakes, Superintendent of Coeur d'Alene School District No. 271, stated that he had reviewed these and other non-racist and anti-

<sup>11</sup> Edwards Interview.

<sup>12</sup> Shuler Interview.

<sup>13</sup> Ibid.

<sup>14</sup> *Intimidation and Violence*, pp. 16-17. See also, Connecticut Education Association (CEA), Council on Interracial Books for Children (CIBC), and National Education Association (NEA), *Violence, the Ku Klux Klan and the Struggle for Equality: An Informational and Instructional Kit* (New York: 1981) (hereafter referred to as *Violence, the Ku Klux Klan, and Equality*); and Anti-Defamation League of B'nai B'rith (ADL), *Extremist Groups in the United States: A Curriculum Guide* (New York: 1982) (hereafter referred to as *Extremist Groups in the United States*).

racist materials to identify resource materials for teachers and for the school library.<sup>15</sup> Dr. Barney Parker, Superintendent of the Boise Independent School District, indicated that he and the teachers in the district had reviewed the materials prepared by the National Education Association (NEA).<sup>16</sup> Jerry Evans, Idaho Superintendent of Public Instruction, stated that he had received information about the materials, but that he had not reviewed the guides.<sup>17</sup>

In its statement on racial and religious bigotry in America, the U.S. Commission on Civil Rights noted that the Maryland State Board of Education had adopted an official resolution regarding violence and extremism.<sup>18</sup> In its resolution, the Maryland Board of Education not only stated its official position on these issues, but also directed the Maryland Education Department to continue to emphasize in curriculum development, in-service training, and elsewhere, the need to address these issues and to encourage local school systems to do the same.<sup>19</sup> The Maryland Department of Education, in turn, prepared a "brief guide of responses for school administrators," which includes its statement of non-discrimination, the Board's resolution, a list of appropriate responses to incidents that occur in the community, and other ideas for long-term and short-term use.<sup>20</sup> A copy of the Maryland guide has been included in Appendix K to this report.

The Advisory Committee was interested in determining whether the State of Idaho or the respective school districts had adopted specific courses or units as a response to racial and religious bigotry and violence. Again the responses varied.

Coeur d'Alene's School Superintendent responded that the Coeur d'Alene School District was just beginning to consider adding courses as a response, and that the district and parents are working together to review course possibilities, including the process of selecting textbooks to ensure that they are not bigoted and are representative of minority groups.<sup>21</sup> Warren Bakes added that it would be

helpful to have the Idaho Department of Education review curriculum materials on these subjects and make recommendations to the local school districts.<sup>22</sup>

Boise's School Superintendent responded that there is no specific unit within the Boise School District's curriculum that concerns human or race relations or that addresses the problem of racial and religious bigotry and violence.<sup>23</sup> He explained that the district's approach was to try and incorporate those ideas throughout the district's program, starting with hiring teachers who are open-minded and sensitive.<sup>24</sup> He further explained that the district has not considered course offerings or a specific educational program effort, and that racial and religious bigotry and violence are issues that he brings to the attention of the staff.<sup>25</sup>

The State Education Superintendent explained that there was "no standard curriculum guide that would particularly address those issues," and that discussions on the subject would vary from one school district to another, and one teacher to another.<sup>26</sup> When asked whether the State Board of Education (of which he is also a member) had ever considered including these areas within the State's required or recommended curriculum, Jerry Evans stated that, "There has been discussion on it in a general way, but I cannot say that serious consideration has been given at this time."<sup>27</sup>

The Advisory Committee notes that the responses of the education officials reflected their perceptions of the extent to which racial and religious bigotry and violence was a problem in the State, or in their particular community. For example, the Coeur d'Alene Superintendent of Public Schools noted that while the activities of various groups in his area are frightening, on the positive side they may be serving the purpose of "jogging people's consciousness" to

<sup>15</sup> Warren Bakes, Superintendent, Coeur d'Alene School District No. 271, interview in Coeur d'Alene, ID, June 9, 1983 (hereafter referred to as "Bakes Interview").

<sup>16</sup> Barney Parker, Superintendent, Boise Independent School District, interview in Boise, ID, June 7, 1983 (hereafter referred to as "Parker Interview").

<sup>17</sup> Jerry Evans, Superintendent of Public Instruction, State of Idaho, interview in Boise, ID, June 6, 1983 (hereafter referred to as "Evans Interview").

<sup>18</sup> *Intimidation and Violence*, p. 25. See, State of Maryland, Board of Education, Resolution No. 1981-35 (Adopted July 29, 1981).

<sup>19</sup> See, *Intimidation and Violence*, pp. 31-32.

<sup>20</sup> State of Maryland, Department of Education, "Violence and Extremism: A Brief Guide of Responses for School Administrators" (1982).

<sup>21</sup> Bakes Interview.

<sup>22</sup> Ibid.

<sup>23</sup> Parker Interview.

<sup>24</sup> Ibid.

<sup>25</sup> Ibid.

<sup>26</sup> Evans Interview.

<sup>27</sup> Ibid.

the need to look at including these issues in the educational setting.<sup>28</sup>

In Boise, the Superintendent of Schools stated that Boise is a growing community that is becoming more cosmopolitan as people of different racial and ethnic backgrounds move into the area. Dr. Parker stated further that at least as far as the Boise experience was concerned, Idaho is blessed with a very healthful environment to work with children of all backgrounds and experiences.<sup>29</sup> The Boise superintendent noted, however, that the school district did face a difficult situation when various organizations sought to hold meetings in the district's schools. Dr. Parker commented that the Boise school officials were caught between their disagreement with those groups and their rights under the First Amendment to the Constitution of the United States to free assembly, but that the organizations chose to meet at another place.<sup>30</sup>

The Idaho Superintendent of Public Instruction commented that all of his information on this subject was through news accounts, and he had not explored educational responses to racial and religious bigotry and violence.<sup>31</sup>

The development of educational strategies as a response to racial and religious bigotry, harassment, and violence should not be considered the sole responsibility of educators. The work of the Kootenai County Task Force on Human Relations provides an example of how those who are not professional educators can assist in providing an educational response. The Task Force includes within its goals the provision of "educational material promoting positive human relations for community use."<sup>32</sup> Reverend Rick Morse, the coordinator of the Task Force, explained that based on discussions with public school teachers in the area, the Task Force became aware that there was very little money for educational materials promoting positive human relations.<sup>33</sup> In March 1983, the Task Force used \$400 donated to it from the United Methodist Women to purchase educational materials to be

placed in the local library, and to be made available to public school teachers.<sup>34</sup>

### Private Sector

The Advisory Committee included in its assessment of racial and religious harassment and violence the impact on the State as well as on the victim. The most common impact cited was related to the private sector.<sup>35</sup> The Executive Director of the Boise Chamber of Commerce commented that anytime there are negative stories that gain national attention, the business community can be harmed.<sup>36</sup>

The negative impact of racial and religious bigotry and violence on the business community was discussed by persons representing the Citizens' Coalition Against Malicious Harassment, the NAACP, the Idaho Migrant Council, the Kootenai County Task Force on Human Relations, and the Idaho Human Rights Commission. In those interviews, some persons were concerned that the phenomenon of racial and religious bigotry and violence would discourage national companies with good affirmative action profiles from relocating in Idaho, and others commented that Idaho would not be considered a good place for transferred minority workers to live. While these concerns may seem speculative to some, Marilyn Shuler related a concrete case along with her assessment:

Business people have mentioned it is bad business to have Idaho looked upon as a haven for white supremacists. . . . In the future we will find that more and more of the talented professional kinds of folks who can bring a lot to business and industry will happen to be people who are Jewish or Black or Hispanic, and it would be a shame if we could not attract that kind of talent into this State because it was known as a place where they would be uncomfortable living, and that they would not choose to locate here because it would not be in their best interests for that to happen. I have heard of one instance where a company was about to promote a person to a location from the Boise area to Northern Idaho, and that promotion was stopped by mutual decision of both the employee and employer because they realized that they were fearful of the physical harm that the individual would face. That's the kind of thing that can't continue. The company has lost a person that they considered to be the best person for the

<sup>28</sup> Bakes Interview.

<sup>29</sup> Parker Interview.

<sup>30</sup> Ibid.

<sup>31</sup> Evans Interview.

<sup>32</sup> See, City of Coeur d'Alene, City Council, Resolution No. 84-5, Passed Oct. 18, 1983; Coeur d'Alene Chamber of Commerce, "Human Rights Policy Statement."

<sup>33</sup> Morse Interview.

<sup>34</sup> Ibid.

<sup>35</sup> Citizens' Coalition Interview; deLeon Interview; Shuler Interview; Morse Interview; Edwards Interview; Susan Smith, Executive Director, Adoptions in Idaho, interview in Post Falls, ID, Mar. 15, 1983 (hereafter referred to as "Smith Interview").

<sup>36</sup> Paul Ralston, Executive Director of Boise Chamber of Commerce, interview in Boise, ID, June 7, 1983 (hereafter referred to as "Ralston Interview").

promotion. That's a loss both to the company and to the employee. We're just going to lose some good folks and we don't want to get that reputation.<sup>37</sup>

Officials with the Boise and Coeur d'Alene area Chambers of Commerce were interviewed. Again, as with government, law enforcement, and education officials, the respective responses were directly related to the knowledge and perception of racial and religious bigotry and violence, and its significance. Paul Ralston, the Executive Director of the Boise Chamber, was not aware of these issues as a local concern.<sup>38</sup> He had only heard of racial problems with Hispanics in the Caldwell area and with Indians in other parts of the State.<sup>39</sup> He was vaguely familiar with the "malicious harassment law," and generally viewed racial and religious harassment and violence as a small problem, in part because of the small number of minorities in Idaho.<sup>40</sup>

When asked whether there was a role to be played by the private sector, Ralston stated:

In response to that problem, as an organization we are not involved in it simply because we don't view it as being a problem of any magnitude that would require us to become involved. I suspect if it were, or if it became that, we would take some kind of an active role.<sup>41</sup>

He then asked, "Is it a problem in Idaho?"<sup>42</sup>

Sandy Emerson, the Executive Vice President and Manager of the Coeur d'Alene Chamber, was aware of some incidents of racial and religious harassment and violence in his area.<sup>43</sup> He explained that while the Chamber of Commerce had not adopted a strategy or plan of action to respond to these issues, the Chamber members did discuss these problems at its annual retreat, and they are trying to become informed about the manifestations of racial and religious bigotry in their area.<sup>44</sup> Emerson also indicated that while the Chamber had not formally joined the Kootenai County Task Force on Human Relations, individual business owners have worked with the Task Force. He also stated that the Chamber expressed its support of the "Malicious Harassment" bill to area legislators.<sup>45</sup> He noted

however, that the Chamber's board of directors did not feel this was as important an issue as the area's 18-25 percent unemployment rate.<sup>46</sup> Emerson also included in his assessment the statement that the problem of racially and religiously motivated acts of harassment and violence was growing in his area and that some of the targets have been businesses.<sup>47</sup>

The Boise and Coeur d'Alene Chamber of Commerce executives were also asked to comment on some of the remarks in previous interviews that racially and religiously motivated acts of harassment and violence have a negative impact on Idaho's business environment. Paul Ralston said that any negative reflections on Idaho, as might be reported in the national news media, have a negative effect on business, but reiterated that these issues have not been discussed by the Chamber.<sup>48</sup> When staff referred to reported incidents and activities, particularly in Northern Idaho, Ralston explained that if he were in Coeur d'Alene, he would probably be concerned, but Boise would look at the issue as a Coeur d'Alene issue, 400 miles away.<sup>49</sup>

In contrast, Sandy Emerson explained that such an impact was already being felt in his area. He stated that when businesses and industries have called to inquire about locating a portion of their company's operation or relocating in the area, 1 out of 20 raised the issue of incidents of bigotry and violence in the area.<sup>50</sup> Citing the negative news impact, Emerson wondered how many calls were not being placed or decisions were being made not to open an operation in the area as a result.<sup>51</sup> The Coeur d'Alene Chamber's Executive Vice President and Manager also noted that while the impact on business may be hard to measure, there is some impact and that it needs to be countered.<sup>52</sup>

In addition to the officials of the Boise and Coeur d'Alene Chambers of Commerce, a representative of the Idaho Association of Commerce and Industry (IACI) was interviewed. The IACI is a statewide business and trade association of 400 companies.<sup>53</sup>

<sup>37</sup> Shuler Interview.

<sup>38</sup> Ralston Interview.

<sup>39</sup> Ibid.

<sup>40</sup> Ibid.

<sup>41</sup> Ibid.

<sup>42</sup> Ibid.

<sup>43</sup> Emerson Interview.

<sup>44</sup> Ibid.

<sup>45</sup> Ibid.

<sup>46</sup> Ibid.

<sup>47</sup> Ibid.

<sup>48</sup> Ralston Interview.

<sup>49</sup> Ibid.

<sup>50</sup> Emerson Interview.

<sup>51</sup> Ibid.

<sup>52</sup> Ibid.

<sup>53</sup> P.K. Harwood, President, Idaho Association of Commerce and Industry, telephone interview, Oct. 19, 1983 (hereafter referred to as "Harwood Interview").

Most of the large companies in Idaho are IACI members.<sup>54</sup> IACI operates on private, self-assessed funds of its members, and is involved in legislative lobbying and educational programs with the goals of maintaining a good business climate and the free enterprise system in Idaho.<sup>55</sup> P.K. Harwood, IACI's president, did not believe that racial and religious harassment and violence was a significant issue for the State of Idaho.<sup>56</sup> Harwood indicated that although the IACI supported passage of the Malignant Harassment Act, he believes that racial and religious harassment and violence is an issue that has been "blown out of proportion," stating that the largest Black populations are in Boise and Pocatello and that he knows of no "significant" harassment and violence in Idaho.<sup>57</sup> The IACI president also stated that racial and religious bigotry and violence is bad for business and reiterated his belief that this was not a significant problem in Idaho.<sup>58</sup>

Various government officials also were asked whether there was a role to be played by the private sector in response to racial and religious bigotry and violence. Richard Eardley, Mayor of Boise, stated that government cannot be the answer to everything, and that the private sector, just like government, can respond by speaking out, by reflecting their beliefs in racial and religious equality in their hiring practices, and by being involved with the community organizations in helping to solve the problems.<sup>59</sup>

Glenn Jackson, Chairman of the Kootenai County Commission, stated that the private sector could help by not allowing racially and religiously motivated acts of harassment to occur at their respective place(s) of business or work site(s).<sup>60</sup>

Marilyn Shuler stated that businesses, by their example, will make a difference.<sup>61</sup> She said they can set an example by their support of equal employment opportunity laws and by not taking discrimination laws lightly.<sup>62</sup>

Robert Lamb, Regional Director of the Community Relations Service (CRS), pointed out that the

private sector has a very crucial and important role to play in response to racial and religious bigotry and violence. He stated that the private sector is composed of leaders not only in business, but in community life.<sup>63</sup> Lamb stated that leadership from the private sector can activate a community's response, and that this leadership is strategic due to the credibility and managerial skills within the private sector.<sup>64</sup> He added that in periods of government austerity, the private sector can use its resources to fill a void. As an example, Lamb noted that in many conferences and seminars co-sponsored by CRS, businesses have provided staff and printing assistance and other services.<sup>65</sup>

The spokespersons for the IACI and Coeur d'Alene Chamber of Commerce also discussed the ways in which the private sector could respond to racial and religious bigotry, harassment, and violence. The IACI President commented that aside from supporting legislation, an association such as IACI could respond by making its members aware of the issue.<sup>66</sup>

The Executive Vice-President and Manager of the Coeur d'Alene Chamber of Commerce agreed with these approaches, adding that the Chamber could also respond by officially participating in task forces such as the Kootenai County Task Force on Human Relations to monitor and address this issue.<sup>67</sup>

Three months following the interview with Sandy Emerson, the Coeur d'Alene Chamber of Commerce decided to make the views of the area's businesses on racial and religious harassment and violence known to the community as a whole. At its September 15, 1983 board meeting, the Chamber unanimously adopted a Human Rights Policy Statement.<sup>68</sup> The Human Rights Policy Statement states that the Coeur d'Alene Chamber participates in and fully supports the Kootenai County Task Force on Human Relations; that city, county, Chamber, and other civic organizations should publicly denounce racial intimidation and violence in the area; that public officials and Chamber leadership should

<sup>54</sup> Harwood Interview.

<sup>55</sup> Ibid.

<sup>56</sup> Ibid.

<sup>57</sup> Ibid.

<sup>58</sup> Ibid.

<sup>59</sup> Richard Eardley, Mayor of Boise, interview in Boise, ID, June 7, 1983 (hereafter referred to as "Eardley Interview").

<sup>60</sup> Glenn Jackson, Chairman, Kootenai County Commission, interview in Coeur d'Alene, ID, June 8, 1983 (hereafter referred to as "Jackson Interview").

<sup>61</sup> Shuler Interview.

<sup>62</sup> Ibid.

<sup>63</sup> Lamb Interview.

<sup>64</sup> Ibid.

<sup>65</sup> Ibid.

<sup>66</sup> Harwood Interview.

<sup>67</sup> Emerson Interview.

<sup>68</sup> Coeur d'Alene Chamber of Commerce, "Human Rights Policy Statement," adopted Sept. 15, 1983 (hereafter referred to as "Chamber of Commerce Policy Statement").

support prompt and vigorous law enforcement response to acts of racially and religiously motivated harassment and violence; that the community leadership should support the enactment and enforcement of specific legislation dealing with racial and religious terrorism; and that the Chamber supports the enlistment of a broad-based community response to openly and actively denounce racial and religious bigotry and violence.<sup>69</sup>

The Chamber's policy statement has been included in its entirety in Appendix J to this report.

In follow-up interviews with Sandy Emerson, it was learned that the Human Rights Policy Statement was issued in the interest of initiating a united community response to racial and religious bigotry and violence.<sup>70</sup> Emerson added that the statement, which was released at a press conference, received a positive response although some persons believed that the Chamber should "tone-down" its action on the issue because it might generate adverse publicity.<sup>71</sup> He stated that since adverse publicity was already in existence, failure to present a timely response was tantamount to "putting one's head in the sand."<sup>72</sup>

Since the issuance of the Human Rights Policy Statement, the Coeur d'Alene Chamber successfully urged the Coeur d'Alene City Council to issue a resolution supporting the Kootenai County Task Force on Human Relations and to go on record in opposing racial and religious harassment,<sup>73</sup> and mailed a packet of information to other local governments and chambers of commerce urging them to speak out on this issue.<sup>74</sup> According to Emerson, as of December 1983, the informational packet was mailed to all Chambers of Commerce, mayors, county commissioners, and school officials in Northern Idaho, and to civic organizations such as Kiwanis, Rotary, and Lions Clubs in the area.<sup>75</sup> In the cover memorandum accompanying this packet, the Coeur d'Alene Chamber discussed the need for community leadership including the private sector, to speak out. The memorandum included the following passage:

<sup>69</sup> Chamber of Commerce Policy Statement.

<sup>70</sup> J.A. "Sandy" Emerson, Executive Vice-President and Manager, Coeur d'Alene Chamber of Commerce, telephone interviews, Oct. 19 and Dec. 7, 1983 (hereafter referred to as "Emerson Telephone Interviews").

<sup>71</sup> Emerson Telephone Interviews.

<sup>72</sup> Emerson Telephone Interviews.

<sup>73</sup> Broadbent Telephone Interview; G. Eugene McAdams, Coeur

While the philosophy that "Silence is Eloquent" is still advocated with groups which thrive on adverse publicity, the unification of community leaders behind the established support groups and law enforcement officials is essential. If the decline of hate groups in North Idaho is to occur, it will be through active citizen concern, appropriate public response, and encouragement of prompt vigorous legal action, as well as broad-based interest in the existing support groups such as the Kootenai County Task Force on Human Relations.<sup>76</sup>

The actions of the Coeur d'Alene Chamber of Commerce are notable examples of how the private sector can respond and be in the forefront of community action to counteract racial and religious harassment and violence. Another example was provided by businesses in the Spokane area following a controversial rally in June of 1983 in Spokane. They spoke out with a quarter-page advertisement sponsored by over 160 businesses and individuals that included the following statement:

On Sunday, Spokane was targeted for a rally by a group promoting a doctrine of racial supremacy. Apparently, they wanted to draw lines between us. Separating Christian from Jew, as well as white from Black, brown, red, and yellow. We allowed them to use our park, because we respect everyone's freedom of speech. We waited until now to speak our minds, so we wouldn't promote their rally. But let there be no mistake about where we stand. An attack on the race or religion of any of us is an insult to all of us. It violates our most basic American principle—equality. If lines are to be drawn, we'll draw them around us, not between us. We celebrate our diversity. We know that for all our differences, we are united as one.<sup>77</sup>

The advertisement, another example of appropriate private sector response, has been reproduced in Appendix L.

## The Community Response

Interviews revealed that while people may not be as aware of acts of racial and religious harassment and violence within Idaho, outside the State awareness was growing and Idaho was considered by some to be a haven for such activity. Susan Smith of Adoptions of Idaho commented that in communications with adoption agencies in other States, it is not

d'Alene City Administrator, telephone interview, Dec. 2, 1983 (hereafter referred to as "McAdams Interview").

<sup>74</sup> Emerson Telephone Interviews.

<sup>75</sup> Ibid.

<sup>76</sup> Coeur d'Alene Chamber of Commerce, memorandum to Area Chambers, Civic Groups, and Governmental Agencies, "Human Rights Policy Statement" (1983).

<sup>77</sup> *Spokesman-Review* (Spokane), June 28, 1983.

uncommon for someone to say, "Oh Idaho, isn't that where the Ku Klux Klan and all the racists live?," and she was concerned that such activities might curtail growth in the Coeur d'Alene/Post Falls area.<sup>78</sup>

Gayle Speizer, Chair of the Citizens' Coalition Against Malicious Harassment, also discussed how a negative reputation was surfacing.<sup>79</sup> Ms. Speizer stated:

A friend of mine was moving here a couple of years ago from Boston. She told someone there that she was moving to Idaho. The person told her, "That's the only State in the Union where there's Nazis." Something to that effect. But they knew about it [hate group activity in Idaho] all the way back in Boston, surprisingly.<sup>80</sup>

Even "minor" incidents of racial and religious bigotry can have unfortunate results that stifle the growth of needed services to the community. Dina Tanners, a member of the Interstate Task Force on Human Relations, and a member of the Kootenai County Task Force on Human Relations, recalled such an incident in her area. Ms. Tanners stated that a neurosurgeon from the Northeast, who happened to be Jewish, expressed an interest in moving his practice to Coeur d'Alene and wanted to find out more about the Jewish community in the area. Through her synagogue, a meeting between Ms. Tanners and the doctor was arranged to take place at her home. Prior to their meeting, it was Ms. Tanners' impression that the neurosurgeon was leaning heavily toward opening a practice in the area and working in the local hospital. Ms. Tanners explained that had the move taken place, the area would have gained the services of a neurosurgeon, which it did not have. As he was leaving for the meeting with Dina Tanners, the doctor was handed literature containing various references to Jews by an unidentified man who asked him if he would like some literature. When the neurosurgeon arrived at the Tanners home he indicated that he had received the literature, and expressed concern about it because it apparently was produced in the area. He explained to Ms. Tanners that he would have to discuss the incident with his wife. He was never heard from again. Dina Tanners noted that the area is still without a neurosurgeon.<sup>81</sup>

<sup>78</sup> Smith Interview.

<sup>79</sup> Ms. Speizer is also a member of the Idaho Advisory Committee, but did not take part in this study.

<sup>80</sup> Citizens' Coalition Interview.

The response of the community at large to racial and religious bigotry and violence is as important as the responses by governmental and educational institutions, and others. The private sector is, of course, one part of the community, but all other parts of the community have a role to play in combating racial and religious harassment, bigotry, and violence. The quality of the community response plays an important part in the media's determination of the "newsworthiness" of making that response known. When the community urges action by government, law enforcement, prosecutorial, and education agencies, officials, and personnel on the Federal, State, and local levels, those units must respond in some way. What public officials do in response to racial and religious bigotry and violence is often the result of what the community demands of them.

Bertha Edwards of the NAACP stated that the problem of racial and religious bigotry and violence is growing because of the low priority it is given by the community and their leaders.<sup>82</sup> She stated:

Most people do not believe; they pretend that these things do not occur; they do not happen; they do not exist. So, therefore, they do not do anything about it when they do not think there is a problem.<sup>83</sup>

Her assessment was echoed by Sandy Emerson as he discussed the contributions private groups such as the Kootenai County Task Force on Human Relations have made toward reducing racial and religious bigotry, harassment, and violence. Mr. Emerson stated that these groups are addressing a problem "that the community would probably rather not deal with."<sup>84</sup>

Community awareness of an important issue can be increased when community leaders, churches, organizations, and individuals in the community publicly demonstrate their concern by speaking out, and becoming involved. There are many examples of what can be done. Shortly after Rabbi Eugene Gottesman became a target of racial and religious harassment, he held a press conference to inform the public of the incidents that had occurred—but he was not alone. Community organizations such as the Christian Coalition and the NAACP joined in the press conference, and James Chase, then a City

<sup>81</sup> Dina Tanners, telephone interview, Mar. 28, 1984.

<sup>82</sup> Edwards Interview.

<sup>83</sup> Ibid.

<sup>84</sup> Emerson Interview.

Council member and now Mayor of Spokane, also participated in the press conference to show support for the Rabbi and to publicly condemn such acts.<sup>85</sup>

In Coeur d'Alene, 28 area ministers and religious workers, representing at least 17 denominations and Christian organizations, joined in a statement denouncing bigotry and violence in the area and affirming their support of racial and religious minorities in the community.<sup>86</sup> In response to the statement, the local newspaper, the *Coeur d'Alene Press*, published an editorial, stating in part:

In America, the freedom to worship and hold political views, no matter how wrong or contrary they may be, must always be held dear. But as responsible citizens of this great land we must always, with equal fervor, combat and denounce those among us who seek to distort the great liberties given us by our democratic form of government. In this respect, nothing is more insidious or heinous than the persecution of a people because of their color or ethnic heritage. We must never be apathetic on this subject.<sup>87</sup>

The Kootenai County Task Force on Human Relations monitors racist activity in the area, provides victim support, speaks to other community organizations about their concerns, and is working to provide educational materials stressing positive human relations in the public schools.<sup>88</sup> In response to the harassment of Connie Fort, for example, the Task Force circulated a petition expressing support for her and her family, and stating their belief in her right to live in the community.<sup>89</sup> Within one week, 819 or 4 percent of the people of Coeur d'Alene signed the petition, including Ms. Fort's neighbors.<sup>90</sup>

The response of the Kootenai County Task Force did not go unnoticed. Connie Fort observed that the signatures collected on the petition and the assistance of the Task Force were very helpful.<sup>91</sup>

In describing the impact of the acts of harassment and intimidation directed toward her and her family and their effect on her outlook on the community in which she lives, she stated:

I have felt very alienated, but then I know I have a lot of good friends who are in the community. They have given

me a lot of support. The neighbors have been all very kind.<sup>92</sup>

The Interstate Task Force on Human Relations held an educational and informational seminar on the issue of racial and religious bigotry. Clergy, community organizations, educators, government and law enforcement officials from Idaho and Washington participated in the seminar.<sup>93</sup> The task force was formed in response to racial and religious harassment in the Coeur d'Alene-Spokane area, after incidents were brought to public attention through Rabbi Gottesman's press conference and the Coeur d'Alene Ecumenical statement.

Individuals have helped also not only by their participation in local community organizational activities, but as area or regional monitors for other organizations. One example is the work of Dina Tanners. She also helps to keep the regional office of the Anti-Defamation League of the B'nai B'rith (in Seattle) informed of racial and religious harassment and violence in her area.<sup>94</sup>

Another example of how the community can respond is the work of the individuals and organizations that participated in the Citizens' Coalition Against Malicious Harassment. They are credited with mobilizing support from organizations and individuals from around the State for the passage of the malicious harassment law.<sup>95</sup> Their effort in particular was recognized by Idaho Attorney General Jim Jones, who noted that a number of meetings were held in communities around the State to discuss the bill.<sup>96</sup>

The Director of the Idaho Human Rights Commission also discussed the contributions of private organizations in reducing or preventing racial and religious harassment and violence. Marilyn Shuler stated that the work of private organizations helped to sensitize people.<sup>97</sup> She noted that organizations and groups that often had been on opposite sides of other issues coalesced around the need for a State government response to racial and religious harassment and violence.<sup>98</sup> Shuler observed that these

<sup>85</sup> Gottesman Interview; Interstate Task Force Interview.

<sup>86</sup> Morse Interview.

<sup>87</sup> *Coeur d'Alene Press*, Dec. 5, 1980, p. 4.

<sup>88</sup> Morse Interview.

<sup>89</sup> Ibid.; Connie Fort, interview in Coeur d'Alene, ID, Mar. 15, 1983 (hereafter referred to as "Fort Interview").

<sup>90</sup> Morse Interview; According to Census data for Idaho, the 1980 count for Coeur d'Alene is 20,054.

<sup>91</sup> Fort Interview.

<sup>92</sup> Ibid.

<sup>93</sup> Interstate Task Force Interview.

<sup>94</sup> Dina Tanners, interview in Coeur d'Alene, ID, Mar. 16, 1983.

<sup>95</sup> Jones Interview; Berain Interview; Shuler Interview.

<sup>96</sup> Jones Interview.

<sup>97</sup> Shuler Interview.

<sup>98</sup> Ibid.

organizations and groups strongly influenced the passage of the malicious harassment law.<sup>99</sup> The Human Rights Commission director summarized the comments frequently made by citizens who were concerned and wanted the State to respond. Shuler stated:

One of the strongest things that was said was, "Why Idaho? Why are they coming here? We want people to know that we don't tolerate that. Just because we happen to be White, and just because we happen to be Christian, and that we happen to be politically conservative, does not mean, [but] they think that that means that we're soft on this. They're wrong. So we are outraged by that, and we want them to know that we aren't the way those people think we are. We don't like what's going on in our State. We don't want them to grow. We want people to live here in freedom and in peace."<sup>100</sup>

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<sup>99</sup> Ibid.

<sup>100</sup> Ibid.

These are just a few of the ways that the community can respond to the problem of racial and religious bigotry, harassment, and violence. The need for a community response, and how such a response contributes to helping others to become informed, concerned, and involved in countering this threat, was expressed by Bertha Edwards, who said:

The time has come that we can no longer be silent. We have to make the public aware. For a long time we have been so low-key about the problem, but we must be more open. Once the public is aware, then maybe more people will help to eliminate this problem.<sup>101</sup>

<sup>101</sup> Edwards Interview.

## Findings and Recommendations

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### General Findings

1. Racial and religious harassment and violence is a problem affecting the entire State of Idaho, although most of the reported incidents have occurred in the Northern portion of the State.

2. Commendable public and private sector initiatives, including passage of the Idaho Malicious Harassment Act, have been developed in Idaho to address bigotry and violence, but some additional measures are necessary.

3. The lack of a comprehensive and uniform crime reporting system at the Federal, State, or local government levels that specifically includes and identifies crimes that are racially or religiously motivated hampers law enforcement and public policy development.

### Specific Findings and Recommendations—State and Local Government.

#### Monitoring

##### Findings

1. There is no standardized system for State and local law enforcement agency reporting of incidents of racial and religious harassment and violence.

2. There is no central monitoring agency to collect, compile, and prepare periodic reports of racial and religious harassment and violence.

##### Recommendations

1. The Idaho Department of Law Enforcement should develop a standardized method of reporting racially and religiously motivated crimes to be utilized by State and local law enforcement agencies, whether or not there is a change in the Federal uniform crime reporting system. The Department should consult with the Federal Bureau of Investigation (FBI) regarding this effort, and to the extent the FBI considers modifying its own data collection system to include comprehensive data collection regarding such crimes, coordinate Federal and State initiatives. The Department may also wish to consult with Maryland State law enforcement officials who have implemented such a system in that State.

2. Once a standardized method is developed, the Idaho Department of Law Enforcement and the Idaho Peace Officers Standards and Training (POST) Academy should train law enforcement managers and officers on the use of the reporting system.

3. The Idaho Department of Law Enforcement should serve as the central repository of reports from around the State and should periodically compile the statewide data and report the information to the Idaho Human Rights Commission.

4. Utilizing the Department of Law Enforcement data, the Human Rights Commission should prepare, at least on an annual basis, a report to the Governor on racial and religious harassment and violence in Idaho, including relevant findings and recommendations. This report also should be made

available to other government and law enforcement officials and to the general public.

## **Law Enforcement/Prosecution**

### **Findings**

1. The existence or passage of laws to address the problem of racial and religious harassment and violence cannot be considered as a panacea. Laws are only effective if they are enforced.

2. Law enforcement's response to acts of racial and religious harassment and violence can be enhanced through the education and training of law enforcement officers and prosecutors.

### **Recommendations**

1. The Idaho Peace Officers Standards and Training (POST) Academy should periodically conduct training seminars that include all applicable State and Federal laws on racial and religious harassment and violence, and address coordination among Federal, State, and local law enforcement agencies.

2. To facilitate the in-service training of all law enforcement officers, the information contained in the training sessions should be reduced to writing by the POST Academy and made available to all State and local law enforcement agencies in Idaho for their use as needed. The POST Academy and the Department of Law Enforcement should encourage the use of such materials.

3. The State Attorney General should develop a training session for prosecutors on the issue of racial and religious harassment and violence, and the legal resources available to combat these problems.

### **Finding**

Training bulletins or policy statements on racial and religious harassment and violence issued by the chief of police or sheriff, prosecutor or city attorney, are useful ways to facilitate the training process. A training bulletin or policy statement on racial and religious harassment and violence can (1) call attention to the issue; (2) explain applicable laws and ordinances relevant to the issue; (3) indicate the appropriate response that should be made; and (4) indicate to personnel the priority the top official places on that issue.

### **Recommendation**

1. All law enforcement and prosecutorial agencies in Idaho should issue a training bulletin/policy statement regarding racial and religious harassment and violence to personnel. Such a bulletin should include an overview of Federal, State, and local laws. This recommendation should be implemented by county sheriff's offices, police departments, county prosecutors offices, city attorney's offices, the Idaho Department of Law Enforcement, the Idaho State Police, and the Attorney General's office.

### **Findings**

1. Training related to improving relations between police and minority communities would enhance the law enforcement response to racial and religious harassment and violence.

2. While all State and local law enforcement personnel must complete 300 hours of training at the POST Academy for State certification, the POST Academy does not include a specific race relations or human relations course within its required curriculum.

### **Recommendations**

1. A human relations or race relations course should be added to the mandatory POST Academy curriculum.

2. The POST Academy should also include elective seminars relevant to race relations in its yearly course offerings.

## **Governmental Leadership**

### **Findings**

1. Strong and unambiguous statements from government officials that acts of racial and religious intimidation will not be tolerated are necessary to combat bigotry and violence.

2. Key government leaders on the State level have spoken out against such acts, including the Governor and the Attorney General, and the Idaho Legislature has spoken out by passing the Malicious Harassment Act. However, in areas where acts of racial and religious harassment and violence have been reported, only a few local government officials have issued such statements.

### **Recommendation**

1. Local government officials in all affected communities must make strong and unambiguous

statements that racial and religious harassment and violence will not be tolerated. This is particularly necessary immediately following incidents of racial and religious harassment and violence. This can be accomplished by the promulgation and passage of official proclamations and resolutions, and by public speeches by officials within the community.

## **Specific Findings and Recommendations: Federal Government**

### **Community Relations Service/Department of Justice (CRS)**

#### **Finding**

1. The Community Relations Service of the Department of Justice has been actively involved in constructive efforts to address the issue of racial and religious harassment and violence in Idaho.

#### **Recommendation**

The Idaho Advisory Committee recommends that the U.S. Commission on Civil Rights urge CRS to pursue with appropriate agencies such as the POST Academy, the Federal Bureau of Investigation, the Idaho Department of Law Enforcement, and the U.S. Attorney's Office, the development of a training program to improve coordination between Federal, State, and local law enforcement agencies and an overview of applicable Federal civil rights statutes.

### **Federal Law Enforcement/Prosecutorial Agencies**

#### **Findings**

1. The U.S. Attorneys for the Eastern District of Washington and for Idaho have been monitoring racial and religious harassment and violence in their areas.

2. Although there have not been Federal prosecutions for violations of applicable Federal criminal civil rights statutes (Conspiracy Against Rights of Citizens—18 U.S.C. Section 241; Federally Protected Activities—18 U.S.C. Section 245; Fair Housing—Prevention of Intimidation—42 U.S.C. Section 3631) investigations have been conducted by the Federal Bureau of Investigation (FBI) in connection with reported civil rights violations in Idaho.

3. Although there are some instances in which there is coordination between Federal and State/local law enforcement agencies, in general, referrals of potential Federal civil rights violations are not properly made from State and local law enforcement agencies to Federal agencies.

4. State and local law enforcement personnel and citizens are largely unaware that certain racially and religiously motivated incidents of harassment and intimidation are violations of Federal criminal civil rights statutes. In some instances violations do not come to the attention of the FBI because of the lack of awareness on the part of State/local law enforcement agencies, victims, or concerned citizens.

#### **Recommendations**

1. The Idaho Advisory Committee recommends that the U.S. Commission on Civil Rights urge the FBI, and the Civil Rights Division of the Department of Justice to develop and implement strategies to inform State and local law enforcement agencies and, where possible, citizens, of applicable Federal criminal civil rights statutes and proper reporting methods for suspected violations.

2. The Idaho Advisory Committee recommends that the U.S. Commission on Civil Rights urge the FBI, and the Civil Rights Division of the Department of Justice to develop and implement strategies to improve the coordination and referral of racially and religiously motivated incidents between the Federal, State, and local levels.

3. The Idaho Advisory Committee recommends that the U.S. Commission on Civil Rights urge the FBI to take the lead in developing a comprehensive system for reporting racially or religiously motivated criminal activity and to work with State and local governments in implementing such a system.

## **Specific Findings and Recommendations—Education**

#### **Finding**

1. Although the education officials interviewed agreed that there was a role for education to play in response to racial and religious bigotry, harassment, and violence, the fulfillment of that role through curricula and programs by the respective departments/districts remains largely unclear.

## **Recommendations**

1. The Idaho State Department and/or Board of Education should define the role of education in addressing racial and religious bigotry, harassment, and violence.

2. The Idaho Department and/or Board of Education should develop, identify, and adopt curricula and curricular materials that address the problems of racial and religious bigotry. The Department/Board of Education should give local school districts active guidance and assistance in such curriculum development and should encourage the use of such curricular materials in those districts.

3. Local school districts should become actively involved in developing educational programs and classes that address the problems of racial and religious bigotry.

4. Classroom teacher associations should urge the development of educational programs and classes by the Idaho Department/Board of Education and local school districts that address the problems of racial and religious bigotry. They should be active participants in the development of such programs.

## **Specific Findings and Recommendations—Private Sector**

### **Findings**

1. Racial and religious bigotry, harassment, and violence have a negative effect on the private sector.

2. As specific costs of racial and religious bigotry, harassment, and violence in the State, Idaho may be viewed by some businesses as a State with an unfavorable environment for the relocation of companies with an ethnically diverse workforce. Business decisions regarding employee promotions and transfers may be hampered in areas deemed hostile to racial and religious minorities, and some businesses may be targeted for racially and religiously motivated acts of violence because of the ethnicity of the owner and/or workforce.

3. The private sector can play an important role in response to racial and religious bigotry, harassment, and violence by (a) being actively involved with community organizations in helping to solve the problems; (b) not allowing organized activities or individual acts of racial and religious bigotry, harassment, and violence to take place at their

respective businesses or work sites or to develop within the work environment; (c) setting an example through the support of equal employment opportunity; and (d) making public its position on the issue of racial and religious bigotry, harassment, and violence.

4. The Coeur d'Alene Chamber of Commerce has issued a Human Rights Policy Statement, and has urged other Chambers, government agencies, and civic organizations in Northern Idaho to speak out against racial and religious bigotry, harassment and violence.

## **Recommendations**

1. The business community throughout Idaho should support public sector efforts and participate in community organizations formed to combat racial and religious bigotry, harassment, and violence in Idaho.

2. The business community throughout Idaho should speak out on the issue of racial and religious bigotry, harassment, and violence to the public and at the work place. This can be accomplished through written and oral statements by corporate leaders in-house, through advertisements in newspapers, through financial and other resource support of community organizations formed to combat bigotry and violence, and through the sponsorship of broadcast media public service announcements.

## **Specific Findings and Recommendations—The Community**

### **Findings**

1. The response of the general community is critical in counteracting and combatting racial and religious bigotry and violence.

2. The response of government, law enforcement, prosecutorial, and education agencies and officials to racial and religious bigotry and violence depends, in part, on the general community's expressed concern.

## **Recommendation**

The general citizenry must become involved and contribute to the development of strategies to counteract and combat racial and religious bigotry and violence whenever acts of racial and religious bigotry and violence occur.

## Update

On April 12, 1985 the Federal Grand Jury in Seattle issued a 93-page indictment charging 23 members of an organization variously known as "The Order," "The Bruder Schweigen," "The Underground," "The Aryan Resistance Movement," and the "White American Revolutionary Army" with "violations of the anti-racketeering laws (commonly known as RICO) and related charges."<sup>1</sup> The 20-count indictment was announced by Gene S. Anderson, U.S. Attorney for the Western District of Washington; Joseph P. Russoniello, U.S. Attorney for the Northern District of Idaho; and John E. Lamp, U.S. Attorney for the Eastern District of Washington.<sup>2</sup> All 23 members of the organization were charged with one count of violating the Federal racketeering laws and one count of conspiring to violate the Federal racketeering laws. For each count, "the maximum penalty. . . is twenty years imprisonment, a fine of \$25,000, and forfeiture to the Government of all proceeds of the crime or of any property used in the crime."<sup>3</sup> The remaining 18 counts charge individual members with various specific crimes.<sup>4</sup>

<sup>1</sup> United States v. Pierce, No. CR 85-001M (W.D. Wa., Superseding Indictment, April 12, 1985), p. 6 (hereafter cited as Superseding Indictment). This Indictment will supersede all other Federal charges against those named in the indictment. As a result, all Federal charges pending in various areas will be dismissed, at least temporarily, so that the racketeering charges can be addressed first. See, 18 U.S.C. Sec. 1961 for a definition of racketeering and other terms associated with the Racketeer Influenced and Corrupt Organizations (RICO) laws.

<sup>2</sup> U.S., Department of Justice, Office of the U.S. Attorney,

According to the U.S. Department of Justice, the indictment was the result of an investigation conducted primarily by the Federal Bureau of Investigation and U.S. Attorneys, with assistance provided by the district attorney in Denver, Colorado, the Denver Chief of Police, the United States Secret Service, and the Federal Bureau of Alcohol, Tobacco and Firearms.<sup>5</sup> In a separate but related action on the same date in the Northern District of California another individual was also charged with a violation of the same laws arising out of the same events, raising to 24 the total number of persons indicted.<sup>6</sup>

The indictment by the Federal Grand Jury in Seattle resulted from a joint effort by a task force of Federal Bureau of Investigation (FBI) agents and U.S. attorneys established "for the purpose of investigating and prosecuting a pattern of crimes which spread over several Western States."<sup>7</sup> The task force was the result of a December 1984 meeting of FBI agents and U.S. attorneys from the offices directly participating in the investigation. They met in Seattle to formulate a unified approach in dealing with what appeared to be a "group of individuals with interstate ties who had banded

Western District of Washington, News Release, April 15, 1985, p. 1 (hereafter referred to as News Release).

<sup>3</sup> Ibid., pp. 7-8; See, 18 U.S.C. Sec. 1963 for a discussion of criminal penalties under RICO laws, including the seizure and disposal of forfeited property.

<sup>4</sup> News Release, pp. 7-11.

<sup>5</sup> Ibid., p. 3.

<sup>6</sup> Ibid.

<sup>7</sup> Ibid., p. 4.

together to commit murders and robberies as part of a plan to advance their extreme right wing and anti-Semitic views."<sup>8</sup>

The indictment charges that The Order "constituted an enterprise, that is, a group of individuals associated in fact for the purposes of advancing their views of 'white' or 'Aryan' supremacy and the political, social, and economic ascendancy of persons of a 'white' or 'Aryan' ethnic background, and of making and retaining profits for the enterprise and for themselves, through acts and threats involving robbery, murder, arson, counterfeiting, and interstate transportation of stolen property."<sup>9</sup>

The indictment also charges that "a purpose of the enterprise was to murder Federal law enforcement authorities and Federal government officials. . . ."<sup>10</sup> Other targets were "persons viewed as hostile to the aims and purposes of the enterprise, and persons viewed as threats to the enterprise."<sup>11</sup> Another "purpose. . . was to destroy, by fire and explosives, structures and property utilized by persons viewed as hostile to the enterprise, or utilized by persons of whom the enterprise did not approve, through acts and threats involving arson."<sup>12</sup>

The indictment listed a total of 57 separate acts in violation of the Federal racketeering laws by various individuals among the 23 persons charged, and stated the Federal government's intention to claim the assets of those charged. Those assets include land in Idaho and Missouri and a condominium in Montana; over \$429,000 in allegedly stolen money; a total of 150 weapons including machine guns, rifles, and handguns; a large quantity of ammunition; a total of 39 vehicles, including 16 automobiles, 5 trucks, a boat, an ultralite airplane, 2 mobile homes, snowmobiles, 3 all-terrain vehicles, and motorcycles; explosives, including grenades, dynamite, nitro, black power, fuses and caps; electronic equipment, including scanners, personal computers, telephone equipment, C.B. radios, a voice stress analyzer, and survival gear.<sup>13</sup>

The Order reportedly was founded in September of 1983 by 12 men.<sup>14</sup> According to the Superseding Indictment, The Order subsequently began a series of activities to further its professed goals, including,

on December 20, robbing a bank in Seattle of \$26,000; on March 16, 1984, robbing an armored car of \$43,000 in Seattle, and again in Seattle on April 23, robbing an armored car of \$230,000. The money allegedly was used to buy guns and ammunition and other supplies in support of The Order's objectives. The Order was charged with an arson attempt of a Boise synagogue on April 29, and an arson attempt at the Embassy Theater in Seattle on April 22. In June The Order allegedly murdered Walter West and Denver talk show host Alan Berg.

In addition to the money obtained from the robberies, The Order allegedly engaged in counterfeiting in 1983 and 1984, which led to the arrest of an individual who passed a counterfeit bill in Philadelphia. On July 19, 1984 The Order is charged with robbing an armored truck near Ukiah, California of \$3.6 million. A gun left behind helped authorities to find the group. On July 21, The Order allegedly met in Boise, Idaho to divide the proceeds from the robbery. On October 18, FBI agents, during a search of a group member's home, found a gun that was linked by police to the murder of Alan Berg. Between November 1984 and the date of the indictment a number of the members were arrested; others were apprehended subsequently in various States. Various members were charged with the attempted murders of FBI agents in Portland, Oregon on November 24, and on Whidbey Island, Washington on December 8; with planning to rob the cash vault of the Brinks Company in San Francisco, California in the fall of 1984; and numerous instances of dealing in stolen money.<sup>15</sup>

Of these major crimes, those that members of The Order are charged with committing in Idaho include murdering Walter Edward West; bombing the Congregation Ahavath Israel Synagogue; conspiring to commit an armored car robbery, and counterfeiting.<sup>16</sup>

Legal action against the members of The Order who have been arrested is proceeding. At this time, it is expected that any trials that are scheduled as a result of the Superseding Indictment will be held in Seattle.

<sup>8</sup> Ibid.

<sup>9</sup> Superseding Indictment, p. 6.

<sup>10</sup> *Id.*

<sup>11</sup> *Id.*, pp. 6-7.

<sup>12</sup> *Id.*, p. 7.

<sup>13</sup> *Id.*, pp. 13-35.

<sup>14</sup> See, Kevin Flynn, "The Order: A humbled supremacy," *Rocky Mountain News* (Denver), April 22, 1985 (hereafter referred to as "A humbled supremacy").

<sup>15</sup> Superseding Indictment; See, "A humbled supremacy."

<sup>16</sup> Superseding Indictment, pp. 16-22.

According to an affidavit by an FBI agent assigned to investigate the organization, a book called *Turner's Diaries* allegedly contained the blueprint for The Order's activities.<sup>17</sup> Regarding *Turner's Diaries*, the affidavit states as follows:

The book is a fictional account of "diaries" written by a man named "Turner" and covers the supposed take-over of the United States of America by white supremacists, who form a paramilitary underground and proceed to overthrow the government by violence. The paramilitary group described in *Turner's Diaries* calls itself "The Order." "The Order" . . . consists of "white" males and begins its revolution by first funding itself by robberies, counterfeiting, and other crimes. (Counterfeiting is described in the book as being not only a way to provide funding, but as a way to disrupt the economy of the United States.) Thereafter, "The Order" in *Turner's Diaries* proceeds by obtaining automatic weapons, and then proceeds to institute a revolution by terrorist attacks (bombings and assassinations) against public officials and public offices, energy facilities, newspaper offices, and television and radio stations. "The Order" in *Turner's Diaries* considers its enemies to be all Jewish people, blacks and other minorities, and political liberals and conservatives. (Political conservatives in the current sense of the term are considered enemies because they are unwilling to take the drastic steps necessary in "The Order's" eyes to the accomplishment of the revolution.) "The Order" in Idaho, begins its revolution in approximately 1991 and concludes it successfully in approximately 1999, having murdered numerous people, having destroyed the "liberal/Jewish press," having bombed the FBI headquarters with extensive loss of life, having destroyed the State of Israel with nuclear weapons, and with the "hero" (Turner) having died in a suicide nuclear attack against the Pentagon.<sup>18</sup>

The FBI also recovered during this investigation "a document entitled 'Declaration of War' and dated November 25, 1984. . . ." This document purports to declare "war against various elements of American society" and is signed by individuals "who describe themselves as representatives of the Aryan Resistance Movement."<sup>19</sup>

A copy of the "Declaration of War" and its accompanying "Open Letter To The U.S. Congress" were also filed in court records. The "Declaration of War" states in part as follows:

We, from this day forward declare that we no longer consider the regime in Washington to be a valid and lawful representative of all Aryans who refuse to submit to the coercion and subtle tyranny placed upon us by Tel Aviv and their lackeys in Washington. . . . We hereby declare ourselves to be a free and sovereign people. We claim a territorial imperative which will consist of the entire North American Continent North of Mexico. . . . We now close this letter with an open letter to Congress and our signatures confirming our intent to do battle. . . . This is war!<sup>20</sup>

The "Open Letter to Congress" reads in part as follows:

All of you together are not solely responsible for what has happened to America, but each of you, without exception, is partly responsible. And the day will come when you will be called to account for that responsibility. . . .<sup>21</sup>

According to U.S. Attorney John Lamp, 22 of the 23 members of The Order who were indicted in Seattle are now incarcerated. He stated that the extremely close cooperation between Federal law enforcement agencies leading up to the indictments and arrests was unprecedented, in terms of scale, to his knowledge. U.S. attorneys in Greensboro, North Carolina; Fort Smith, Arkansas; Spokane, Washington; Boise, Idaho; Seattle, Washington; Portland, Oregon; Billings, Montana; Denver, Colorado, and San Francisco, California cooperated in this mammoth undertaking, he said, in addition to the other Federal and local law enforcement agencies previously mentioned in the Department of Justice's News Release.<sup>22</sup>

John Lamp also stated that one very positive outcome of the indictments was that the message was conveyed to the total community, and particularly to minorities, that the nation's legal process is working as it should. He stated that he would commend the minority community for exercising a great deal of restraint and for being very responsible under circumstances in which one could expect their level of frustration to be high and the potential for racial strife to be great. He also stated that the minority community had been very responsible throughout, which assisted law enforcement agen-

<sup>17</sup> Affidavit of Norman D. Stephenson, Special Agent, Federal Bureau of Investigation at 4-5, *United States v. Randolph George Duey*, No. CR 85-001M (W.D. Wa., April 1985).

<sup>18</sup> *Id.*, p. 5.

<sup>19</sup> *Id.*, p. 12.

<sup>20</sup> Aryan Resistance Movement, Declaration of War, case file, *United States v. Duey*, No. CR 85-0001M (W.D. Wa., April 1985). Thirteen signatures appear on the document.

<sup>21</sup> Aryan Resistance Movement, Open Letter to the United States Congress, case file, *United States v. Duey*, No. CR 85-001M (W.D. Wa., April 1985).

<sup>22</sup> John Lamp, U.S. Attorney for Eastern Washington District, telephone interview, May 7, 1985 (hereafter referred to as "Lamp Interview").

cies because the agencies did not have to struggle on two fronts simultaneously.<sup>23</sup>

John Lamp also singled out the efforts of the Interstate Task Force on Human Relations,<sup>24</sup> which in his view served as a mechanism for calming tempers and as a channel for constructive activities in response to reported incidents of harassment and violence in the area.<sup>25</sup>

John Olson, Chairman of the Interstate Task Force on Human Relations, stated that as a result of the arrests and indictments, the community at large is now more aware that extremist groups can be dangerous and cannot be dismissed too easily. In general, he said, community members are pleased

that law enforcement agencies are taking effective steps in dealing with extremist groups.<sup>26</sup>

U.S. Attorney John Lamp also stated that it should be noted that the level of indignation in the community at large in Idaho regarding supremacist group activity is extremely high. He is very concerned that the general public be aware that the persons associated with The Order are not indigenous to the area but are fairly recent arrivals.<sup>27</sup>

A number of the persons indicted in Seattle have already entered pleas to the various charges, he said, so that it is unlikely that very many will have to be tried in court.<sup>28</sup>

<sup>23</sup> Ibid.

<sup>24</sup> See, Chapter 3, pp. 55-56.

<sup>25</sup> Lamp Interview.

<sup>26</sup> John Olson, Chairman, Interstate Task Force on Human Relations, telephone interview, May 8, 1985.

<sup>27</sup> Lamp Interview.

<sup>28</sup> Lamp Interview.

## Appendix A

# What to do if You Have a Complaint About Racial or Religious Harassment, Intimidation, or Violence

### Introduction

- If you are a victim of racial or religious harassment, intimidation, or violence; or
- If you know of someone who has been a victim of racial or religious harassment, intimidation, or violence; or
- If you know of someone who has committed or intends to commit an act or acts of racial or religious harassment, intimidation, or violence,

#### **FEDERAL AND STATE LAWS MAY HAVE BEEN VIOLATED!**

Aside from general criminal statutes, the racially or religiously motivated act may be in violation of specific Federal and State laws.

### Federal Laws

- Conspiracy against rights of citizens—18 U.S.C. Sec. 241
- Federally protected activities—18 U.S.C. Sec. 245
- Fair Housing—Prevention of Intimidation—42 U.S.C. Sec. 3631

### State Laws

- Idaho—Malicious Harassment—IDAHO CODE Secs. 18-7901-7904 (1983)
- Oregon—Intimidation—OREGON REV. STAT. Secs. 166.155, 166.165, (1983)
- Washington—Malicious Harassment—WASH. REV. CODE Sec. 9A.36.080 (1981)

The complete texts of these laws are reproduced at the end of these materials.

### How to File a Complaint

If you have a complaint, it is important to file it with State or local law enforcement officials and with Federal law enforcement officials. This ensures that the appropriate law enforcement personnel on the Federal, State and local levels of government will respond to your complaint. You should not assume that your complaint will be referred to another law enforcement agency or department. Although you may make a complaint by telephone, you should file a written complaint as well. Because your memory and the memory of witnesses regarding important details might not be retained over time, it is important to file a complaint as soon as possible after the racially or religiously motivated act occurs.

Your complaint should be in writing (typed or printed neatly), dated, signed, and should include the following information:

- Your name.
- Your address and telephone numbers at home and at work.
- A description of the act of racially or religiously motivated harassment, intimidation, or violence. Include the date and place the incident occurred, what you believe to be the reason for the racially or religiously motivated act, and the names of persons who have information regarding the incident.
- If at all possible, provide any identifying information regarding the person(s) suspected of

committing the act (e.g., name, gender, height and weight, color of hair, presence of facial hair, and clothing; year, color, and make of car or truck, and license plate number).

If you file a telephone complaint, record the time and date you placed the call, the person(s) you spoke to, and the name(s) of the law enforcement officer(s) or section initially assigned to investigate the incident. Follow-up telephone complaints with complete written statements.

If you file a complaint in person at the law enforcement agency or in-person with a law enforcement officer responding to a dispatch from the law enforcement department's headquarters, record the time and date of the complaint and the officer's name. As soon as possible, obtain a copy of the law enforcement report filed, and review it to make sure the information is accurate and complete. Indicate, in writing, any errors and omissions and insert any relevant information not included in the report.

In certain situations, items may have been mailed to, placed, or destroyed on your property. You should preserve and carefully handle these items because they may be physical evidence that can assist the law enforcement investigation. Articles such as notes and letters, signs and symbols of intimidation, and photographs of the defaced property are examples of items that may be useful as physical evidence. Physical evidence can be valuable in (a) identifying the suspect(s), and (b) corroborating the racial or religious intent of the crime. Physical evidence should be turned over to law enforcement authorities as soon as possible.

## **Where to File Complaints About Racially and Religiously Motivated Acts of Harassment, Intimidation, and Violence**

### **Federal Law Enforcement**

1. As a general rule, complaints should be filed with the local office of the Federal Bureau of Investigation (FBI). If there is not an FBI office listed in your telephone directory, contact the following FBI Field Office for your area:

#### **For Idaho**

Butte Field Division  
Federal Bureau of Investigation  
U.S. Courthouse & Federal Office Bldg.  
Butte, MT 59702  
(406) 782-2304

For Washington  
Seattle Field Division  
Federal Bureau of Investigation  
915 Second Avenue  
Seattle, WA 98174  
(206) 622-0460

For Oregon  
Portland Field Division  
Federal Bureau of Investigation  
Crown Plaza Building  
Portland, OR 97201  
(503) 224-4181

For Alaska  
Anchorage Field Division  
Federal Bureau of Investigation  
Federal Office Building  
Anchorage, AK 99513  
(907) 276-4441

Local FBI offices are not open 24 hours a day. After normal business hours and on weekends, file your complaint with the FBI Field Office.

2. Complaints may be filed with the Civil Rights Division of the Department of Justice and/or with the Office of the U.S. Attorney for your area.

Department of Justice:  
Chief, Criminal Section  
Civil Rights Division  
U.S. Department of Justice  
Main Justice Building  
Room 7629  
10th & Constitution Avenue NW  
Washington, DC 20530

#### **U.S. Attorney Offices:**

##### **For Idaho**

U.S. Attorney  
Federal Building, Room 693  
Box 037  
550 West Fort Street  
Boise, ID 83724

##### **For Eastern Washington**

U.S. Attorney  
P.O. Box 1494  
Spokane, WA 99210

##### **For Western Washington**

U.S. Attorney

3600 Seafirst Building  
800 Fifth Avenue Plaza  
Seattle, WA 98104

**For Oregon**

U.S. Attorney.  
312 U.S. Courthouse  
620 S.W. Main Street  
Portland, OR 97205

**For Alaska**

U.S. Attorney  
Federal Building, Room C-252  
Mail Box 9  
701 "C" Street  
Anchorage, AK 99513

**State and Local Law Enforcement**

1. As a general rule, you should contact the local law enforcement department nearest you. This would be the Police Department or the Sheriff's Office listed in your telephone directory.

2. Complaints may be filed with the Idaho Department of Law Enforcement for a referral to the appropriate local law enforcement department. You may also contact the Department of Law Enforcement if the incident involves the crossing of county lines.

Idaho Department of Law Enforcement  
P.O. Box 55  
Boise, ID 83707  
(208) 334-2521

**Other Resources**

1. If your concern is to contain and reduce racial harassment, intimidation, and violence; resolve incidents; obtain assistance in long-term contingency planning; and/or receive help in starting a public education effort you may contact the Community Relations Service of the Department of Justice for the Northwest Region States of Alaska, Idaho, Oregon, and Washington at the following address:

Community Relations Service  
Federal Building, Room 1898  
915 Second Avenue  
Seattle, WA 98174  
(206) 442-4465

2. If you are interested in assisting in the monitoring of racially and religiously motivated incidents in Idaho, you may report incidents to the Kootenai County Sheriff's Office which is monitoring incidents of this type. You may write to:

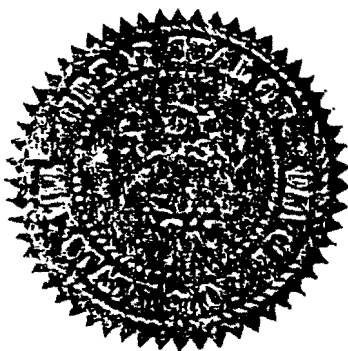
Larry Broadbent, Undersheriff  
Office of the County Sheriff  
Kootenai County Idaho  
P.O. Box 369  
Coeur d'Alene, ID 83814

# State of Idaho

## Department of State

### CERTIFICATION

I, PETE T. CENARRUSA, Secretary of State of the State of Idaho and legal custodian of the Seal of said State and all Acts of the Legislature of the State of Idaho, do hereby certify that the annexed is a full, true and complete copy of SENATE BILL NO. 1020, As Amended in the House, proposed and adopted by the Forty-Seventh Legislature, First Regular Session (1983), received and filed in this office on the thirtieth day of March, 1983 at 10:02 a.m., and that the same appears of record in this office.



IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Great Seal of the State of Idaho. Done at Boise, Idaho this twenty-first day of April, 1983.

*Pete T. Cenarrusa*

PETE T. CENARRUSA  
Secretary of State

By

*Miren E. Artlach*

MIREN E. ARTLACH  
Deputy Secretary of State

IN THE SENATE

SENATE BILL NO. 1020, AS AMENDED IN THE HOUSE

BY STATE AFFAIRS COMMITTEE

AN ACT

RELATING TO CRIMES; PROVIDING A STATEMENT OF LEGISLATIVE INTENT; AMENDING TITLE 18, IDAHO CODE, BY THE ADDITION OF A NEW CHAPTER 79, TITLE 18, IDAHO CODE, TO PROVIDE A STATEMENT OF PURPOSE; TO PROVIDE THAT MALICIOUS HARASSMENT IS A CRIME; TO PROVIDE CRIMINAL PENALTIES; AND TO PROVIDE SEVERABILITY.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. It is not the intent of the legislature that this chapter be construed or used to support ratification by the United States Senate of the United Nations Convention on the Prevention and Punishment of the Crime of Genocide of 1948.

SECTION 2. That Title 18, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW CHAPTER, to be known and designated as Chapter 79, Title 18, Idaho Code, and to read as follows:

CHAPTER 79  
MALICIOUS HARASSMENT

18-7901. PURPOSE. The legislature finds and declares that it is the right of every person regardless of race, color, ancestry, religion or national origin, to be secure and protected from fear, intimidation, harassment, and physical harm caused by the activities of groups and individuals. It is not the intent of this act to interfere with the exercise of rights protected by the constitution of the United States. The legislature recognizes the constitutional right of every citizen to harbor and express beliefs on any subject whatsoever and to associate with others who share similar beliefs. The legislature further finds that the advocacy of unlawful acts by groups or individuals against other persons or groups for the purpose of inciting and provoking damage to property and bodily injury or death to persons is not constitutionally protected, poses a threat to public order and safety, and should be subject to criminal sanctions.

18-7902. MALICIOUS HARASSMENT DEFINED -- PROHIBITED. It shall be unlawful for any person, maliciously and with the specific intent to intimidate or harass another person because of that person's race, color, religion, ancestry, or national origin, to:

(a) Cause physical injury to another person; or

(b) Damage, destroy, or deface any real or personal property of another person; or

(c) Threaten, by word or act, to do the acts prohibited if there is reasonable cause to believe that any of the acts described in subsections (a) and (b) of this section will occur.

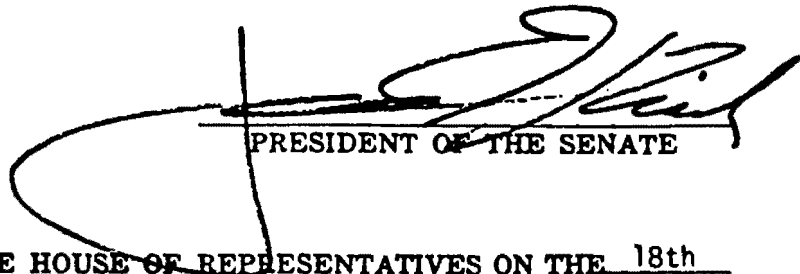
1 For purposes of this section, "deface" shall include, but not be  
2 limited to, cross-burnings or the placing of any word or symbol commonly  
3 associated with racial, religious or ethnic terrorism on the property of  
4 another person without his or her permission.

5 18-7903. PENALTIES -- CRIMINAL. (a) Malicious harassment is punishable  
6 by imprisonment in the state prison for a period not to exceed five (5)  
7 years or by fine not exceeding five thousand dollars (\$5,000) or by both.


8 (b) The penalties provided in this section for malicious harassment do  
9 not preclude victims from seeking any other remedies, criminal or civil,  
10 otherwise available under law.

11 18-7904. EFFECT OF INVALIDITY OF PART OF THIS ACT. If a court of  
12 competent jurisdiction shall adjudge to be invalid or unconstitutional any  
13 clause, sentence, paragraph, section, or part of this act, such judgment or  
14 decree shall not affect, impair, invalidate or nullify the remainder of  
15 this act, but the effect thereof shall be confined to the clause, sentence,  
16 paragraph, section or part of this act so adjudged to be invalid or uncon-  
17 stitutional.

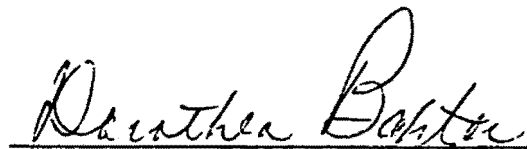
THIS BILL PASSED THE SENATE ON THE 24th DAY OF March 1983

  
PRESIDENT OF THE SENATE

THIS BILL PASSED THE HOUSE OF REPRESENTATIVES ON THE 18th  
DAY OF March 1983

  
SPEAKER OF THE HOUSE  
OF REPRESENTATIVES

I HEREBY CERTIFY THAT THE WITHIN SENATE BILL NUMBER  
S 1020, as amended in the House, \_\_\_\_\_ ORIGINATED  
IN THE SENATE DURING THE 1st Regular SESSION  
OF THE 47th LEGISLATURE OF THE STATE OF IDAHO.

  
SECRETARY OF THE SENATE

THIS BILL RECEIVED BY THE GOVERNOR ON THE 25<sup>th</sup>  
DAY OF March, 1983, AT 11:25 A.M. O'CLOCK, AND APPROVED  
ON THE 30<sup>th</sup> DAY OF March, 1983, AT 9:48 A.M. O'CLOCK.

RECEIVED & FILED

March 30, 1983 10:02 a.m.

Chapter 110  
CHAPTER NO.

PETE T. CENARRUSA  
SECRETARY OF STATE

  
GOVERNOR

## Appendix C

### OFFICIALS & ORGANIZATIONS SUPPORTING SB1020

A.A.U.W.--State Division  
Ada County Prosecutor Greg Bower  
AFL/CIO of Idaho  
Ahavath Israel Synagogue of Boise  
Apostolic Assembly of Boise  
Attorney General Jim Jones  
Boise/Elmore Community Housing Resource Board  
Boise State University Faculty Senate  
Boise State University Federation of Teachers  
The Church of Jesus Christ of Latter-Day Saints  
Church Women United of Boise  
Church Women United of Idaho  
Citizens Coalition Against Malicious Harassment  
Citizens Crisis Coalition  
Coeur d'Alene Ecumenical Association  
Congregation Beth Israel of Boise  
Ecumenical Association of Churches in Idaho  
El Ada Community Action Agency  
Episcopal Diocese of Idaho  
First United Methodist Church of Boise  
First United Methodist Church of Coeur d'Alene  
Governor John V. Evans  
Idaho Association of Counties  
Idaho Council of Catholic Women  
Idaho Department of Law Enforcement  
Idaho Education Association  
Idaho Fair Share  
Idaho Federation of Teachers  
Idaho Human Rights Commission  
Idaho Migrant Council  
Idaho Sheriffs' Association  
Image  
Interstate Task Force on Human Relations  
Japanese American Citizens League--Pocatello/Blackfoot  
Chapter  
Knights of Columbus of Idaho  
Kootenai County Prosecuting Attorney Glen Walker  
Kootenai County Sheriff's Office  
Kootenai County Task Force on Human Relations  
League of Women Voters of Idaho  
Lewiston-Clarkston Y.W.C.A.  
Moscow Ministerial Association  
N.A.A.C.P.--Boise  
N.A.A.C.P.--Pocatello  
Nez Perce Tribal Executive Committee  
Oregon-Idaho Conference Board of Church & Society--Methodist  
Church  
Roman Catholic Diocese of Boise (Catholic Church of Idaho)  
Southern Idaho Jewish Welfare Association  
Spokane District of the United Methodist Church  
Temple Emanuel--Pocatello  
Treasure Valley Bible Church--Boise  
Tri-Counties Sheriffs' Association  
United Veterans Council of Ada County  
Y.W.C.A.--Boise

## Appendix D

### Maryland Uniform Crime Report Law

#### **§ 9. Criminal information.**

(a) *In general.* — The Department shall collect, analyze, and disseminate information relative to the incidence of crime within the State, the identity of known and suspected offenders, and the arrest, disposition, and incarceration of such offenders. All law enforcement agencies of the State and all places for the confinement of persons convicted of crime, including Patuxent Institution and hospitals for the criminally insane, shall furnish such information at such times, in such form, and to such extent as may be prescribed by rule of the Superintendent.

(b) *Information relating to incidents directed against racial, religious or ethnic groups.* — (1) The Department shall collect and analyze information relating to incidents apparently directed against racial, religious, or ethnic groups.

(2) The Department shall request such information from all local law enforcement agencies and from the State Fire Marshal and include the information in its analyses. (1968, ch. 547, § 1; 1981, ch. 404.)

Effect of amendment. — The 1981 amendment, effective July 1, 1981, designated the formerly undesignated provisions of the section as subsection (a) and added subsection (b).

#### **§ 10. Dissemination of information to participating agencies.**

(a) *In general.* — Any information, records, and statistics collected pursuant to this subtitle shall be available for use by any agency required to furnish information, to the extent that such information is reasonably necessary or useful to such agency in carrying out the duties imposed upon it by law. The Superintendent may by rule establish such conditions for the use or availability of such information as may be necessary to its preservation, the protection of confidential information, or the circumstances of a pending prosecution.

(b) *Monthly reports of information compiled pursuant to § 9 (b).* — The Department shall make monthly reports to the State Human Relations Commission of the information compiled pursuant to § 9 (b) of this article. (1968, ch. 547, § 1; 1981, ch. 404.)

Effect of amendment. — The 1981 amendment, effective July 1, 1981, designated the formerly undesignated provisions of the section as subsection (a) and added subsection (b).

## Appendix E

FLOYD "MERF" STALDER  
SHERIFF

PHONE  
204-1211

OFFICE OF  
**COUNTY SHERIFF**  
BOOTHEAL COUNTY, IDAHO  
P. O. BOX 800  
COEUR D'ALENE, IDAHO 83814

SPECIAL ORDER #2  
EFFECTIVE: MARCH 30, 1983

TO: ALL PERSONNEL  
FROM: SHERIFF F. E. "MERF" STALDER  
RE: MALICIOUS HARASSMENT  
(Racial, Religious, Ancestry or National Origin)

INTRODUCTION:

It is difficult for many people to really appreciate the concern, anger, fear and other strong emotions which can be generated by harassment based on prejudice. All too often such harassment is viewed as minor, isolated, a prank, a joke or outside the purview of law enforcement. It is none of these. Because of its seriousness to the community and its impact on the victim(s), the State Legislature has recently enacted a bill entitled "Malicious Harassment" making specified acts a felony. Through that bill, the State Legislature has recognized the seriousness of such acts. So must we in law enforcement. To respond to such incidents with less than professionalism, dedication, and all the resources at our disposal, can only degrade our profession and alienate the victims of such harassment.

This order is intended to sensitize Department personnel and to ensure appropriate Department responses to such incidents.

STATE LAW:

The Idaho State Legislature enacted a bill that was approved by the Governor on March 30, 1983, and will become effective on July 1, 1983. Chapter 79, Title 18, Idaho Code, entitled "Malicious Harassment", reads in part as follows:

18-7901. PURPOSE. The legislature finds and declares that it is the right of every person regardless of race, color, ancestry, religion or national origin, to be secure and protected from fear, intimidation, harassment, and physical harm caused by the activities of groups and individuals. It is not the intent of this act to interfere with the exercise of rights protected by the constitution of the United States. The legislature

recognizes the constitutional right of every citizen to harbor and express beliefs on any subject whatsoever and to associate with others who share similar beliefs. The legislature further finds that the advocacy of unlawful acts by groups or individuals against other persons or groups for the purpose of inciting and provoking damage to property and bodily injury or death to persons, is not constitutionally protected, poses a threat to public order and safety, and should be subject to criminal sanctions.

18-7902. MALICIOUS HARASSMENT DEFINED -- PROHIBITED. It shall be unlawful for any person, maliciously and with the specific intent to intimidate or harass another person because of that person's race, color, religion, ancestry, or national origin, to:

- (a) Cause physical injury to another person; or
- (b) Damage, destroy, or deface any real or personal property of another person; or
- (c) Threaten, by word or act, to do the acts prohibited if there is reasonable cause to believe that any of the acts described in subsections (a) and (b) of this section will occur.

For the purposes of this section, "deface" shall include, but not be limited to, cross-burnings or the placing of any word or symbol commonly associated with racial, religious or ethnic terrorism on the property of another person without his or her permission.

18-7903. PENALTIES -- CRIMINAL.

- (a) Malicious harassment is punishable by imprisonment in the state prison for a period not to exceed five (5) years or by fine not exceeding five thousand dollars (\$5,000), or both.
- (b) The penalties provided in this section for malicious harassment do not preclude victims from seeking any other remedies, criminal or civil, otherwise available under law.

INITIAL LAW ENFORCEMENT RESPONSE:

"Malicious Harassment" is a felony. Responses to, and investigations of, such incidents will be handled as a felony and not as a relatively minor offense. A successful prosecution will require that the officer go beyond the normal investigation that establishes that a particular person is responsible for a physical injury or physical damage to, or destruction of, the property of another person. The officer must attempt to establish that the "intent" to intimidate or harass was because of that person's race, color, religion, ancestry, or national origin. The simple fact that

someone claims this to be the motive may not be adequate to establish the intent and reason. Statements as to things the suspect may have said that appear to be racial or notes left with the victim that show racial motives, will be of distinct value in such cases.

PHYSICAL EVIDENCE:

Physical evidence is valuable in: (1) identifying the suspect, and; (2) corroborating the racial, religious, or ancestral intent of the crime. You are dealing with a felony and should investigate as such. Evidence should be preserved and handled with the felony nature of the crime in mind. When you are dealing with an incident involving a serious physical injury, major property loss or a cross burning (or similar acts commonly related to racial or religious harassment), the Criminal Investigation Unit should be notified.

Throughout all phases of the investigation, it is of utmost importance to relay an attitude of sensitivity toward the situation. This sensitivity should begin with receiving the call and continue throughout the investigation. A proper attitude shown at the scene will significantly enhance public confidence and respect for the Department.

  
F. E. "MERF" STALDER  
Sheriff

## Appendix F

### CRIMINAL STATUTES

#### 18 U.S.C.

##### **§ 241. Conspiracy against rights of citizens**

If two or more persons conspire to injure, oppress, threaten, or intimidate any citizen in the free exercise or enjoyment of any right or privilege secured to him by the Constitution or laws of the United States, or because of his having so exercised the same; or

If two or more persons go in disguise on the highway, or on the premises of another, with intent to prevent or hinder his free exercise or enjoyment of any right or privilege so secured—

They shall be fined not more than \$10,000 or imprisoned not more than ten years, or both; and if death results, they shall be subject to imprisonment for any term of years or for life.

As amended Apr. 11, 1968, Pub.L. 90-284, Title I, § 103(a), 82 Stat. 75.

##### **§ 245. Federally protected activities**

(a) (1) Nothing in this section shall be construed as indicating an intent on the part of Congress to prevent any State, any possession or Commonwealth of the United States, or the District of Columbia, from exercising jurisdiction over any offense over which it would have jurisdiction in the absence of this section, nor shall anything in this section be construed as depriving State and local law enforcement authorities of responsibility for prosecuting acts that may be violations of this section and that are violations of State and local law. No prosecution of any offense described in this section shall be undertaken by the United States except upon the certification in writing of the Attorney General or the Deputy Attorney General that in his judgment a prosecution by the United States is in the public interest and necessary to secure substantial justice, which function of certification may not be delegated.

(2) Nothing in this subsection shall be construed to limit the authority of Federal officers, or a Federal grand jury, to investigate possible violations of this section.

(b) Whoever, whether or not acting under color of law, by force or threat of force willfully injures, intimidates or interferes with, or attempts to injure, intimidate or interfere with—

(1) any person because he is or has been, or in order to intimidate such person or any other person or any class of persons from—

(A) voting or qualifying to vote, qualifying or campaigning as a candidate for elective office, or qualifying or acting as a poll watcher, or any legally authorized election official, in any primary, special, or general election;

(B) participating in or enjoying any benefit, service, privilege, program, facility, or activity provided or administered by the United States;

(C) applying for or enjoying employment, or any perquisite thereof, by any agency of the United States;

(D) serving, or attending upon any court in connection with possible service, as a grand or petit juror in any court of the United States;

(E) participating in or enjoying the benefits of any program or activity receiving Federal financial assistance; or

(2) any person because of his race, color, religion or national origin and because he is or has been—

(A) enrolling in or attending any public school or public college;

(B) participating in or enjoying any benefit, service, privilege, program, facility or activity provided or administered by any State or subdivision thereof;

(C) applying for or enjoying employment, or any perquisite thereof, by any private employer or any agency of any State or subdivision thereof, or joining or using the services or advantages of any labor organization, hiring hall, or employment agency;

(D) serving, or attending upon any court of any State in connection with possible service, as a grand or petit juror,

(E) traveling in or using any facility of interstate commerce, or using any vehicle, terminal, or facility of any common carrier by motor, rail, water, or air;

(F) enjoying the goods, services, facilities, privileges, advantages, or accommodations of any inn, hotel, motel, or other establishment which provides lodging to transient guests, or of any restaurant, cafeteria, lunchroom, lunch counter, soda fountain, or other facility which serves the public and which is principally engaged in selling food or beverages for consumption on the premises, or of any gasoline station, or of any motion picture house, theater, concert hall, sports arena, stadium, or any other place of exhibition or entertainment which serves the public, or of any other establishment which serves the public and (i) which is located within the premises of any of the aforesaid establishments or within the premises of which is physically located any of the aforesaid establishments, and (ii) which holds itself out as serving patrons of such establishments;

or

(3) during or incident to a riot or civil disorder, any person engaged in a business in commerce or affecting commerce, including, but not limited to, any person engaged in a business which sells or offers for sale to interstate travelers a substantial portion of the articles, commodities, or services which it sells or where a substantial portion of the articles or commodities which it sells or offers for sale have moved in commerce;

or

(4) any person because he is or has been, or in order to intimidate such person or any other person or any class of persons from—

(A) participating, without discrimination on account of race, color, religion or national origin, in any of the benefits or activities described in subparagraphs (1) (A) through (1) (E) or subparagraphs (2) (A) through (2) (F); or

(B) affording another person or class of persons opportunity or protection to so participate; or

(5) any citizen because he is or has been, or in order to intimidate such citizen or any other citizen from lawfully aiding or encouraging other persons to participate, without discrimination on account of race, color, religion or national origin, in any of the benefits or activities described in subparagraphs (1) (A) through (1) (E) or subparagraphs (2) (A) through (2) (F), or participating lawfully in speech or peaceful assembly opposing any denial of the opportunity to so participate—

shall be fined not more than \$1,000, or imprisoned not more than one year, or both; and if bodily injury results shall be fined not more than \$10,000, or imprisoned not more than ten years, or both; and if death results shall be subject to imprisonment for any term of years or for life. As used in this section, the term "participating lawfully in speech or peaceful assembly" shall not mean the aiding, abetting, or inciting of other persons to riot or to commit any act of physical violence upon any individual or against any real or personal property in furtherance of a riot. Nothing in subparagraph (2) (F) or (4) (A) of this subsection shall apply to the proprietor of any establishment which provides lodging to transient guests, or to any employee acting on behalf of such proprietor, with respect to the enjoyment of the goods, services, facilities, privileges, advantages, or accommodations of such establishment if such establishment is located within a building which contains not more than five rooms for rent or hire and which is actually occupied by the proprietor as his residence.

(c) Nothing in this section shall be construed so as to deter any law enforcement officer from lawfully carrying out the duties of his office; and no law enforcement officer shall be considered to be in violation of this section for lawfully carrying out the duties of his office or lawfully enforcing ordinances and laws of the United States, the District of Columbia, any of the several States, or any political subdivision of a State. For purposes of the preceding sentence, the term "law enforcement officer" means any officer of the United States, the District of Columbia, a State, or political subdivision of a State, who is empowered by law to conduct investigations of, or make arrests because of, offenses against the United States, the District of Columbia, a State, or a political subdivision of a State.

Added Pub.L. 90-284, Title I, § 101(a), Apr. 11, 1968, 82 Stat. 73.

## SUBCHAPTER II—PREVENTION OF INTIMIDATION

**§ 3631. Violations; bodily injury; death; penalties**

Whoever, whether or not acting under color of law, by force or threat of force willfully injures, intimidates or interferes with, or attempts to injure, intimidate or interfere with—

(a) any person because of his race, color, religion, sex or national origin and because he is or has been selling, purchasing, renting, financing, occupying, or contracting or negotiating for the sale, purchase, rental, financing or occupation of any dwelling, or applying for or participating in any service, organization, or facility relating to the business of selling or renting dwellings; or

(b) any person because he is or has been, or in order to intimidate any person or any other person or any class of persons from—

(1) participating, without discrimination on account of race, color, religion, sex or national origin, in any of the activities, services, organizations or facilities described in subsection (a) of this section; or

(2) affording another person or class of persons opportunity or protection so to participate; or

(c) any citizen because he is or has been, or in order to discourage such citizen or any other citizen from lawfully aiding or encouraging other persons to participate, without discrimination on account of race, color, religion, sex or national origin, in any of the activities, services, organizations or facilities described in subsection (a) of this section, or participating lawfully in speech or peaceful assembly opposing any denial of the opportunity to so participate—

shall be fined not more than \$1,000, or imprisoned not more than one year, or both; and if bodily injury results shall be fined not more than \$10,000, or imprisoned not more than ten years, or both; and if death results shall be subject to imprisonment for any term of years or for life.

Pub.L. 90-284, Title IX, § 901, Apr. 11, 1968, 82 Stat. 89; Pub.L. 93-383, Title VIII, § 808(b)(4), Aug. 22, 1974, 88 Stat. 729.

## Appendix G

62nd OREGON LEGISLATIVE ASSEMBLY—1983 Regular Session

### Enrolled House Bill 2803

Sponsored by Representatives LEEK, BAUMAN, BRADBURY, J. HILL, PRIESTLEY, B. ROBERTS,  
Senators BROWN, GARDNER, HENDRIKSEN

CHAPTER.....521.....

#### AN ACT

Relating to intimidation; amending ORS 30.190, 166.155 and 166.165.

Be It Enacted by the People of the State of Oregon:

SECTION 1. ORS 166.155 is amended to read:

166.155. (1) A person commits the crime of intimidation in the second degree if[, *by reason of the race, color, religion or national origin of another person, the person violates ORS 164.345 or 166.065.*] the person:

(a) Tampers or interferes with property, having no right to do so nor reasonable ground to believe that the person has such right, with the intent to cause substantial inconvenience to another because of the other's race, color, religion or national origin;

(b) Intentionally subjects another to offensive physical contact because of the other's race, color, religion or national origin; or

(c) Intentionally, because of race, color, religion or national origin of another or of a member of the other's family, subjects such other person to alarm by threatening:

(A) To inflict serious physical injury upon or to commit a felony affecting such other person, or a member of the person's family; or

(B) To cause substantial damage to the property of the other person or of a member of the other person's family.

(2) Intimidation in the second degree is a Class A misdemeanor.

(3) For purposes of this section, "property" means any tangible personal property or real property.

SECTION 2. ORS 166.165 is amended to read:

166.165. (1) Two or more persons acting together commit the crime of intimidation in the first degree, if the persons [*by reason of the race, color, religion or national origin of another person, violate ORS 163.160, 163.190, 164.345 or 166.065.*]:

(a)(A) Intentionally, knowingly, or recklessly cause physical injury to another because of that person's race, color, religion or national origin; or

(B) With criminal negligence cause physical injury to another by means of a deadly weapon because of that person's race, color, religion or national origin;

(b) Intentionally, because of race, color, religion or national origin of another, place that person in fear of imminent serious physical injury; or

(c) Commit such acts as would constitute the crime of intimidation in the second degree, if undertaken by one person acting alone.

(2) Intimidation in the first degree is a Class C felony.

SECTION 3. ORS 30.190 is amended to read:

30.190. (1) Irrespective of any criminal prosecution or the result thereof, any person injured by a violation of ORS 166.155 or 166.165 shall have a civil action to secure an injunction, damages or other appropriate relief against any and all persons whose actions are unlawful under [this section and ORS 30.200.] ORS 166.155 and 166.165.

(2) Upon prevailing in such action, the plaintiff may recover:

- (a) Both special and general damages, including damages for emotional distress;
- (b) Punitive damages; and
- (c) Reasonable attorney fees and costs.

(3) The parent, parents or legal guardian of an unemancipated minor shall be liable for any judgment recovered against such minor under this section, in an amount not to exceed \$5,000.

Passed by House June 1, 1983

*Vicki Bradley-Smith*  
Asst. Chief Clerk of House  
*Matthew Belmont*  
Speaker of House

Received by Governor:

9:55 A.M. 7/26, 1983

Approved:

8:05 A.M. 7-28, 1983

*U. H. Taylor*  
Governor

Passed by Senate June 28, 1983

Repassed by Senate July 7, 1983



*Edward M. Feltz*  
President of Senate

Filed in Office of Secretary of State:

2:00 P.M. 7-28, 1983

*U. H. Taylor*  
Secretary of State

## Appendix H

<p>IN THE LEGISLATURE of the <b>STATE OF WASHINGTON</b></p> 	
<p>CERTIFICATION OF ENROLLED ENACTMENT</p>	
<p>SUBSTITUTE SENATE BILL NO. 3342</p>	
<p>----- Chapter No. 267 Laws of 1981 (47th Legislature) -----</p>	
<p>Effective Date: July 26, 1981</p>	
Passed the Senate	March 20, 19 81
Yeas 47	Nays 0
Passed the House as Amended	April 21, 19 81
Yeas 98	Nays 0
<p>Senate refused to concur in House amendment, and asked House to recede therefrom, 4-25-81. House receded from House amendments and passed bill without amendments. Yeas <u>97</u> Nays <u>0</u></p>	
<p>CERTIFICATE</p>	
<p>I, Sidney R. Snyder, Secretary of the Senate of the State of Washington do hereby certify that the attached is enrolled Substitute Senate Bill No. 3342 as passed by the Senate and the House of Representatives on the dates herein set forth.</p>	
 Secretary of the Senate	

SUBSTITUTE SENATE BILL NO. 3342

State of Washington  
47th Legislature  
1981 Regular Session

By Judiciary Committee (Originally  
sponsored by Senators Fleming, Talmadge  
Ridder, McDermott, Bottiger, Scott,  
Bluechel, Jones and Charnley)

Filed by Committee February 16, 1981, and ordered printed.

1 AN ACT Relating to malicious harassment; adding a new section to  
2 chapter 9A.36 RCW; defining crimes; and providing  
3 penalties.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 NEW SECTION: Section 1. There is added to chapter 9A.36  
6 RCW a new section to read as follows:

7 (1) A person is guilty of malicious harassment if he  
8 maliciously and with the intent to intimidate or harass another  
9 person because of that person's race, color, religion, ancestry,  
10 or national origin:

11 (a) Causes physical injury to another person; or

12 (b) By words or conduct places another person in  
13 reasonable fear of harm to his person or property or harm to the  
14 person or property of a third person; or

15 (c) Causes physical damage to or destruction of the  
16 property of another person.

17 (2) Malicious harassment is a class C felony.

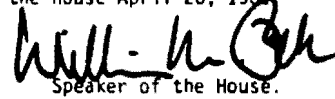
18 (3) In addition to the criminal penalty provided in  
19 subsection (2) of this section, there is hereby created a civil  
20 cause of action for malicious harassment. A person may be  
21 liable to the victim of malicious harassment for actual damages  
22 and punitive damages of up to ten thousand dollars.

23 (4) The penalties provided in this section for malicious  
24 harassment do not preclude the victims from seeking any other  
25 remedies otherwise available under law.

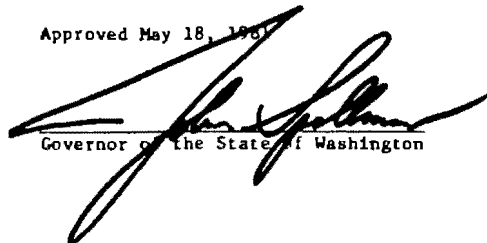
Passed the Senate March 20, 1981.

  
President of the Senate.

Passed the House April 26, 1981.

  
Speaker of the House.

Approved May 18, 1981.

  
Governor of the State of Washington

## Appendix I

### RESOLUTION NO. 84-5

WHEREAS, the United Nations Universal Declaration of Human Rights states in Art. 1 that all human beings are born free and equal in dignity and rights and the right to life, liberty and the security of person is addressed in Art. 3; and

WHEREAS, the United States Constitution guarantees the right to life, liberty and the pursuit of happiness as well as restricting any state from making or enforcing any law that would deny equal protection of the law to any citizen; and

WHEREAS, the Civil Rights Act of 1964 guarantees the implementation of these Constitutional rights to all U.S. citizens; and

WHEREAS, the Idaho Constitution states that "all men are by nature free and equal, and have certain inalienable rights among which are enjoying and defending life and liberty" and "pursuing happiness and securing safety"

THEREFORE, BE IT RESOLVED that the City of Coeur d'Alene endorse the four goals of the Kootenai County Task Force on Human Relations as stated below:

1. Provide support to people victimized by racial and religious harassment.
2. Promote legislation that deals with reducing racist activity and providing and passing such legislation.
3. Provide educational material promoting positive human relations for community use.
4. Monitor racist activity and document incidents.

BE IT FURTHER RESOLVED that the City of Coeur d'Alene state its unequivocal support of human rights for all of its citizens and pledges support to the work of groups like the Kootenai County Task Force on Human Relations and the Chamber of Commerce in these endeavors.

DATED this 18 day of October, 1983.

James R. Fournier  
Mayor

ATTEST:

Paul Chubert  
City Clerk

Motion by Brown, seconded by Edinger  
to adopt the foregoing resolution.

ROLL CALL:

Councilperson Edinger	Voted	<u>Aye</u>
Councilperson Albrecht	Voted	<u>      </u>
Councilperson Jones	Voted	<u>Aye</u>
Councilperson Michaud	Voted	<u>Aye</u>
Councilperson McCrea	Voted	<u>Aye</u>
Councilperson Brown	Voted	<u>Aye</u>

Albrecht was absent. Motion carried.

## Appendix J

### CHAMBER OF COMMERCE

BOX 850 • 208/864-3194  
COEUR D'ALENE, IDAHO 83814

#### HUMAN RIGHTS POLICY STATEMENT

Recognizing basic individual constitutional rights sacred to us all and in keeping with the Chamber's responsibility to promote and protect a positive business climate and the high quality of life known to exist here; and, in consideration of recent broad publicity indicating that fringe groups of a racist nature may have a free-hand for recruitment and fund-raising in North Idaho; and, in consideration of the resultant image conducive to increased human rights violations, the following policy is adopted:

I. The Coeur d'Alene Chamber of Commerce participates in and fully supports the Kootenai County Task Force on Human Relations whose four main goals are:

1. Provide support to people victimized by racial and religious harassment.
2. Promote legislation that deals with reducing racist activity and providing and passing such legislation.
3. Provide educational material promoting positive human relations for community use.
4. Monitor racist activity and document incidents.

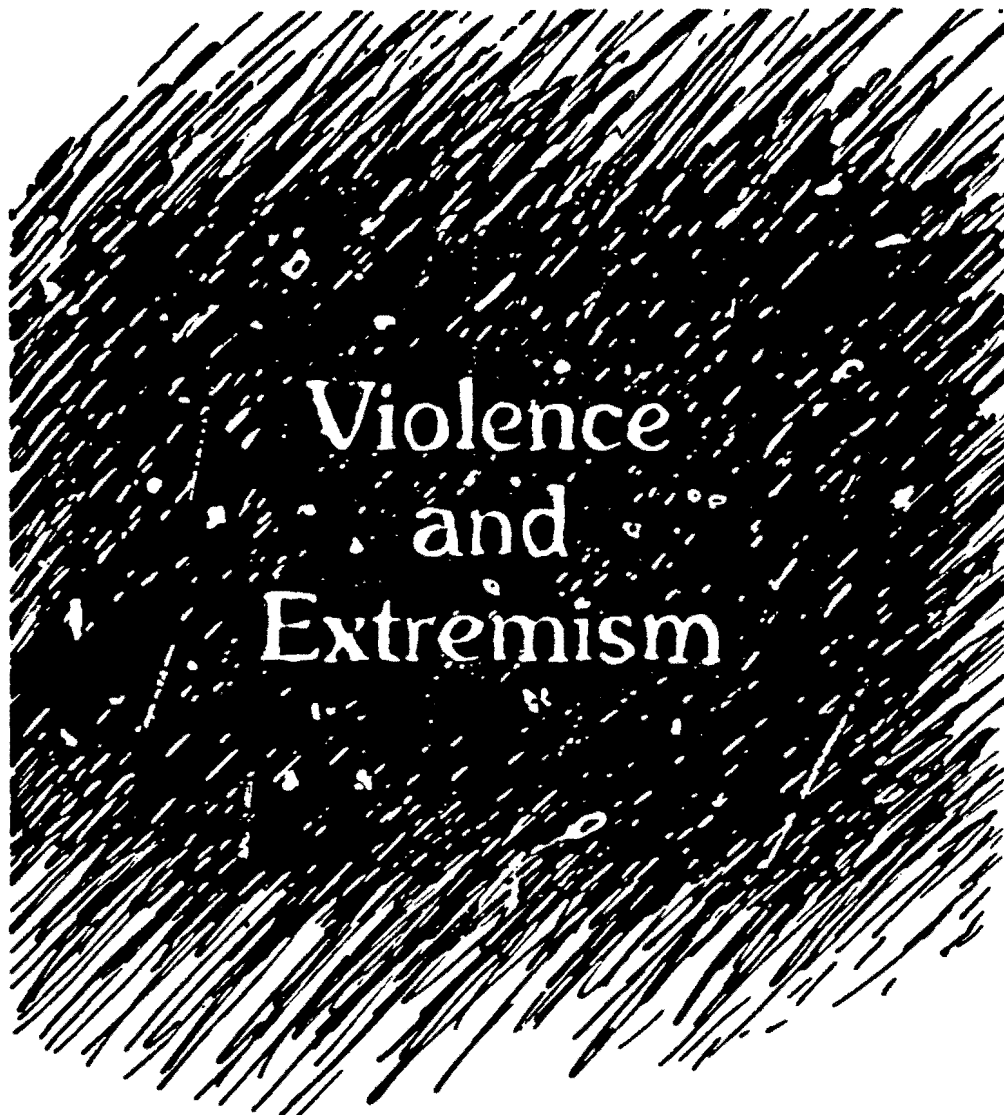
II. City, County, Chamber, and other community-based organization leadership should be encouraged to loudly and publicly denounce racial intimidation and violence, in our area specifically.

III. Public officials along with chamber leadership should support law enforcement officials and their prompt, vigorous action throughout the criminal-justice system in dealing with racial-type illegal activity.

IV. Community leadership should support the enactment and enforcement of specific legislation dealing with racial and religious terrorism.

V. Community leadership is encouraged to adopt similar postures openly and actively and to denounce racist activities and religious harassment.

*"Doing things most people think just happen"*



**A Brief Guide of Responses for  
School Administrators**

**Maryland State Department of Education**

**VIOLENCE AND EXTREMISM**

*A Brief Guide of Responses for  
School Administrators*



**Maryland State Department of Education**

**200 West Baltimore Street  
Baltimore, Maryland 21201**

**301-659-2100**

**1982**

# MARYLAND STATE BOARD OF EDUCATION

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David W. Hornbeck

### Statement of Nondiscrimination

The Maryland State Department of Education does not discriminate on the basis of race, color, sex, age, national origin, religion, or handicapping condition in matters affecting employment or in providing access to programs. For inquiries related to Departmental policy, contact the Office of Equal Opportunity.

## FOREWORD

As you know, there has been an increase in the number of racial and religious incidents reported across Maryland. In response Governor Hughes appointed the Task Force on Violence and Extremism. The Maryland State Board of Education on July 24, 1981, passed the resolution on page 2. In addition, a number of local school systems have passed similar resolutions. We invite your careful attention to each of the paragraphs of the resolution. We urge you to seek ways to implement its spirit.

This small booklet is designed to help those at the local school building level to respond quickly and forcefully to a religious or racial incident in the school or in the community -- any which might be having even an informal impact on the young people of the school. These suggestions are not to replace the many on-going, long term programs that address issues of equity and equal educational opportunity. Those should be continued, reaffirmed, and, in some instances, strengthened.

It is the responsibility of each of us who are in positions of public trust to make clear that bigotry is not condoned in any way. Silence is interpreted as consent.

DAVID W. HORNBECK  
State Superintendent of Schools

RESOLUTION  
MARYLAND STATE BOARD OF EDUCATION  
July 29, 1981

Resolution No. 1981-35      Re: Violence and Extremism

WHEREAS, The Maryland State Board of Education believes that public education is provided best in an atmosphere where differences are understood and appreciated, and where all persons are treated fairly, with respect and without discrimination or threats of violence or abuse; and

WHEREAS, The recent incidents of cross-burning, painting of swastikas, defacing of places of worship and other public buildings, threatened violence against the persons of civil rights organizations, distribution of hate literature to school children and similar acts by members of the Ku Klux Klan, Neo-Nazi organizations and other hate groups in Maryland are cause for concern and constructive response by all persons of good will; and

WHEREAS, Silence in the face of deliberate acts of wanton hatred cannot and must not be tolerated in this state; and

WHEREAS, The educational system of Maryland has an affirmative responsibility to help create within itself and within the communities of the state an atmosphere of respect, understanding, fairmindedness and tolerance between and among racial, ethnic and religious groups consistent with the democratic principles on which this nation is built; and

WHEREAS, Action, inaction, words and their absence by all citizens including employees of the MSDE and local school systems contribute significantly to the climate which either breeds or discourages racial, ethnic, and religious bigotry; now therefore be it

RESOLVED, That the Maryland State Board of Education finds intolerable and condemns any individual or organization such as the Ku Klux Klan and Neo-Nazi type groups that believe in, practice, or support verbal abuse, threats, or physical violence directed against others; and be it further

RESOLVED, That the State Board of Education commends the Governor in his appointment of the Task Force on Violence and Extremism and directs the State Superintendent as a member to support fully the work of the Task Force; and be it further

RESOLVED, That the State Board of Education directs the Maryland State Department of Education to continue to give positive emphasis in its curricula work, in-service training activities, grants, awards and all other appropriate contexts to issues of equity and to the unacceptability of the kind of activity to which this resolution is directed; and be it further

RESOLVED, That the State Board of Education strongly urges all citizens of good will to speak out against those who would foment hatred and seek to divide us; and be it further

RESOLVED, That the State Board of Education strongly encourages all local school systems to give specific attention to these issues in board policy, curricula offerings, staff development activities and extracurricular affairs; and be it further

RESOLVED, That the State Board of Education directs the State Superintendent to bring this resolution to the attention of each local board of education and local superintendent.

## VIOLENCE AND EXTREMISM

The following suggestions are meant to provide school administrators with ideas for immediate responses to firmly demonstrate that they do not condone violent and extreme incidents such as:

- Klan student recruitment
- distribution of racist literature
- cross burning
- racist graffiti
- racist media incidents

A central purpose of our educational system is to provide guidance and training for the citizens of Maryland and the country during the coming decade. We as educators renege on this obligation if we do not speak out against the increasing incidents of racial and religious bigotry.

## SUGGESTED SCHOOL ACTIVITIES

PUBLIC ADDRESS ANNOUNCEMENTS

- A statement in which the principal describes the incident accurately, dispels misinformation and exaggeration, and allays fears.

Example:

On (date), (incident) occurred in our community. Today I want to make clear for you what happened, where it happened, who was involved, and the school's position regarding the matter.

Describe the Incident

The Governor, the Maryland State Board of Education, and the State Superintendent of Schools have resolved that:

"The educational system of Maryland has an affirmative responsibility to help create within itself and within the communities of the State an atmosphere of respect, understanding, fairmindedness, and tolerance between and among racial, ethnic, and religious groups consistent with the democratic principles on which this nation is built."

- An announcement by the principal of plans the school will follow in response to the incident, e.g., an assembly or classroom activities
- Response to the incident by the student council

ASSEMBLIES

- An address by the principal focusing on the school's concern over the incident
- Speech by an invited guest stressing the social and moral problem of the incident
- A film which develops student awareness of the seriousness of the incident
- A student and teacher forum presenting a structured discussion of the various viewpoints concerning the incident
- A presentation by teachers of suggested ways to deal with the incident
- A dramatization depicting the moral implications of the problem
- An award presented to the winner of an essay contest concerning the issue

SPECIFIC CLASS ACTIVITIES

- Discussions by teachers in each discipline (following notification of the principal) about the problem within the context of their classes. For example:

### *Social Studies*

- study the historical context of racism or ethnic groups

### *English*

- define and clarify stereotyped and racist words
- examine propaganda techniques of extremist groups

### *Mathematics*

- review wage rates by ethnic groups
- develop charts to illustrate increasing racial incidents
- study percentage figures of minority populations

### *Science*

- examine the biological similarity of all ethnic and religious groups
- conduct a scientific analysis of "racist" ideas

### *Unified Arts*

- draw posters that promote the elimination of bigotry
- study the contribution of ethnic foods and dress to the United States
- listen to the musical contribution of various ethnic and religious groups
- analyze the technical contribution of ethnic groups to society

### *Special Period*

- An announcement that each fifth period class will conduct activities concerning the problem using such techniques as:
  - list problems caused by the incident
  - examine the extent to which the incident could have been prevented
  - study the means by which extremist groups promote their views
  - plan ways in which students, school, and community can cope with and respond to bigoted behavior
  - compare the similarities between the means and ideas of extremist groups
  - research how the problem developed
  - list three specific, positive suggestions how a school can promote positive inter-group cooperation and understanding
  - dramatize the emotional impact of an extreme event
  - debate a specific issue concerning ethnic or religious prejudice
  - write paragraphs on promoting cooperation
  - compose newspaper articles on how to diffuse racial incidents
  - write poems to foster empathy between people

### SPEAKERS FOR CLASSES AND ASSEMBLIES

- A panel discussion on the increase of violence in the world
- Forums discussing ethnic prejudice
- Debates centering on ways to eliminate racial bigotry
- Lectures and slide presentations on ethnic diversity
- Various types of speakers:
  - ministers
  - law officers
  - Anti-Defamation League speakers bureau
  - appropriate community leaders
  - student leaders

## FILM PRESENTATION AND DISCUSSION

- "Eye of the Storm," available from MSDE (25 minutes/color/not cleared for TV)

In this ABC-TV news special, the effects of prejudice are made patently clear as cameras record a unique two-day experiment conducted by a third-grade teacher in a Midwest agricultural community. On the first day, the teacher separated her class into 'superior' and 'inferior' groups, based solely on eye color. Blue-eyed children were 'superior'; brown-eyed children were 'inferior'. On the second day the roles were reversed. Attitudes, behavior, and classroom performances were measurably changed as children suffered segregation, discrimination, and the devastating virus of prejudice.

Two activities to follow are

- discuss the film in small groups
- reach conclusions on action to be taken in the future to reduce prejudice

## SCHOOL NEWSLETTER TO PARENTS AND COMMUNITY

- An article clarifying the school's position on an extremist incident
- The school's plan for response to similar incidents in the future
- Recommendations for parental involvement in the home and discussion of important issues

## STUDENT LEADERSHIP INVOLVEMENT

- Student-made P.A. announcements concerning a racial incident
- A student leader seminar on the issue
- A roundtable discussion by student leaders on resolving increasing violence in the community

- A student newspaper, or special newsheet, on an extremist event and how to develop student support for school opposition to the event
- Student-teacher debates on a vital issue
- Interviews of school and community leaders regarding a violent anti-religious confrontation
- Students' involvement in school decision making concerning extremist activities

## TEACHER INVOLVEMENT

- Task forces which examine specific issues and report their recommendations
- Teacher dramatizations
- Teacher-sponsored inservice training activities concerning the elimination of racial bigotry
- Use of teachers with expertise, understanding, and sensitivity toward these issues

## PRINCIPAL INITIATED SCHOOL ACTIVITIES

- A poster contest on cross-cultural friendship
- An original, in-school TV skit on the incident
- An essay contest on developing respect for different ethnic groups
- A multicultural event, e.g., a food fair
- A display of multicultural materials
- A seminar for interested students and teachers discussing the event
- Appropriate photos and illustration displays in the halls.

# Where Do We Draw The Line?

SPOKESMAN-REVIEW 6/28/83

On Sunday, Spokane was targeted for a rally by a group promoting a doctrine of racial supremacy. Apparently, they wanted to draw lines between us. Separating Christian from Jew, as well as white from black, brown, red and yellow.

We allowed them to use our park, because we respect everyone's freedom of speech. We waited until now to speak our minds, so we wouldn't promote their rally.

But let there be no mistake about where we stand. An attack on the race or religion of any of us is an insult to all of us. It violates our most basic American principle — equality.

If lines are to be drawn, we'll draw them around us, not between us. We celebrate our diversity. We know that for all our differences, we are united as one.

**This ad sponsored by these businesses and individuals as well as many others whose names weren't able to be included before press time:**

Allied Industries Inc.  
Cheryl Stiller, Richard Hayward, David Scheel,  
Re Scheel, Leske Rendle

Allinda Knitting Boutique  
Mr. and Mrs. Vernon E. Melton  
Aluminum Recycling Corp  
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Century West Engineering Corp.  
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Clark White & Associates  
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James W. Cory, Properties One  
James G. Critzer

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Tinsley L. Deibel

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Directions Unlimited  
Display House Inc.

Albert Domini, Domini's Sandwiches  
John F. Driscoll, M.D.  
Michael L. Eaton, M.D.

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Dr. David J. Gawareski  
Management & Staff of Grape and Grain

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Hollister Stier  
Holy Cross Cemetery

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Lincoln Mutual Savings Bank  
Archibald Jr., M.D.

Lennard H. Louis  
Markson North Convalescent Center  
Nancy Minimorella

Mardell's Inc.  
Marsh & McLennan, Inc.  
Mar T. Runey Co.

Richard J. McCartan, M.D.  
McFarland & Alton, P.S.  
James McTigue

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Dr. James M. Slack

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Spokane Office Supply Co.  
Spokane Press-Log Co., Inc.

Spokane's First National Bank  
Spokane's Cleaners  
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D. E. Stroschen, D.C.  
Tait's Western Wear

Lawrence W. Thayer  
Triangle Nut Co.  
Underwood, Campbell, Brock & Corbett

The Video Station, Inc.  
Washington Trust Bank  
The Waterford Center, Inc.

Wells, St. John & Roberts, Attorneys  
Western Builders Co.  
Western Inspection Co.

Whitworth College  
Winston & Cashall, Lawyers  
Young Women's Christian Association

## Appendix M

### A RESOLUTION FOR THE COMMISSIONING OF THE INTERSTATE TASK FORCE ON HUMAN RELATIONS AND ITS DIRECTIVES

Whereas, The Rights of all citizens is to be free of harassment, intimidation, and violence; and,

Whereas, The doctrine of white supremacy promotes increase of racist and terrorist activity; and,

Whereas, The promotion of the supremacy of a few is increasingly manifested in hostile and violent acts; and,

Whereas, The cloak of moralism disguises the displaced anger of racism directed toward racial, ethnic, and religious minorities while expounding humanness; and,

Whereas, The shameful historical record of the tragic toll on men, women, and children is well documented; and,

Whereas, The citizens cannot condone the intimidation of segments of our community on the basis of race, national origin, or religion; and,

Whereas, The protection of civil rights is a given right; and the lack of such protection has a deleterious and far-reaching effect on the quality of life of all our citizens; therefore, be it

RESOLVED, That THE INTERSTATE TASK FORCE ON HUMAN RELATIONS be commissioned to:

- a) educate the community on racist and anti-Semitic activities in our respective communities;
- b) monitor racist and anti-Semitic acts in our communities; and
- c) provide a vehicle for positive action to prevent racist activities.

RESOLVED, That THE INTERSTATE TASK FORCE ON HUMAN RELATIONS defines harassment as conduct with the intent to intimidate or harass another person because of that person's race, color, religion, ancestry or national origin to include:

- a) physical injury to another person, or
- b) words or conduct which places another person in reasonable fear of harm to their person or property; or
- c) physical damage to/or destruction of property.

RESOLVED, That this Task Force be comprised of membership that is representative of leaders in the religious community, the business community, government officials, the education community, and the media. The Task Force should have appropriate representation in Idaho and Washington, and should have ethnic and sex balance.

RESOLVED, That THE INTERSTATE TASK FORCE ON HUMAN RELATIONS inform educators, government officials, religious leaders, and the business and media communities of its existence, and indicate its willingness to be of service to them.

RESOLVED, That THE INTERSTATE TASK FORCE ON HUMAN RELATIONS work with the City and County of Spokane to study, investigate, and recommend programs to the City Council and/or County Commissioners which are consistent to address the concerns expressed herein; relieve intergroup tensions, and provide for the protection of the rights of all citizens.

RESOLVED, That THE INTERSTATE TASK FORCE ON HUMAN RELATIONS work with the appropriate bodies in Idaho to insure that its State Legislature and Governor support legislation defining malicious harassment as a felony and providing for the appropriate penalties.

RESOLVED, That THE INTERSTATE TASK FORCE ON HUMAN RELATIONS hereby accepts no less than the aggressive pursuit of equal protection of all citizens; not just in theory, but in fact.

