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U.S. COMMISSION ON CIVIL RIGHTS

UNITED STATES COMMISSION ON CIVIL RIGHTS  
PENNSYLVANIA ADVISORY COMMITTEE

FORUM ON REPORTING )  
BIAS-RELATED INCIDENTS )  
IN PENNSYLVANIA )

Thursday,  
January 12, 1988

U.S. Custom House  
2 Chestnut Street  
Room 300  
Philadelphia, Pennsylvania

The above-entitled matter came on for hearing,  
pursuant to notice, at 1:50 p.m.

PARTICIPANTS:

Members of the Pennsylvania Advisory Committee:

DR. SUSAN M. WACHTER, CHAIR  
355 Margo Lane  
Berwyn, Pennsylvania 19312

MR. STEPHEN MAHON  
10500 Old Babcock Boulevard  
Gibsonia, Pennsylvania 15044

MR. MORRIS MILGRAM  
16 Longford Street  
Philadelphia, Pennsylvania 19136

MRS. SIEGLINDE A. SHAPIRO  
9213 Vandike Street  
Philadelphia, Pennsylvania 19114-3945

Heritage Reporting Corporation  
(202) 628-4888

PARTICIPANTS: (continued)

DR. M. MARK STOLARIK  
c/o The Balch Institute  
18 South 7th Street  
Philadelphia, Pennsylvania 19106

Participants in the Forum:

LIEUTENANT MARSHAL R. SMITH  
Philadelphia Police Department

CAPTAIN THOMAS P. ZIEMBA  
Philadelphia Police Department

CORPORAL CHARLES LEE  
Pennsylvania State Police  
Bureau of Community Services

MR. RICHARD B. ANLIOT  
Coordinator, Pennsylvania Inter-Agency Task Force  
on Civil Tension

MR. FRED LEVINE  
Associate Director  
Philadelphia Regional Office  
ADL B'nai B'rith

MS. EVELYN WARNER  
President, Ambler Chapter  
National Association for the Advancement  
of Colored People

MR. O. G. CHRISTIAN  
Past President, West Branch Chapter  
National Association for the Advancement  
of Colored People

Also Present:

DR. MURRAY FRIEDMAN  
Vice Chairman  
U.S. Commission on Civil Rights

MR. TINO CALABIA  
Field Representative  
State Advisory Commission

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## APPEARANCES: (continued)

MR. JAMES COREY  
Staff Member  
U.S. Commission on Civil Rights

P R O C E E D I N G S

1:50 p.m.

1  
2  
3 MS. WACHTER: We will now return to the portion of  
4 the meeting we postponed earlier. It is my pleasure to  
5 welcome someone well known to many of you already,  
6 Commissioner Murray Friedman, the vice chairman of the U.S.  
7 Commission on Civil Rights in Washington, and my predecessor  
8 as chair of the Pennsylvania Advisory Committee.

9 For those of you who have not previously met Dr.  
10 Friedman, let me say that he was appointed by President  
11 Reagan in September 1986 to become Vice Chairman of the  
12 eight-member Commission. Prior to that he chaired this  
13 committee and convened two previous forums on the problems  
14 of ethnic intimidation in the Commonwealth.

15 He also convened this committee's forum on New  
16 Perspectives in Civil Rights, a prototype of a series of  
17 three national meetings being sponsored around the U.S. on  
18 the same thing. Murray?

19 COMMISSIONER FRIEDMAN: Yes?

20 MS. WACHTER: Welcome back. Perhaps you can  
21 discuss this project, other events in Washington, and I have  
22 handed around a January 10th Philadelphia Inquirer article  
23 which says some fine things about you and also updates some  
24 of what the Commission is doing.

25 COMMISSIONER FRIEDMAN: Thank you, Chairman Susan

1 and fellow members and all the friends on the Advisory  
2 Commission here. As you well know, I occupied this chair a  
3 little while ago, and it may even set a precedent that from  
4 this chair will emerge other leadership of the United States  
5 Civil Rights Commission, or as my mother would say, from  
6 your mouth to God's ear.

7 I'm really very glad to be back here and seeing  
8 old friends, both behind this table and in front of this  
9 table, people with whom I've worked for many years in the  
10 field of civil rights. In many ways, my coming on the Civil  
11 Rights Commission was directly related to my involvement  
12 here and you remember, all of you, the forums or the forum  
13 that we sponsored, which seemed to attract some attention in  
14 Washington and was a prime reason for my being selected to  
15 go on the Civil Rights Commission.

16 Let me also pay tribute to the State Advisory  
17 Commissions and particularly the Pennsylvania State Advisory  
18 Commissions, which are an integral part of the structure of  
19 the Civil Rights Commission, and which are really the eyes  
20 and ears of the U.S. Civil Rights Commission. We look to  
21 them for a good bit of help and advice and counsel, and it  
22 is only unfortunate that as a result of the recent turmoil  
23 that has beset both the Civil Rights Commission and I might  
24 add, the civil rights community, that are so limited in the  
25 resources that can be made available.

1 Tino Calabria, when I first met him, how many  
2 states did you have?

3 MR. CALABIA: Only two.

4 COMMISSIONER FRIEDMAN: Only two. How many do you  
5 have now?

6 MR. CALABIA: Six.

7 COMMISSIONER FRIEDMAN: Six. That means that  
8 Tino, who has not grown any larger in size since I first met  
9 him --

10 MR. CALABIA: Just grayer.

11 COMMISSIONER FRIEDMAN: He is a bit grayer yes,  
12 has now three times as much work to be done and that's  
13 clearly not conducive for the forward progress of civil  
14 rights.

15 Let me just say that I think we are moving into a  
16 period now, both in the field of civil rights and in the  
17 Civil Rights Commission, which may be something of a  
18 watershed in our development. I don't have to tell members  
19 of this Commission and the audience out there who consist,  
20 many of you, of people who have been close to the civil  
21 rights field for many years, that we've been going through a  
22 period of enormous turmoil in the civil rights community.

23 I don't have to rehearse the issues. There was  
24 once a period of greater consensus in the civil rights, in  
25 which there was agreement and the opportunity to go

1 together, both the Civil Rights Commission and the civil  
2 rights community, and that came under heavy weather in  
3 recent years, in quarrels that have developed over such  
4 issues as busing, school busing for school integration,  
5 issues of racial preferences or quotas, and the enormous  
6 turmoil that has surrounding this particular Commission and  
7 its leadership over the years.

8 I think we are moving into a period when  
9 potentially we may be able to return more closely to a world  
10 that we earlier inhabited in the field of civil rights. For  
11 one thing, many of the players who -- around whom so much  
12 controversy developed in recent years, are either gone from  
13 the scene or about to be gone from the scene.

14 We heard the President last night and as you know,  
15 whatever may be the popularity of this President and  
16 certainly he has been a popular President, he has engendered  
17 a good bit of controversy in the field of civil rights. His  
18 Assistant Attorney General for Civil Rights, Brad Reynolds,  
19 was another figure that engendered a good bit of controversy  
20 in our field.

21 Indeed, at the Commission itself, Chairman  
22 Pendleton was usually a lightening rod for conflict, which  
23 he sometimes eagerly sought in terms of dealing with civil  
24 rights issues. A very courageous man, a man who I admired  
25 in many ways, but a man that drew lightening bolts, I should

1 say, with regard to issues of this kind.

2 We are moving into another administration, the  
3 administration of George Bush, which gives every indication  
4 I believe at this outset, of reaching out to the civil  
5 rights community, in new and major ways. The President-  
6 elect has clearly indicated a desire to meet with the civil  
7 rights community. He has met with the civil rights  
8 community, and while it's impossible to predict what will  
9 flow from all this, what I seem to sense here is a somewhat  
10 calmer atmosphere that is emerging in our field of work.

11 That means that we are able, I think, to look at  
12 the issues of civil rights today a bit more calmly and  
13 without the enormous tensions that beset this issue. What  
14 has become very, very clear and I don't need to lecture to  
15 this body because we've talked about it so much ourselves,  
16 is that the whole nature of the field of civil rights has  
17 changed.

18 When we first began to move into the field of  
19 civil rights, we had to enact a whole body of legislation.  
20 We had to secure Court decisions, beginning perhaps with  
21 Brown in 1954. We had to do a lot of important preliminary  
22 work and it is by no means clear that the civil rights world  
23 has so extraordinarily changed. That is to say there are  
24 still problems of prejudice and discrimination in our  
25 society, and a great need to monitor and work hard on behalf



1 of the the civil rights laws that presently exist.

2 But even assuming the implementation of these laws  
3 and regulations with the best will in the world, and with  
4 total and complete efficiency, the ball game has moved  
5 elsewhere in many ways. The nature of the problems have  
6 multiplied, and we do need and I return to almost the first  
7 words I said to you when I was sitting behind this table, we  
8 do need a new direction for civil rights.

9 I believe, incidentally, that the outline of that  
10 new direction is beginning to take shape. It <sup>is</sup> not clear  
11 cut and there are no blueprints, but the outline is very  
12 clear to some of us. That outline very simply stated, and  
13 I'm not prepared or able to, given the constraints of time,  
14 to spell it out in great detail, is that while monitoring  
15 and enforcing civil rights laws and regulations to the hilt,  
16 we have to begin to explore different kinds of directions.

17 I think the directions probably largely lie in the  
18 intersection between civil rights and economics. In other  
19 words, we had previously been sharply involved in the areas  
20 of civil rights directly. Now we've discovered that Bull  
21 O'Connor does not stand with a cattle prod, keeping black  
22 voters from voting. George Wallace is not in front of the  
23 school house door, keeping out students.

24 We've won enormous victories in this arena, but we  
25 still have in our society large numbers of Americans who are

1 deprived of the opportunity for adequate housing, for  
2 adequate educations, for a life of -- a life that Americans  
3 have come to expect as is our due and is our right.

4           These Americans are largely involved -- from areas  
5 of the community, of the minority group community, of women,  
6 of the handicapped, etcetera. So we're going to have to  
7 explore these issues a bit more deeply. We have some  
8 interesting ideas that are emerging. I noticed on the front  
9 pages of the Philadelphia Inquirer the other day, the  
10 President is said to be prepared to place the issue of  
11 choice in public education at the center of his educational  
12 program.

13           People like Morris Milgram and others, who have  
14 spent so many years in the field of civil rights, remember  
15 when the issue in education was school desegregation. But  
16 it may very well be that in the coming years we may do more  
17 for minority group children by providing them with choice in  
18 education as in the past we sought to provide them with  
19 school systems that were physically desegregated.

20           There are a number of issues of this kind that cry  
21 out for discussion, and I might add that at the planning  
22 meeting of the Civil Rights Commission in Baltimore several  
23 days ago, the U.S. Civil Rights Commission authorized a  
24 study of the experimentation that's now being developed in  
25 Minnesota and other places, with regard to choice in

1 education.

2 I can't help but call your attention to the fact  
3 that in Washington we have a new secretary of HUD, Jack  
4 Kemp, who's been closely associated with the concept of  
5 urban enterprise zones. Some of us remember when the civil  
6 rights thrust largely revolved around the question of non-  
7 discrimination in hiring and in business arrangements.

8 It may very well be that the thrust in this arena  
9 will come from the development of business enterprises in  
10 slum areas, not in contradistinction to wiping out  
11 discrimination in employment, and in business opportunity,  
12 but as an addition to those areas of the civil rights pie.

13 So that I hope and expect that in this new  
14 atmosphere which I believe has the potentiality for  
15 developing, the Civil Rights Commission itself will play a  
16 key role in helping to think through these issues and to  
17 develop these approaches and newer strategies that cry out  
18 so desperately. We have an atmosphere today that lends  
19 itself a bit more to that.

20 Regrettably, the Civil Rights Commission itself  
21 has been badly, badly marred during this past period of  
22 time. I came on in September of 1986, and within weeks the  
23 U.S. Congress cut our budget from about \$12 million to \$6  
24 million, which as most of you can see, is not augmenting the  
25 civil rights thrust, but represented clearly a vote of no

1 confidence in the Civil Rights Commission. The regional  
2 offices, which serve as the SACs, State Advisory Committees,  
3 were cut from 10 to 3, and Tino Calabria's hair has grown  
4 grayer as a result of that kind of behavior.

5 In the coming year, we are going to go through the  
6 issue of reauthorization. That is to say, it is no longer  
7 just an issue of whether we have a budget to function or an  
8 adequate budget to function, but we now will have the issue  
9 of whether the Civil Rights Commission should continue to  
10 function and under what constraints or arrangements. So  
11 that we will be grappling with that question along with the  
12 other questions that I put before you.

13 It is my hope that we will begin to resolve these  
14 issues in an atmosphere of greater calmness, that the Civil  
15 Rights Commission will be strengthened in order for it to do  
16 the job, that the regional offices will grow in number, so  
17 that they can resume a role that they heretofore have  
18 played. I certainly look to the SACs to be major, major  
19 players in this new direction I hope that will be emerging  
20 in the coming years.

21 With that, I think I'd like to end my remarks and  
22 perhaps ask if there are any questions or any clarifications  
23 that you'd like to have before you get on with the rest of  
24 your agenda.

25 MS. WACHTER: Thank you very much, Dr. Friedman.

1 Are there any comments or questions from members of the  
2 Pennsylvania Advisory Committee? Mr. Milgram?

3 MR. MILGRAM: Well, I would like to know what the  
4 rest of the agenda is, and how much time we have to finish?

5 MS. WACHTER: Well, we do have a forum which is  
6 due to start at 2:00. We're just a minute or two over, so I  
7 do think we have a few moments if you wish to comment, Mr.  
8 Milgram.

9 MR. MILGRAM: Well, I'd like to comment briefly  
10 that recently I reread two chapters of a book written by a  
11 black poet, whose poetry led me to become a developer of  
12 integrated housing. Those two chapters were Chapters 13 and  
13 14 of this book that's on the table, by Pauli Murray, Song  
14 in a Weary Throat, the autobiography of the first black  
15 woman Episcopal priest in America, who was a member of my  
16 staff almost 50 years ago when I started in the civil rights  
17 movement, and was called back to the staff to help save the  
18 life of a black sharecropper who killed his tenant farmer  
19 landlord in a dispute over the poverty they both shared.

20 So I reread those 26 pages, Life of a Sharecropper  
21 and Death of a Sharecropper. Although I helped Pauli  
22 Murray, who died in 1985 on her writing of this book,  
23 especially commenting on the section on the Odell Waller  
24 case, which occurred while she was on my staff and I was  
25 assistant national secretary of a civil rights agency set up

1 to defend the rights of labor and minorities, I found when I  
2 reread those chapters that I was moved to tears again and  
3 again by the depth of the injustice that young Pauli Murray,  
4 barely 30, had to undergo when she drove to Richmond,  
5 Virginia to try to save the life of this black sharecropper.

6 She came in a rattletrap car loaned by a supporter  
7 of the organization, but one that worked and which was  
8 driven by a white friend who was familiar with the foibles  
9 of the car and she managed to get to Richmond to present her  
10 case to blacks and whites, in an effort to save the life of  
11 this young man, barely 22 or so, who was in two weeks  
12 indicted, tried and sentenced to die in six weeks for a  
13 crime which sounded like murder but which noted counsel  
14 likes to indicate, had other aspects.

15 During those two weeks, a local court judge  
16 refused a one-day postponement of the trial so that  
17 distinguished counsel from Chicago, Francis Heisler, could  
18 come to be present while his young, inexperienced associate  
19 was helping on the case. The Judge refused to give him a  
20 one-day extension. Francis Heisler on the phone to the  
21 Judge asked, "will you at least extend it to 5:00 p.m. on  
22 the day you set for the trial, because I have a case before  
23 the U.S. Supreme Court and an obligation to my client in  
24 that case."

25 The Judge declined, and this young man died for a

1 mistake made by his young trial lawyer who did a beautiful  
2 job but failed to absolutely prove beyond a shadow of a  
3 doubt that what he claimed were the injustices of the poll  
4 tax system were poor people could not serve on juries, was  
5 actually the case, not just his feeling.

6           So laboring through a tremendous distrust or I  
7 should say, a tremendous fear that blacks had to help an  
8 interracial couple coming to Richmond to help in this case,  
9 she managed to arrive at her first appointment before a  
10 black university, and found out the department meeting was  
11 cancelled by the black professor who had made it, who  
12 apologized two minutes before meeting, that he had made the  
13 appointment for her to have a hearing on the case without  
14 proper permission.

15           He gave her a dollar to join the Workers Defense  
16 League in the fight in the case, but he said he could not  
17 let her get heard in a black university at this time. Maybe  
18 weeks later.

19           So she then went to her next appointment, a group  
20 of black churches, and found out to her surprise that that  
21 had many people presenting cases. Thurgood Marshall had  
22 come to town along with Andrew Ransom, later dean of Howard  
23 Law School, and luckily both of them weren't scheduled to  
24 speak, just Andrew Ransom to present a case for four blacks  
25 sentenced, threatened with execution, on an allegation of

1     raping a white young lady who had hitchhiked a ride from  
2     them.

3             The community was in an uproar about it, and they  
4     had to raise \$1,000 fast to be able to save them and other  
5     situations like this were heard and she barely got a  
6     hearing. In fact, she started walking out the door,  
7     believing she couldn't get a hearing, when the minister who  
8     had made the appointment took her hand, introduced her, and  
9     got her to speak.

10            All she could do is stand there and weep. She was  
11    so deeply moved by the enormity of the problem, which blacks  
12    sent her to whites and whites sent her to blacks, and  
13    wherever she went there didn't seem a chance for a real  
14    hearing. She handed her written notes, because she couldn't  
15    speak, to the minister to read. He read the facts of the  
16    case, the group applauded, and she finally was able to  
17    speak.

18            She managed to raise, in one week's time in  
19    Richmond, \$34 in cash and \$25 in pledges towards the \$350 to  
20    save the life of this sharecropper. But she made friends  
21    with Dean Ransom of Howard, who suggested that she ought to  
22    apply for a scholarship to Howard Law School.

23            At any rate, she came back to New York City to the  
24    Workers Defense League, thinking she had failed. They felt  
25    she had made a great success in raising the issues with the



1 Richmond Times-Dispatch, even though they refused to act.  
2 Eventually, the Richmond Times-Dispatch backed the fight for  
3 this man's life, as did President Roosevelt, who wrote to  
4 the Governor, as did Mrs. Roosevelt who campaigned, and  
5 thousands of letters came, but a year and a half later. The  
6 man died as the Chief Justice of the U.S. Supreme Court said  
7 to our counsel, John Finnerty for a mistake of this young  
8 trial lawyer.

9           So rereading that moved me to contact a university  
10 press, which is the University of Tennessee Press, which is  
11 republishing Pauli Murray's autobiography, which a story of  
12 the Odell Waller case in paperback, under another name,  
13 Pauli Murray: Activist, Feminist, Episcopal Priest, Lawyer,  
14 Poet. I asked them to republish it with a historic section  
15 about the Odell Waller case, whose contents I won't go into  
16 now, as an addition to the book.

17           I asked before the meeting whether I could get the  
18 chairman to give me a few minutes to make some mention of  
19 the fact that the University of Tennessee Press is  
20 republishing this book in paperback in March, and has a  
21 letter from Pauli's editors, urging that the poetry that led  
22 me to become a developer of integrated housing, Dark  
23 Testament, which I managed to get published in 1970 with an  
24 introduction I wrote, to get it -- we're trying to get this  
25 press to agree to publish this book with an historic

1 addition that will have additional material on the case,  
2 including the original version of Dark Testament, which had  
3 half of it devoted, half of its 10 minutes of reading time,  
4 devoted to the Odell Waller case, and which barely mentioned  
5 the case except by the name Odell Waller when it was first  
6 printed in South Today in '44 or '45.

7 At any rate, I'm hoping that some of you will be  
8 interested in learning more about it. There was a forum  
9 about Pauli's book when the book came out, run by the Ethnic  
10 Labor Coalition in Philadelphia, and I hope there will be  
11 some local efforts to promote this book and possibly the  
12 republication of the out of print Dark Testament and other  
13 poems by Pauli Murray.

14 MS. WACHTER: Thank you very much, Mr. Milgram.  
15 For those of you who don't know, Mr. Milgram has had a long  
16 history of involvement in the anti-discrimination especially  
17 in housing. I will have these books up here. Pauli Murray  
18 is certainly one of the courageous people of our time, and  
19 if you wish to have a look at these books, they will be  
20 here.

21 I also want briefly to thank Dr. Friedman for his  
22 comments. We are on record as a committee in support of the  
23 Commission and hope that the -- not only continuing  
24 existence but the strengthening of the Commission, and we  
25 certainly share Dr. Friedman's hope that we are now about to

1 embark on a calmer time, when there will be much productive  
2 work and we hope that our committee itself will be part of  
3 that, in terms of specifics that Dr. Friedman has mentioned.

4 I certainly for one agree that there ought to be  
5 an anti-discrimination impact statement, the same way as an  
6 urban impact statement and environmental impact statement.  
7 There's a lot of indirect things that are done, especially  
8 in economics, really are what determine where we are in many  
9 ways and in terms of specifics that Dr. Friedman has  
10 mentioned, in certainly the education and the choice of it.

11 Governor Kean of our neighboring state of New  
12 Jersey has moved for choice. So it's coming in education.  
13 It's coming rather close to us here in Pennsylvania. I also  
14 want to make note of today's newspaper released news of an  
15 NAACP-Harris poll which gives very strong evidence of a  
16 great deal of consensus among all Americans on coming  
17 together on a civil rights agenda.

18 With that, I would like to turn to our program of  
19 the day, and again, I really do thank Dr. Friedman for being  
20 here. I think in some ways this is perhaps historic for a  
21 member of the Commission to come to a state and speak to us  
22 directly. We normally send our reports up and we very much  
23 do appreciate it.

24 We are today embarking on a second portion of a  
25 forum, and for those of you who have not gotten it, we are

1 reporting on an earlier forum, getting feedback from the  
2 earlier forum. We had a summary report issued by the State  
3 Advisory Committee. The earlier forum was entitled  
4 "Reporting on Bias-Related Incidents in Pennsylvania," and  
5 we do have copies of that here for those of you who do not  
6 have it.

7 I invite our guests to come forward on today's  
8 forum, and to join us, and while they are doing that let me  
9 explain that this is our first opportunity to release  
10 "Reporting Bias-Related Incidents in Pennsylvania." This  
11 document summarizes the Committee's July 27, 1987 forum, at  
12 which at least two of today's guests also appeared.

13 At this time, unless any of the public feels that  
14 questions about the report need to be raised now, the  
15 Committee will allow our guests first to comment on the  
16 report and make their presentations.

17 (Continued on the next page.)

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1           In formally presenting the report to the public  
2 and to today's guest, I want to express particular thanks on  
3 behalf of the Committee to Mr. Richard Anliot, Coordinator  
4 of the Pennsylvania Inter-Agency Task Force on Civil  
5 Tension. Mr. Anliot addressed the Committee in 1987 and  
6 appeared at several similar forums organized by this  
7 Committee. He has contributed to the report we are  
8 releasing today and to past reports.

9           Of course, we welcome our other guests as well,  
10 two of whose agencies or organizations were also represented  
11 in 1987. Captain Thomas Ziembra is from the Bureau of  
12 Community Services of the Pennsylvania State Police, and  
13 Ms. Evelyn Warner and Mr. O.G. Christian were one of several  
14 heads of local NAACP chapters who were with us the last time  
15 or at prior forums.

16           Lieutenant Marshal Smith is the Commanding Officer  
17 of the Conflict Prevention and Resolution Team of the  
18 Philadelphia Police Department, whose work Mr. Tyler  
19 commended to us in 1987. Though the Anti-Defamation League  
20 did not address us in 1987, Mr. Levine, its Associate  
21 Director of the Philadelphia Regional Office, is joining us  
22 today. Mr. Barry Morrison, the former head of the ADL  
23 Office, has appeared at an earlier Committee forum and has  
24 assisted our staff in Washington in the past.

25           As some of our guests know from previous

1 appearances, the information which guests provide us is  
2 given voluntarily. The proceedings are being transcribed,  
3 and the transcript will be maintained in the offices of our  
4 staff in Washington, D.C. For access to information  
5 provided by you and stored in Washington, you may contact  
6 the Office of the Solicitor at the U.S. Commission on Civil  
7 Rights at the address shown on the agenda.

8 We are also required by federal law to request  
9 that all persons refrain from degrading or defaming any  
10 other individuals when providing information. By law,  
11 anyone presenting information has the right not to be  
12 reported or photographed by media. If you wish to exercise  
13 this right, please let a Committee member or our staff know  
14 so that request can be accommodated.

15 In any case, the Committee anticipates issuing a  
16 summary report -- similar to the one we have just released  
17 -- based on that transcript and any other relevant  
18 information obtained in the coming weeks.

19 As all of our guests know, the purpose of today's  
20 forum is to take up where the just released report left off.  
21 The Committee is basically interested in what developments  
22 have occurred since July 1987 regarding how bias-incidents  
23 are recorded and what the rate of incidents have been over  
24 the intervening year-and-a-half.

25 From information which Mr. Anliot kindly shared

1 with our staff, we know that proposals have been made to  
2 revise the monthly Return J report form which we had  
3 considerable discussion over, the last form, which is used  
4 by the police to record incidents. This form is appended in  
5 the report released today.

6 What prompted the proposals to change the Return J  
7 report form? Is there some hard-earned experience that we  
8 can learn about and share with our Commissioners in  
9 Washington who have been encouraging the collection of data  
10 on bias-related incidents?

11 We also understand that Mr. Anliot's Task Force  
12 recently adopted some modifications regarding how the Task  
13 Force gathers its own information on tension situations.  
14 Perhaps, as he opens this afternoon's forum, Mr. Anliot can  
15 brief us on this. At the time of our July 1987 forum, Mr.  
16 Anliot also referred to legislative bills under  
17 consideration at the time of our July '87 forum. What is  
18 their current status, and are there any other relevant new  
19 laws on the books?

20 We now turn to Mr. Anliot.

21 MR. MILGRAM: Excuse me. Before you start, are  
22 any copies of the report available for those who haven't got  
23 it handy?

24 MR. ANLIOT: We appreciate very much the  
25 opportunity to meet with the Advisory Committee a second

1 time -- two years in a row -- and the continuing interest of  
2 the Advisory Committee of the U.S. Commission on Civil  
3 Rights in this area of I think intimidation and hate crimes  
4 and what is going on in particular here in the State of  
5 Pennsylvania in that respect.

6 Let me start with the legislation change that has  
7 occurred since we last met with the advisory committee. And  
8 that very simply is an amendment that is now in effect in  
9 Pennsylvania to what's known as the institutional vandalism  
10 law of the state, which, in effect, describes circumstances  
11 under which institutional vandalism is the more serious, the  
12 more serious crime. That is a felony of the third degree,  
13 even if the damage to that institution is not in excess of  
14 \$5,000. And, in effect, that amendment very specifically  
15 says that if the act of vandalism against such an  
16 institution is one of desecration as defined in Section 5509  
17 relating to desecration of venerated objects, then the crime  
18 is considered a felony of the third degree and not the  
19 lesser felony that it was considered before. Desecration of  
20 venerated objects very simply consists of vandalism,  
21 defacement or damage that the actor knows will outrage the  
22 sensibilities of persons likely to observe or discover the  
23 action. So that, in effect, if you have the hatred that  
24 kind of expectation of offense at such an action involved,  
25 then in effect the potential punishment is basically about



1 ~~three times as great~~ as it was before when there wasn't  
2 \$5,000 worth of damage.

3 We're talking about third degree felony. We're  
4 talking about a maximum of seven years in prison, \$15,000  
5 fine compared to what -- compared to a misdemeanor of the  
6 second degree which was potentially two years imprisonment  
7 and \$5,000 fine.

8 We recently had a very precise incident of the  
9 ~~desecration of a Jewish Synagogue in Harrisburg~~ in which  
10 this new change in the law has been brought to bear in terms  
11 of the person who has been apprehended and is awaiting  
12 trial. So, we are very happy to report that strengthening of  
13 that law in our state.

14 Let me just give a framework within which we'll  
15 get down to the fine points of reporting to give you a sense  
16 of what has been about in Pennsylvania. For one thing, we  
17 had reported on a very extensive program of ~~training of~~  
18 police officers, both State Police, local police, in the  
19 matter of the ethnic intimidation, institutional vandalism  
20 laws and we are pleased to report that since that time, we  
21 have secured the opportunity to provide that same sort of  
22 training to district justices throughout the state. The  
23 minor -- what's called the Minor Judiciary Education Board  
24 has established kind of a series of seminars for those who  
25 already practicing district justices. And those seminars

1 now include a particular training session on ethnic  
2 intimidation and cultural awareness. That's a required part  
3 of that series. It consists of 14 weekly sessions. The  
4 numbers of district justices who will have received that  
5 training number ~~some 550 district justices and justices and~~  
6 ~~judges throughout the Commonwealth~~

7 The main importance being that very often,  
8 although perhaps they should be more informed than the local  
9 police department, even the judiciary may not be completely  
10 understanding of the ethnic intimidation institutional  
11 vandalism laws and it is felt essential that they get this  
12 opportunity to ask questions, to role play the situations,  
13 to study case problems so that when these situations come to  
14 their bench, they are in an informed position to do  
15 something about it.

16 The supplement to that training is from our office  
17 in the Pennsylvania Human Relations Commission, is a pretty  
18 regular freedom to pick up the telephone and call a local  
19 police chief when we've learned of a situation which appears  
20 to be ethnic intimidation or institutional vandalism, to  
21 make sure that he understands specifically the law and in  
22 relation to the specific incident that we've learned of  
23 through the media or through other representatives of the  
24 Inter-Agency Task Force.

25 There have been a number of situations in which

1 this has made the difference in which the charge has  
2 subsequently been put on of ethnic intimidation and  
3 institutional vandalism whereas it was not originally going  
4 to be, out of this kind of information. And, increasingly,  
5 now, we have police chiefs and district justices calling our  
6 office to ask, "Hey, is this a situation that in your  
7 judgment would qualify as a charge of violation of ethnic  
8 intimidation?"

9 Very quickly: Our training ~~also~~ now has been  
10 ~~expanded to universities and colleges security police forces~~  
11 because increasingly, it is common knowledge that there are  
12 instances of ethnic intimidation going on on college  
13 campuses. And, so, without giving you total numbers or  
14 anything of that kind, we have commitments and have carried  
15 on such training of such personnel at Penn State University,  
16 for example, the University of Pennsylvania, Duquesne  
17 University, several of the 14 state-owned state  
18 universities. In order to insure that when these kinds of  
19 things happen on a college campus, that they are identified  
20 by the security personnel of that institution as the ethnic  
21 intimidation that it is and that not only the security  
22 personnel of that university but the top administration of  
23 that university respond to it as the criminal offense that  
24 it is and not simply respond to it with whatever -- even  
25 hopefully -- disciplinary action which they might ordinarily

1 bring.

2 Along the same lines, we have established a  
3 ~~committee on intergroup tension in colleges~~, the membership  
4 of which consists of representation from the Community  
5 Relations Service, U.S. Department of Justice, Lieutenant  
6 Marshal Smith, whom you will hear from from the Philadelphia  
7 Police Department, representation from the Pennsylvania  
8 Department of Education, its Office of Equal Educational  
9 Opportunity, from the Black Conference on Higher Education  
10 in this state, from the Office for Civil Rights, U.S.  
11 Department of Education and from the State System of Higher  
12 Education, which in effect operates the 14 state-owned  
13 universities, and the Anti-Defamation League of B'nai  
14 B'rith. We're about to get that group convened and to start  
15 the work of pulling together some suggestions to  
16 administrators, to students, to faculty in terms of how  
17 these incidents of ethnic intimidation or ethnic tension can  
18 be reduced because it is our strong conviction as the  
19 Pennsylvania Human Relations Commission responsible for  
20 enforcing the Fair Educational Opportunities law in our  
21 state that there isn't going to be any significant more  
22 desegregation of colleges and universities in the state and  
23 there's not going to be any increase in minority enrollments  
24 in traditionally white institutions if this kind of nonsense  
25 is allowed to continue. Just pure and simple. Because

1 where the options are few or the expenses are high, where  
2 the indebtedness is so large that we're seeing a national  
3 and a Pennsylvania kind of a trend of fewer minorities going  
4 into higher education at all anywhere, we certainly are  
5 seeing a decline in their going into such predominantly  
6 white institutions and, particularly, to the extent that  
7 this kind of tension, scapegoating harassment is going to  
8 meet the minority student who is trying to start at that  
9 institution without all of the problems that they have to  
10 start with.

11           Similarly, in basic education, we have now --  
12 there has now been a memorandum that has gone out from the  
13 Commissioner for basic education, State Department of  
14 Education, to all school administrators in the state which  
15 basically say that in public school districts, in school  
16 locations, that any offenses -- and this memorandum, in  
17 effect, tries to make clear what the ethnic intimidation law  
18 is as applied to the public school situation, that if these  
19 offenses occur, the recommendation by the Commissioner is  
20 that they be reported to the appropriate law enforcement  
21 agency. And that the school officials fully cooperate with  
22 those agencies in investigating and prosecuting the offender  
23 rather than just treat it as a school disciplinary kind of a  
24 situation.

25           With respect, now, to the information sharing on

1 ethnic intimidation, since that practice began of local  
2 police departments reporting to the State Police instances  
3 of ethnic intimidation, those reports have been shared with  
4 the Pennsylvania Human Relations Commission. And I  
5 personally have, in fact, commenced to try to record and  
6 tally those reports as they have come in. The initial --  
7 that initial task has been completed with respect to the  
8 calendar year 1987 and for the beginning of 1988. That  
9 information has not been shared with anybody else, including  
10 with other agencies of the Task Force, itself, because it's  
11 my feeling it's important to review what we pull together to  
12 make sure it is an accurate reflection of those reports.

13 But what has come out of that, which  
14 representatives of the State Police will report on here, of  
15 that tallying is a sense that there needed to be a  
16 tightening up in terms of how a local police department  
17 should report those incidents. We simply, the instructions  
18 simply said to list the offense. And what we found is the  
19 more important is that those offenses be listed by specific  
20 citation of the section of the Pennsylvania Criminal Code  
21 that's been violated because, as we all know, if the report  
22 is in terms of words, you get a mixture of -- you get a  
23 mixture of words that anybody looking at the report can't  
24 really know precisely what section of the Criminal Code has  
25 been violated. So, the progress in terms of that revision

1 will be reported to you momentarily.

2 Let me say that our concern, along with reports of  
3 instances of possible violation reported to a police  
4 department is concern about the track record of the  
5 judiciary in handling these kinds of charges. And, so, we  
6 have secured the cooperation of the Bureau of Statistics and  
7 Policy Research of the Pennsylvania Commission on Crime and  
8 Delinquency to share with us -- they already had at one  
9 point in time -- the reports from each of the courts in  
10 Pennsylvania which give us a tally of precisely what has  
11 been the outcome of these charges when they finally got to  
12 court.

13 There is a gap, obviously, in a period of time  
14 when that happens and when even that particular bureau knows  
15 about it. In other words, when the courts report to that  
16 bureau, the bureau in turn can report to us. So, what we are  
17 in the process of developing is we're trying to meet the  
18 need for monitoring these adjudication results promptly. We  
19 have already consulted with one of the Clerk of Courts  
20 Commonwealth Court in Dauphine County to kind of put  
21 together a systematic letter of inquiry by which we could  
22 send to a specific Commonwealth Court or Court of Common  
23 Pleas and get a prompt report on what's the status of those  
24 particular charges. So, we're in the process of trying to  
25 tighten up that and make shorter and more prompt, more

1 relevant those reports.

2 The supplement to this reporting by police  
3 agencies and by courts is the reporting of tension  
4 situations from other sources. The primary one of which  
5 are, of course, the representatives on the Inter-Agency Task  
6 Force on Civil Tension.

7 Let me use this illustration to underline why that  
8 is important as well. The police reports are strictly of  
9 possible violations of the ethnic intimidation law. They  
10 are not requests for reports of other situations which may  
11 be as important, the intergroup tension situations, but  
12 which may not involve any violation of the Criminal Code.

13 A good example would be the kind of activities  
14 which have been carried by the Invisible Empire of the Ku  
15 Klux Klan in Pennsylvania. In some of those instances,  
16 there was no violation of any part of the Pennsylvania  
17 Criminal Code involved. Yet, it is obviously important for  
18 the agencies represented on the Inter-Agency Task Force and  
19 our own Commission to know about these things going on. So,  
20 we have what amounts to a supplemental reporting system  
21 among our agencies by which improving that system, we have  
22 revised that form somewhat and we are stressing with all of  
23 the members of the tension task force, that as soon as any  
24 of them learn the minimum essential facts about a tension  
25 situation, that they report that to our office so that our



1 office in turn can and does inform the other agencies on the  
2 task force which may have a role to play in that tension  
3 situation.

4 For example, if one happens in a public school,  
5 there is an obvious need for the Division of School Equity,  
6 Pennsylvania Department of Education to know about that  
7 immediately so that, in effect, they can assign staff and  
8 can play a role in dealing with that situation. Similarly,  
9 if it happens in a college, the State System of Higher Ed,  
10 which is also on the Task Force, needs to be notified about  
11 that immediately.

12 So, the essence of these changes is that we're  
13 stressing the need for immediate reporting by phone to our  
14 office and our office in turn reporting to the other tension  
15 task force agencies.

16 I think the one other -- one other thing I would  
17 leave you with is some notion of the number of intergroup  
18 tension situations that we know of through that method, as  
19 opposed to the J Form, which you will get a report on  
20 shortly.

21 Through our system of tension situation report  
22 forms, during the period beginning July 1, 1978 through  
23 September 15, 1988, there were 83 intergroup tension  
24 situations in the state of which we're aware. I'm sorry,  
25 83 during the fiscal year July 1st to June 30th, yes, 83 for

1 the fiscal year part of that period that I described, from  
2 July 1, '87 to the end of June 1988, there were 83  
3 situations. That is a decline, in fact, from a total of  
4 106 such incidents, fiscal year '85-'86 and 111 during the  
5 fiscal year 1986-1987. It's always difficult to know how  
6 complete is that information. That's the problem with any  
7 reporting system whatsoever. All that can be said is what  
8 you know, but that may give you some inclination.

9           On the other hand, let me point out that in 17 of  
10 those situations, the Invisible Empire Ku Klux Klan was  
11 specifically involved. I'm not talking so much about any  
12 incidents of violation of the ethnic intimidation law on  
13 their part, but there were 17 such incidents which ranged  
14 from rallies at Valley Forge National Park, which was the  
15 first incidence, as I understand it, that the Klan ever had  
16 a rally in a national park. A couple of instances of -- at  
17 least three or four that I know of, in which there were  
18 attempts to stop motorists at a traffic light, give out  
19 recruitment literature, solicit house to house, in terms of  
20 passing out, knocking on doorbells, giving out literature,  
21 ordinary -- if you want to call them that -- rallies, Jim  
22 Thorpe, Pennsylvania, locations such as that sort. And  
23 ironically, involvement of the Klan in such, quote, good  
24 causes, unquote, as keeping pornography shops out of a  
25 community, preventing -- and this is not -- there is no

1 value put on this, but participating openly in an attempt to  
2 keep a religious group from buying land in the community as  
3 a potential site for its religious observance.

4 I'll say a bit more about the Klan in just a  
5 moment. Of those 83 situations that fiscal year, in 66 of  
6 those, Blacks were the victims, 29 in which Jews were the  
7 victims -- and, of course, any Klan activity, both Blacks  
8 and Jews are considered to be victims very obviously. In 7  
9 cases, realtors were the object of those hate incidents.  
10 Threatening mail, threatening phone calls for, in effect,  
11 doing what the state and federal law require them to do in  
12 order to make housing available without discrimination based  
13 on race and so forth.

14 And by the way, we are well assured that that kind  
15 of action, number (1), is a violation of Pennsylvania's  
16 ethnic intimidation law. And, number (2), is clearly  
17 violative of federal Civil Rights laws. Realtors are  
18 covered, even though technically one can say that the object  
19 of the hatred was not the realtor, him or herself, but the  
20 race they individual to whom the house was being rented or  
21 sold or shown.

22 What is also significant is 50 of those 83  
23 incidents, whites were the offenders and this is a new one:  
24 40 individuals were arrested for these kinds of activity  
25 during that fiscal year. That's very important, because

1 that says to us that the efforts to try to educate law  
2 enforcement officials about what that law is are paying off.  
3 And I would speculate that that does have to do with the  
4 decreased number of actual incidents this past fiscal year  
5 compared with the previous ones.

6 The most frequent type of offenses: harassment  
7 involved in 43 of those incidents, assault in 14,  
8 institutional vandalism in 10. And I think my final comment  
9 would be that because of the increased activity of the Ku  
10 Klux Klan in our state, we are within days if not hours of  
11 finishing the editing and preparation to release a  
12 publication on today's Ku Klux Klan. It is an attempt to  
13 really spell out what one doesn't clearly get in the media  
14 reporting of their activities. That is precisely what their  
15 attitude is about and towards Blacks are and Jews and  
16 Catholics and immigrants, which is so important to  
17 understanding that their line at the core is the same as it  
18 always was, the same as it always was, as despicable, as  
19 hateful, as vengeful, as committed to no interracial  
20 association, to say nothing about interracial marriage, no  
21 cooperation between the races, no power sharing in any  
22 sense, even voting, as far as the Black community is  
23 concerned, more anti-Semitism than I have ever seen. And  
24 the source of this information is the recruitment literature  
25 of the Klan, itself, and The Klansman, which is their

1 bi-monthly newspaper, and the Anti-Defamation League's  
2 special reports on the Klan and the reports of Klan Watch,  
3 the Southern Property Law Center, and the Center for  
4 Democratic Renewal in the South. I think it will represent  
5 -- it's not long. It's only 18 pages long, but I think -- I  
6 hope it will help the public and those of us who are working  
7 on this problem to understand very specifically and very  
8 precisely what the Klan stands for. Not as an argument for  
9 denying anybody their constitutional rights to freedom of  
10 speech and assembly, but to understanding precisely what is  
11 being sold and helping to prevent people from getting, if I  
12 may use the term, sucked in to all of the other acceptable  
13 causes for which the Klan goes out there and represents  
14 itself.

15 I think that's where I would stop. I am sorry if  
16 I have taken too much time.

17 (Continued on following page.)

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1 MS. WACHTER: Not at all. Thank you for your  
2 willingness to be here today, your comments to us, and for  
3 the important work that the Pennsylvania Inter-Agency Task  
4 Force and for what the coordinator is doing.

5 I would ask people to reserve comments, if they  
6 would not mind. We have other people to go through. If  
7 Mr. Anliot is able to stay with us until after the other  
8 presentations.

9 And I turn to Captain Thomas Ziemba, who is from  
10 the Bureau of Community Services of the Pennsylvania State  
11 Police.

12 MR. ZIEMBA: Thank you, ma'am. To pick one or two  
13 areas that Mr. Anliot brushed upon earlier. We had a  
14 meeting with members of his agency including Mr. Anliot  
15 during the month of December on revising the ethnic  
16 intimidation report, and that is Appendix B in the overall  
17 report. We came up with some new language and some  
18 revisions to the report itself and submitted it to our  
19 research and development department at headquarters in  
20 Harrisburg.

21 Consequently, we have a meeting scheduled next  
22 week for final language. And hopefully, this report will be  
23 available for the beginning of March. So I think that  
24 March 1 is a realistic date, and it should have some  
25 additional data.

1           In answer to some questions contained in paragraph  
2 4, our previous state police representative, Corporal  
3 Charles Lee, who is at the panel here with me today, stated  
4 that it was not mandatory for local police to report or  
5 supply incidents, and there have been no changes. And up  
6 until this time, we have roughly 995 reporting agencies.  
7 And the only time that we see a J form is that they do have  
8 ethnic intimidation on it, and then we will get a copy  
9 hopefully.

10           Since our last report, Corporal Lee reported that  
11 there was a total of 54 investigations. And as of today, we  
12 have a total of 212. That is a difference of 158 since the  
13 last report.

14           You were also informed by Corporal Lee that we do  
15 not have a computer and we still do not. So there is no  
16 change along those lines.

17           And as far as disseminating any monthly figures,  
18 in Attachment A, there is a provision spelled out that on a  
19 board such as this where any interested agency, public  
20 agency, can write to the Commissioner of the Pennsylvania  
21 State Police and follow the format in Attachment A, and  
22 there should not be a problem with getting any of our  
23 reports.

24           We are not going to give you an investigative  
25 reports. There will be figures made available. But you do

1 have to tell the Commissioner what you want them for and  
2 what you intend to do with them. So there is no problem  
3 getting them. With that, I will close my presentation.  
4 Thank you.

5 MS. WACHTER: Thank you very much, Captain Ziemba  
6 for being here and sharing with us the details of the  
7 enforcement of this law.

8 And I now turn to Mr. Marshal Smith, who is the  
9 Lieutenant and Commanding Officer of the Conflict Prevention  
10 and Resolution Team of the Philadelphia Police Department.  
11 Mr. Smith.

12 MR. SMITH: Good afternoon. I would first like to  
13 thank you for inviting me here. My presentation should be  
14 rather brief. As far as reported crimes, I do not have  
15 anything specifically from any date or since the last forum.  
16 But we basically handled approximately 175 investigations  
17 each year. And they range from assaults, terrorist threats,  
18 harassment, vandalism, and there are a few others, but those  
19 are the four basic underlying charges for the ethnic  
20 intimidation lawyer that we use.

21 I noticed earlier that Frank Tyler had said some  
22 rather positive things about the organization, and I was  
23 pleased to hear it or pleased to read it. And I wanted to  
24 give you some better statistics as far as the number. He  
25 said that we were close to clearing approximately 50 percent



1 of our cases.

2 Well, what it comes down to is that any case that  
3 we have had personal injuries that we have been able to make  
4 identifications 100 percent of the time through the  
5 individuals themselves being able to identify people once we  
6 find them, or from people living in the neighborhood who  
7 have given us names and we will come up with criminal  
8 records on them and present photos to the victims.

9 On the other three charges of terrorist threats,  
10 harassment or vandalism, unless it is ongoing or continuing,  
11 it is rather difficult. If it is continuous, we have been  
12 able to make identification fairly often. Overall, I would  
13 not be able to say whether we make identifications 50  
14 percent of the time as an average or what. But as far as  
15 the physical assaults are concerned, I think that we are  
16 very effective.

17 And in the investigation that we have been  
18 involved in, so far we have been able to rely on the FBI's  
19 Squad 11, their civil rights organization, for some  
20 assistance in developing fingerprints or other  
21 identification methods that the City of Philadelphia has not  
22 been able to quite get a hold of.

23 And we have adopted a proactive method to not  
24 necessarily try to solve the crime, but we are trying to  
25 either prevent the crimes from ever happening by education

1 and training both within the police department and within  
2 the civilian population itself. We have members who do  
3 nothing more than speak to groups of people, particularly  
4 when we have a problem brewing.

5 Mr. Anliot spoke of inter-group tension. Whenever  
6 we are giving information that there is inter-group tension  
7 brewing, we will go in at that point and try to get a  
8 dialogue of some sort to alleviate any problems that might  
9 occur. Once a crime has been committed, then we put our  
10 other hat on and we go in and we arrest people. We try to  
11 avoid that if at all possible.

12 Some of our proactive work has been limited  
13 because of manpower restraints and finances. You just  
14 cannot be everywhere all of the time.

15 Training our police officers to be sensitive to a  
16 victim's needs, that is a whole new topic, and it really a  
17 whole new topic, and it really takes a lot of time to try to  
18 convince someone, particularly someone who has never known  
19 what it is like to be a victim, that they have to be  
20 sympathetic and that they have to be caring when they run  
21 across someone who has been slapped, or beaten, or refused  
22 housing just because of something that they cannot change.

23 If a person is black, if a person is Hispanic, if  
24 a person is Jewish, and you tell a police officer that you  
25 have become a victim. And if he has never been subjected to

1 it, it is hard for him to put himself in that position.

2 And one of our main objectives has been to train  
3 police officers to look at something with an objective mind.  
4 And even if they bring that particular prejudice with them,  
5 to let it go and notify the unit so that we can get involved  
6 in it.

7 The one thing that has been helpful to us. We  
8 have had a number of constant incidents that have happened  
9 in the two and a half years that I have been involved in it.  
10 And the numbers have remained the same, but we have had a  
11 lot of publicity. Whenever we make a good arrest, or when  
12 someone goes to court and they are found guilty and given  
13 time, we have been able to establish a very good  
14 relationship with the newspapers, in that they are very  
15 willing to publish these incidents.

16 Of course, when they initially happen, they  
17 publish them because people will buy the paper. When a  
18 person goes to court and are found guilty and sent to jail,  
19 they also publish that information. And they will not hide  
20 it in the back of the paper in a small column. They will  
21 put it up front where people can read it and people will  
22 read it.

23 And the big thing about the incidents, I still do  
24 not believe that the police department gets all of the  
25 reports of all of the incidents that happen within the city.

1 I still think that there are people who are not aware that  
2 the ethnic intimidation law exists. I do not think that they  
3 know that my unit exists. And I do not think that they  
4 believe that the police department cares at all.

5 I think that there are people out there who still  
6 feel that I am a victim, and I will remain a victim, and the  
7 police will do absolutely nothing about it even if I tell  
8 them, so why should I embarrass myself by going through all  
9 of that for no reason.

10 We have made attempts to get out to various  
11 groups, to talk to different neighborhood associations, to  
12 do whatever we could to get the information out. We have  
13 had posters printed up, and we have had them distributed out  
14 through the city. And in Asian languages as well, because  
15 we know that is a whole new problem where Asians are afraid  
16 to talk directly to the police officer because of their  
17 culture. We have gotten people who translate within their  
18 own cultures.

19 We try to get contact people, so that they will  
20 feel comfortable talking to someone that they can trust,  
21 someone who knows their background and have that person talk  
22 to them. We made a lot of attempts. I do not know whether  
23 they have all been successful. And we will not know really  
24 unless we can work ourselves out of the job, and I do not  
25 really see that happening as of yet. And with that, I guess

1 I will close.

2 MS. WACHTER: Thank you very much,  
3 Lieutenant Smith. I hope that we can help with your  
4 comments. You give some well-deserved publicity and  
5 information to our community of your good work in  
6 Philadelphia. And I thank you for being here, and I hope  
7 that you will be able to stay for questions afterwards.

8 Besides Captain Ziemba, we also have  
9 Corporal Lee of the Pennsylvania State Police, who was here  
10 before us also in 1987.

11 And would you like to add a couple of remarks to  
12 those of Captain Ziemba?

13 MR. LEE: A couple of comments with regard to the  
14 collection of the data. It was reported that there are 212  
15 incidents reported to us. And that was only on Form J that  
16 has entered our office. One of the problems that we have  
17 come across is that quite often those are not sent to us,  
18 filled out and sent to us during the month of the incident.

19 We may get for instance in the month of January,  
20 we get UCR Form J, and it could be dated as much as six  
21 months ago. And this has happened in quite a few instances.  
22 Therefore, that 212 is how many have been reported to us,  
23 and not necessarily including everything through December.  
24 That is to the end of December that we have. There could be  
25 quite a few more.

1           Just last week, I was entering things that were  
2 reported to us for July, August, October, and December. So  
3 those just came in in the past week. So there is a problem  
4 there. And I do not know what the problem is with the  
5 police department. Whether they are holding until the  
6 investigation is completed to see if it is an incident  
7 before they report it or not. Not all of them are listed as  
8 arrests or anything, but quite a few of them are.

9           One other comment is that it appears that the  
10 majority of the incidents that are being reported to us are  
11 coming from the City of Philadelphia. And I am sure that  
12 Lieutenant Smith's unit is responsible for a lot of that.  
13 And those would be probably be the best made Form J reports  
14 that we get so far from the City of Philadelphia. I will  
15 pat him on the back while he is here. But that is in truth.

16           I find that quite often that a batch will come in  
17 of five, six or eight. And I do have to send one or two of  
18 them back for corrections for not being proper codes. They  
19 are not actually ethnic intimidation violations or something  
20 of that nature. Disorderly conduct, they constantly send a  
21 memo of disorderly conduct on there, and that is not one of  
22 the incidents involved.

23           So that is one of the problems that we have run  
24 across. I just want to clarify that as far as the number we  
25 have. It is, as Mr. Anliot said, probably not an accurate

1 figure of exactly what has happened. And still we do not  
2 know how many have never sent to us who have had an  
3 incident.

4 But the amount has increased. The amount of  
5 police departments who have already been using them has  
6 increased, and therefore our problems with doing something  
7 with them has increased comparatively. But it is working  
8 out somewhat better, I would think, the way that they are  
9 coming in. And through the education and everything, I  
10 think that they are picking up somewhat better.

11 MS. WACHTER: And we will be able to track them  
12 over time going forward on a year to year basis.

13 MR. LEE: Yes.

14 MS. WACHTER: Even though we have lacked computers  
15 I take it.

16 MR. LEE: Still. There is, and we shared with  
17 Mr. Anliot and his staff, a computer program that has been  
18 written for the collection of this staff. And it is being  
19 passed from state to state for people looking at it. Not  
20 the computer program itself, but a printout of what it is.  
21 And we have looked it and we shared it. And we do not know  
22 exactly whether we are going to get that or not, whether it  
23 is formally adopted. They are trying to get it adopted  
24 nationwide, that particular program.

25 MS. WACHTER: That would very useful to make

1 comparisons across states.

2 MR. LEE: Definitely.

3 MS. WACHTER: Thank you very much, Corporal Lee,  
4 for being here and be willing to share those remarks.

5 And I now turn to Fred Levine, who is Associate  
6 Director of the Anti-Defamation League of the B'nai B'rith  
7 Philadelphia Regional Office.

8 MR. LEVINE: I thank the chair and the committee,  
9 and particularly Tino Calabria for asking me to join you  
10 today and provide a few insights from the perspective of the  
11 Anti-Defamation League.

12 Let me take a moment to tell you about someone you  
13 know who has left town, my predecessor at the ADL, the  
14 regional director, Barry Morrison, who worked closely with  
15 many of you. Barry has unfortunately been promoted and he  
16 is now heading our office in Chicago, where he will have  
17 much to do as I am sure that you are all well aware. But he  
18 did leave a legacy of working closely with the Pennsylvania  
19 Advisory Committee to the U.S. Commission on Civil Rights.  
20 And we hope to follow in his footsteps in that way.

21 The Anti-Defamation League by way of background  
22 has been involved in the fight against prejudice and bigotry  
23 for some 75 years now. Since 1979, and I will comment more  
24 on this in a moment, we have been collecting statistics. So  
25 we do have some experience with the process of reporting,



1 the process and the problems of reporting, collecting and  
2 analyzing data.

3 We are not unique in that, but perhaps some of  
4 those insights will be helpful. We have been, that is the  
5 ADL, has been involved in the attempt to work on a  
6 legislative front to oppose prejudice and discrimination,  
7 and to advance equal opportunity for a good period of time.

8 I bring to your attention, and copies of this can  
9 be obtained through the ADL office here in Philadelphia or  
10 our national office, the ADL law report, the  
11 spring-summer 1988, entitled Hate Crimes Statutes, a  
12 Response to Anti-Semitism, Vandalism, and Violent Bigotry.  
13 It includes revised ADL model legislation in the areas of  
14 ethnic intimidation, house of worship protection, and bias  
15 crime statistics reporting.

16 There is indeed a very interesting appendix to  
17 this report which indicates the number of states that  
18 currently have these kinds of laws or statutes. And  
19 Pennsylvania, I am very pleased to report, not only based  
20 its statutes on the ADL model but does have laws or statutes  
21 covering institutional vandalism, intimidation, or  
22 harassment, parental liability and data collection. It is  
23 one of the few states that has covered all of the areas at  
24 least legislatively.

25 The legislation approach is important, and it is

1 essential that the laws be on the books. But as you have  
2 heard from previous members of this panel, it is not enough.  
3 There is a lot to do in reporting, collecting and analyzing  
4 the data that is mandated by law.

5 So let me just address a couple of brief comments  
6 about the ADL audit. First and foremost, I cannot present  
7 it to you today, as it is under national embargo for release  
8 somewhat toward the end of this month. It will cover the  
9 period of 1988, calendar 1988. But I can give you an  
10 overall impression that the number of incidents of  
11 anti-Semitic vandalism or other actions of anti-Semitism  
12 that were reported to the Anti-Defamation League last year  
13 is up.

14 That I believe is true not only nationally but for  
15 the State of Pennsylvania as well. As soon as I have a copy  
16 that I can release to you, I will give it to the staff. The  
17 audit will contain a state by state breakdown, and will  
18 contain some analysis of some of the more egregious  
19 incidents that occurred during 1988. We would be glad to  
20 work with you on fleshing out the analysis of the incidents  
21 relevant to Pennsylvania and Philadelphia, of course.

22 Just to pick up on a couple of comments that were  
23 made by previous members of the panel. Lieutenant Smith  
24 referred to a reorientation that needs to be accomplished in  
25 seeing the victim's needs instead of the culprit's

1 activities as the focus of at least one phase of the police  
2 person's or the investigator's work. That is an extremely  
3 important point, and should not be underestimated in terms  
4 of what it requires of the reporting agent, whether it is a  
5 police person or an investigator.

6 The idea in our society that a victim's rights as  
7 opposed to a criminal's rights are in conflict is one that  
8 has been around for some time. But the kind of laws that we  
9 are talking about here, fortunately you are able to do an  
10 end run around that controversy.

11 What we have here is a situation where someone has  
12 been attacked for the group to which they belong or even the  
13 perceived group to which they belong. And the response of  
14 the police department is in this situation ideally to say by  
15 their actions and by their investigation that I care, you  
16 are not alone, this happens to other people, we care about  
17 this kind of incident sufficiently to take note of it.

18 Most often in my experience, the feeling that  
19 well, look, I have got murders, I have got robberies, I have  
20 got fires, arson, I have got more important things to worry  
21 about then somebody called this guy a name, or threw a stone  
22 through his window, or whatever it was.

23 The community relations aspect of the kind of data  
24 collection and analysis should not be overlooked. When it  
25 is clear to the members of the community that the law

1 enforcement agencies and other governmental agencies care  
2 about this kind of activity, that will do two things.

3           Number one, it will enhance the credibility of law  
4 enforcement with communities that it often needs a great  
5 deal of enhancing. And number two, it will sensitize people  
6 to the fact that this is a crime too. It may not be the  
7 biggest crime in the world, but it has a crime that has a  
8 deleterious effect on the community as a whole. And it  
9 should be dealt with seriously, and ethnic intimidation  
10 statutes and bias crimes reporting does make a beginning for  
11 that.

12           Finally, there is another resource book that I can  
13 mention. It is called Hate Crimes, Policies and Procedures  
14 for Law Enforcement Agencies. Again it can be made  
15 available through the Philadelphia or the National Office of  
16 the ADL. It goes through a number of states' attempts to  
17 deal with these issues. It includes sample forms, sample  
18 memoranda from chiefs of police and other governmental  
19 leaders to the members of their staffs on how to deal with  
20 these issues. It also makes obvious some of the problems  
21 that exist in collecting the data, transmitting it to a  
22 central agency with or without a computer and analyzing it,  
23 and finally disseminating the information.

24           Before I get to one noteworthy incident which I  
25 would like to call to your attention, I would say that the

1 ADL fully supports the efforts of this Advisory Committee  
2 and those who are here on the panel to proceed with these  
3 kinds of statutes and their implementation. Because it is,  
4 we believe, essential that the community get the message  
5 that law enforcement cares, and that communities in general  
6 get the message that these kinds of inter-group actions,  
7 tensions and actions, are not acceptable. It is simply not  
8 acceptable to act in these ways.

9 Let me just sum up by saying that you all probably  
10 have been made aware of an incident that Mr. Anliot  
11 mentioned, the desecration of a synagogue in Harrisburg. I  
12 will detail it for just a second, because it is an example  
13 of a commendable community response to a desecrable act.

14 Keshet Israel was the synagogue that was  
15 desecrated with swastikas and a variety of slogans such as  
16 "Jewish dogs" that were painted on the walls. It is not  
17 unusual nor is it the most extensive or hate filled  
18 synagogue desecration that I have seen, and I have only  
19 worked for the ADL for about four and a half years.

20 But it certainly does have an effect on people who  
21 belong to that community. The point in bringing it up is  
22 not to say that this was a terrible incident and it was, but  
23 to point to the response by the community at large. The  
24 Patriot News ran an editorial the following day.

25 MR. MILGRAM: You did not describe the incident

1 enough except to say that it was an incident. Could you  
2 take a second to describe the incident?

3 MR. LEVINE: Yes, sir. This synagogue in  
4 Harrisburg was desecrated with the painting of swastikas and  
5 anti-Semitic slogans on the walls.

6 MR. MILGRAM: Anything else?

7 MR. LEVINE: That is the basis of the incident.

8 MR. MILGRAM: Okay.

9 MR. LEVINE: The Patriot News responded with an  
10 editorial strongly condemning it. There was a newspaper  
11 article a couple of days later that a religious group, a  
12 Christian religious group, came out publicly decrying the  
13 attack. The school board and others went on record against  
14 the desecration. And within a couple of weeks, a culprit  
15 was apprehended.

16 I guess that I would mention that the person who  
17 was apprehended and who has not yet stood trial, so this is  
18 not a guilty party but this is a person who has been  
19 apprehended for suspicion of participating in this, is a  
20 member of group called the Skinheads, a group that is made  
21 up of youngsters, teenagers, and some in their twenties.  
22 They take their name from the English rock group scene. The  
23 Skinheads are active in a variety of cities in this country,  
24 and they are anti-black, and anti-Jewish, and anti-  
25 immigrant. And so there is a connection here to the

1 desecration of a synagogue.

2           The community responded in addition by organizing  
3 a group to come and take the slogans and the swastikas off  
4 the synagogue, and a rather good turnout was there. So  
5 communities can respond and create something very positive  
6 out of what is a terrible and disturbing incident.

7           Now that is not an advertisement for doing this so  
8 that the community can get together. We need to prevent  
9 these kinds of activities. Harrisburg should be commended,  
10 those leaders of Harrisburg who participated in this should  
11 be commended for the beautiful community response to this  
12 one incident. I thank you.

13                           (Continued on next page.)

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1 MS. WACHTER: Than you very much, Mr. Levine. Can  
2 I ask you to share those reports and articles with us so  
3 that we can have it in our report, if I can take them and  
4 give them to the Reporter and then return them to you, so  
5 he's sure to have them. And I would also hope that your  
6 statistics, when available, that we will be able to include  
7 them in our report.

8 I also thank you for your comments which support  
9 others in the panel, that bias-related incidents are also  
10 crimes and that they are taken, and should be taken, very  
11 seriously, and your discussion of the heartwarming response  
12 of the people in Harrisburg.

13 We now turn to our final presentation before we  
14 will open to questions and comments, and we are pleased to  
15 have with us Ms. Evelyn Warner, who is the President of the  
16 Ambler NAACP.

17 Before we begin, I also do want to mention that  
18 Mr. James Corey of the Commission, Washington's Headquarters  
19 staff, has just come in. I welcome him. I did not know he  
20 was coming. I take it that you do not wish to make a  
21 statement as of now?

22 MR. COREY: No, that's fine.

23 MS. WACHTER: Okay. I'm pleased to have you here.  
24 And now we turn again to Ms. Evelyn Warner who is President  
25 of the Ambler NAACP.



1 MS. WARNER: Thank you. It's kind of a privilege  
2 to do this because everybody here is kind of expert and I'm  
3 a representation of the grassroot folk. And usually it is  
4 the more numerical figures of grassroot folk that are  
5 victims as opposed to whatever.

6 And I'm taking a different direction in reference  
7 to being glad that I was last so that I could encompass what  
8 was said in order to take an analytical perspective of it  
9 and to go into a slight different direction.

10 One of the things that I will repeat, what Homer  
11 Floyd said -- everybody has gotten slick. And because of  
12 all the outrage and outcries of mistreatment, abuse and  
13 racial discrimination and sexual discrimination and age,  
14 people have become sophisticated in reference to how to  
15 overcome that and continue to do it.

16 And what we have found is that that is very, it  
17 has been very, let's say active and successful to a degree  
18 in the suburban areas. And what has happened is that the  
19 upsurge of a lot of attitudinal behavior supported by  
20 upstanding folk seems to be on the rise.

21 now, having gone to the hearing of the Lower  
22 Providence Police Department, whose PHRC had hearings in  
23 reference to four policemen, and members of the Montgomery  
24 County Police community, there are members of that community  
25 that have expressed, a cliché that is circulating among them

1 is that it is the KKK Platoon of the Lower Providence Police  
2 Department.

3 And what makes it prevalent and won't go away is  
4 that the incident that caused the investigation aside from  
5 the allegations of an inner policeman that was in that  
6 department is that at the end of the destination of those  
7 black folks that travel in that area, are two states, a  
8 state and a county facility that is predominant by black  
9 inmates. And that is Eagleville. And Eagleville, the  
10 county prison, and as a result of that it was an easy target  
11 to accumulate those things and that attitude in reference to  
12 that targeted traffic is still there, regardless of what has  
13 happened as far as the investigation is concerned.

14 And that means that in the county, for example, a  
15 black employee of Montgomery County Courthouse was just  
16 walking through during her break, during the Presidential  
17 campaign, and looked on a manager of a department in the  
18 County Courthouse and saw all this enormous amount of racial  
19 slurs around a picture surrounding Jesse Jackson.

20 So she did not know what to do, plus when you are  
21 a minority, minority minority, which means that she was a  
22 black female in a white-dominant job situation in the County  
23 Courthouse, what should she do?

24 So she went to the closest black person with some  
25 status and asked that black male what should she do?

1           She wrote a letter to, he recommended that she  
2 write a letter to the County Commissioner and explain what  
3 happened and it was taken care of in-house.

4           In the meantime they told me and I took care of it  
5 out in the general public because the attitude and the  
6 support of attitude of racial slurs within the workplace in  
7 the county is prevalent and it is ongoing.

8           Before the Ethnic Intimidation Law came out I was  
9 employed at Merck, Sharp & Dhome and there was a supervisor  
10 that one quarter of his department was black. And during  
11 the break area there was a discussion about Reagan and  
12 Carter running. And the supervisor said, with a pounding of  
13 his fist on the desk said, any black bastard that votes for  
14 Carter ought to have his head examined. And half of the  
15 department is black.

16           Now, no -- I mean no apologies, you understand.  
17 Those token blacks that were in a key position to make a  
18 recommendation in reference to this check was reminded who  
19 they worked for and they were out of place in reference to  
20 addressing that issue.

21           And those of us that it was of no consequence  
22 merely labors in that pharmaceutical house, the question was  
23 raised, what you got to do with it?

24           My response was, I'm one of them black bastards  
25 that he's taking about. Okay?

1           Now, I use that to say that Merck, Sharp & Dhome  
2 has upwards of 4,000 employees. There's 335 employees of  
3 blacks in that installation at West Point. And at the same  
4 time, right up the road, Philco outnumbers that in reference  
5 to black employees and the attitude in Montgomery County is  
6 that young black professionals don't have a possible chance.  
7 And there's a megalopolis of industry and employment in  
8 Montgomery County and racial discrimination has become  
9 extremely sophisticated.

10           146 years of one-party rule has made the community  
11 so sophisticated that they have behavior that can skirt the  
12 law to the extent that they can discriminate in the Police  
13 Department, the sentences -- there are seven black lawyers  
14 in the county of Montgomery. There are 643,000 people in  
15 Montgomery County and there's between 35 and 40 thousand  
16 blacks. Seven lawyers, two doctors, four doctors and 23  
17 school districts, and you've got no superintendents, you've  
18 got less than five principals, and things of that nature.

19           So you see that the whole atmosphere is relegated  
20 around "you stay in your place." And we have 11 pockets of  
21 highly concentrated areas of black people and the highest  
22 numerical figure of concentration of black people is  
23 Graterford Prison.

24           And so I'm saying all that to say that the  
25 perception coming from the black community is that with all

1 the efforts in the regulatory agencies, and I'm a part of  
2 it, Pennsylvania Human Relations Council, as an advisory  
3 council for the county.

4 There is the perception coming from the black  
5 communities that so what, there is very little that you can  
6 do when elected officials support attitudes and behavior  
7 that have become so sophisticated that it's created a  
8 situation where it's inevitable to have discrimination and  
9 segregation and biased attitudes, that socially,  
10 economically are accepted, you see.

11 We have signs all over Montgomery County in  
12 reference to the need of employment, from the lowest of  
13 entry level positions. And hardly anybody pays minimum  
14 wage. The average person coming out, if you are going to  
15 clean the streets, whatever, you can, the average person can  
16 start with \$5.00 an hour and go up.

17 You've got signs on all kinds of places starting  
18 \$6.00 entry level. And so what I'm saying is that the  
19 ability to maintain a segregated atmosphere in the county in  
20 which I've lived for over 50 years is accepted, supported  
21 and there's an upsurge.

22 Now, there was no outcry in October when the Klan  
23 came to three communities -- Telford, Sodderton and Lansdale  
24 -- to solicit. There was response from the white community  
25 in reference to their not hurting anybody, if we ignore them

1 they will go away. And --

2 MR. MILGRAM: I'm sorry. There was response from  
3 the white community?

4 MS. WARNER: These were editorials in the local  
5 newspapers, in reference to the response of their being in  
6 those particular areas for whatever purpose. And there is  
7 always the assumption that their organization defines their  
8 purpose. Okay? And as a result of that, knowing the  
9 definition of their organization, you assume what their  
10 purpose is in any particular given time in any given place.

11 So the response editorially in the local  
12 newspapers in reference to their appearances. One of the  
13 other problems is that the local Police Departments in the  
14 county, I've had four complaints from Tominson Township,  
15 which is a suburb adjacent to Lansdale. And the incident  
16 was that a young black child, minor child, and a young white  
17 minor child, visited upon invitation to a young white girl,  
18 and there was a possibility of a sex relation with this  
19 three, these three persons.

20 There was no adult in the home. When the parent  
21 got home, the mother called the Police. Now, there was a  
22 different treatment from the explanation from the young  
23 black male, there was a different treatment from the Police  
24 to him as opposed to how the young white male was treated.

25 And he was taken home to an empty house. His

1 mother was working. And what transpired from the time he  
2 left the young lady's house that he got to his quarters, is  
3 what is prevalent in the county in reference to police  
4 behavior and attitude.

5 And that is there was nobody there but the police  
6 and the young man. And our society, in coming in reference  
7 to education and support and political enforcement,  
8 authority usually has the last word. So naturally, a white  
9 male, his word was accepted over that black child. And he  
10 was profaned, and he was vulgar, the white policeman. He  
11 told him what he would do with his foot to his rectum if it  
12 were his child.

13 Now, when that child explained that to the parent,  
14 naturally the police denied it. Now, where -- and this is a  
15 prevalent thing in reference to minor children and it's  
16 prevalent with police relationships when it comes to race  
17 because who takes the word of the victim?

18 If I am shoplifting, and that's very prevalent in  
19 the county I must admit, and the media and the Police  
20 Department have declared it's more prevalent in black  
21 communities with the folk coming from the city to the  
22 county, who is to say if I am a female shoplifter that if a  
23 white cop cusses me out, who is to say, who is to take my  
24 word to say that he did it when he said he didn't do it?

25 And what I'm saying is that this is prevalent and

1 it is so prevalent until back at the ranch in the Police  
2 Department it is a, how would you say it, it's an ongoing,  
3 you know, it's to the point that it's a joke. I mean, you  
4 know, it's a conversation piece.

5 So the perception coming from the black community,  
6 piggybacking on you, brother, who trusts the police? You  
7 know, of what value are they to me when they are not out  
8 there for me?

9 Now, this is not to say that there are not white  
10 male human beings employed by various townships and county  
11 police departments that are not humane enough to exercise  
12 their authority with some authority, some respect and  
13 prestige. That's not my point.

14 My point is that in spite of the fact that there  
15 are those type of persons in this particular Police  
16 Department, those bad apples are not exposed because of this  
17 artificial brotherhood code that I don't tell on another  
18 policeman.

19 Now, behind those policemen's backs, one of the  
20 policemen in the Montgomery County Police Department bought  
21 me a police band radio and he said you listen, because I  
22 came to this thing, this council some years ago and reported  
23 how in the Norristown Police Department at one time, that's  
24 what made the brothers go get me the police band. The white  
25 cops on Saturday night, he said, let's go kick some nigger's



1     ass. And it came over the police band. So they said well,  
2     you know, you keep it, because we can't do it. We can't go  
3     back and tell it.

4             And if we tell you, they know where it came from.  
5     So if you got the thing, you can hear it, you see.

6             Now, that's the kind of thing that goes on. And  
7     in the workplace, ethnic intimidation is a threat to the  
8     victim. You know, I'm on my job and I'm working and if my  
9     boss or my co-worker calls me out of my name or something  
10    like that, that's a threat, or my job, that jeopardizes my  
11    job in the event that I exercise my rights.

12            First of all, if the place has a union, the union  
13    ain't going to take it up. You saw that with the Lukens  
14    Steel, you see.

15            Lukens Steel union folks said the companies don't  
16    want to hear that race stuff, and the unions do not deal  
17    with it. I'm talking as a card-carrying dues paying union  
18    member.

19            And they don't want to hear it. And awareness is  
20    something that segments, large segments of the suburban  
21    communities will not accept because discrimination is gone.  
22    There is no more discrimination as far as when you go to  
23    talk to Police Chief, oftentimes, and especially if he's got  
24    to protect his men.

25            You talk to county supervisors, you talk to the

1 county commissioners, it does not exist. And we know that  
2 that's not true.

3 But jobs are in jeopardy, political offices are in  
4 jeopardy and intimidation is rampant. So therefore, the  
5 racial separatist bigotry attitude is prevalent and it is  
6 supported. And as a result of that, it's way of life.

7 MS. WACHTER: Ms. Warner, may I ask you to finish  
8 in a few moments, because we're going to have to have  
9 questions before we break?

10 MS. WARNER: Okay. Let me see if I said  
11 everything.

12 Oh. And one of the things that I think he can  
13 attest to is that there was the incident in Abington where  
14 blacks, white folks tore up a bunch of black folks houses  
15 plus some white young boys put a bomb in somebody's yard,  
16 and they had the hearing in Abingdon, and this is what I  
17 meant by awareness. The young man that did it had a  
18 cheering section when the hearing came, by the PHRC. And  
19 prior to that, what keeps the young white vandals  
20 functioning is that white people will not report vandalism  
21 and when it's turned over to the police, if in fact the  
22 victims say it's race, the police will say it's not, it's  
23 vandalism, it's child vandalism and they don't report it as  
24 you said, and the reports don't go through because the  
25 Police Department will, the police will come out in certain

1 seminars and say they refuse to report it as race.

2 And okay, I'll stop at that point.

3 MS. WACHTER: I do want to thank you very much,  
4 Ms. Warner, for your comments on how far we still have to go  
5 and perhaps we can get some response from some of the  
6 enforcement agencies that are here with some views as to how  
7 we may push things forward.

8 But I certainly do want to underscore your  
9 comments on how important it is to have political support  
10 and not just the laws on the books. And thank you very much  
11 for being here. And I do want to, before we turn to general  
12 comments, ask Mr. O. G. Christian, who is also of the NAACP,  
13 is he wishes to make a few comments?

14 MR. CHRISTIAN: Yes. I'm O. G. Christian, the  
15 most recent past President of the West Branch NAACP.

16 There are four items I'd like to treat, and I will  
17 be as brief as possible.

18 First, the Lewisburg prison situation. I've been a  
19 regular visitor there since 1971. But in the latter years,  
20 the Coordinator, a Mr. Geissweit, has tried to eliminate our  
21 visits completely.

22 Last year, we were not invited at all. You don't  
23 go except they send you a letter inviting you to attend the  
24 meetings.

25 He has even disallowed us to bring reading

1 material including the Bible.

2 MS. WACHTER: Who has disallowed?

3 MR. CHRISTIAN: Mr. Geissweit, the Coordinator.

4 We found out what the problem is.

5 MR. MILGRAM: Coordinator of what?

6 MR. CHRISTIAN: Lewisburg prison in Lewisburg,  
7 Pennsylvania.

8 Three years ago I took a film strip up from the  
9 free library, took it up, made a special trip prior to my  
10 visit the next day.

11 And of course the film was not shown. The boss  
12 said they wanted it to I went to the library, picked it up,  
13 took it to them.

14 Now what I'm asking of you is that somebody will,  
15 or each of us, bring as much pressure to bear on Mr.  
16 Geissweit that our visiting may be resumed. I have  
17 permitted the fellows to call me on my phone collect and  
18 occasionally they get around to it.

19 We have found out from them that the mail is not  
20 getting out, so we believe Mr. Geissweit is holding that up.

21 In your report in this sheet I note, I'll read it.  
22 It says the police, state police representative told us it  
23 was not mandatory that local police supply information on  
24 incidents, and it goes down a little further, it says has  
25 that changed.

1           My question is, has that changed and if it hasn't,  
2 what can we as the general public, and particular NAACP, do,  
3 to bring about a change so that we can assist the Police  
4 Department?

5           We're not particularly interested in crushing  
6 them. We want a peaceful settlement. And I know the NAACP  
7 holds that view.

8           In your other report here, a bill introduced by  
9 Senator Paul Simon of Illinois in reference to homosexuals,  
10 that's Senate 702.

11           And in this he states that there is no requirement  
12 to report bias-related crimes against homosexuals.

13           Personally, I don't favor homosexuality. In my  
14 opinion is solidified by the Book of Romans written by Paul.  
15 But I do not think we have the right to intimidate them or  
16 kill them because they are different than the rest of us.

17           So I think if that bill has passed it should be  
18 rescinded, and if it has not passed then it should not pass.

19           The other thing I would like to say is in the  
20 black community it is generally believed that those  
21 Orientals who have set up small businesses within our  
22 communities get their money from the Federal Government and  
23 of course that brings about a deal of resentment and  
24 jealousy. Many of the people believe if they could have  
25 gotten a loan then they would have established a small

1 business.

2 In my neighborhood the Orientals have nearly all  
3 of the small businesses.

4 My question is, who can answer that so that I may  
5 disseminate this to my people?

6 MS. WACHTER: Thank you very much, Mr. Christian.  
7 I would like to, before we turn to perhaps some answers to  
8 your questions, have the opportunity to call on Mr. Mahon,  
9 who is one of our committee members, who unfortunately has  
10 to leave early.

11 And perhaps then we'll get back to your questions.  
12 Mr. Mahon unfortunately has to leave early, so I do want to  
13 give him a chance to ask his questions.

14 MR. MAHON: Thank you very much. I still think I  
15 can stay until about 4:00 O'clock but then I have to get a  
16 plane after that.

17 I would like to thank Mr. Anliot, thank you and  
18 each of the presenters for what I think is very candid  
19 presentations and obviously a great deal of thoughtfulness  
20 that has gone into your presentations.

21 I am heartened as a citizen of Pennsylvania, from  
22 what I think you've said, that people of your caliber are  
23 exercising oversight over enforcement of the ethic  
24 intimidation law. I think it seems to me at least that  
25 we're making progress from the 1987 report that I heard as I

1 was here of Mr. Calabria and others, so I would just like to  
2 add my thanks to Dr. Wachter's for your presentations.

3 A couple of questions. I really would like to get  
4 at this question of are we making progress on this score in  
5 Pennsylvania? Is Pennsylvania a more harmonious place to  
6 live for all of the races today than it was three years ago?

7 So let me ask two questions, really. What is the  
8 best way to measure progress? I don't know a great deal  
9 about the J report that you talked about, Corporal, and  
10 others, that you are getting. But to me it seems there must  
11 be a way of quantifying whether the climate is better in  
12 Pennsylvania today or is it worse? How do you answer that  
13 and how do you, what in your opinion is the best way to  
14 measure whether we're making progress in the State of  
15 Pennsylvania on this very critical score?

16 Mr. Anliot, maybe we should start with you.

17 MR. ZIEMBA: I'm glad you got that question.

18 MR. ANLIOT: Thanks.

19 MR. MAHON: Incidentally, what agency -- I see  
20 your title here. But what agency are you employed by in the  
21 State of Pennsylvania?

22 MR. ANLIOT: By the Pennsylvania Human Relations  
23 Commission.

24 MR. MAHON: Commission. Okay.

25 MR. ANLIOT: Education and Community Services

1 Director of that agency.

2 MR. MAHON: Okay. Thank you.

3 MR. ANLIOT: You asked the \$64,000 question in  
4 terms of how to measure progress. Let me see if I can  
5 identify what to me are some of them starting from the top.  
6 I think starting from the top in effect there is less  
7 discrimination going on, unlawful discrimination going on  
8 against those of any of the protected classes in housing and  
9 employment and public accommodations and in education, I  
10 think, and secondly, that there is less segregation among  
11 groups, whether that is, to use the school phrase, de jure,  
12 that is, planned, and engineered by school boards or school  
13 districts, or whether it is voluntary.

14 I think either way it seems to me the extent to  
15 which groups are not communicating with each other, are not  
16 respecting each other, are not cooperating with each other,  
17 is a second major index of whether or not progress is being  
18 made.

19 And I think another index is the extent to which,  
20 as alluded by the spokesperson from the Anti-Defamation  
21 League, is the extent to which those who are victims of such  
22 discrimination and segregation are in effect responded to  
23 positively by police was the example given and I think by  
24 citizens across the board of differing religions, as take  
25 the example of the desecration of the synagogue by public



1 officials, the extent to which our public leadership decries  
2 that sort of thing, our news media decry that sort of  
3 action. I think that is another index. And the extent to  
4 which all law enforcement agencies, which include the  
5 Pennsylvania Human Relations Commission, as well as local  
6 and state police departments and officials, are as diligent  
7 about enforcing these kinds of laws against ethnic  
8 intimidation as they are in the enforcement of any other  
9 kind of law.

10 I think that's what I would start out by  
11 suggesting.

12 MR. ZIEMBA: You had mentioned the J form. I  
13 think at this time, I don't think we could use it as a  
14 gauge, because the law took effect where we start collecting  
15 on January 1 of 1987 and prior to your first meeting I  
16 believe we had 54 incidents, and since then we jumped up to  
17 212, if you want to accept those figures.

18 But we really don't know and we won't know until  
19 we have a chance to collect these figures.

20 To answer the gentleman over here, if I may, in  
21 the same answer, by our department working with the local  
22 departments and getting understanding of the form and what  
23 we need and the importance in getting this information, I  
24 think we'll get a truer picture.

25 And I think maybe perhaps by our next meeting we

1 might be able to define areas or we might come up with a  
2 better understanding or better idea of what is happening.

3 MR. MAHON: That would be excellent. Could I ask  
4 you to do that, or try to do that?

5 MR. ZIEMBA: I'd be more than happy.

6 MR. MAHON: And just for example, is there a way  
7 you can track those reports by year that you and Corporal  
8 Lee talked about? Can you try to identify them by year to  
9 determine whether they are going up or down, just like Mr.  
10 Anliot did with respect to the other incidents that he  
11 reported, 83 for the last year for example.

12 MR. ZIEMBA: Yes. We'll be able to do that,  
13 because they're reported on a monthly basis, and we do,  
14 effective December 31, we cut off for the year.

15 So it's no problem lumping them or identifying for  
16 a particular year and we will be in a position to do it.

17 MS. WACHTER: Corporal Lee?

18 MR. ZIEMBA: Did you have something to add,  
19 Charlie?

20 MR. LEE: Only to the extent that all the reports  
21 are in. Probably by May or June of this year we can have  
22 all of them for '87.

23 As I said, some Police Departments are slow in  
24 getting them in, I don't know for what reason. They're not  
25 reluctant to report, they just don't come in on a monthly

1 for this month. So probably, like i say, by May, June, we  
2 would have 1987 total report in and that 212 figure would be  
3 higher and that would only include up to the end of '88.

4 MR. ZIEMBA: Yes. The UCR forms in general is not  
5 necessarily one form. It's kind of detailed and if you take  
6 a one or two or three-man department and you have to have  
7 one person trained in that particular area, it takes a  
8 certain amount of expertise. And some of the departments  
9 might not have it, and consequently they're late.

10 And if you don't get them all you're not getting a  
11 true picture.

12 (Continued on the next page)

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1           MR. LEE: That form J, the uniform crime report  
2 does go from A through J, with A1 and A2 and B1 and B2. So  
3 you can see that it is a rather lengthy report, once it's  
4 done, and for any kind of a police department with any  
5 activity at all, it takes them a while to get through that.  
6 Normally it's only one or two people that put that together.

7           Another comment about the form J, and the  
8 gathering, is are we or are we not getting better or worse.  
9 It's difficult to tell. Not only can we compile them for  
10 the previous years, some times, but we are still in the  
11 process of training police departments, in the process of  
12 submitting these forms. So we have more police departments  
13 involved in doing it all the time. And until we get them all  
14 trained, all involved in doing it, it's difficult to say  
15 whether the incidents are actually going up, or are they  
16 just simply putting more of them on paper than they've  
17 already been having.

18           MR. MAHON: That really related to the last  
19 question that I had, and that was, where are you in terms of  
20 training all of the police and sheriff enforcement agencies  
21 in the state of Pennsylvania.

22           Training in my opinion is so critically important,  
23 and I was so glad to hear, Mr. Anliot, of your comment of  
24 the training that's been given to the justices and judges in  
25 this area, but where are you in terms of, when you say all

1 the percent of all the police forces in the state have been  
2 trained in this area?

3 MR. LEE: Mr. Anliot has best knowledge in this.

4 MR. ANLIOT: Yes, we should answer that  
5 specifically in terms of numbers, we have the numbers. I  
6 didn't come prepared today to give you those, except to say  
7 that my assistant, the assistant director of education  
8 community services is doing nothing but training, nothing  
9 but the selling of police departments in hosting training  
10 throughout the state, and in planning those programs, and  
11 going out and moderating it. Typically one of those  
12 training programs is an eight hour training program.  
13 Typically it is held at a particular local police department  
14 site, in to which all of the neighboring or associated  
15 police departments are invited to send their chiefs and  
16 patrolmen. So it's to say that the commitment on the part  
17 of our agency, specifically, is the commitment of one person  
18 at the headquarters level full time to sell and moderate and  
19 plan and promote and carry out that kind of training.

20 MR. ZIEMBA: If I might add, at that training  
21 session that Mr. Clow, part of Dick Anliot's staff conducts,  
22 we have a member of our local troop, the closest state  
23 police troop in the area or station, we generally get  
24 someone that's an expert in a J form, in an ACR form, and we  
25 do address all of the people at that particular meeting.

1 The second of the meeting is set aside for the J form in  
2 reporting. Then again, we bring about these points.

3 MR. MAHON: Thank you.

4 MS. WACHTER: Thank you for your questions. Mr.  
5 Calabria, do you have some questions?

6 MR. CALABIA: Yes, apart from the timeliness, or  
7 what happens after we're able to quantify the data once  
8 collected, back in 1987, Corporal Lee mentioned that the  
9 police are not mandated to return form J, and that the law  
10 does not call for sanctions if they fail to return form J.  
11 On the other hand, subsequently, the proposed rule making  
12 which appears as an appendix in our report, states under 2  
13 that the act requires this information to be reported  
14 monthly by all local law enforcement agencies, and the state  
15 fire martial.

16 I assume from the tenor of the discussion that  
17 belief, though late, may be reporting everything that they  
18 believe should come under the returned form J. But is it  
19 true now that they are required to do so whether they are  
20 willing or late?

21 MR. LEE: They are required to report it, there is  
22 no sanctions if they don't, as written in.

23 MR. ZIEMBA: There are no sanctions.

24 MR. LEE: They are required to report it through  
25 that form J. Not all police agencies in Pennsylvania are

1 participating in the uniform crime report system, however.  
2 So they have a form J with nothing to append it to.

3 MR. CALABIA: But there is a difference between  
4 when we last convened and now?

5 MR. LEE: Yes, this is still in the process, now  
6 it is for the most part by rule and regulation mandated, but  
7 there is no sanctions if they don't. The only thing, and we  
8 are in the process now, with Bob Clow, from Mr. Anliot's  
9 group, in contacting some of these police departments that  
10 aren't, and trying to find out what is, in fact, their  
11 problem, why are they not, and are they going to, and what  
12 can be done if they don't.

13 And the only thing we can see right now is that  
14 where state police has a department, probably won't be doing  
15 a human relations commission, may be going through simile to  
16 require them to submit. But that's still processed.

17 MR. ANLIOT: But to put it in perspective, I'm  
18 trying to remember what percent you have shared with the  
19 tension task force, what percent of all the police  
20 jurisdictions in the state, in fact do submit uniform crime  
21 reports to the state?

22 MR. ZIEMBA: 995.

23 MR. ANLIOT: Pardon?

24 MR. ZIEMBA: 995.

25 MR. ANLIOT: Out of?

1 MR. MILGRAM: 900 what?

2 MR. ZIEMBA: 995 police departments report on UCR  
3 form.

4 MR. MILGRAM: Out of how many?

5 MR. LEE: Somewhat over 1300 police departments.

6 MR. ANLIOT: A lot of those who are not are one or  
7 two man police departments, just simply don't bother.

8 MR. ZIEMBA: Or part time police departments, they  
9 may work a night shift, or a weekend or something.

10 MS. WARNER: The suburban police departments are  
11 having a lot of financial problems right now, and there's a  
12 lot of consideration of merging the town ships and the  
13 burrows because of the population and the ability for that  
14 municipality to support a full line police department.  
15 Because I live in upper Gwynedd, and Northwills is right  
16 across the street. And it seems to be some type of a hassle,  
17 and there's a lot of tensions in the suburban police  
18 departments because of that. And plus politics.

19 MR. ANLIOT: In Allegheny County there are 125  
20 police departments, in one county.

21 MR. MILGRAM: How many?

22 MR. ANLIOT: 125 police departments in one county,  
23 Allegheny County.

24 MR. ZIEMBA: As soon as you mention merger, the  
25 lid is off.



1 MR. LEE: What does that mean?

2 MS. WACHTER: I have some questions.

3 MR. ZIEMBA: The lid is off, all the infighting  
4 begins because nobody wants to give up their local  
5 jurisdiction.

6 MS. WARNER: Right, yes, that's what I mean,  
7 because there's even law suits now.

8 MS. WACHTER: I have a few questions, some of  
9 which are detailed, some of which are conceptual. You  
10 mentioned a UCR form and a J form, can you explain the  
11 relationship between the two?

12 MR. ZIEMBA: Well, ma'am, the UCR form is a  
13 collective figure stating that police departments are  
14 required or requested to submit certain data, investigations  
15 and arrests, and crimes that have occurred during the  
16 previous 30 day period. The J form, as we say, that's the  
17 letter J, as you take it through the alphabet, there's a J,  
18 A1, B1 and C1 and so forth. There are a number of forms, J  
19 happening to be the last form. It's a lot easier to refer  
20 to it as a J form, under ethnic intimidation or any other  
21 title.

22 MR. LEE: UCR stands for uniform crime report.

23 MR. ZIEMBA: Uniform crime report.

24 MS. WACHTER: And then my next question is that  
25 if, in fact, the reporters are not using the form, crime

1 report, do they still use the J, and are they required to  
2 use the J form?

3 MR. LEE: It is the only tool available to report  
4 that to the state police.

5 MS. WACHTER: And therefore they are required to  
6 do so? And this question I think is for Mr. Anliot, do we,  
7 is the summary of the J form statistics, are they publicly  
8 available?

9 MR. ANLIOT: We haven't reached that point. As I  
10 say, our agency, those individual report have been shared  
11 with our agency, we've begun to tally those, we have not  
12 reached the point of double checking them, or deciding what  
13 is appropriate use or dissemination of that data.

14 MS. WACHTER: And I have a general question,  
15 getting off of these specifics, and for anyone and also,  
16 maybe specifically for M. Levine, what would be the  
17 feasibility having a uniform form across the country. Has  
18 ADL had uniform reporting across the country from its  
19 separate chapters?

20 MR. LEE: Yes, we have, within the Anti-  
21 Defamation League, an audit form which is standard  
22 throughout the different 31 regional offices in the United  
23 States, but the ADL is one organization with one budget, and  
24 it's much easier to send around a copy with the memorandum  
25 saying please report on this form than it is to the 50

1 states and various municipalities in the United States.

2 MS. WACHTER: Where is the raw input for your  
3 forms?

4 MR. LEE: The ADL has a certain level of  
5 prominence in the community, so that if a member of the  
6 Jewish community is targeted, he or she may very well know,  
7 pick up the phone and call the ADL and report it, maybe they  
8 can help, at least they probably can give you some good  
9 advice because they've worked with law enforcement for  
10 years.

11 MS. WACHTER: So it is victim generated?

12 MR. LEE: It is victim generated. Though I would  
13 caution and underline what has been said by others on the  
14 panel. There is some polling data from polls conducted for  
15 other reasons that indicates that up to 90% of incidents  
16 perceived by the victims to be anti-semitic were not  
17 reported not only to the ADL but to the police or anyone  
18 else. It's one question within a large poll that was done  
19 in St. Louis and one in Washington, D.C. But it does  
20 indicated that the problem of under reporting is a  
21 considerable one.

22 MS. WACHTER: Lieutenant Smith, do you have any  
23 insight into those issues of people who don't report?

24 MR. SMITH: Only from different incidents that  
25 we've handled where a person may be a victim a third or

1 fourth time before we find out, and sometimes it's  
2 embarrassment, sometimes they just don't want to accept that  
3 they've been targeted because of their race, religion or  
4 ethnic background. And the other one that I had -- they just  
5 didn't feel that if the police found out that they would do  
6 anything about it, that the police are in fact, part of  
7 their problem.

8 MR. LEVINE: If I could add one thing to that,  
9 there are definitely people who feel that reporting it to  
10 law enforcement, not only will it not help in some cases,  
11 but it will cause them more trouble. Maybe it will make the  
12 papers, maybe people will find out about it, maybe there  
13 will be copy cat instances. One of the things ADL has done  
14 over the years when institutions are attacked is to try to  
15 counsel them to consider the pros and cons of making it an  
16 immediate incident. Because we have noted in a variety of  
17 locales and incidents that a copy cat syndrome can be  
18 generated.

19 So there are real problems in how to handle this,  
20 and people can legitimately be afraid that if I report this  
21 and it becomes well known, it may happen again. They may be  
22 wrong about that, but that's their fear. So there are a  
23 variety of reasons why people do that.

24 MS. WACHTER: Yes, Ms. Shapiro, you have some  
25 questions for the panel?

1 MS. SHAPIRO: Yes, I was going to ask if I might  
2 be able to ask my questions now since I have to leave as  
3 well.

4 MS. WACHTER: Yes, go ahead.

5 MS. SHAPIRO: Just a few really quick questions,  
6 and then one more that might take a minute. For Mr. Anliot,  
7 have you involved the students or invited students, or do  
8 you plan to invite students to participate in that state  
9 level committee that you described earlier in your report?

10 MR. ANLIOT: The committee has not begun to meet  
11 yet. Those that I mentioned are those that have been in  
12 effect invited and have said they will participate on that  
13 to date. That doesn't mean that's the end of the story in  
14 terms of others who might be asked to serve on that. And  
15 your point is a good one, that it needs to include students  
16 themselves.

17 MS. SHAPIRO: I feel very strongly students need  
18 to be included, since they're the ones who are usually  
19 perpetrating the incidents.

20 MR. ANLIOT: Of course.

21 MS. SHAPIRO: And the victims. Also, for you, Mr.  
22 Anliot, are the incidents with the KKK up or down?

23 MR. ANLIOT: Well, the number of incidents in  
24 which the KKK is involved is up, there's no question about  
25 that. This past year, without fear of contradiction, they

1 have been more openly active in Pennsylvania, than for more  
2 years than I can remember. And I've been with our agency  
3 for 30 years. Occasionally there was a cross burning down  
4 in Fayette County or down in York County, but with that  
5 exception I can't remember any year to compare with this  
6 past year as far as their open activity is concerned.

7 MS. SHAPIRO: You said 17 incidents in this past  
8 year.

9 MR. ANLIOT: Pardon?

10 MS. SHAPIRO: You said 17 incidents in this past  
11 year?

12 MR. ANLIOT: Yes, there were 17 situations in  
13 which the clan were openly, I'm talking about members, not  
14 that somebody thought were members, but openly avowed  
15 members that were involved.

16 MS. SHAPIRO: Having been a victim of the clan  
17 myself, as an Irish Catholic girl who was perceived as being  
18 Jewish because I have a Jewish last name, and a broadcaster  
19 I received some really vicious vile stuff when I was on the  
20 air for the KKK.

21 MR. ANLIOT: This past year?

22 MS. SHAPIRO: No, this was back in the late 70's.

23 MR. ANLIOT: And I couldn't believe that kind of  
24 stuff existed.

25 MS. SHAPIRO: And I couldn't believe that kind of

1 stuff existed. So, --

2 MS. WACHTER: So what you're saying in essence is  
3 all the stuff that black people say, you don't believe what  
4 we tell you?

5 MS. SHAPIRO: Oh no, I hadn't -- when one doesn't  
6 see, I know racial discrimination exists, I know ethnic  
7 discrimination exists, I know discrimination against  
8 disabled people exists, I know discrimination exists, I've  
9 experienced it. What I couldn't believe in this instance,  
10 there were really smutty, vile cartoons, the kinds of slurs,  
11 I had never seen KKK material before, is what I'm saying. So  
12 when I saw that 10 years ago it was an education for me, as  
13 I'm sure it's been an education for many.

14 This question is for Mr. Levine, and/or Mr.  
15 Anliot. There has been a rising incidence of ethnic  
16 intimidation against so called Jewish American Princesses  
17 that I've heard about in other state, and I was wondering if  
18 that was happening here in Pennsylvania as well.

19 MR. ANLIOT: I can't speak to that.

20 MR. LEVINE: Okay, I am aware of some activity on  
21 college campuses in particular. It is an issue that's made  
22 the news, and therefore it's sometimes difficult to separate  
23 what's home grown, and what is, again, generated by media  
24 light that's cast on. But there is a serious concern among  
25 Jewish students at the level of JAP bating, it's called.

1 MS. SHAPIRO: Right.

2 MR. LEVINE: It is of concern locally.

3 MS. SHAPIRO: Finally, I guess my \$64 question is  
4 for Lieutenant Smith, and for you, Ms. Warner as well.  
5 You're saying that it's tough to train police, because  
6 they've never been victims, they don't understand  
7 victimization and training is taking a long time, at least  
8 her in Philadelphia. You're saying, Ms. Warner, in  
9 Montgomery County, it's not any better, there are a lot of  
10 problems out there, discrimination, if anything, I think is  
11 worse, it's different, it's sophisticated, as you were  
12 saying. I think that applies to Philadelphia as well.

13 So what do we do, you're here, I'm listening, what  
14 do you recommend, if anything can be done?

15 MR. SMITH: Well, within the police department, my  
16 perspective, it's easier handled than, Ms. Warner, within a  
17 police department, if someone does not handle a job  
18 appropriately, and they may or may not have notified my unit  
19 about some more, they decide well look, don't worry about  
20 it, it's over with now, and we'll forget about it. And that  
21 person finally contacts me later, and I find out that they  
22 were just totally mishandled, the incident is not dropped at  
23 that point, and I will go ahead and go along with the  
24 investigation, but along with that I submit a separate  
25 memorandum to my boss detailing what went wrong and why it



1 went wrong, and why now the city may have to go through  
2 another few years of interaction with that particular person  
3 before they become supportive of the police department in  
4 general.

5           As with the J form, when there's no penalty, you  
6 don't put as much emphasis on it. And that's one of the  
7 things that we start, and in '87 we started training  
8 individual officers, and I noticed that the message was not  
9 really sinking in, and I went to the police commissioner and  
10 I explained that to him and he put out a department wide  
11 message, that it would be enforced to the hilt, and when  
12 it's not, that disciplinary action will be brought. And if  
13 it's costing you money, you pay more attention.

14           So even though a person may not be totally  
15 sympathetic, they won't say a job is unfounded, when in fact  
16 it is, they will -- as a matter of fact we get incidents now  
17 that we've spent time investigating, and I told them that I  
18 prefer it this way. We investigate them and we find out that  
19 they're not racially motivated, because now people are  
20 afraid not to report some incidents, or they're afraid not  
21 to report. I still don't think we're getting everything,  
22 but I don't think everybody's in court -- in essence, and  
23 I'm not pointing the finger, we get incidents from the ADL,  
24 but we don't get them from individual Jewish citizens. So,  
25 at least we get them, so I'm thankful of that.

1           We get them, but we get them from Adlai Rosenthal,  
2 and Woodland Barry, was that he called. But that was going  
3 back to not reporting it, they won't report it to the  
4 police, but they report it to the ADL, and the ADL will call  
5 us.

6           And while I have the floor I'd like to answer Mr.  
7 Christian's question concerning the Asian business people,  
8 because I've had that problem and I had addressed the  
9 hostile crowd, and that was a question that I brought to the  
10 task force and asked, what do I tell people when they come  
11 up with that? And to the response, Mr. Anliot had a member  
12 of the Small Business Association, Pennsylvania Small  
13 Business Association and the Pennsylvania Minority  
14 Association. And he came to our meeting and he addressed  
15 that, and he gave us figures as to Asians, Blacks and  
16 Hispanics and Whites who had applied for loans and had  
17 gotten them. All the loans that are approved have the same  
18 interest rate, because I know there were rumors around that  
19 Asians were getting 3% interest rate. All the interest rates  
20 are the same. And out of the numbers that I can remember, I  
21 remember specifically from fiscal year '87 there were only  
22 14 Asians granted a loan, period. And there were 76 Blacks  
23 that were given a loan. As a matter of fact, I think the  
24 number for '87, there were more Blacks given loans than  
25 there were for Asians, Hispanics or Whites for that year.

1           We haven't had a meeting with them since then, but  
2 I need the information then, and it was available to us.  
3 What we found out is that there are certain Asian groups  
4 that get together and they save money, and then they will  
5 make loans to members of their particular background to get  
6 them established. And that's where a lot of them are opening  
7 businesses.

8           MR. CHRISTIAN: One of the things I'm suggesting  
9 is that the information be disseminated so that we can sort  
10 of reduce the amount of hate.

11           MS. WACHTER: That's a very good idea. I'm going  
12 to ask Dr. Stolarik to answer some questions and perhaps he  
13 can address that as well.

14           MR. STOLARIK: There are a number of questions,  
15 let's start with the last one, since we're talking about  
16 Asians. We, at the Balch Institute have also heard this  
17 charge many times by school children who come to the  
18 institute that Asians coming to America have an unfair  
19 advantage, because the government gives them money and so  
20 on, which is a complete myth. And we're going to have a  
21 conference dealing with recent immigration to Philadelphia,  
22 the Philadelphia area on October 27-28 of this year.

23           The questions will be who else comes, why do they  
24 come, where have they settled and how are they doing. We're  
25 going to have experts deal with these questions. And they

1 will deal specifically with this question of this myth of  
2 the government helping the Asians.

3           If you look at what the government really does,  
4 the U.S. Government is one of the governments on earth who  
5 does the least for incoming immigrants, and has a terrible  
6 record for helping immigrants once they're here. It lets  
7 them in and then it says okay, you're on your own. That's  
8 basically what it does.

9           MS. WACHTER: Their embassy doesn't help?

10           MR. STOLARIK: No, the U.S. government has a  
11 terrible record. If you want to look at a model government  
12 helping immigrants, look at Canada, where the government  
13 really helps the people for six months, it puts them into  
14 hotels at its own expense, it pays for their education, it  
15 sends them to school, it finds them work, there's an active  
16 participation by the government. But all of this will be  
17 handled by this conference October 27th and 28th.

18           Now, I'd like to backtrack and get back to  
19 statistics. I'd like to remind everybody that the  
20 statistics on ethnic intimidation are something that is new,  
21 that is only being done in what, the last two or three  
22 years?

23           MR. LEVINE: Yes.

24           MR. STOLARIK: And whenever you start collecting  
25 statistics, especially on such subjects as ethnic

1 intimidation, if you're just starting, well naturally you're  
2 going to have a 100 or 200 or 300% increase, because before  
3 nobody kept the records. So you have to watch it, you have  
4 to establish a track record, you have to look at it and see  
5 ten year periods. And you also have to have everybody  
6 reporting. The whole state has to be reporting, and they  
7 have to be reporting every year for a number of years. And  
8 only after you've done that, then can you get a handle, and  
9 then can you say they've increased or they've decreased.  
10 Simply because in the past they were not reported.

11 Now to give you a hint about how ethnic  
12 intolerance and discrimination has in fact declined, over  
13 say the last 100 years, I'm wearing another hat now, I'm  
14 wearing the hat of a historian, and American History and  
15 also the Director of the Balt Institute for Ethnic Studies.  
16 WE have two exhibits that are touring the country that have  
17 been here at the institute, and a third one that we're  
18 planning in conjunction with the ADL. The exhibits are  
19 called ethnic images in advertising, ethnic images in the  
20 comics, and we're planning ethnic images in toys and games.

21 What did we do? We looked at the advertising  
22 industry, we looked at the American press, and we're looking  
23 at the toy industry over the last 100 years to see how many  
24 ethnic groups have been negatively stereotyped and in what  
25 way over the last 100 years. And if you go back 100 years

1 you'll find that virtually every ethnic group in this  
2 country, other than anglo Americans were negatively  
3 stereotyped in the American press, and by advertising and by  
4 the toy industry. You'd be amazed at the gross stereotypes  
5 that you'll find 100 years ago. In fact the first  
6 stereotype of an ethnic group as a monkey was a black. I'm  
7 sorry, this is the stereotype, was the Irish. The Irish had  
8 that one attachment first in the 1830' and 40's, and only  
9 later did it go to other ethnic groups.

10 And we traced this over the last 100 years, and  
11 when we did, the advertising exhibit and the comic exhibits,  
12 we discovered there was only one ethnic group now, let's say  
13 1987 or '88 that is still being negatively stereotyped, and  
14 they're getting away with it, the groups that are doing  
15 them, and those are the Arabs.

16 It is still okay in this country to portray an  
17 Arab in an editorial cartoon with a hooked nose, and some  
18 kind of wild turban on his head, looking like really a wild  
19 man, it's still all right to do that, but you can't do that  
20 to other groups anymore. We were looking for examples, you  
21 know, of ethnic groups that are still being hit that way,  
22 and Arabs were the only ones we could find.

23 So it has declined, if you take a long range look,  
24 the overt stereotype discrimination has declined. It hasn't  
25 disappeared, and in fact it still pops up every now and then

1 and we have to be vigilant. For instance I recently received  
2 a book from my young son, the Babar series on Babar the  
3 bear, not the bear, the elephant, I don't know if you're  
4 aware of that series. Well, anyway I looked at it first  
5 before I showed it to him, and it jumped out at me. Babar  
6 went somewhere, to Africa or someplace, and here were Blacks  
7 portrayed as cannibals.

8 MS. WACHTER: That's very old, actually.

9 MR. STOLARIK: It's old, but it's still being  
10 printed. It's still being printed.

11 MS. WARNER: It's in the educational institutions  
12 being taught to the kids today.

13 MR. STOLARIK: Yes, and this is the same type of  
14 thing we have to watch out for and we have to jump on the  
15 publishers and say how dare you, you know, this is  
16 ridiculous, you shouldn't be publishing this sort of thing  
17 anymore, and it gets back to the question, how do you stop  
18 it, and it it's really the educational system.

19 And as you may be aware, there's a tremendous  
20 battle going on in American Universities, in fact at Penn,  
21 Penn's involved, every major American university is  
22 involved, what do we teach our children, and how do we teach  
23 it to our children, and they're talking great books, versus  
24 ethnic studies, versus Black studies, versus women's studies  
25 and so on, where we're trying to say to the educational

1 institutions, let's teach the history and culture of  
2 everybody, rather than just one select group, and when we do  
3 that maybe we'll learn to respect and love each other and so  
4 on. This battle is going on right now in the educational  
5 institutions of America, and until we start teaching  
6 everybody through the educational system, to start changing  
7 their attitudes, and at the same time to keep fighting the  
8 stereotypes, we won't really change anything.

9           Because what the police are doing is reacting to  
10 people who have already gone through the system and have  
11 learned the prejudice and they're trying to nab them when  
12 they're practicing it. But what we have to do is prevent  
13 the inculcation of the prejudice, and that's very very  
14 difficult, and it's at the heart of the educational system  
15 and at the heart of the reforms, and at the heart of the  
16 debates going on now as to what should we teach our  
17 children.

18           MS. WACHTER: Thank you very much, Dr. Stolarik,  
19 for giving us the long view. I think that's important in  
20 terms of where we have come from. And as well as how far we  
21 have to go. I want to, for the record, and a quick response  
22 to Mr. Christian, to indicate that on page 2, footnote 6  
23 there is discussion of the funds made available to different  
24 groups and the lack of discrimination in favor of any one  
25 group. But your point about dissemination of discrimination



1 is, of course, a very important one. And I hope that we have  
2 been useful in that today.

3 And also, Mr. Tino Calabria has offered to speak to  
4 you specifically after the session is over on the situation  
5 in prison, and we hope that will be helpful.

6 Mr. Morris Milgram says that he has no questions,  
7 and I do thank all of you for being here, and I may ask you  
8 if you wouldn't mind, at some point, to come again, as you  
9 have more experience, and to update us.

10 MR. LEVINE: She should invite us for supper  
11 tonight. The thing about the state police computer, we only  
12 have 212, you really don't need a computer.

13 MS. WACHTER: Okay. Thanks again to everyone,  
14 and we are formally adjourned.

15 (Whereupon, at 4:15 p.m., the hearing was  
16 adjourned.)

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Forum on Reporting Bias-Related Incidents in Pennsylvania

Name of Hearing

Docket No. (If applicable)

Philadelphia, Pennsylvania

Place of Hearing

January 12, 1989

Date of Hearing

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