

# White Supremacist Activity in Montana

Montana Advisory Committee to the  
U.S. Commission on Civil Rights

July 1994

*A report of the Montana Advisory Committee to the United States Commission on Civil Rights prepared for the information and consideration of the Commission. Viewpoints and recommendations in this report should not be attributed to the Commission but only to the Advisory Committee or those persons whose opinions are quoted.*

### **The United States Commission on Civil Rights**

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

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

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## Letter of Transmittal

Montana Advisory Committee to the  
U.S. Commission on Civil Rights

### **Members of the Commission**

Mary Frances Berry, *Chairperson*

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Mary K. Mathews, *Staff Director*

As part of its responsibility to assist the Commission in its factfinding function, the Montana Advisory Committee submits this report of its study of activities of white supremacist organizations in the State. The Advisory Committee approved the report by a vote of 9 to 1. The study is based on background research and interviews by Committee members and staff, and a public factfinding meeting conducted in Missoula on May 28, 1992. Persons who provided information were given an opportunity to review relevant sections of the report, and where appropriate, their comments and corrections were incorporated.

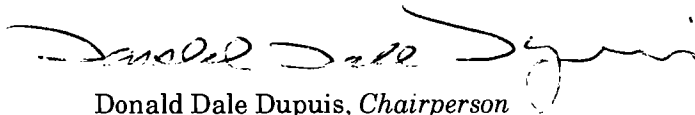
The study was initiated by the Advisory Committee following reports of activities of white supremacist groups within the State motivated by bigotry and racism. These reports were accompanied by evidence that showed that the Northwest, including Montana, was once selected for the development of a white Aryan homeland to be used as a base of operation for many of these extremist groups. Additional impetus was given to the Committee's project by indications that activities of white supremacist groups in Montana and the Northwest correlate with statistics showing an alarming increase across the country of hatred and violence directed at persons of color, Jewish people, and members of the homosexual community. In Montana, Native Americans are the subject of special attention by white supremacists.

Among the findings of this report, the Advisory Committee noted that white supremacist groups operating in Montana fall within three basic categories, Constitutionalists, Christian Identity, and Christian Patriots, all characterized by racism, anti-Semitism, and hatred of homosexual persons. The rhetoric and activity of these groups is diverse in nature. Some are specifically anti-Indian. Others are rebellious against governments in general and laws that govern their conduct. Some reportedly engage in paramilitary training and have a potential for violence. The Montana Human Rights Commission believes that the climate created by white supremacist groups has contributed to a backlash against racial minorities in the workplace.

In its report, the Committee recognizes efforts by the legislature, law enforcement agencies, educational institutions, and communities to counter the threat posed by the presence and activities of white supremacists in our midst. It documents these activities and makes recommendations that would help to alleviate some of the resulting problems.

The Advisory Committee requests the Commission to accept this report, to consider the information it provides on issues that have national implications, and to concur with its recommendations.

Respectfully,

A handwritten signature in black ink, appearing to read "Donald Dale Dupuis", with a stylized flourish at the end.

Donald Dale Dupuis, *Chairperson*  
Montana Advisory Committee



## **Montana Advisory Committee to the U.S. Commission on Civil Rights**

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### **Acknowledgments**

The Montana Advisory Committee wishes to thank staff of the Rocky Mountain Regional Office for its help in the preparation of this report. The project and report were the principal assignment of Malee V. Craft. Evelyn S. Bohor provided essential support services. Stella E. Youngblood reviewed the draft report for legal sufficiency and provided editorial suggestions. Editorial assistance and preparation of the report for publication were provided by Gloria Hong Izumi. The project was carried out under the overall direction of William F. Muldrow, Regional Director.





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## 1. Introduction

Several local and national organizations, such as the Southern Poverty Law Center (publisher of *Klanwatch*), the Northwest Coalition Against Malicious Harassment, the Anti-Defamation League of B'nai B'rith, the National Council of the Churches of Christ in the USA, and the Montana Human Rights Network, all of which monitor white supremacist activity, have reported a steady increase over the past several years in white supremacist activities in Montana and the number of incidents of racially or religiously motivated violence in the Northwest and throughout the Nation. Some of these incidents are the work of organizations devoted to bigotry, but others are attributed to individuals with no known ties to organizations that espouse racial or religious hatred. However, the rhetoric and propaganda of white supremacist organizations may well stimulate individuals who commit these incidents. As far as the victims are concerned, it matters little whether an organization or an individual is responsible.<sup>1</sup>

The present report by the Montana Advisory Committee shows that individuals are often brought into these groups by organizations that operate under the guise of religion, or that foment dissatisfaction by proclaiming that human rights and economic well-being are limited because of excessive government control and involvement. In Montana, and across the country, the actions of these white supremacist organizations are part of an

alarming resurgence of violence and intimidation motivated by bigotry, ignorance, hatred, and racism.

National and local media have recorded numerous accounts of white supremacist group activity in newspapers such as the *New York Times*, the *Great Falls Tribune*, the *Missoulian*, and national network television stations like ABC, NBC, and CBS or local television stations such as KRTV, Great Falls, and KXLY-TV, Spokane. Additionally, studies conducted by organizations such as the National Institute Against Prejudice and Violence, the American Association of State Colleges and Universities, the Anti-Defamation League of B'nai B'rith, and the Center for Democratic Renewal all amplify the need to address this topic.<sup>2</sup> In the present report, the Montana Advisory Committee discusses other incidents of racism involving right-wing extremist groups that have occurred on many university campuses, including the University of Montana in Missoula.

In response to the concerns of a number of organizations and individuals, the Montana Advisory Committee conducted background research and held a factfinding meeting on May 28, 1992, in Missoula, to collect information on the issue and hear first hand accounts of racial incidents. The purpose of this factfinding meeting was to gather and provide information on white supremacists in Montana and implications of their activities and

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1 U.S. Commission on Civil Rights, *Intimidation and Violence: Racial and Religious Bigotry in America*, clearing-house publication no. 96 (September 1990), pp. 9-10, 13.

2 National Institute Against Prejudice and Violence, *Campus Ethnoviolence ... and Policy Options*, Institute Report no. 4 (March 1990); American Association of State Colleges and Universities, Center for Educational Opportunity and Achievement, *The Lurking Evil: Racial and Ethnic Conflict on the College Campus, 1990*; Anti-Defamation League, 1992 Audit of Anti-Semitic Incidents (1993); Center for Democratic Renewal, *They Don't All Wear Sheets* (National Council of the Churches of Christ in the USA: 1987).

philosophy. Participants invited to make presentations at the factfinding meeting were identified from interviews, suggestions from persons throughout the State, recommendations from Advisory Committee members, and a variety of other sources. These persons shared information with the Committee about the white supremacist movement, and their involvements with it as individuals, or as representatives of organizations and government agencies.

Fourteen individuals participated in the day-long factfinding meeting, representing a wide variety of experiences and viewpoints from law enforcement agencies, community organizations, educational institutions, Native American tribes, Federal and State agencies, and interested citizens.

The following persons made formal presentations to the Advisory Committee: Bill Alexander, sheriff, Sanders County; Leo Cardenas, Director, Community Relations Service, Rocky Mountain Regional Office, U.S. Department of Justice; Rick Day, administrator, Law Enforcement Services Division, Montana Department of Justice; Jim Elliott, Montana State legislator; Robert Freeman, student and president-elect of the Black Student Union, University of Montana; Edwin L. Hall, administrator, Montana Board of Crime Control; Robert L. Kindrick, provost and vice president for Academic Affairs, University of Montana; Robert Slomski, county attorney, Sanders County; Bryan Spellman, administrator of the School of Fine Arts at the University of Montana, and board member, Northwest Coalition Against Malicious Harassment; Marvin Stern, Pacific Northwest regional director, Anti-Defamation League of B'nai B'rith; Evelyn Stevenson, attorney, Confederated Salish & Kootenai Tribes, Flathead Indian Reservation; Bette Tomlinson, journalist/freelance writer; Ken Toole, member, Montana Human Rights Network; and Kenneth A. Willett, campus safety manager, University Police, Department of Campus Safety, University of Montana.

The Montana Human Rights Commission was unable to send a representative to speak at the factfinding meeting but provided a written statement for the record. During the fact-

finding meeting, the Advisory Committee was provided information and statistics concerning the history, implications, and activities of white supremacist groups and the impact they have on individuals and communities in Montana.

In an open session allowing members of the general public to participate, the Reverend Dan Hassett, a representative of one white supremacist group, the Church of the Creator, made remarks, and Bruce Barrett, an attorney employed by the University of Montana, reported on threats made against him as a Jewish person.

The Missoula factfinding meeting was timely not only because of the alarming resurgence of violence and intimidation associated with bigotry and racism that has been reported across the country, but also because of the current effort to collect data to determine more precisely the extent of such activities, the absence of effective legislation to counter hate groups, and the intention of supremacist groups to make the five northwestern States (Idaho, Montana, Oregon, Washington, and Wyoming) their homeland, or a "white republic."

Some white supremacist organizations seem to feel that because Montana is sparsely populated, and has wide open spaces with relatively few law enforcement personnel, it is a prime location to organize and carry out their activities. Among organizations identified as being active in the State are the Constitutionalists, Identity Christian, Christian Patriots, the Aryan Nations, the Golden Mean Society, the Christian Defense League, the Church of Jesus Christ Christian, the Ku Klux Klan, the Church of the Creator, the Yahshua Covenant Ministries, the National Agricultural Press Association, the Citizens' Rights Association, East Slope Tax Payers, the Posse Comitatus, The Order, the White American Resistance, the White Student Union, the National Alliance, the Steelhead/Salmon Protective Association and Wildlife Network (S/SPAWN), All Citizens Equal (ACE), Protect American Rights and Resources (PARR), and the Citizen's Equal Rights Alliance (CERA). The last four organizations are alleged to have specifically engaged in anti-Indian activities.

This report is compiled from information gathered by Commission staff through interviews, written documents, and from information submitted by participants in the Missoula factfinding meeting and is intended to identify issues that address the nature, extent, and

consequences of activities of white supremacist groups in Montana. We hope that such new information and findings will lead to the introduction of approaches and procedures to assess and respond to organized white supremacist activity in Montana.

## 2. The Extent and Basis of the Problem

The Northwest Coalition Against Malicious Harassment (NWCAMH) is a coalition of 260 organizations from Idaho, Washington, Oregon, Wyoming, and Montana that addresses, combats, and works to eradicate harassment and violence initiated by white supremacist organizations based on race, religion, or sexual orientation.<sup>1</sup> Members of the coalition recounted that racism and bigotry have been a part of the American society since our country began. The organization reports, however, that in the past two decades a new version of this old problem has appeared in the form of organized hate groups that want to divide our society through violence and hate. Identifying Jewish people, racial and ethnic minorities, and members of the gay community as their special targets, these white supremacists want to overthrow the American form of government and reinterpret the American dream so that it applies only to white people.<sup>2</sup>

Although white supremacist organizations themselves contribute much of the rhetoric of hatred and provide an enclave of emotional support for those who hate, they are not

always directly responsible for acts of bigotry-related violence. The U.S. Commission on Civil Rights has found that many such acts are carried out by individuals who are unthinking imitators, or who happen to hold the same views espoused by the organizations.<sup>3</sup> According to a 1986 report published by the Division of Church and Society of the National Council of Churches of Christ in the USA, approximately 150,000 supporters and members of white supremacist groups throughout the United States attend their meetings and rallies, buy literature, or make financial contributions.<sup>4</sup>

Formal data on hate crime rates are limited. However, data that are available and reports and impressions gleaned from media articles and agencies that monitor such crimes all demonstrate a significant increase in such incidents during the past several years. Local newspapers in Montana, as well as national media, indicate that the presence and activities of white supremacist groups, whose philosophy involves bigotry, racial hatred, and sometimes violence, are increasing in Montana and nationwide.<sup>5</sup> In 1992,

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1 The NWCAMH was formally established on April 3, 1987, with the stated purpose to:

"identify, confront and eliminate all forms of harassment and violence based on race, religion, gender or sexual orientation by assisting communities, groups, or individuals in establishing effective peaceful methods of eradicating malicious harassment and violence."

Membership on its board of directors includes representatives appointed by the Governor, human relations commissions, and law enforcement organizations in each of its five States, as well as representatives from the African American, Asian American, Native American, Hispanic, Jewish, and homosexual communities.

2 Northwest Coalition Against Malicious Harassment (NWCAMH), unpublished and undated document distributed at the second annual Montana Human Rights Network Conference in Great Falls, Montana, in October 1991, (hereafter referred to as NWCAMH document).

3 U.S. Commission on Civil Rights, *Intimidation and Violence: Racial and Religious Bigotry in America*, clearing-house publication no. 96 (September 1990), p. 27 (hereafter cited as *Intimidation and Violence*).

4 Center for Democratic Renewal, *They Don't All Wear Sheets: A Chronology of Racist and Far Right Violence—1980–1986* (National Council of Churches of Christ in the USA, 1987), p. 12.

Klanwatch, a project of the Southern Poverty Law Center, documented a record 31 bias-motivated murders in the U.S. and a sharp increase in the number of brutality and hate crime assaults. These incidents make 1992 the deadliest and most violent year since Klanwatch began tracking hate crimes in 1979. It reported 27 hate-motivated homicides in 1991 and 20 in 1990. Acts of hate-inspired vandalism rose 49 percent, from 216 in 1991 to 322 in 1992. Cross burnings were up 16 percent, from 101 in 1991 to 117 in 1992.<sup>6</sup>

The American Arab Anti-Discrimination Committee (ADC) reported that the January 1991 hate crime tally exceeded that of 1990 and that the current rate is the highest since the ADC began compiling hate crime statistics in 1985.<sup>7</sup> The National Gay and Lesbian Task Force reported more than 7,000 anti-homosexual crimes in 1990.<sup>8</sup>

Leo Cardenas, Director of the Rocky Mountain Regional Office of the U.S. Department of Justice's Community Relations Service (CRS), also reported a dramatic increase in the number of hate-related incidents nationwide that have been brought to the CRS's attention. He stated that since the agency installed its hotline on April 30, 1990, 4,300 calls had been received, including 118 from the Rocky Mountain Region and 4 from Montana.<sup>9</sup> A further illustration of the escalation of hate incidents are statistical data for the 1991 calendar year released by the FBI. While the data are limited, they provide an initial assessment of the nature of hate crimes in America. As shown in

table 1, 4,755 offenses of hate crimes in all different categories were recorded that year by those law enforcement agencies that reported. Intimidation was the most frequently

**TABLE 1**  
**Hate Crimes Reported Nationally,**  
**1991, FBI Statistical Program on**  
**Hate Crimes**

	No.	Pct.*
Murder	12	0.3
Forcible rape	7	0.1
Robbery	119	2.5
Aggravated assault	773	16.3
Burglary	56	1.2
Larceny-theft	22	0.5
Motor vehicle theft	0	0.0
Arson	55	1.2
Simple assault	796	16.7
Intimidation	1,614	33.9
Destruction/damage/ vandalism of property	1,301	27.4
<b>Total offenses</b>	<b>4,755</b>	<b>100.0</b>

\*Because of rounding, percentages do not add to total.

Source: Federal Bureau of Investigation, U.S. Department of Justice, news release, January 1993.

5 "Hatred Hits Home," *Missoulian*, May 3, 1990; "Minorities Cite Racism on University of Montana Campus," *Great Falls Tribune*, Nov. 22, 1991, p. 3B; "Klanwatch Reports Hate Groups Up 25%," *Washington Post*, Feb. 20, 1992.

6 Southern Poverty Law Center, *Klanwatch Intelligence Report*, no. 65, February/March 1993 (hereafter cited as *Intelligence Report*).

7 These statistics are quoted by Cristina Bodinger de Uriarte in "The Rise of Hate Crime on School Campuses," *Research Bulletin*, no. 10, Phi Delta Kappa Center for Evaluation, Development, and Research, December 1991 (hereafter cited as *Research Bulletin*).

8 Ibid.

9 Leo Cardenas, Director, Community Relations Service (CRS), Rocky Mountain Regional Office, U.S. Department of Justice, transcript of the factfinding meeting conducted by the Montana Advisory Committee in Missoula, Montana, May 28, 1992, (hereafter cited as *Transcript*), p. 226.

**TABLE 2**  
**Hate Crime Bias-Motivations**  
**Reported Nationally, 1991, FBI**  
**Statistical Program on Hate Crimes**

<b>Bias-motivation</b>	<b>No.</b>	<b>Pct.*</b>
<b>Race</b>	<b>2,963</b>	<b>62.3</b>
Antiwhite	888	18.7
Antiblack	1,689	35.5
Anti-American Indian, Alaskan Native	11	0.2
Anti-Asian/Pacific Islander	287	6.0
Antimultiracial group	88	1.9
<b>Ethnicity</b>	<b>450</b>	<b>9.5</b>
Anti-Hispanic	242	5.1
Anti-other ethnicity, national origin	208	4.4
<b>Religion</b>	<b>917</b>	<b>19.3</b>
Anti-Jewish	792	16.7
Anti-Catholic	23	0.5
Anti-Protestant	26	0.5
Anti-Islamic (Moslem)	10	0.2
Anti-other religion	51	1.1
Antimultireligious group	11	0.2
Anti-atheism, agnosticism, etc.	4	0.1
<b>Sexual orientation</b>	<b>425</b>	<b>8.9</b>
Antihomosexual	421	8.9
Antiheterosexual	3	0.1
Antibisexual	1	0.0
<b>Total</b>	<b>4,755</b>	<b>100.0</b>

\*Because of rounding, percentages may not add to totals.

Source: Federal Bureau of Investigation, U.S. Department of Justice, news release, January 1993.

reported crime, followed by assault and damage to property. Table 2 shows that 71.8 percent of these crimes were antiracial or anti-ethnic in nature, 19.3 percent had antireligious motivation, and 8.9 percent were aimed at people because of their sexual orientation. The FBI data in table 3 identified whites as being the suspected race that predominated among offenders.

**TABLE 3**  
**Suspected Race of Offenders in**  
**Hate Crimes Reported Nationally,**  
**1991, FBI Statistical Program on**  
**Hate Crimes**

<b>Suspected race of offender</b>	<b>No. of incidents</b>	<b>Pct.</b>
White	1,679	36.8
Black	769	16.9
Amer. Ind., Alask. Native	12	0.3
Asian, Pacific Islander	47	1.0
Multiracial group	77	1.7
Unknown	1,974	43.4
<b>Total incidents</b>	<b>4,558*</b>	<b>100.0</b>

\*A single incident may involve more than one offense.

Source: Federal Bureau of Investigation, U.S. Department of Justice, news release, January 1993.

Specifically with regard to the Northwest, the NWCAMH reported 545 incidents of violence, which included threats, vandalism, and assaults, from October 1, 1990, to September 30, 1991, in the five-State area of Idaho, Oregon, Washington, Wyoming, and Montana. Twelve of those incidents were in Montana: one act of vandalism, nine threats, and two assaults.<sup>10</sup>

10 Northwest Coalition Against Malicious Harassment, Monitoring Committee Report for October 1990–September 30, 1991.



The reliability of statistics on hate crimes has been widely questioned. Klanwatch believes that instances of hate crimes that it has documented are only a sampling of what actually occurred, pointing out that 50 percent of all crimes are not reported, and that the percentage of unreported hate crimes is even higher.<sup>11</sup> The U.S. Commission on Civil Rights concluded that "[p]recise measures of the extent of racial and religious violence and intimidation do not exist, primarily because most Federal, State, and local law enforcement agencies have not devised methods for reporting and compiling statistics on crimes involving racial or religious motivation."<sup>12</sup>

The administrator of the Crime Control Division of the Montana Department of Justice reported that only nine hate crimes were reported in the State in 1992. While this low number may mean that law enforcement officers do not have enough training to report such crimes accurately, it certainly does not reflect other evidence that bias-perpetuated crimes are on the rise.<sup>13</sup> That same year in Great Falls, Montana's largest city, local officials reported four hate crimes, all involving racial bias.<sup>14</sup> The chief of records for the Great Falls Police Department observed that those reported cases were not the only hate crimes committed.<sup>15</sup>

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11 *Intelligence Report*.

12 *Intimidation and Violence*, p. 27.

13 "Bills Supporters Want Hate Crimes Reported," *Great Falls Tribune*, Feb. 11, 1993.

14 "Few Hate Crimes Reported," *Great Falls Tribune*, Jan. 7, 1993.

15 *Ibid*.

### 3. Characteristics of White Supremacism and Hate Crimes

While offensive, not all white supremacist behavior is a violation of State or Federal laws, and it has been difficult to establish a clear definition of "hate crimes." The Hate Crime Statistics Act of 1990 defines "hate crimes" as:

crimes that manifest evidence of prejudice based on race, religion, sexual orientation, or ethnicity, including, where appropriate, the crimes of murder, non-negligent manslaughter; forcible rape; aggravated assault, simple assault, intimidation; arson; and destruction, damage, or vandalism of property.<sup>1</sup>

Building on this definition, and drawing together common elements of competing definitions, the Southwest Regional Laboratory (SWRL) developed the following definition, which seeks to identify the full range of hate crime behavior potentially contributing to tension and hate:

any act, or attempted act, to cause physical injury, emotional suffering, or property damage through intimidation, harassment, racial or ethnic slurs and bigoted epithets, vandalism, force, or the threat of force, motivated all or in part by hostility to the victim's real or perceived race, ethnicity, religion, or sexual orientation.<sup>2</sup>

The SWRL attributes bigotry that results in such behavior to social, economic, or political unease. Lack of understanding or sen-

sitivity to other cultures and lifestyles result in the reliance on stereotypes for interaction with "suspect" individuals. Difficult economic conditions may be perceived to result from unfair competition with minorities for jobs and opportunities, or blamed on what are perceived to be unfair or suspect foreign market practices. As a result, recent immigrants may be scapegoated. Controversial political issues may make members of the "wrong" racial, ethnic, religious, or social groups seem an appropriate target for righteous anger, punitive vandalism, and violence.<sup>3</sup>

The U.S. Commission on Civil Rights has previously concluded that bigotry-bred violence and intimidation and manifestations of racism, anti-Semitism, and other forms of religious bigotry result from a complex network of contributing circumstances with social and psychological dimensions when:

- satisfaction or esteem is derived from a sense of racial or religious superiority;
- religious doctrine is used to establish hostility toward another group;
- competition increases for scarce resources and opportunities; and
- a lack of even-handedness is perceived in the enforcement of fundamental guarantees.<sup>4</sup>

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1 Pub. L. No. 101-275, 104 Stat. 140 (1990).

2 As quoted in Cristina Bodinger de Uriarte, "The Rise of Hate Crimes on School Campuses," *Research Bulletin*, no. 10, Phi Delta Kappa Center for Evaluation, Development, and Research, December 1991, pp. 1-2.

3 Ibid., pp. 4-5.

4 *Intimidation and Violence: Racial and Religious Bigotry in America*, clearinghouse publication no. 96 (September 1990), p. 26 (hereafter cited as *Intimidation and Violence*).

Professor Ted Gurr, an authority on violence in America, testified before the House Judiciary Committee that people who hold antidemocratic beliefs are more likely than not to be economically marginal and tend to live in rural and small town settings where few economic opportunities exist. Their grievances, he said, tend to focus on the Federal Government and on minorities because of what they perceive to be misguided

Federal spending policies and unfair advantage given to minorities by government programs.<sup>5</sup>

Klanwatch attributes the dramatic increase in deadly hate violence in 1992 to several factors: the Nation's troubled economy, dramatic demographic changes, negative stereotyping, and a growing acceptance of violence as a means of handling disputes.<sup>6</sup>

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5 *Increasing Violence Against Minorities: Hearings Before the Subcommittee on Crime of the House Committee on the Judiciary*, 96th Cong., 2nd Sess. 2, 4-23 (Dec. 9, 1980) (statement of Professor Ted Gurr), as quoted in *Intimidation and Violence*, pp. 13-14.

6 Southern Poverty Law Center, *Klanwatch Intelligence Report*, no. 65 (February/March 1993).

## 4. The Nature of White Supremacist Organizations

Centered in Montana and the Northwest, the Aryan Nations, an organization founded nearly 20 years ago by Richard Butler is among the most well-known white supremacist groups in America.<sup>1</sup> In 1976 Butler purchased 20 acres of land in the wooded hills of Hayden Lake, Idaho, and set up the organization that he called the Church of Jesus Christ Christian, Aryan Nations.<sup>2</sup> In 1981 he moved toward his dream of uniting all the hate groups in the country to take over the five northwest States of Washington, Idaho, Oregon, Wyoming, and Montana as a white Aryan homeland or nation.<sup>3</sup> Annual congresses were held in Idaho each July and attended by several hundred people bringing together the leaders of organizations such as the Ku Klux Klan, Covenant Sword and Arm of the Lord, White Aryan Resistance, Posse Comitatus, and Christian Patriots.<sup>4</sup> This so-called Aryan homeland was purportedly selected by white supremacists because they believed that it had a small minority population, weak law enforcement, and a white population that would support their ideology, or that was at least apathetic to the cause of civil rights. Though it has not happened to date, these extremists believed that the five States would become a “whites only” republic.<sup>5</sup>

Bette Tomlinson, a journalist/freelance writer, has done extensive research on white supremacist organizations, particularly in Montana, and conducted personal interviews with members and sympathizers of a number of these groups. Based on information she gathered, she provided the Advisory Committee with an overview of much of the ideology, characteristics and extent of the operation of these groups. She advised the Committee that approximately 3,500 different extremist organizations have been identified by name as operating throughout the United States.<sup>6</sup> She also stated that she found that in nearly every town or city in Montana, some resident’s beliefs fall within the parameters of the ideology espoused by these groups.<sup>7</sup>

To offer a better understanding of these groups, Ken Toole, a member of the Montana Human Rights Network, shared a definition of what his organization considers to be a “hate group”:

any group that proposed the idea that there are inherent genetic differences between groups of people based on race, ethnicity, religious beliefs, and [combined] with that, an assignment of different rights and responsibilities following those designations they’ve made on kind of a biological imperative.<sup>8</sup>

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1 Southern Poverty Law Center, *Klanwatch Intelligence Report*, no. 60 (April 1992), pp. 1–2.

2 Northwest Coalition Against Malicious Harassment (NWCAMH), unpublished and undated document distributed at the second annual Montana Human Rights Network Conference in Great Falls, Montana, in October 1991.

3 Ibid.

4 Ibid.

5 Ibid.

6 Bette Tomlinson, journalist/freelance writer, transcript of the factfinding meeting conducted by the Montana Advisory Committee in Missoula, Montana, May 28, 1992 (hereafter cited as *Transcript*), p. 11.

7 Ibid.

8 Ibid., p. 48.

Mr. Toole said that one theme that runs throughout the whole hate movement is that white northern Europeans are God's chosen people, that Jews are descendants of Satan, and that everyone else of different race and ethnic backgrounds are "pre-Adamic," virtually a different species.<sup>9</sup>

Reverend Dan Hassett, pastor of the white supremacist group called Church of the Creator, said that his group is different in that it does not believe in the Bible and the supernatural, instead basing its doctrine on "history, logic, and common sense."<sup>10</sup> Appendix A is a bulletin supplied by the Reverend Hassett that states the objective of his church. The basic philosophy of this church, he said, is "the white race takes care of their own, and let the Jews, niggers, and mud races shift for themselves."<sup>11</sup> "The white race," he asserted, "has been brainwashed, distorted, perverted . . . by a Jewish religion known as Christianity, by the Jewish media, [and] by the Jewish education system."<sup>12</sup> He also stated that the Jewish Talmud is loaded with hatred and animosity for all non-Jews.<sup>13</sup>

Rabbi Yitzchok Alderstein, a noted Talmudic scholar at the Simon Weisenthal Center in Los Angeles, refuted these assertions in a scholarly paper that pointed out that the Talmud, a work roughly the size of the *Encyclopedia Britannica*, advocates a decidedly nonbelligerent and nonconfrontational attitude toward the non-Jewish world.<sup>14</sup> In his paper, Rabbi Alderstein showed that, taken

out of context, passages from the Talmud have been used by Mr. Hassett and others to grossly distort Jewish teachings.<sup>15</sup>

Mr. Toole emphasized that it is difficult to understand the nature and interconnections of hate groups that he characterized as being like an amoeba, "you poke it here and you see a lump go out there." He said these groups formulate simple answers to complex questions and portray an attitude of "us versus them." He used as example the analogy of a farmer who is losing his ranch and is told by white supremacists that it is because of the actions of Jewish bankers, rather than the operation of complex international markets or trade policies. Then, he said, the Christian Identity practice of extracting passages from the Bible to fit almost any scenario to lay blame, sets up an explosive situation. Therefore, Mr. Toole explained, when these supremacist groups get the attention of individuals who are having difficult economic or personal problems, and tell them that the system has been taken over and used against them, and that God says this is so, a powerful recruitment mechanism is in operation. He observed that the white supremacist movement, in many ways, operates in the same manner as destructive cults by isolating recruits from their families and communities, and by creating a new family and community for them. Thus, it is very difficult to move individuals out of the hate movement once they become involved.<sup>16</sup>

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9 Ibid., pp. 52-53.

10 Rev. Dan Hassett, letter to William F. Muldrow, Feb. 7, 1993.

11 *Transcript*, p. 258.

12 Ibid.

13 Ibid., p. 251.

14 Yitzchok Alderstein, "The Other Israel/The Red Talmud," unpublished draft edition, 1989.

15 Ibid.

16 *Transcript*, pp. 53-55.

According to Ms. Tomlinson, white supremacist groups operating in Montana can be divided into three basic categories based on each group's core beliefs: the Constitutionalists, the Identity Christianity (Christian Identity), and the Christian Patriots.<sup>17</sup> The Constitutionalists, she said, believe that the original U.S. Constitution and Bill of Rights are organic (inborn), were inspired by God, and identify only white males as full citizens.<sup>18</sup> All other people, according to this view, are "14th amendment citizens," and laws passed since the Constitution are not morally binding.<sup>19</sup> Ken Toole further explained that Constitutionalists believe that white Christian men have a different set of rights and obligations under the law than the rest of society. They advocate the concept of different classes of citizenship based on sex, race, religion, and ethnicity.<sup>20</sup>

In Montana, the Constitutionalists encompass organizations with a wide variety of names. Among those that Ms. Tomlinson identified are the Golden Mean Society, All Citizens Equal, the National Agricultural Press Association, the Citizens Rights Association, East Slope Tax Payers, and the Citizens Equal Rights Alliance, a coalition of groups located throughout the United States and headquartered in Big Arm, Montana.<sup>21</sup> She described Constitutionalists' ideology as one that contains conspiracy theories accusing Jewish people of controlling the Federal Reserve, international banking, and activities

of the Internal Revenue Service.<sup>22</sup> Ms. Tomlinson stated that, moreover, this branch of white supremacists assert that the Rockefeller family financed the Trilateral Commission, which was formed to respond to increasing commercial competition between the United States, Japan, and Western Europe, and view this commission as a giant coalition of white financial, industrial, and political conspirators who controlled giant banking firms and the U.S. Treasury. They blamed the "Trilateralists" for high taxes and for shipping American jobs overseas.<sup>23</sup> Constitutionalists ideas, Ms. Tomlinson said, appeal to the disgruntled taxpayer, to financially burdened farmers, to descendants of white settlers whose resources are threatened by Indian treaty rights, to unemployed loggers, and to other individuals who feel disenfranchised.<sup>24</sup> Ken Toole, in an interview with Ms. Tomlinson, said that these individuals and their communities are viable candidates for recruitment into white supremacist organizations because communities in economic distress are prime targets. He observed that white supremacist ideas prey on people who are out of work through no fault of their own, who can't find work, who have a high frustration level, and are looking for someone else to blame.<sup>25</sup> For example, farmers might be told, "You are losing your farm, not because of international markets and trade policy issues and international negotiations, you're losing it because of international Jewish bankers."<sup>26</sup>

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17 Ibid., p. 11.

18 Ibid.

19 Ibid.

20 Ibid., pp. 50-51.

21 Ibid., p. 12.

22 Ibid.

23 Laurie Wood, research writer for *Klanwatch*, letter to Malee V. Craft, U.S. Commission on Civil Rights, Oct. 12, 1992.

24 *Transcript*, p. 12.

25 Bette Tomlinson, "Fear Itself," *Kinesis Magazine*, vol. 2, 1991, p. 18.

Ken Toole told the Advisory Committee that in attracting and recruiting members, the Constitutionlists use an open approach, providing information to the public through their activities. These include distribution of literature, holding community meetings, attending county commission meetings, and attempting to use the political arena to accomplish some of their goals. He said that, unlike some other white supremacist groups, the Constitutionlists publicly deny being racist, and instead promote what they proclaim is nonracist, broad-based, and having populist appeal, stating that they believe in equal rights for all people. Nevertheless, a review of their literature shows that they categorize people into different classes of citizenship based on sex, race, religion, and ethnicity.<sup>27</sup>

Some Constitutionlists seek to broaden their appeal by running for political office, and others have disrupted county commission and school board meetings by voicing their disagreement with existing policies or decisions.<sup>28</sup> Loran Herbert, mayor of Pinedale, Montana, identifies himself as a Constitutionlist and has publicly stated that he does not obey the speed limit or laws requiring him to get a license. Though he is an elected official and charged with ensuring that local laws are upheld, he does not believe in them because he believes citizens have given up personal responsibility and allowed the government to take over.<sup>29</sup>

Ms. Tomlinson found that members of this white supremacist group were generally well-organized. They vote and tend to be active in politics, and may get elected to school boards before people realize what is happening.<sup>30</sup> Ms. Tomlinson also found that the underlying beliefs of Constitutionlists often show up in the anti-Semitic and anti-Indian literature that they distribute. In her opinion, their analyses of what is wrong with society are seldom logical critiques and instead offer simple solutions to complex problems.<sup>31</sup>

Ms. Tomlinson told the Advisory Committee that Identity Christianity (Christian Identity), a second category of white supremacists, claims that the lost tribes of Israel populated the northern part of Europe and that their descendants were Anglo-Saxon. Also anti-Semitic, this category of white supremacists believe that Jewish people are the direct descendants of Eve and the serpent.<sup>32</sup> People of color are considered to be "pre-Adamic," a lower species than white people.<sup>33</sup> In its more extreme form, Identity Christianity devotees advocate for a separate white nation. Members range from passive believers to terrorists.<sup>34</sup>

Rather than being a single organization adhering to a monolithic doctrine, Christian Identity is composed of hundreds of small groups dotted across the country, not confined to any single region. It is better understood as a movement rather than a denomination. Some of these groups engage in political

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26 Ken Toole, *Transcript*, p. 53.

27 *Ibid.*, pp. 50–51.

28 Tomlinson, "Fear Itself," pp. 17–18.

29 *Ibid.*, p. 14.

30 *Transcript*, p. 32.

31 *Ibid.*, p. 12.

32 *Transcript*, pp. 12–13.

33 Leonard Zeskind, *The "Christian Identity" Movement* (Center for Democratic Renewal, National Council of Churches of Christ in the USA: 1986), p. 7.

34 *Transcript*, pp. 12–13.

action, often violent, while others simply pass on their racist doctrine to new generations. Organizers use the movement's distinct theological beliefs as recruiting tools among people whose initial interest in Christian Identity is religious, thus funneling new recruits into a racist and anti-Semitic movement through ostensibly nonpolitical means.<sup>35</sup>

Ken Toole further characterized Identity Christianity as authoritarian or militaristic in structure, whose charismatic leaders place a high value on secrecy, secret handshakes, code words, and initiation ceremonies. Its members have a propensity to violent rhetoric, if not violent behavior, with a focus on a future race war. Also, he said, they are very open about their racist agenda.<sup>36</sup> Both Ms. Tomlinson and Mr. Toole reported that some of the groups holding this openly racist philosophy are the Ku Klux Klan, the Aryan Nations Church, The Order, the White American Resistance, the White Student Union, and the National Alliance.<sup>37</sup>

Ms. Tomlinson explained that Christian Patriots, the third major category of white supremacist groups, are the most varied and difficult to define because they are interested in many of the same issues as Constitutionalists, while not necessarily subscribing to the underlying racist and sexist premises regarding the Constitution. Their religious beliefs are sometimes parallel to those of Christian Identity.<sup>38</sup>

Mr. Toole noted that the various white supremacist organizations do maintain communication between themselves and that members may hold cross memberships.<sup>39</sup> Central to beliefs shared by these organizations are that white northern Europeans are God's chosen people, Jews are descendants of Satan, and people of different racial and ethnic backgrounds are virtually another species.<sup>40</sup> The final idea that ties these groups together, he said, comes from the Christian Identity belief that they have access to a higher truth that comes from the Bible.<sup>41</sup> Ms. Tomlinson cautioned the Committee that though it is extremely easy to lump white supremacist groups together, they hold a wide variety of beliefs, and there is a wide divergence in the extremes to which they carry their beliefs.<sup>42</sup> Montana State Legislator Jim Elliott also expressed some concern as to how to classify these various groups. Some people, he said, are simply tax protestors, some move to Montana to be free of government influence, some come to set up a separate nation, while others just create trouble anywhere they are.<sup>43</sup>

Without distinguishing among groups, Mr. Elliott provided a brief historical record of white supremacist activities in the State. He related that in the spring of 1986, a property tax protest began in the Bitterroot Valley to eliminate all property taxes in the State. During the same period in Sanders County, "every stripe of Constitutionalist" wrote letters to the *Sanders County Ledger*, a local newspaper, complaining that their taxes were

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35 Zeskind, *The "Christian Identity" Movement*, p. 7.

36 *Transcript*, p. 49.

37 *Ibid.*, pp. 13, 49.

38 *Ibid.*, pp. 13-14.

39 *Ibid.*, p. 52.

40 *Ibid.*, p. 53.

41 *Ibid.*, p. 54. Appendices B1-7 provide some examples of literature distributed by these organizations.

42 *Ibid.*, p. 15.

43 *Ibid.*, p. 205.



in error and they were not afforded their rights.<sup>44</sup> About the same time, a tax protest meeting was held in the Noxon area which was attended by about 75 people, reportedly from all walks of life—teachers, educators, loggers, and “people of the Constitutionalist anti-tax persuasion.”<sup>45</sup> White supremacist, and anti-Semitic literature was distributed at the meeting. Later, Bible study meetings were held in the homes of various Constitutionalist tax protestors with discussion centering on the Christian Identity movement, the so-called “mud people,” and the non-Jewish ethnicity of Jesus.<sup>46</sup>

In 1988 there were more letters to the editor of the *Sanders County Ledger* from individuals who identified themselves as Constitutionalist, suggesting that the 14th amendment was passed illegally, and that the possession of a Social Security card or driver's license allowed the abrogation of individual rights.<sup>47</sup> KXLY-TV, a Spokane, Washington television station, did an investigative report on the separatist movement in Montana, specifically including Sanders County, targeting Noxon and Thompson Falls, and identifying individuals affiliated with the local movement in that area who had served time in prison.<sup>48</sup> Also in 1988, in response to activities and statements by white supremacist groups, 350 to 400 Sanders County residents rallied to express their support for the Declaration of Independence, all amendments to the Constitution of the United States, and Article II,

Section Four of the Montana Constitution, all of which support the dignity and equality of all persons. Some 40 to 50 protestors, identified with the Ku Klux Klan, the Aryan Nations, or the Posse Comitatus, also attended the rally to demonstrate on behalf of “white people” and pass out their literature. Following that rally, no additional letters were forwarded to the editor from Constitution Separatists.<sup>49</sup>

Thereafter, white supremacists began to meet more clandestinely late at night at a variety of locations, including the homes of members or supporters. At these meetings, there was less racist rhetoric and emphasis was placed on tax protests, with assertions that they were just disgruntled citizens like everyone else.<sup>50</sup>

Mr. Elliott said that by 1990 the tax protest movement moved towards political involvement at the county level, providing support for one candidate or another. However, racist literature continued to be distributed in Sanders County.<sup>51</sup>

Bryan Spellman, a board member of the Northwest Coalition Against Malicious Harassment (NWCAMH) and vice president of the Montana Human Rights Network, highlighted specific incidents of concern related to the activities of white supremacist organizations that have occurred in Montana. In the Flathead Valley, a militia reportedly was formed and armed with semi-automatic rifles and ground-to-ground missiles, an activity

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44 Ibid., p. 206.

45 Ibid., p. 207.

46 Ibid., p. 208.

47 Ibid.

48 Ibid., pp. 209–10.

49 Ibid., p. 212.

50 Ibid., p. 213.

51 Ibid., pp. 215–16.

that seemed to Mr. Spellman to be increasing. He said that no specific group was identified as conducting these paramilitary activities.<sup>52</sup>

Research by Leonard Zeskind found that the development of paramilitary activity within the Identity movement is the result of impulses within the general racist movement towards violence and armed activity within Identity theology itself. Such activity is for the purpose of establishing God's Kingdom on earth by a war in which Identity members are His instruments against satanic forces.<sup>53</sup>

Mr. Spellman said that the Cascade County sheriff noted increased usage of racial slurs in Great Falls. In Ronan, groups like All Citizens Equal (ACE) engaged in anti-Indian activity in opposition to treaties and hunting regulations.<sup>54</sup> He reported that in Thompson Falls, the Sanders County sheriff has been "butting heads" with white supremacists for some time.<sup>55</sup> He also said that a reporter, who has covered hate group activity for the *Ravalli Republic News*, observed a great deal of such activity in the Bitterroot Valley, and noted anti-Indian attitudes in persons she inter-

viewed. One man whom she interviewed stated that Native Americans should be sent to Ireland, because that is where they came from.<sup>56</sup> Ken Toole reported that one organization, called the National Agricultural Press Association, operating in Browning, Malta, and Wolf Point, publishes the *Primrose Cattleman's Gazette*, a periodical which is devoted to theories of an international Jewish conspiracy.<sup>57</sup>

Mr. Spellman stated that many of the reported white supremacist activities occurred in western rather than central Montana, perhaps because of the proximity to Aryan strongholds in the Idaho panhandle.<sup>58</sup> Mr. Toole argued, however, that it is a misconception to believe that the activities of white supremacist groups are more centralized in Montana than in other States, such as North Dakota and South Dakota. He contended that attention is more focused on the problems in Montana because its statewide human rights network provides more comprehensive reporting of incidents and increases public awareness.<sup>59</sup>

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<sup>52</sup> Ibid., p. 72.

<sup>53</sup> Zeskind, *The "Christian Identity" Movement*, pp. 42-46.

<sup>54</sup> *Transcript*, p. 73.

<sup>55</sup> Ibid.

<sup>56</sup> Ibid.

<sup>57</sup> Ibid., p. 60.

<sup>58</sup> Ibid., p. 72.

<sup>59</sup> Ibid., p. 65.

## 5. The Legislative Perspective

The Hate Crimes Statistics Act, shown as appendix D, became Federal law in 1990. This act requires the attorney general to:

acquire data, for the calendar year 1990 and each of the succeeding 4 calendar years, about crimes that manifest evidence of prejudice based on race, religion, sexual orientation, or ethnicity, including, where appropriate, the crimes of murder, non-negligent manslaughter; forcible rape; aggravated assault, simple assault, intimidation; arson; and destruction, damage or vandalism of property.<sup>1</sup>

In an analysis of this act, *Klanwatch* commented:

At present, as significant as it is, the Hate Crimes Statistics Act offers only a partial answer to the difficult questions raised by hate crime. The law is not backed by a budget or a mandate for compliance. That is, the Department of Justice Uniform Crime Reporting section is required to collect data from states, but the law does not require states to provide it. Participation is still voluntary and, right now, only 11 states provide hate crime data to the FBI. Until the act is fully implemented, America's hate crime crisis will continue to make headlines. But, by providing a foundation on which to build, the federal mandate gives us something we desperately need in the fight against hate crime—a place to begin.<sup>2</sup>

Data obtained from the FBI shown in table 4 indicate that only 32 States have participated in hate crime reporting, but that Montana is

**TABLE 4**  
**Agency Participation in Hate Crime Reporting, 1991, FBI Statistical Program on Hate Crimes**

State	Agencies participating*	Incidents reported
Arizona	1	48
Arkansas	169	10
California	2	5
Colorado	194	128
Connecticut	29	69
Delaware	58	29
Georgia	2	23
Idaho	98	33
Illinois	26	133
Indiana	1	0
Iowa	201	89
Kansas	3	6
Kentucky	1	0
Louisiana	6	0
Maryland	156	431
Massachusetts	30	200
Minnesota	42	225
Mississippi	4	1
Missouri	18	136
Nevada	1	16
New Jersey	271	895
New Mexico	1	0
New York	773	943
Ohio	30	80
Oklahoma	7	99
Oregon	39	296
Pennsylvania	50	277
Tennessee	2	1
Texas	28	95
Virginia	19	53
Washington	206	196
Wisconsin	303	41
Total	2,771	4,558

\* Includes agencies participating in program whether or not any incidents were experienced.  
Source: Federal Bureau of Investigation, U.S. Department of Justice, news release, January 1993.

1 Pub. L. No. 101-275, 104 Stat. 140 (1990).

2 Southern Poverty Law Center, "FBI Takes Lead in Hate Crime Training," *Klanwatch Intelligence Report*, no. 59 (February 1992), p. 8.

not one of these. Leo Cardenas said that Montana has not collected data under the act because, to date, the U.S. Department of Justice only provides training for data collection to law enforcement agencies in cities with populations over 100,000. He anticipates the provision of additional funds during the next fiscal year, which would enable training in smaller cities such as those in Montana.<sup>3</sup>

Marvin Stern, Pacific Northwest regional director of the Anti-Defamation League (ADL), noted that a joint effort by the States and the Federal law enforcement communities is needed, since the Federal crime computer depends on statistics gathered on the State level. He added that the ADL believes that such laws are a necessary step in more accurately gauging the dimensions of the hate crime problem in the States and the Nation in order to develop programs to reduce and counter such crimes. Moreover, he stated that government officials and civic leaders will not be in a position to effectively confront hate crimes until the scope of the problem is better known.<sup>4</sup> This comment reinforced a point previously made in testimony by Colonel Leonard Suppenski of the Baltimore County Police Department before the U.S. Commission on Civil Rights:

Police and community response can be affected adversely by the absence of reliable data on criminal violence motivated by bigotry because this gap in knowledge makes it difficult for police to measure trends, develop enforcement strategies, and allocate personnel. The lack of data also

impairs the ability of policymakers and other concerned groups and individuals to assess the extent of the problem and develop adequate measures of prevention.<sup>5</sup>

Mr. Stern also noted that a hate crimes reporting system sends a clear message to both victims and perpetrators that law enforcement officials have a strong commitment to solving the problem of hate crimes.<sup>6</sup>

Mr. Stern reported that, in addition to the Federal Hate Crimes Statistics Act, 46 States, including Montana, have hate crime laws.<sup>7</sup> Despite these laws, however, States have been slow to prosecute individuals. For example, he said that the State of Washington has had a law in effect since 1981, but between 1981 and 1989, there were only five cases prosecuted under the statute.<sup>8</sup>

Jim Elliott provided the Advisory Committee an overview of State legislation enacted to address white supremacist activity in Montana. In 1989 the Montana State Legislature passed the Malicious Intimidation and Harassment Act, as shown in appendix E.<sup>9</sup> This act provides for enhancement of misdemeanor offenses to a felony when offenses of malicious intimidation or harassment are committed because of a victim's race, creed, religion, color, or national origin. It does not, however, include such offenses committed because of sexual orientation.<sup>10</sup> Mr. Elliott reported that the bill was heavily supported by the Montana Legislature, passing the

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3 Leo Cardenas, transcript of the factfinding meeting conducted by the Montana Advisory Committee in Missoula, Montana, May 28, 1992, (hereafter cited as *Transcript*), p. 229-30.

4 *Ibid.*, pp. 98-99.

5 Colonel Leonard Suppenski, remarks at a briefing of the U.S. Commission on Civil Rights, Feb. 13, 1987.

6 *Transcript*, pp. 99-100.

7 *Ibid.*, p. 98.

8 *Ibid.*, p. 104.

9 Mont. Code Ann. § 45-5-221 (1991).

10 Mont. Code Ann. § 45-8-222 (1991).

House 90 to 1 and the Senate 90 to 0 respectively.<sup>11</sup> However, no one has ever been prosecuted under this act.<sup>12</sup>

In 1991 the State legislature passed the Paramilitary Training Control Act, shown as appendix F, making it a felony to engage in paramilitary training with the purpose of depriving another person of his life, liberty, civil liberty, and political liberty, because of race, religion, color, or status.<sup>13</sup> Mr. Elliott recalled that when this bill was introduced, it was expected to be very controversial because many Montanans are opposed to gun control. However, thanks to the support of the Montana Rifle and Pistol Association and the Montana chapter of the American Civil Liberties Union, the legislation passed.<sup>14</sup> Mr. Elliott pointed out to the Committee that paramilitary training does not necessarily mean training with weapons. He explained that, instead, it means teaching people how to build bombs and how to kill other people. He said however, these things are not outlawed

unless they are done for the express purpose of depriving someone of their life, or their civil or political liberty.<sup>15</sup>

Like the Malicious Intimidation and Harassment Act, no one has ever been prosecuted under Montana's Paramilitary Training Control Act. According to Mr. Elliott, this law is very difficult to enforce because the State must prove that the training was done with the intent to kill someone because they are Indian, black, or Hispanic. To prove this, it is almost necessary for someone who has actually been involved in the training to cooperate with prosecutors.<sup>16</sup>

However, in some States, statutes outlawing paramilitary training have had a palpable effect on hate groups, significantly reducing such activity in Alabama, California, Connecticut, Illinois, North Carolina, and Texas. Convictions have been obtained under Florida's paramilitary training statute, and a Federal court has issued an order requiring compliance with North Carolina's law prohibiting such training.<sup>17</sup>

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11 *Transcript*, pp. 213-14.

12 *Ibid.*, p. 221.

13 *Ibid.*, p. 219; Mont. Sess. Laws 1991, ch. 492.

14 *Transcript*, p. 220.

15 *Ibid.*

16 *Ibid.*, p. 221.

17 Hogan and Hartson, attorneys at law, Washington, D.C., *Striking Back at Bigotry: Remedies Under Federal and State Laws for Violence Motivated by Racial, Religious, and Ethnic Prejudice* (1988 supplement, National Institute Against Prejudice and Violence, Baltimore, MD: 1988), pp. 6-7.

## 6. The Law Enforcement Perspective

Several individuals from the law enforcement community who made presentations to the Advisory Committee indicated their awareness of the need to identify, monitor, and report the activities of white supremacist groups and crimes that members of these groups might commit. However, little training is provided to enable them to do this.

According to Edwin L. Hall, administrator of the Montana Board of Crime Control, an independent agency administratively attached to the Montana Department of Justice, this agency is charged with improving the justice system in the State. It does so in part by setting the standards for law enforcement training. It does not, however, administer the training.<sup>1</sup> Instead, the Law Enforcement Academy, part of the Law Enforcement Services Division of the Montana Department of Justice, is required to provide basic training for all law enforcement personnel with arrest authority in Montana.<sup>2</sup>

Mr. Hall said that the Law Enforcement Academy has conducted some training sessions on hate crimes in the past, however, these were mainly limited to cult and satanic crimes. Moreover, he stated that those courses have been held inconsistently and are not part of the regular curriculum at the academy.<sup>3</sup> The academy has also conducted regional

training for various law enforcement personnel concerning the identification of hate crimes.<sup>4</sup> It offers awareness training on hate crimes in an 8- or 16-hour block of time, but this course is very general and covers a broad range of issues.<sup>5</sup> The only role that the Montana Department of Justice plays with regard to training for law enforcement officers is in determining course offerings at the Law Enforcement Academy, and this role is performed in cooperation with other law enforcement agencies.<sup>6</sup>

In expressing the need for training with regard to hate crimes, Mr. Hall stated, "in order to classify a crime as a hate crime, you have to know whether or not it is a hate crime and [this is determined by] the motivation."<sup>7</sup> Part of the proposed training would entail identification of hate crime or bias-motivated incidents. Bob Liffing, a statistician for the Board of Crime Control for the Montana Department of Justice, stated that his goal is to assemble a handbook that would accomplish this objective but that his department does not have the funds to do so. However, he plans to conduct training on this subject for law enforcement officers in Montana, building on an FBI training course that he attended in Denver.<sup>8</sup>

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1 Edwin L. Hall, transcript of the factfinding meeting conducted by the Montana Advisory Committee in Missoula, Montana, May 28, 1992, (hereafter cited as *Transcript*), pp. 188, 198.

2 Greg Noose, division administrator, Law Enforcement Academy Division, Montana Department of Justice, telephone interview, Jan. 5, 1993. This does not include personnel on Indian reservations.

3 *Transcript*, p. 194.

4 Rick Day, administrator, Law Enforcement Services Division, Montana Department of Justice, letter to William F. Muldrow, June 23, 1992.

5 *Transcript*, p. 199.

6 *Ibid.*, p. 42.

7 *Ibid.*, p. 193.

Mr. Hall said that the FBI recommends that this first level of training teach hate crime recognition and the need for its verification by a second person.<sup>9</sup> The FBI has provided some scenarios for such training.<sup>10</sup> Mr. Hall reported that the director of the Law Enforcement Academy also recognizes the need for such training, both for new officers and those already in the field, but that there was no one who could conduct it.<sup>11</sup> In September 1992, the Law Enforcement Academy added a 2-hour segment of instruction on hate crime identification to its basic police officer training course.<sup>12</sup> Mr. Toole emphasized that if training is not comprehensive, the result is underreporting, which is worse than no reporting at all.<sup>13</sup> He pointed out that because Montana has no State police force, the majority of law enforcement work in Montana is local, thus making it extremely difficult to train each isolated law enforcement community.<sup>14</sup> Lack of cooperation, he said, due to tension between law enforcement agencies both on and off the reservation, adds to the problem. It is critical, he stated, for Native American tribes to be covered by hate crime reporting and malicious harassment statutes in order to address and report incidents of this nature on reservations. Without this, a true picture of what is going on cannot be provided.<sup>15</sup>

Edwin Hall informed the Advisory Committee that the Montana Board of Crime Control collects data on crimes through two systems,

the Montana Uniform Crime Reporting System (MUCRS) and the National Incident-Based Reporting System (NIBRS). Data collected through these systems are then forwarded to the Montana Statistical Analysis Center. Under the 1990 Hate Crimes Statistics Act, the Statistical Analysis Center is responsible for collecting hate crime data but, to date, it has not reported a single crime. He said that this is not because there are no hate crimes, but because there is no mechanism to collect such statistics.<sup>16</sup> However, Mr. Hall stated that the Statistical Analysis Center does have a plan for collecting hate crimes data, and hopes to implement the new computerized National Incident-Based Reporting System in the future. He added, however, that it will be some time before this system begins providing data. In the interim, data on hate crimes is being collected on an FBI form. However, to date, no statistics have been forthcoming. One of the problems, as mentioned above, is a lack of training in hate crimes recognition. Another problem is that reporting is voluntary for law enforcement agencies. Only about 85 of the State's 150 law enforcement agencies cooperate in reporting, covering approximately 85 to 90 percent of the State's population.<sup>17</sup>

Mr. Stern believed that State-mandated efforts to compile comprehensive data concerning the number, location, and types of hate crimes will be extremely helpful. Prompt, accurate reporting of hate crimes, he said,

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8 Bob Liffing, interview in Helena, Montana, Mar. 2, 1992.

9 *Transcript*, p. 193.

10 *Ibid.*

11 *Ibid.*, p. 194.

12 Day letter, June 23, 1992.

13 *Transcript*, p. 65.

14 *Ibid.*, p. 64.

15 *Ibid.*, p. 65.

16 *Ibid.*, pp. 188, 191.

17 *Ibid.*, pp. 191-204.

raises community awareness, and as a result, victims will come forward who might otherwise have been reluctant to do so. He further observed that the establishment of a hate crimes reporting system would send a clear message to both victims and perpetrators that law enforcement officials have a clear and strong commitment to solving the problem of hate crimes and a stake in vigorously pursuing those responsible.<sup>18</sup> The enactment of enhanced hate crimes laws, he said, with full implementation, including the training of law enforcement officials to recognize and to investigate such crimes, will be most useful in gaining a more complete and reliable picture of the scope of the problem. Furthermore, he stated that actions such as these will promote greater public awareness of and professional sensitivity towards this problem and encourage victims and communities to feel that they can respond effectively to counter such activity.<sup>19</sup> Edwin Hall recommended that in addition to law enforcement officers, the community at large, including both adults and school children, be educated to identify hate crimes.<sup>20</sup>

Rick Day, administrator of the Montana Law Enforcement Services Division, stated that law enforcement is hampered in dealing with white supremacist groups for three basic reasons. One is usually a lack of factual case information that there has been a criminal violation. Second, there are limited law enforcement resources available. Only one six-person unit investigates hate crimes in the entire State of Montana. Third, Montana has historically limited State investigative powers. The Department of Justice does not have

far-reaching jurisdictional authority to initiate investigations in any part of the State at its own discretion. Mr. Day said that, beyond law enforcement activities, his agency has no program to monitor the activities of white supremacist groups, nor is he aware of any program which does.<sup>21</sup>

Mr. Day reported that budget restrictions also curb involvement by the Montana Department of Justice. Though a Montana statute allows the department to begin criminal intelligence activities in cooperation with local law enforcement agencies, no funds are appropriated for the State's participation.<sup>22</sup> Citizens cannot request Department of Justice intervention on the basis that a local authority has not been diligent in investigating a crime, as the State's involvement must be at the request of a local law enforcement agency. He said, however, that the Montana attorney general does have power to act if a finding is made that a county attorney is not taking appropriate action in prosecuting a case.<sup>23</sup> Thus, there is generally no recourse beyond that taken by local law enforcement authorities to investigate a suspected hate crime, however blatant, unless a request to do so comes in from the FBI.<sup>24</sup>

To further illustrate the difficulty in monitoring and responding to hate incidents, Bill Alexander, Sanders County sheriff, recounted some of the obstacles he faces on a day to day basis. Sanders County covers 2,600 square miles and has a sheriff department staffed by only seven deputies. This lack of law enforcement personnel makes the area vulnerable to subversive groups. Furthermore, Thompson Falls, the county seat, is the center of much

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18 Ibid., pp. 99-100.

19 Ibid.

20 Ibid., p. 201.

21 Ibid., pp. 37-38.

22 Ibid., p. 43.

23 Ibid., p. 44.

24 Ibid., p. 45.



white supremacist activity and is located only 100 miles from Hayden Lake, Idaho, where Richard Butler runs an Aryan Nation training camp. Sheriff Alexander stated that ongoing training for Skinheads and similar organizations takes place in Sanders County, and a contingent of the population within the county identify with white supremacist groups like the Skinheads, Aryan Nations, Common Law People, the Ku Klux Klan, the Sanders County Taxpayers Association, and All Citizens Equal (ACE).<sup>25</sup> He believes that white supremacists there intend to start a "New Nation USA" with Missoula as the capitol. Other States that he says will be included as part of the New Nation are Wyoming, Idaho, Oregon, and Washington.<sup>26</sup>

Sheriff Alexander recounted that in 1987, a group moved to Sanders County from Minnesota whose members refused to comply with State and local laws requiring driver's licenses, car registrations, auto insurance, and Social Security cards. They wanted to sever all ties with the United States Government. The sheriff said that when tickets were written and people driving vehicles without license plates were arrested, the group's activities decreased and they appeared for a time to have disbanded. However, they returned, and last year when an individual was jailed for driving without a license, the group filed harassment suits against the sheriff, the county attorney, and the district judge, alleging violation of their freedom of speech. Though these lawsuits have no merit, they are very time

consuming for law enforcement authorities to defend.<sup>27</sup> Sheriff Alexander also said that in the past, he has had to discharge some dispatchers and deputies because of their involvements with white supremacist organizations.<sup>28</sup>

Sheriff Alexander also reported that a magazine entitled *Aid and Abet*, provides retired law enforcement officers who sympathize with white supremacist organizations a forum to speak out against law enforcement efforts.<sup>29</sup> In addition, he stated that the Flathead Indian Reservation, which is partly in Sanders County, now has the largest concentration of white supremacist groups in the area. In response to reports of their nighttime training activities and allegations that these groups intend to "someday take over," tribal police have armed themselves with automatic weapons.<sup>30</sup> The State's malicious harassment law, well-organized law enforcement in the sheriff's department and on the reservation, and the formation of a Coalition Against Malicious Harassment have all helped reduce concerns about white supremacist groups in the county.<sup>31</sup>

Although reports of night training with automatic weapons are a major concern, Sheriff Alexander stressed again that the size of Sanders County and his limited force of seven deputies make it difficult to patrol this huge area and respond to such reports.<sup>32</sup> Federal Alcohol, Tobacco and Firearms agents have some jurisdiction in cases of automatic weapon possession and provide a limited

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25 Ibid., pp. 155-56.

26 Ibid., p. 156.

27 Ibid., p. 157-58.

28 Ibid.

29 Ibid., p. 159; for example, 'Up-date on "Execution" Investigation': *Aid and Abet Newsletter*, vol. 1, no. viii, no publisher listed, undated.

30 Ibid., pp. 159-60.

31 Ibid., p. 161.

32 Ibid., p. 165.

amount of help, but there are only three such agents in the whole State.<sup>33</sup> It is helpful, he said, that once a month, representatives from most law enforcement agencies meet to share intelligence on the activities of the white supremacist groups.<sup>34</sup>

Robert Slomski, Sanders County attorney, reiterated much of the description Sheriff Alexander provided of law enforcement difficulties encountered due to white supremacist activity in the county. Sanders County, he said, is sparsely populated with mountain valleys, hills, forests, and mountains—ideal for white supremacist groups to establish themselves and conceal their activities. Mr. Slomski reported, as others have, that there has not been a single prosecution under the 1989 malicious harassment law in the county.<sup>35</sup> Frivolous lawsuits have tied up the court system and handicapped law enforcement. He explained that the white supremacists believe that the prefatory language to the U.S. Constitution, “we the people,” refers only to white Christian males. They view the governments of the United States, Montana, and the county as illegitimate, and they do not recognize the sheriff or the courts as legal entities.<sup>36</sup> To illustrate the nature of the problem, Mr. Slomski related a particular case. One member of a white supremacist group brought a lawsuit demanding that the clerk of the court appoint a judge who has the qualifications to be a judge in a “court of Common Law.” Then the lawsuit spelled out Common Law qualifications for a judge as follows:

Qualifications to become judge at law include, but are not limited to: one who professes the Holy Bible as the law of the land; one who is a white man; one not having any title of nobility; [one who does not possess a] social security card [or] driver’s license; [one who is not] a card-carrying member of the State Bar Association or the American Bar Association.<sup>37</sup>

County Attorney Slomski noted that there are prosecutors and judges in other parts of Montana who are experiencing the same or similar problems with regard to individuals refusing to obey the law. He stated that in addition to their unlawful acts, they file lawsuits that clog the legal system, and are time consuming and expensive to defend.<sup>38</sup> The Montana attorney general’s office has provided some assistance with legal research and defense against these types of suits, but altogether a substantial amount of time and taxpayers’ money is spent in defending them.<sup>39</sup> To reemphasize the point, Ken Toole said that an attorney with the State tort claims division, who is charged with the responsibility of defending judges and other government officials who are named defendants in such civil suits, told him that she spends approximately three-quarters of her time on these lawsuits, such as ones by the National Agricultural Press Association.<sup>40</sup>

Mr. Cardenas explained that the Community Relations Service of the U.S. Department of Justice is not a law enforcement agency nor does it investigate individual complaints.<sup>41</sup> However, the CRS does provide technical

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33 Ibid., pp. 166.

34 Ibid., p. 168.

35 Ibid., p. 176.

36 Ibid., p. 179.

37 Ibid., p. 181.

38 Ibid., p. 186.

39 Ibid., pp. 185, 187.

40 Ibid., p. 59.

41 Ibid., pp. 224–25.

assistance to police departments on how to respond to hate crimes and works with the FBI in providing training for implementation of the Hate Crimes Statistics Act.<sup>42</sup>

Mr. Cardenas also reported that the CRS provides voluntary assistance to communities and individuals to assist in mediating disputes, difficulties, and disagreements resulting from discriminatory practices on the basis of race, color, or national origin.<sup>43</sup> Though the CRS has no statutory authority to investigate or prosecute crimes, it does play an active role in resolving racial conflict that may disrupt a community after a hate crime has been committed.<sup>44</sup> Because of the increase of hate crimes during the past 4 years, the agency has concentrated most of its efforts on their prevention.<sup>45</sup> In this regard, the CRS helped establish the Northwest Coalition Against Malicious Harassment, an organization devoted to confronting and eliminating malicious harassment and violence, and helped create a similar organization, the Mountain States Coalition Against Malicious Harassment in

the Rocky Mountain States.<sup>46</sup> The Mountain States Coalition has sponsored two 8-hour statewide law enforcement training conferences in Colorado, one for command officers and the other for patrol officers.<sup>47</sup>

Mr. Stern told the Advisory Committee that in connection with a training video for police officers called "Hate Crime and Training," the ADL has also developed extensive training materials to help identify activities of hate groups and suggest solutions for dealing with them. He said that the video was developed in conjunction with the New Jersey Department of Law Enforcement and has been provided to the Montana law enforcement community for use in the training of law enforcement officials. It provides examples of various types of hate crimes and helps law enforcement officials recognize the symbols, statements, and other types of evidence encountered in dealing with hate crimes in an attempt to achieve greater standardization in investigating and prosecuting these crimes.<sup>48</sup>

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42 Ibid., pp. 228-29. In testimony before the United States Commission on Civil Rights in Washington, D.C., on May 21, 1992, J. Harper Wilson, Section Chief of the Uniform Crime Reports Section of the Federal Bureau of Investigation, explained that the Hate Crimes Statistics Act, passed by Congress in 1990, mandated the acquisition of data concerning crimes that manifest evidence of prejudice based on race, ethnicity/national origin, religion, or sexual orientation. This included, where appropriate, the crimes of murder, forcible rape, robbery, aggravated assault, simple assault, burglary, larceny-theft, motor vehicle theft, arson, intimidation, and destruction/damage or vandalism of property. The Attorney General tasked the FBI's Uniform Crime Reporting (UCR) Program with the development of a data collection program for its 16,000 voluntary law enforcement agency participants. In order to avoid placing major new reporting burdens on contributing law enforcement agencies, the FBI developed a system and guidelines for hate crime data as an adjunct to the UCR collection, and which was limited to the types of bias mandated by the enabling act, i.e., prejudice against a race, religion, sexual orientation, or ethnic group.

43 Ibid., p. 224.

44 Ibid., p. 226.

45 Ibid., p. 227.

46 Ibid., pp. 227-28.

47 Ibid., p. 228.

48 Ibid., pp. 102-03.

## 7. The Perspective of Human Rights and Community Organizations

The Montana Human Rights Commission (MHRC) is responsible for carrying out the requirements of the Montana Human Rights Act.<sup>1</sup> Anne L. MacIntyre, administrator for the MHRC, reported that though there is no specific mention in the statute of any responsibility by her agency with regard to hate crimes, it does require that it educate the general public on the elimination of discrimination. However, no funds are available to do this. Though the MHRC is not directly involved in addressing white supremacist activity, Ms. MacIntyre said that the MHRC is concerned about such activity and believes that it affects their work directly.<sup>2</sup>

As shown in table 5, the number of complaints filed with the MHRC rose from 294 in the fiscal year ending June 30, 1988, to 551 in the year ending June 30, 1992, with 606 anticipated for the same period in 1993. This constituted an increase of 90 percent in annual new filings with the commission. Ms. MacIntyre reported that during the 4 fiscal year periods from 1988 to 1992, race discrimination complaints increased from 51 to an anticipated 126, an increase of 147 percent. This represents an increase in the proportion of discrimination complaints among the total complaints received by the agency from 16 percent to 26 percent. Ms. MacIntyre added that a recent study by the MHRC recorded

that over 50 percent of American Indians who have attempted to secure rental housing in Montana cities experienced discrimination.<sup>3</sup>

Ms. MacIntyre attributes a portion of the increase in the MHRC's increased workload to the climate created by the views expressed by white supremacists, often without opportunity for rebuttal. This in turn creates an atmosphere of intolerance for civil and human rights. These views, she said, often take the form of stereotyping or scapegoating, leading in turn to negative public attitudes about members of minority groups.<sup>4</sup>

Despite a lack of law enforcement support, some Montana residents have taken an active role in opposing the activities and visibility of organized hate groups across the State by forming local groups. These organizations include the Billings Forum on Racial and Ethnic Equality, the Flathead Reservation Human Rights Coalition, the Helena Human Rights Task Force, the Jocko Valley Coalition for Cultural Diversity, the Lincoln County Task Force on Human Rights, the Sanders County Task Force for Human Dignity, the Missoula Organization for Cultural Diversity, Out In Montana (the first statewide gay rights organization in Montana), and the Great Falls chapter of the National Association for the Advancement of Colored People.<sup>5</sup>

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1 Mont. Code Ann. § 49-2-5.

2 Anne L. MacIntyre, written statement provided to the Montana Advisory Committee to the U.S. Commission on Civil Rights, May 28, 1992; and telephone interview with Malee V. Craft, July 2, 1993.

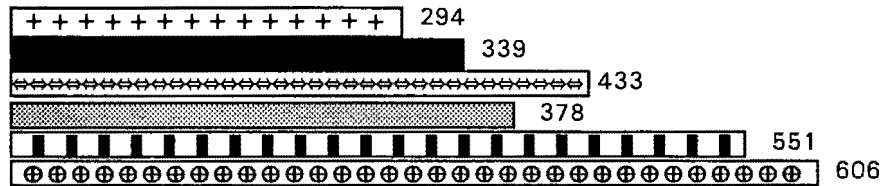
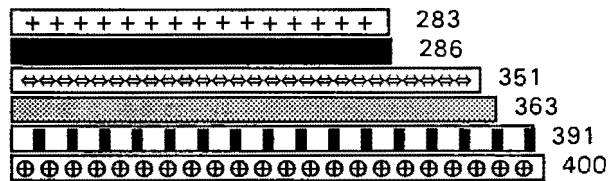
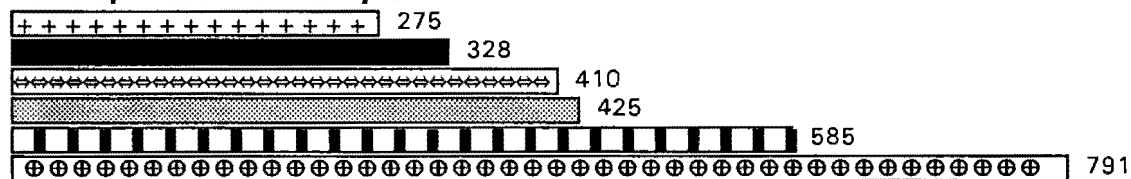
3 Ibid.

4 Ibid.

5 Montana Human Rights Network, *Human Rights Network News*, vol. 1, no. 2 (hereafter cited as *Network News*), May 1991; see also transcript of the factfinding meeting conducted by the Montana Advisory Committee in

TABLE 5

Montana Human Rights Commission Caseload, July 1, 1987, to June 30, 1993

**New cases filed****Cases closed****Cases open at end of fiscal year**

Source: Anne L. MacIntyre, administrator for the Montana Human Rights Commission, February 12, 1993.

The Montana Human Rights Network, a statewide organization comprised of individuals affiliated with local human rights organizations, was formed in response to threats by hate groups in various communities.<sup>6</sup> Its mission is to celebrate diversity

and to counter hatred, bigotry, and intolerance in Montana.<sup>7</sup> Ken Toole explained that the network is not an intelligence-gathering body that tries to analyze hate groups. Instead, the organization provides information to communities and individuals to expose the

Missoula, Montana, May 28, 1992 (hereafter cited as *Transcript*), p. 68.

<sup>6</sup> Ken Toole, *Transcript*, p. 48.

<sup>7</sup> Montana Human Rights Network, unpublished and undated document, supplied to the Montana Advisory Committee of the U.S. Commission on Civil Rights, January 1993.

philosophy of white supremacist organizations and reveal the framework in which they operate and recruit members.<sup>8</sup>

Mr. Toole also reported that the Montana Human Rights Network has identified several salient white supremacist areas of influence in Montana. One of these is the anti-Indian movement that is polarizing non-Indian and Indian communities. This manufactured rift is then used to attract members into the supremacist movement.<sup>9</sup> Distribution of anti-Semitic and anti-Christian literature is also of increasing concern, as is an increase in antihomosexual activity. It was Mr. Toole's observation that some of the most vicious hate crimes and violent rhetoric are directed at the homosexual community. He points out that this group is particularly vulnerable because the gay community is not covered under the Civil Rights Act of 1964, the Governmental Code of Fair Practices, or the Montana Human Rights Act. He said that, in addition, the lack of coverage by the Montana Malicious Intimidation and Harassment Act of malicious harassment directed against gays and lesbians, helps to make the gay community a prime target of hate crimes. Mr. Toole stated that, in fact, most of the hate crimes recorded in Montana have been directed at the gay and lesbian community.<sup>10</sup> In a letter to members of the State legislature, the Montana Human Rights Network reported that often the entry mechanism for hate activity in a community takes the form of attacks on the gay and lesbian community.<sup>11</sup>

Mr. Toole observed that another disturbing trend is the increased participation of white supremacists in politically influential positions at all levels of Montana government. In one county, a member of such a group was a candidate for superintendent of schools, another for election to the school board.<sup>12</sup>

Mr. Spellman emphasized that a major concern of the NWCAMH is the activities of hate groups that are directed toward the gay and lesbian communities.<sup>13</sup> In testimony before the Montana State Legislature, he presented a long list of incidents involving violence against gay men and lesbians in Montana which he had witnessed, or which had been reported to him firsthand. These included beatings, threats of violence and death, verbal abuse, and the destruction of property. He said that police showed no interest in prosecuting some of these cases when complaints were filed, or else they said that there was nothing that could be done.<sup>14</sup> Mr. Spellman said that it is difficult to tell if these incidents are the result of hate group activities, or simply a situation where gay and lesbian persons are seen as less than human and it is not viewed as a crime to assault them.<sup>15</sup>

There was much other testimony to support claims by the NWCAMH that hate violence and rhetoric directed against homosexual persons is of major concern in Montana. Alexandra Swaney, a cultural anthropologist, reported similar experiences of gay and lesbian persons with whom she is personally acquainted in the small Montana city where she lives.<sup>16</sup> Kurt Nelson, a member of the

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8 Ibid. See also *Transcript*, p. 52.

9 Ibid., pp. 55-56.

10 Ibid., p. 57.

11 Ken Toole, board president, and Christine Kaufmann, executive director of the Montana Human Rights Network, letter to Montana State legislators, Dec. 16, 1992.

12 *Transcript*, pp. 58, 59.

13 Ibid., p. 74.

14 Testimony before the Montana State Legislature, Jan. 26, 1993.

15 *Transcript*, pp. 77-78.

Montana Human Rights Network, testified that he had received a flyer on which his name was listed (see appendix C) quoting the Bible as prescribing the death penalty for homosexuals.<sup>17</sup> Carl Donovan, president of the board of directors of the Montana chapter of the American Civil Liberties Union, testified that because he is a homosexual he had human feces smeared on the steering wheel of his truck and the lug nuts loosened, had bricks thrown through the window of his house, and that he was assaulted and knocked unconscious in a busy downtown restaurant where he worked. Police, he said, repeatedly informed him there was nothing they could do when he reported these incidents.<sup>18</sup>

Pete Lawrenson, assistant chief of the Missoula Police Department, said that his department documented complaints of a verbal and a physical assault against a homosexual person which occurred on separate days in January 1990. The alleged perpetrator was the same in both incidents and was charged with misdemeanor assault, but Chief Lawrenson was not able to ascertain the disposition of this case. He said that he is sure there have been additional assaults against homosexuals that have been classified only as assaults, but not specifically identified as hate crimes. His department does not maintain figures specifically identifying hate crimes, but he estimated that there have been about six hate related assaults per year against homosexuals in Missoula.<sup>19</sup>

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16 Testimony before the Montana State Legislature, Jan. 26, 1993.

17 Ibid.

18 Ibid.

19 Telephone interview, Oct. 21, 1993.

## 8. The Native American Perspective

Indian nations located in the Pacific Northwest have been the target of increased challenges from right-wing and extremist groups. They have had to contend with racial attacks, organized efforts at political destabilization, and increasing incidents of individual harassment, destruction of property, and public misinformation.<sup>1</sup>

In 1988, Arch Edwards, a spokesperson for the white supremacist group called the League of Pace Amendment Advocates which is recruiting members in Western Montana, said that his group suggests that "blacks, Indians, and others have no right to be U.S. citizens, even if they are born in this country." "Those people," he said, "have been misled . . . and never should have expected to retain their citizenship, and they should be asked to leave so the United States can provide a peaceful place for whites to live by themselves."<sup>2</sup> He further advocated the addition of the following amendment to the Constitution:

No person shall be a citizen of the United States unless he is a non-Hispanic white of the European race, in whom there is no ascertainable trace of Negro blood, nor more than one-eighth Mongolian, Asian, Asia Minor, Middle Eastern, Semitic, Near Eastern, American Indian, Malay or other non-European or non-white blood, provided that Hispanic whites, defined as anyone with an Hispanic ancestor, may be citizens if, in addition to meeting the aforesaid ascertainable trace and per-

centage tests, they are, in appearance indistinguishable from Americans whose ancestral home is the British Isles or Northwestern Europe. Only citizens shall have the right and privilege to reside permanently in the United States.<sup>3</sup>

The Center for Democratic Renewal, a national organization whose purpose is to assist communities in building positive responses to hate group activity, has expressed concern for what it views to be growing levels of activity by organizations in Montana and the Northwest who voice anti-Indian rhetoric. The growth of these organizations was said to be in direct response to severe draught conditions in Montana, which heightened tensions between water-hungry white farmers and Native Americans with treaty-recognized water rights.<sup>4</sup>

Evelyn Stevenson, an attorney for the Confederated Salish and Kootenai Tribes on the Flathead Reservation, told the Advisory Committee that the propaganda of anti-Indian groups such as Montanans Opposed to Discrimination and the Citizens Rights Organization, both of which flourish on the Flathead Indian Reservation, finds a receptive audience among white farmers. She stated that the idea that somehow Indians are taking something away from them gets at the heart of their dissatisfaction, and hate is the result.<sup>5</sup>

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1 Rudolph C. Ryser, "Competing Sovereignities in North America and the Right-Wing and Anti-Indian Movement," Center for World Indigenous Studies, October 1988, p. 1.

2 *The Missoulian*, July 21, 1988, p. 1.

3 Ibid.

4 Center for Democratic Renewal, *Background Report on Racist and Far-Right Organizing in the Pacific Northwest*, September 1988, p. 10.

5 Evelyn Stevenson, transcript of the factfinding meeting conducted by the Montana Advisory Committee in Missoula, Montana, May 28, 1992, (hereafter cited as *Transcript*), p. 85.



Ms. Stevenson told the Committee that organized white supremacists have members on the reservations and nearby in Thompson Falls and Noxon, and that there are people in nearby Missoula who are very involved with them. Their goals, she believes, are to abolish Indian [treaty] rights. These goals, she said, ignore the relationship Indian tribes have with the Federal Government and the long history of tribal sovereignty and tribal rights.<sup>6</sup> In support of this assertion, she quoted a flier distributed in Missoula approximately a year and a half ago:

Why is it these so-called hate laws only work against the white people? It is obvious as hell that the media, education system, and government are working in unison against the white race and in favor of the minority races. This is all in spite of the fact that white people built this country from a wilderness and are the mainstay of productivity, creativity and intelligence. Without the white race, this country would become a Third World slum, like the nations today that are run by the minority races. . . . All white people with their brains intact better wake up and take notice before it's too late.<sup>7</sup>

Anti-Indian groups often take pains to deny having racist motivation for their conduct and focus instead on their dissatisfaction with tribal rights to water, land, and sovereignty created by treaty. Their rhetoric is often tied into pseudo concern for the environment, property rights, and even civil rights.<sup>8</sup>

Open hostility against American Indians sometimes results in Indian-white confrontations. Tena Savage, a member of the Flathead Reservation Human Rights Coalition, Inc., recalled a public meeting, attended by 75 people, which was held on the reservation in May

1990 to discuss racism. Twenty-three persons whom she identified as being associated with local white supremacist groups obstructed the meeting by shouting slurs and insults.<sup>9</sup>

Ms. Stevenson said that past and present racism against Indian people, as well as other areas of misunderstanding, including competition for water between white farmers and Indian fisheries, and a lack of instruction about Indian history and culture in the public schools, have led to negative attitudes toward Native Americans in Montana. The failure to address these root causes has led to controversy, contempt, and hostilities, which in turn have provided fertile ground for the operation of hate groups.<sup>10</sup>

Examples of insensitivity and racism against Native Americans are numerous. The Montana Human Rights Network (MHRN), *Network News*, reported examples of anti-Indian sentiments expressed in publications from two Montana schools. The bilingual education program in a third school published, in its newsletter, several racist jokes targeted at American Indians, Mexican Americans, Jews, and Iraqis. Ironically, one of the purposes of the bilingual education program is to promote cross-cultural sensitivities.<sup>11</sup>

On January 31 and February 1, 1992, in another example of negative attitudes toward Native Americans, spectators at Western Montana College during a basketball game called (Indian) Rocky Mountain College players "Kemosabe," parodied war whoops, and chanted the Atlanta Braves' "tomahawk chop." After the incident, Western Montana Provost Michael Easton formally apologized

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6 Ibid., pp. 83-84.

7 Ibid., pp. 84.

8 Sharon Metz, *The Anti-Indian Movement* (Episcopal Council of Indian Ministries: 1991), pp. 6-7.

9 Interview in Pablo, Montana, Mar. 18, 1992.

10 *Transcript*, p. 82.

11 "Disturbing School News," *Human Rights Network News*, vol. 1, no. 1 (May 1991), p. 8.

and declared the intention of his college to initiate efforts to increase awareness and sensitivity to issues of racism.<sup>12</sup>

Ms. Stevenson explained that several agencies have law enforcement responsibilities on her reservation. She said that the Montana Human Rights Commission has provided good response to complaints of employment and other kinds of discrimination in the workplace, and that the FBI has indicated it would investigate and prosecute hate crimes. However, she observed that much of what goes on is very subtle. Some hate group activities, she said, are protected under the first amendment and are difficult to distinguish from the intentional infliction of emotional distress that would be actionable in civil court.<sup>13</sup>

Ms. Stevenson explained that the Flathead Indian Reservation is the only reservation in Montana that has concurrent State and tribal jurisdiction for criminal activities, but only for criminal activities committed by Indians. Non-Indians cannot be prosecuted in tribal court for such activities, and most Indian people feel a great disparity in the treatment they receive in the State court system.<sup>14</sup> Rudolph King, Jr., a criminal investigator for the Bureau of Indian Affairs on the Flathead Indian Reservation said Indian tribes do report hate crimes, but through several different sources, depending on agreements they have established with local, county, State, or Federal agencies.<sup>15</sup>

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12 *The Montana Standard*, Feb. 11 and 12, 1992.

13 *Transcript*, pp. 86-87.

14 *Ibid.*, p. 89.

15 Rudolph King, Jr., criminal investigator, Bureau of Indian Affairs, Flathead Indian Reservation, telephone interview, July 2, 1993.

## 9. The Jewish Perspective

Marvin Stern, Pacific Northwest regional director of the Anti-Defamation League of B'nai B'rith (ADL), reported that the current level of anti-Semitism in the United States is difficult to assess because no one has perfected a device to measure it. He believes, however, that by all indications, anti-Semitism is worse today than at any time since World War II. Anti-Semitism, he feels, has become an increasingly acceptable form of political, social, and personal expression.<sup>1</sup>

A recent national poll by the ADL found that nearly 40 million adults, or nearly one in five Americans, hold strongly anti-Semitic views.<sup>2</sup> The degree to which anti-Jewish bias is the motivation for hate crimes is also high compared with that motivated by bias against other religions. Table 2 shows that of the 917 total hate crimes reported to the FBI in 1991 which were motivated by antireligious bias, 792, or 86 percent, were against Jews.

The ADL's 1991 annual audit documented 1,879 anti-Semitic incidents nationwide. This total represents the highest number of incidents ever reported in the 13-year history of the audit, and marks 5 straight years of increasing levels of anti-Semitic acts. The ADL's 1992 annual audit showed 1,730 such incidents, a figure 8 percent lower than in 1991, representing the first decline in 6 years. However, the 1992 findings indicate a continuation of a disturbing trend towards an increasing number of anti-Jewish incidents at univer-

sities and colleges, rising 12 percent from 101 to 114 on 60 campuses. Since 1988, campus anti-Semitic incidents have more than doubled.<sup>3</sup> Table 6 shows that documented anti-Semitic incidents throughout the United States have increased 70 percent in the last 10 years. It bears note that 32 of the 1991 incidents occurred in the Pacific Northwest. The audits note that many incidents are assumed to go unreported.<sup>4</sup>

**TABLE 6**  
**Anti-Semitic Incidents in the United States, 1983-92**

	Total	Vandalism	Harassment, assault, threats
1992	1,730	856	874
1991	1,879	929	950
1990	1,685	927	758
1989	1,432	845	587
1988	1,281	823	458
1987	1,018	694	324
1986	906	594	312
1985	944	638	306
1984	1,078	715	363
1983	1,020	670	350

Source: Anti-Defamation League of B'nai B'rith, *1992 Audit of Anti-Semitic Incidents* (1993), p. 41.

- 1 Marvin Stern, transcript of the factfinding meeting conducted by the Montana Advisory Committee in Missoula, Montana, May 28, 1992, (hereafter cited as *Transcript*), pp. 92-93. The ADL, founded in 1913 to end the defamation of Jewish people, has as its mandate to secure and defend the rights of all Americans, regardless of race, religion, ethnicity, national origin, gender, or sexual orientation.
- 2 "Survey on Anti-Semitism and Prejudice in America," Anti-Defamation League Special Report, 1993.
- 3 Anti-Defamation League, *1992 Audit of Anti-Semitic Incidents* (1993), pp. 3, 5 (hereafter cited as *Anti-Semitic Incidents*).
- 4 *Transcript*, p. 93.

Bruce Barrett, a Missoula attorney, reported to the Advisory Committee that approximately 2 years ago he received a series of three phone calls at his residence threatening his life after he had given a series of lectures on Judaism. One call was even recorded on his answering machine while he was away from home. During the same period, his car was vandalized while it was parked in front of his house.<sup>5</sup> Although Mr. Barrett was never harmed, the experience had a strong effect on him, and he was greatly concerned about the safety of his wife and child. He reported the incident to the sheriff's department and was told that if the calls continued they would do something about it, a response that he found less than reassuring.<sup>6</sup>

Mr. Stern said that 5 or 10 years ago, most anti-Semitic incidents were perpetrated by individuals, but now organized hatemongers,

such as the Skinheads, and members of such organizations as the Identity Church, Aryan Nations, and the Ku Klux Klan, have raised the level and intensity of violence.<sup>7</sup> Last year, he said, the ADL estimated that there were an estimated 4,000 Klan members across America, and that the 125-year-old hate group is gaining strength.<sup>8</sup> Mr. Stern stated that, viewed through the prism of race, the Klan offers a "license to hate" through rhetoric on issues such as affirmative action, immigration policy, crime, drugs, welfare, and AIDS.<sup>9</sup> He said that though the ADL sees little prospect for the Klan again becoming a significant force in America, people who feel alienated and victimized by recent trends and social policies, who may never become members of the Klan, might well support modified forms of Klanism associated with the white supremacist movement.<sup>10</sup>

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<sup>5</sup> Ibid., pp. 239-42.

<sup>6</sup> Ibid., pp. 243-44.

<sup>7</sup> Ibid., p. 94.

<sup>8</sup> Anti-Defamation League, *The KKK Today: A 1991 Status Report*, 1991, p. 1.

<sup>9</sup> Ibid.

<sup>10</sup> Ibid., p. 95.

## 10. The University Perspective

Reports of increased activity by white supremacists and incidents of racial and ethnic violence on college campuses come from many sources. Research by the National Institute Against Prejudice and Violence shows that between 1986 and 1990, such incidents have been reported publicly at 250 colleges and universities. Some campus case studies indicate that approximately 20 percent of minority students experience some form of ethnoviolence during a single academic year. The Institute calculates that 800,000 to 1 million students are victimized by ethnoviolence annually.<sup>1</sup> Though many of these incidents are viewed by many educators as separate, unrelated, and local, some believe that this alarming rise of racial and ethnic violence on campuses is part of a national dynamic that will contribute to a reduced quality of education in our universities if allowed to continue.<sup>2</sup>

Like other campuses across the country, the University of Montana is experiencing hate activity and racial violence. The president of the university is informally briefed on these incidents each year, and in 1991, 15 to 20 such incidents were reported.<sup>3</sup> Robert Freeman, president of the Black Student Union at the university, enumerated several specific incidents where the 47 black students enrolled

there have suffered racially motivated abuse and harassment. One black student was run off the road while on his way home; another black student was harassed and provoked and told "the only good nigger is a dead nigger"; a student was almost hit by a truck when the driver deliberately tried to run him down, while the passengers laughed and shouted racial obscenities; and Mr. Freeman himself had a sign placed on the door of his campus residence that said, "Nigger go home."<sup>4</sup>

These incidents, he said, show that something is very wrong; they are the result of seeds of hate planted through lack of education and ignorance about people who are different. He believed that hate groups in Montana have arisen and continue to thrive because these seeds of hate have been planted in the minds of the men and women who comprise them.<sup>5</sup> Members of these hate groups, he said, are present at almost every rally held by the Black Student Union. They distribute literature, and leave it on cars in the parking lot, saying that black people are from the "mud race," a different species, and are as low as monkeys, and he said that Native American students suffer the same kind of abuse.<sup>6</sup> In December 1991, flyers appeared on campus advertising a newspaper distributed by the Church of the Creator called *Racial*

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1 Howard J. Ehrlich, *Campus Ethnoviolence and the Policy Options* (National Institute Against Prejudice and Violence, report no. 4, Baltimore, MD: March 1990), pp. iii, 2.

2 Jimmy R. Jenkins, president of Elizabeth City State University, "The College as a Racial Model for Society," *The Lurking Evil: Racial and Ethnic Conflict on the College Campus* (American Association of State Colleges and Universities: 1990), p. 26.

3 Dennis Caliman, University Police, interview in Missoula, Montana, Mar. 15, 1992.

4 Robert Freeman, transcript of the factfinding meeting conducted by the Montana Advisory Committee in Missoula, Montana, May 28, 1992, (hereafter cited as *Transcript*), pp. 111-12.

5 *Ibid.*, pp. 113, 116.

6 *Ibid.*, pp. 117, 118.

*Loyalty*, which was “dedicated to the survival, expansion, and advancement of the white race.” It read, “White people awake! Save the white race—niggers, muds, and Jews—will be shipped out of the country.”<sup>7</sup>

Marvin Stern said that recently an ad by Holocaust denier Bradley Smith, who disavows the death of 6 million Jews in the Holocaust, appeared in the student newspaper at the University of Montana in Missoula.<sup>8</sup> The ADL observed that the introduction of the Holocaust denial issue onto college campuses appears to be consistent with other efforts by the white supremacist movement to distort legitimate concerns into vehicles promoting bigotry. For the Jewish community, nothing is more sensitive than the issue of Holocaust revisionism, which denies the facts of the Holocaust and contends that the slaughter of millions of Jews at the hands of the Nazi party was a Zionist fabrication used to gain sympathy for Jewish causes.<sup>9</sup> Mr. Stern said that, although the ADL fully supports free speech and academic freedom, the issue in the case of the Holocaust is one of truth versus hatred, bigotry, and prejudice.<sup>10</sup>

Robert L. Kindrick, provost and vice president for academic affairs at the University of Montana, said that he has raised questions with the university administration regarding the university’s editorial policy allowing a campus publication to accept an advertisement that denies the existence of the Holocaust. He stated that he suspected that the publication of a similar advertisement denying the existence of slavery, or expressing

anti-Native American or antiblack sentiments, would not be allowed. He added that the Holocaust advertisement has caused a review of editorial policy with regard to such advertising and an open forum will be held on the campus to address issues raised by the controversy.<sup>11</sup>

Dr. Kindrick confirmed the occurrence of malicious acts and the distribution of white supremacist literature on campus. Incidents involving racist comments have been reported by both Native American and African American students, but he said that all such incidents have been investigated in an attempt to identify the perpetrators.<sup>12</sup> He believed that relatively few of the incidents of racial harassment that have occurred on the campus are connected with off-campus extremist groups. Moreover, he believes that the University of Montana does not have the level of organized hate activity seen on campuses elsewhere.<sup>13</sup> Finally, he stated that students subjected to racial harassment in the local community are encouraged to pursue appropriate action through local law enforcement authorities.<sup>14</sup>

When asked about the reaction of black students to hate activities on campus, Mr. Freeman replied that, though such incidents cause anger, they are tolerated because everyone is entitled to freedom of speech. When hate extremists are allowed to say what they want, Mr. Freeman said, they make themselves “look like they have their heads up their . . . .”<sup>15</sup> Mr. Stern also said that, in his view there is nothing wrong, *per se*, in the printing

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7 *Racial Loyalty*, issue no. 72 (published by the Church of the Creator), August 1991.

8 *Transcript*, p. 96.

9 Anti-Defamation League, *1992 Audit of Anti-Semitic Incidents* (1993), pp. 7–8.

10 *Transcript*, p. 97.

11 *Ibid.*, p. 142.

12 *Ibid.*, p. 140.

13 *Ibid.*, p. 141.

14 *Ibid.*, p. 141.

and distribution of hate materials, that everyone has a right to do this and to read them. But he also felt that the university administration needs to make it clear that the messages conveyed by the materials of these racist speakers are not representative of the views of the university.<sup>16</sup>

Restrictions on policies imposed to deal with bigotry and racist speech on campuses by interpretations of the first amendment guarantee of free speech have been problematic for university officials across the Nation and have generated much discussion in recent years. In one example, the *Washington Post* reported that, in 1989 the University of Wisconsin put into effect a code banning speech that demeaned a person's race, religion, sexual orientation, disability, or ancestry. The next year, following a Federal judge's ruling that the code was unconstitutionally broad, the university revised the rules more narrowly, banning harassment epithets directed at individuals. In 1992 the board of regents repealed the code altogether following heated debate in the State legislature around concern that it violated the first amendment.<sup>17</sup>

In response to the racist literature distributed on the University of Montana campus, Scott Crichton, director of the Montana branch of the American Civil Liberties Union, expressed his view that, although it is the responsibility of colleges and universities to deal with racial prejudice on campuses, they must do so in a way that does not infringe upon freedom of speech and religion.<sup>18</sup>

Professor Charles Lawrence of the Stanford Law School expressed a different opinion about the constitutional protection of hate speech:

Face-to-face insults . . . are undeserving of the First Amendment protection for two reasons. The first reason is the immediacy of the injurious impact of racial insults. The experience of being called "nigger," "spic," "Jap," or "kike" is like receiving a slap in the face. The injury is instantaneous. There is neither an opportunity for intermediary reflection on the idea conveyed nor an opportunity for responsive speech. The harm to be avoided is clear and present. The second reason that racial insults should not fall under protected speech relates to the purpose underlying the First Amendment. If the purpose of the First Amendment is to foster the greatest amount of speech, then racial insults deserve that purpose . . . once the blow is struck, it is unlikely that dialogue will follow. Racial insults are undeserving of First Amendment protection because the perpetrators's intention is not to discover truth or initiate dialogue, but to injure the victim.<sup>19</sup>

A *Washington Post* editorial made an additional point with reference to free speech and the responsibilities of a university: "[E]specially within a university community where all points of view should be freely debatable . . . the airing of odious views must be freely permitted, *and* those views must be combated clearly and strongly by more speech."<sup>20</sup> David Tatel, an attorney in a Washington law firm, carried the point further. He wrote that "a university's response to the problem of racial harassment must be broader and more comprehensive than written policies penalizing racist speech." Its response should specifically

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15 Ibid., p. 119.

16 Ibid., p. 107.

17 "College Repeals Speech Code as National Backlash Grows," *Washington Post*, Sept. 12, 1992.

18 International Association of Campus Law Enforcement Administrators, *1991-1992 Critical Incidents and Crime Trends on Campus* (May 1992).

19 Ibid.

20 "Free Speech and the Campuses," *Washington Post*, May 16, 1993.

include counseling, mediation, improved communication, education, and strengthened efforts to hire minority faculty and administration.<sup>21</sup> The U.S. Commission on Civil Rights broadened this imperative to speak out to leaders and officials beyond the university in what it termed "the indispensable need for strong and unambiguous statements from community leaders and elected officials that acts of racial and religious intimidation will not be tolerated."<sup>22</sup>

To help combat racism, Dr. Kindrick said the administration at the University of Montana supports diversity on campus and has "called for increased tolerance and appreciation of the values of cultural and gender diversity on the campus."<sup>23</sup> Dr. Kindrick explained that the University of Montana has made clear that it will not tolerate racial or gender harassment and will take steps to deal promptly with any individuals found guilty of such activities.<sup>24</sup> He reported that other college campuses in the State, such as at Montana State University, have witnessed a number of individual acts of racial or gender harassment, but nothing that could be directly linked to organized white supremacist groups.<sup>25</sup> He was, however, alarmed about activities of racists in communities throughout the area, believes that institutions of higher education must maintain a

climate of free and civil intellectual discourse as the best safeguard against the intrusion of bigotry and fear.<sup>26</sup> He emphasized that the president of the university, George Dennison, seeks to unify administrators, faculty members, and student leaders in assuring that the efforts of supremacist groups on the campus will be fruitless.<sup>27</sup>

Barbara Hollman, dean of students at the university, added that students, faculty, and staff are undergoing an educational experience in considering where freedom of expression ends, and when it begins to interfere with another person's civil rights.<sup>28</sup> This educational experience is being attained through a combination of awareness training, debate, dialogue, forums, and discussions regarding revision of the section of the student conduct code that deals with hate speech.<sup>29</sup>

Ken Willett, director of campus safety for the university, sees his responsibility as providing a learning environment that is secure and safe, where students can pursue their education without fear of harm or intimidation.<sup>30</sup> In response to the on-campus distribution of hate literature by white supremacists, Mr. Willett said that he has sent letters of warning to local white supremacists when such distributions were in violation of municipal littering and handbill ordinances.<sup>31</sup> One response he received was a letter inform-

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21 "Suppression and Controls on American Campuses," *The Lurking Evil: Racial and Ethnic Conflict on College Campuses* (American Association of State Colleges and Universities: 1990), p. 120.

22 U.S. Commission on Civil Rights, *Intimidation and Violence*, clearinghouse publication no. 96 (September 1990), p. 25.

23 *Transcript*, p. 144.

24 *Ibid.*, p. 145.

25 *Ibid.*

26 *Ibid.*, p. 146.

27 *Ibid.*

28 *Ibid.*, p. 153-54.

29 *Ibid.*

30 *Ibid.*, pp. 124-25. Mr. Willett supervises the university police unit and provides security on campus. His officers, who are fully trained and State certified, have full powers of arrest.



ing him that there was nothing he could do to stop them, and if he did, they would sue him for denying them their civil rights.<sup>32</sup>

Mr. Willett said his department shares intelligence gathering efforts with other law enforcement agencies and maintains files on individuals who are involved in white supremacist activities.<sup>33</sup> Hate crimes involving property damage, assault, threat, harassment, or intimidation, are cataloged.<sup>34</sup> Last year, he

said, almost 20 such incidents on campus were reported to campus police.<sup>35</sup> Mr. Willett stated that though his officers are trained to recognize and identify bias-motivated activity, the training they receive is inadequate, and that they need to be made more sensitive to cultural differences in order to be able to cope with the problems of a campus that has a large minority and international student population.<sup>36</sup>

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31 Ibid., p. 126; Missouri Municipal Code, § 9.38.010, Para. B.

32 *Transcript*, pp. 126-27.

33 Ibid., p. 126.

34 Ibid., p. 136.

35 Ibid., p. 137.

36 Ibid., pp. 132-33.

## 11. Summary

In the course of its research and at its fact-finding meeting in Missoula on May 28, 1992, the Montana Advisory Committee to the U. S. Commission on Civil Rights collected evidence of an alarming resurgence of violence and intimidation associated with bigotry and racism in the State and across the Nation. During the last two decades, more and more of these acts have become associated with organized white supremacist groups whose targets are persons of color, Jewish people, and members of the homosexual community. In Montana, American Indians have also been specifically targeted for abuse. It was reported that approximately 3,500 extremist organizations have been identified by name as operating throughout the United States with as many as 150,000 members or supporters. Over 20 such organizations were found to operate in Montana. Though the philosophy and objectives of these groups vary, they express a common desire to overthrow the American form of government and reinterpret the American dream.

Information supplied to the Advisory Committee at its factfinding meeting showed that the Northwest had once been selected for the development of a white Aryan homeland to be used as the base of operation for many of these extremist groups. Montana, especially the western portion, was thought to be particularly attractive to these groups because of its sparse population, isolated setting, and small minority population. The scarcity of law enforcement personnel and resources in the State, especially in the small, isolated communities to the west, is also appealing to them.

Recent research showed that white supremacist groups in Montana fall into three basic categories, Constitutionlists, Christian Identity, and Christian Patriots, with distinctly overlapping ideologies all characterized by racism, anti-Semitism and homophobia. The manifestations of these ideologies are more

overt in some groups than others, and some organizations appear to have a greater propensity for violence. All are known to advance their rhetoric and recruit through distribution of a variety of hate literature. Some focus more specifically on anti-Indian rhetoric; some were reported to engage in paramilitary training with automatic weapons; and some are rebellious against laws governing their conduct, taxes that they are assessed, or licenses that they are required to buy. The Montana Human Rights Commission believes that the climate created by the presence, activities, and propaganda of white supremacists has contributed to a backlash against racial minorities in the workplace and is partially responsible for the increase in race discrimination complaints in recent years.

It was observed that the white supremacist groups tend to target economically distressed farming communities in their recruitment efforts, blaming their problems on government policies or alleged Jewish control of the economic system. Some groups were said to build on past Indian-white tensions to foment hostility and strife, which also creates fertile ground for their recruitment efforts.

Montana citizens have taken an extraordinarily active role in opposing the activities and visibility of hate groups across the State. This has been done largely through the formation of local, State, and regional networks and coalitions to expose the philosophy of white supremacists and to develop strategies for countering their activities and propaganda.

As of May 1992, no Montana law enforcement agency had reported a single crime under the Federal Hate Crimes Statistic Act of 1990, and there has never been a prosecution under Montana's Paramilitary Training Control Act or the State's Malicious Intimidation and Harassment Act. Several reasons were given for this. Due to budget limitations, no training in the identification and reporting

of hate crimes has been provided by the U.S. Department of Justice for law enforcement officers in Montana. The Montana Statistical Analysis Center, which is responsible for compiling data, has no mechanism in place to collect and report statistics on hate crimes, and there is a lack of training for law enforcement officers in recognizing such crimes. Though the center is planning to implement the new computerized National Incident-Based Reporting System, it will be some time before it will begin providing data. Following the Advisory Committee's Missoula factfinding meeting, the Montana Law Enforcement Academy added a 2-hour segment of hate crime identification to its basic police officer training course, though this is seen as being grossly inadequate.

Furthermore, law enforcement resources for the investigation of hate crimes are very limited in Montana. Local law enforcement agencies are stretched to the limit in covering huge amounts of territory. Harassment lawsuits alleging freedom of speech violations that are brought by white supremacists against law enforcement officers, county attorneys, and judges consume time and resources and detract from time and resources available for law enforcement efforts. The Montana Department of Justice (MDJ) has only one

6-person unit to investigate hate crimes in the entire State and, due to limited jurisdictional authority, cannot initiate investigations without a specific request from a local law enforcement agency. Budget restrictions also severely curb involvement by the MDJ.

Aside from difficulties in identifying and detecting hate crimes under Montana statutes, there are other problems with the legislation. Provisions of the Malicious Intimidation and Harassment Act are difficult to interpret and enforce in light of constitutional requirements for freedom of speech. Though crimes directed against persons because of their sexual orientation are of major concern in Montana, they are not included as hate crimes under the Montana Malicious Intimidation and Harassment Act. The Paramilitary Training Control Act is extremely difficult to enforce because wording of the act requires proof that training was done with intent to kill a person because of his or her race, something that is extremely hard to establish. The University of Montana is wrestling with the difficult question of where freedom of expression ends when it interferes with another person's civil rights, such as with the distribution of hate literature and anti-Semitic propaganda.

## 12. Findings and Recommendations

### Finding 1

The Computerized National Incident-Based Reported System (NIBRS), has not been implemented in Montana with the result that, to date, not a single crime has been reported as a hate crime in the State. Crime data is collected by the Montana Board of Crime Control, but hate crime reporting is on a voluntary basis. Accurate reporting of hate crimes is necessary in order to determine the scope of the hate crime problem in Montana, to develop strategies for the enforcement of hate crimes statutes and the prevention of such crimes, and to enhance public awareness of the problem.

#### Recommendation 1.1

The Montana Board of Crime Control should assure rapid implementation of the NIBRS to facilitate the collection and reporting of data on hate crimes.

#### Recommendation 1.2

The Montana Legislature should mandate that all State and local law enforcement agencies participate in the reporting of hate crimes through NIBRS, and encourage Indian reservation agencies to cooperate.

### Finding 2

Due to the budget limitations, no training has been provided in Montana by the U.S. Department of Justice regarding the identification and reporting of hate crimes. Such training by the Montana Law Enforcement Academy has been very limited and inconsistent. This lack of training hampers the efforts of law enforcement agencies in dealing with white supremacist groups, and in the investigation and prosecution of hate crimes.

#### Recommendation 2

In cooperation with the U.S. Department of Justice, the Montana Board of Crime Control and the Montana Law Enforcement

Academy should develop materials and conduct comprehensive training sessions, making them mandatory for all law enforcement agencies in the State.

### Finding 3

Lack of coordination between law enforcement agencies, both on and off Indian reservations hamper efforts in training, reporting, and enforcement with regard to hate crimes.

#### Recommendation 3

The Montana Legislature and the Montana Department of Justice should develop legislation and strategies to improve cooperation between law enforcement agencies in dealing with hate crimes.

### Finding 4

Much of the hate rhetoric of white supremacists in Montana is directed against gay and lesbian persons, and violence against homosexual persons in the State because of their sexual orientation is of much concern. Though crimes manifesting evidence of prejudice based upon sexual orientation are reported under the Federal Hate Crimes Statistics Act of 1990, malicious intimidation or harassment because of a person's sexual orientation is not a crime under the Montana Malicious Intimidation and Harassment Act.

#### Recommendation 4

The Montana Legislature should add "sexual orientation" to the categories of persons covered by the Montana Malicious Intimidation and Harassment Act.

### Finding 5

Dealing with bigotry related activities, racial insults, and the distribution of hate literature by white supremacists in a manner that doesn't infringe upon the freedom of speech and religion is problematic for law enforcement and university officials alike.

**Recommendation 5.1**

The Montana Department of Justice should provide training to law enforcement officials and prosecutors on the interpretation of requirements of the Montana Malicious Intimidation and Harassment Act in light of constitutional requirements for freedom of speech and religion.

**Recommendation 5.2**

University administrators, as well as community leaders and elected officials, should use every opportunity to denounce activities and rhetoric of white supremacists which are based on bigotry, hate, and racial prejudice; and they should proclaim policies supporting religious tolerance, racial equality, and cultural diversity.

**Finding 6**

The Montana Human Rights Commission is required by the Montana Human Rights Act (MHRA) to educate the general public on the elimination of discrimination. However, no funds are available for this purpose, nor does the statute mention any specific responsibilities of the agency with regard to hate crimes or other activities of white supremacists.

**Recommendation 6.1**

The Montana State Legislature should provide funding to the Montana Human Rights Commission to fulfill its mandate to educate the public on the elimination of discrimination.

**Recommendation 6.2**

The Montana Human Rights Commission should include in its educational effort, the identification of hate crimes and public awareness of the provisions of the Montana Malicious Intimidation and Harassment Act.

**Finding 7**

Native American individuals and tribes in Montana have been the object of vicious rhetoric and harassment by white supremacists, along with efforts to undermine tribal treaty rights to natural resources and self-governance. Misunderstanding about Indian treaty rights, and lack of knowledge of Indian history and culture have resulted in negative attitudes toward Native Americans in the State. In turn, these attitudes have led to controversy and hostilities which provide fertile ground for the operation of hate groups.

**Recommendation 7.1**

Indian tribes should cooperate with State and local law enforcement agencies in the enforcement of hate crime statutes, and participate to the fullest extent in hate crime training and reporting procedures.

**Recommendation 7.2**

Montana public schools should include instruction in Indian history and culture as part of their basic curriculum.

## Appendix A

# WHAT WE FIGHT FOR



We fight for no monetary gain, nor for glory, nor for material possessions, nor for any of the transitory things the alien media pushes so hard for. We are of a new order, and our purpose in life rests in the continued beauty and advancement of our people, in the infinite chain of our genes and our cultural heritage passing down through the ages. We see the ultimate beauty of the earth in her most advanced people, the white race, a unique breed of humanity that has epitomized the highest attributes of what we call "man." If civilization is to be preserved, if the heavens are to be conquered, if life is to continue its evolutionary journey upward, the White race must be saved, savored, protected, nurtured, and above all, loved with a deep abiding that can withstand any persecution or hardship. We fight for the life of our people!

**CHURCH OF THE CREATOR,  
"SAVE THE WHITE RACE"  
P O BOX 2231  
MISSOULA, MT 59808**

## Appendix B-1

Montana Separatist Alliance  
"For White Survival"  
P. O. Box 1261  
Libby, Montana 59923

# NO



WHITE PEOPLE ASHAMED  
SAVE THE WHITE RACE!

Subscribe to  
the pro-White newspaper  
THE WHITE RACE  
For Sample Copy Send \$1 To  
Church of the Creator  
Box 400, Oslo, NC 28763



# BURHEADS

## Appendix B-2

Well Boy... You Had Your Court  
Appearance About Time you git  
Ready to move your BLACK ASS  
back to L.A. - That's truth

NIGGER - Git Movin or git  
Burned - And take the rest  
of those NIGGERS with you

MONTANA IS AND ALWAYS WILL BE  
WHITE MANS COUNTRY.

if you dont know that yet you  
SOON WILL - and so will your  
son Tony or Anthony - yep we know  
who He is - Read some Montana  
History About Montana Vigilantes - and  
CRINGE IN FEAR - you be one SKINNED  
NIGGER



## Appendix B-3

TO: Tim Holmes Rusty Harper Bob Fitzgerald

Two of you so proudly raise " CLENCHED FISTS " while standing next to a low-life card carrying COMMUNIST nigger. He is one of Mandelas many BOYS ON THE ROAD supporting Communism. Did you all know that the International sign for COMMUNISM is a clenched fist. Or did you already know this?? You are ALL a total disgrace to the white race and your heritage. You help raise thousands for HEATHEN indians and LOW LIFE niggers, while your white brothers and sisters are home-less and hungry right before your eyes. May God Almighty have mercy on your souls.....

The body politic ( FREE WHITE ) of the State of MONTANA find your efforts and actions supporting COMMUNISM highly treasonous...BEWARE... this is the only warning that you'll receive. Beware for your families also...

MONTANA P C

**Appendix B-4**

**THE CONSPIRACY EXPOSED**

**BILLINGS, MONTANA**

**HAS**

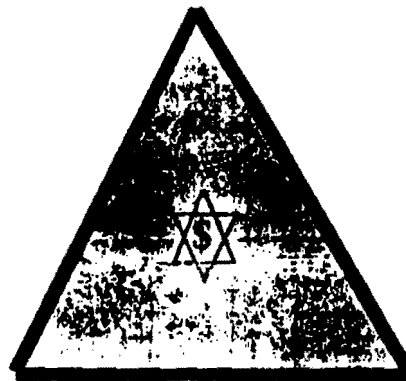
**H.E.M.R.R.O.I.D.S.**

**(Humanist Evolution Movement Recusants Reveling Ubacene Immoral Deviant Sexuality)**

**THE PRO-FAGGOT TRIAD**

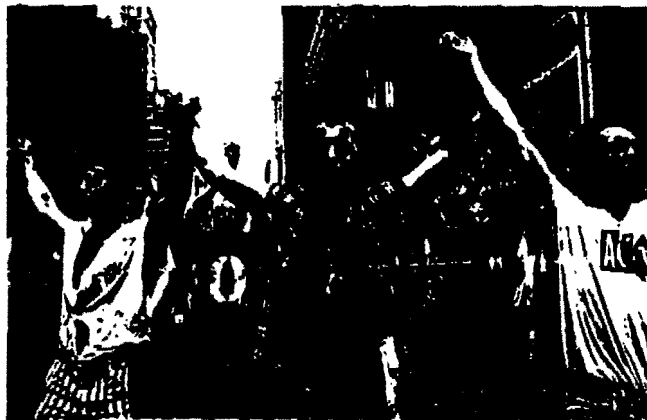
**(NWCAMH)**

**MONTANA HOMO RIGHTS NETWORK**



**MONTANA ASSOCIATION OF CHURCHES**

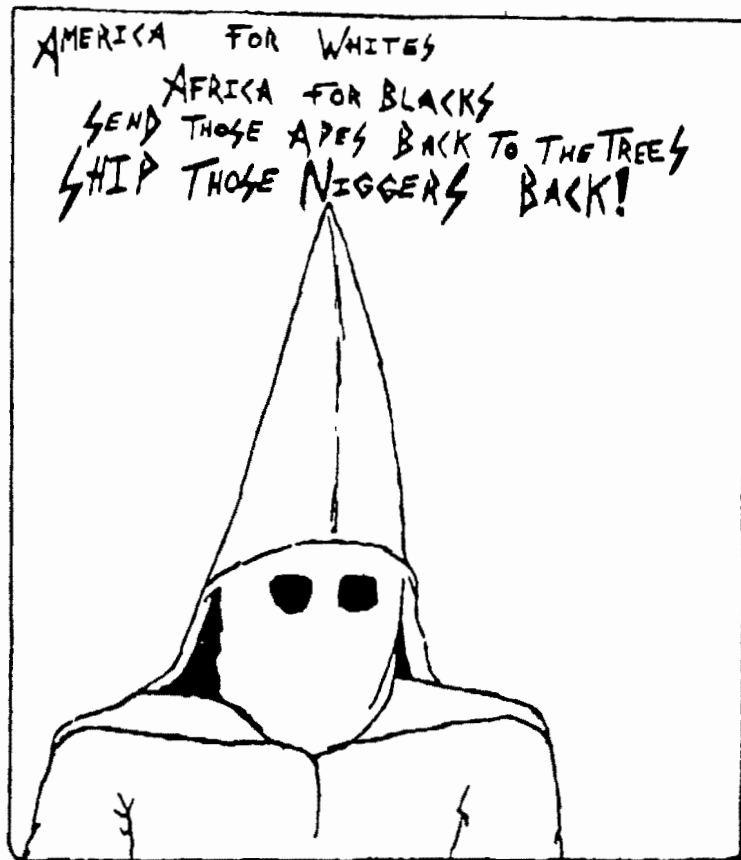
**POLICE CHIEF WAYNE INMAN**



**Some of Wayne Inman's freinds out for a daily stroll.**

**KNIGHTS OF THE KU KLUX KLAN  
1517 14TH St. West, Suite #239  
Billings, Montana 59102  
National Office, P.O.Box 2222, Harrison, AR 72601**

Appendix B-5



FOR MORE INFO CONTACT

**N.W.U.S.**

P.O. BOX 101  
BILLINGS, MT 59103



*Skinheads distributed  
this flyer in Billings  
in October 1992!*

Printed On Recycled Paper

 3

## Appendix B-6

3 May 1990

Montana Separatist Alliance  
P.O. Box 1261  
Libby, Montana 59923



Dear

Thank you for your interest in our organization. I have enclosed some items that may be of interest to you. This group firmly believes in racial separation as the only way to avoid the violent race war that is being forced by the policies of American government societal engineers that are convinced that they know what is best for us. Most of the violent crime in the United States is committed by racial minorities, especially blacks, according to FBI crime reports. They have already fired the first shots in the race war and all of the major cities have become battle zones, but brain-numbed Whites refuse to face the clear racial nature of much of our criminal activity. Soon they will no longer be able to hide their heads in the sand, and we hope that we will play a part in speeding that day forward. More and more it will be recognized that your skin is your uniform; the minorities already know this and act on it in a thousand ways. To refuse to see your enemy has never saved anyone from being a victim. How many more innocent White people will need to be robbed, raped and murdered? It is up to us to get the word out. I hope that some of the enclosed will help you become a warrior in the coming struggle.

Regards,

J. Warman  
President, Montana Separatist Alliance

WHITE REVOLUTION Now

## Appendix B-7

IS YOUR NEIGHBORHOOD  
CRIME INFESTED ON

IS IT STILL ALL WHITE?

Join or pledge your support.  
The ARYAN RESISTANCE MOVEMENT  
P.O. Box 3066, Mission, B.C., V2Y 4J3

A.R.M. Skinheads



Join or pledge your support  
The ARYAN RESISTANCE MOVEMENT  
P.O. Box 3066 Mission, B.C., V2Y 4J3

HAVE YOU EVER THOUGHT OF  
READING A WHITE NEWSPAPER  
FOR A THOUGHT?  
Subscribe to "THE SKINHEAD"  
Box 3066, 3070 Granville St.  
Vancouver, B.C. Canada V6P 4K5  
Write for a free sample copy today!



ADOLF HITLER - 1889-1945  
"It is necessary that I should die  
for my people; but my spirit will  
rise from the grave and the world  
will know that I was right."

A.R.M. Box 3066  
Mission, B.C. V2Y 4J3

ARM. SKINS



ARYAN RESISTANCE  
MOVEMENT  
Abolish Hitler



Was Right!  
A.R.M. Box 3066  
Mission, B.C. V2Y 4J3



## Appendix C

### DOES GOD SUPPORT HOMOSEXUALITY?

#### WHAT DOES THE BIBLE SAY?

**INTOLERANCE OF, DISCRIMINATION AGAINST AND THE DEATH PENALTY FOR HOMOSEXUALS IS PRESCRIBED IN THE BIBLE!**

**"If a man also lie with mankind, as he lieth with a woman, both of them have committed an abomination.; they shall surely be put to death; their blood shall be upon them." Leviticus 20:13**

**"Thou shalt not lie with mankind as with womankind: It is an abomination." Leviticus 18:22 KJV**

**"Or do you not know that the unrighteous shall not inherit the kingdom of God? Do not be deceived; neither fornicators, nor idolaters, nor adulterers, nor effeminate, nor HOMOSEXUALS, nor swindlers, shall inherit the kingdom of God." I Corinthians 6:9,10**

To make known such a truth is to draw fiery, condemning rhetoric and screams of bigot, hater, unchristian, intolerant, ect., from such groups as the PRO-GAY LOBBY (NWCAMH) Northwest Coalition Against Malicious Harassment formed to enact Anti-Hate laws designed to prevent Gay Bashing.

In many countries such as Sweden the PRO-GAY LOBBY has enacted similar laws which have made it a crime punishable by strict prison sentences for a pastor of a church to even mention homosexuality is a sin.

The PRO-GAY LOBBY (NWCAMH) has recently established a splinter group here in Montana called the Montana Human Rights Network. Kay Maloney, Board Member of the Montana Human Rights Network has written several articles for the Northwest Beacon, the newsletter of the PRO-GAY LOBBY (NWCAMH).

Kurt Nelson, who strongly SUPPORTS GAY RIGHTS is a Billings organizer for the Montana Human Rights Network. He also use to be President of the Yellowstone AIDS Project (Billings Gazette November 6, 1992) which promotes teaching children on the use of condoms including the special precautions needed to perform ANAL SEX.

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## Appendix D

104 STAT. 140

PUBLIC LAW 101-275—APR. 23, 1990

Public Law 101-275  
101st Congress

### An Act

Apr. 23, 1990  
[H. R. 1048]

To provide for the acquisition and publication of data about crimes that manifest prejudice based on certain group characteristics.

Hate Crime  
Statistics Act.  
28 USC 534 note.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That (a) this Act may be cited as the "Hate Crime Statistics Act".

(b)(1) Under the authority of section 534 of title 28, United States Code, the Attorney General shall acquire data, for the calendar year 1990 and each of the succeeding 4 calendar years, about crimes that manifest evidence of prejudice based on race, religion, sexual orientation, or ethnicity, including where appropriate the crimes of murder, non-negligent manslaughter; forcible rape; aggravated assault, simple assault, intimidation; arson; and destruction, damage or vandalism of property.

(2) The Attorney General shall establish guidelines for the collection of such data including the necessary evidence and criteria that must be present for a finding of manifest prejudice and procedures for carrying out the purposes of this section.

(3) Nothing in this section creates a cause of action or a right to bring an action, including an action based on discrimination due to sexual orientation. As used in this section, the term "sexual orientation" means consensual homosexuality or heterosexuality. This subsection does not limit any existing cause of action or right to bring an action, including any action under the Administrative Procedure Act or the All Writs Act.

Research and  
development.

(4) Data acquired under this section shall be used only for research or statistical purposes and may not contain any information that may reveal the identity of an individual victim of a crime.

(5) The Attorney General shall publish an annual summary of the data acquired under this section.

Appropriation  
authorization.

(c) There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this section through fiscal year 1994.

28 USC 534 note.

SEC. 2. (a) Congress finds that—

PUBLIC LAW 101-275—APR. 23, 1990

104 STAT. 141

(1) the American family life is the foundation of American Society,

(2) Federal policy should encourage the well-being, financial security, and health of the American family,

(3) schools should not de-emphasize the critical value of American family life.

(b) Nothing in this Act shall be construed, nor shall any funds appropriated to carry out the purpose of the Act be used, to promote or encourage homosexuality.

Approved April 23, 1990.

## Appendix E-1

MONTANA SESSION LAWS 1989

Ch. 570

### CHAPTER NO. 570

[SB 293]

AN ACT TO PROHIBIT MALICIOUS INTIMIDATION OR HARASSMENT OF PERSONS BECAUSE OF RACE, CREED, RELIGION, COLOR, NATIONAL ORIGIN, OR INVOLVEMENT IN CIVIL RIGHTS OR HUMAN RIGHTS ACTIVITIES; AND TO ENHANCE THE PENALTY FOR OTHER OFFENSES COMMITTED BECAUSE OF THE VICTIM'S RACE, CREED, RELIGION, COLOR, NATIONAL ORIGIN, OR INVOLVEMENT IN CIVIL RIGHTS OR HUMAN RIGHTS ACTIVITIES.

WHEREAS, the Legislature finds and declares that it is the right of every person, regardless of race, creed, religion, color, national origin, or political or religious ideas, to be secure and protected from fear, intimidation, harassment, and physical harm caused by the activities of groups and individuals; and

WHEREAS, the Legislature recognizes the constitutional right of every citizen to harbor and express beliefs on any subject and to associate with others who share similar beliefs; and

WHEREAS, it is not the intent, by enactment of [this act], to interfere with the exercise of rights protected by the Constitution of the State of Montana or the United States; and

WHEREAS, the Legislature further recognizes and finds that the advocacy of unlawful acts by groups or individuals against other persons or groups for the purpose of inciting and provoking damage to property and bodily injury or death to persons is not constitutionally protected, poses a threat to public order and safety, and should be subject to criminal sanctions.

*Be it enacted by the Legislature of the State of Montana:*

Section 1. **Malicious intimidation or harassment.** (1) A person commits the offense of malicious intimidation or harassment when, because of another person's race, creed, religion, color, national origin, or involvement in civil rights or human rights activities, he purposely or knowingly, with the intent to terrify, intimidate, threaten, harass, annoy, or offend:

- (a) causes bodily injury to another;
- (b) causes reasonable apprehension of bodily injury in another; or
- (c) damages, destroys, or defaces any property of another or any public property.

(2) For purposes of this section, "deface" includes but is not limited to cross burning or the placing of any word or symbol commonly associated with racial, religious, or ethnic identity or activities on the property of another person without his or her permission.

Section 2. **Penalty.** A person convicted of the offense of malicious intimidation or harassment shall be imprisoned in the state prison for a term not to exceed 5 years or be fined an amount not to exceed \$5,000, or both.



## Appendix E-2

**Section 3. Sentence enhancement — offenses committed because of victim's race, creed, religion, color, national origin, or involvement in civil rights or human rights activities.** (1) A person who has been found guilty of any offense, except malicious intimidation or harassment, that was committed because of the victim's race, creed, religion, color, national origin, or involvement in civil rights or human rights activities or that involved damage, destruction, or attempted destruction of a building regularly used for religious worship, in addition to the punishment provided for commission of the offense, may be sentenced to a term of imprisonment of not less than 2 years or more than 10 years, except as provided in 46-18-222.

(2) An additional sentence prescribed by subsection (1) shall run consecutively to the sentence, except as provided in 46-18-222.

**Section 4. Severability.** If a part of [this act] is invalid, all valid parts that are severable from the invalid part remain in effect. If a part of [this act] is invalid in one or more of its applications, the part remains in effect in all valid applications that are severable from the invalid applications.

Approved April 18, 1989.

## CHAPTER NO. 492

[HB 417]

AN ACT TO PROHIBIT ACTIVITIES DESIGNED TO FURTHER CIVIL DISORDER; PROHIBITING CERTAIN TRAINING INVOLVING TECHNIQUES CAPABLE OF INJURING PERSONS OR PROPERTY; PROVIDING PENALTIES FOR VIOLATIONS; AND PROVIDING EXEMPTIONS FOR CERTAIN LAWFUL ACTIVITIES.

*Be it enacted by the Legislature of the State of Montana:*

**Section 1. Purpose.** The legislature recognizes every citizen's constitutional right to express beliefs on any subject, to associate with others who share similar beliefs, and to keep or bear arms in defense of home, person, or property. {Sections 1 through 3} are not intended to interfere with the exercise of rights protected by the United States constitution or the state constitution. The legislature finds that conspiracies and training activities in the furtherance of unlawful acts of violence against persons or property are not constitutionally protected, pose a threat to public order and safety, and are subject to criminal penalties.

**Section 2. Definitions.** As used in {sections 1 through 3}, unless the context requires otherwise, the following definitions apply:

(1) "Civil disorder" means a public disturbance involving unlawful acts of violence by a group of two or more persons that causes an immediate danger of or results in injury to the property or person of any other individual.

(2) "Governmental military force" means:

(a) the national guard as defined in 10 U.S.C. 101;

(b) the organized militia of a state or territory of the United States, the Commonwealth of Puerto Rico, or the District of Columbia not included in the definition of the national guard; and

(c) the armed forces of the United States.

(3) "Law enforcement agency" means a department of public safety, a police department, a sheriff's department, the highway patrol, or a governmental unit of one or more persons employed by the state or federal government or a political subdivision of the state or federal government, for the purpose of detecting and preventing crime and enforcing laws or ordinances, whose employees are authorized to make arrests for crimes while acting in the scope of their authority.

(4) "Peace officer" has the meaning given in 45-2-101.

**Section 3. Prohibited activities — penalties — exceptions.** (1) A person is guilty of a crime if, with one or more other persons, he purposely or knowingly assembles for the purpose of training in, instructing in the use of, or practicing with any technique or means capable of causing property damage, bodily injury, or death, with the purpose of employing the training, instruction, or practice in a civil disorder.

(2) A person convicted of violating the provisions of subsection (1) is guilty of a felony and shall be imprisoned in the state prison for a period not to exceed 10 years or be fined not to exceed \$50,000, or both.

## Appendix F-2

- (3) Subsection (1) does not prohibit:
- (a) an act protected pursuant to Article II of the Montana constitution;
  - (b) an act of a governmental military force;
  - (c) an act of a peace officer performed in the lawful performance of the officer's duties;
  - (d) an authorized activity of the department of fish, wildlife, and parks; the department of institutions; a law enforcement agency; or the law enforcement academy;
  - (e) training in nonviolent civil disobedience techniques;
  - (f) lawful self-defense or defense of others or an activity intended to teach or practice self-defense or self-defense techniques; or
  - (g) a facility, program, or lawful activity related to firearms instruction or training intended to teach the safe handling and use of firearms or activities or sports related to recreational use or possession of firearms.
- (4) [Sections 1 through 3] do not apply to an employer or employees involved in a labor dispute.

**Section 4. Severability.** If a part of [this act] is invalid, all valid parts that are severable from the invalid part remain in effect. If a part of [this act] is invalid in one or more of its applications, the part remains in effect in all valid applications that are severable from the invalid applications.

Approved April 19, 1991.







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