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Crying Wolf: Hate Crime Hoaxes in America

by Laird Wilcox

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## Foreword

This book grew out of a research project I began in 1988 when the issue of racist and anti-Semitic hoaxes first came to my attention in a serious way. I had learned in talking with a former associate in the civil rights movement of the 1960s that a cross-burning I had always assumed was done by white racists was, in fact, done by civil rights workers. This aroused my curiosity, and more extensive probing convinced me that it may not be an uncommon occurrence.

I quickly discovered that there were almost no sources of information on the subject of racist and anti-Semitic hoaxes. Rightwing groups, whom one might suspect would keep tabs on this, were rendered almost useless by their conspiratorial approach to the subject. The various black and Jewish groups were reluctant to discuss the issue. It was evidently a subject that had to be researched from scratch.

In 1989 I established the "Hoaxer Project" to bring together information on the subject. I managed to collect a number of newspaper clippings and in 1990 published a small report entitled The Hoaxer Project Report., Altogether some 5,500 copies of that report were circulated. A few readers began sending me clippings of hoaxes that actually made the newspapers as well as their own accounts of incidents they knew or suspected were hoaxes.

In time this added up to some 300 documented incidents from which the cases described in this book were drawn. I did not have the resources of a clipping service or a large network of "monitors" to assist me. If I had, this compilation might be many times as large.

Obviously, hoaxers are people who have exercised pretty bad judgment. Their acts may have been hurtful to others and they have usually violated various laws. Nevertheless I think it's important to avoid the concept of "good guys" and "bad guys" when considering this issue. What we seem to have instead are those who are simply responding to an opportunity.

Whenever an abstract ideal acquires the moral urgency that racial equality or opposition to "bigotry" has today, it's only a matter of time until we find

individuals for whom the noble end justifies the questionable means. The militant, moralizing fanatic -- g quick to compromise important principles in order to enjoy the flush of righteousness -- is the stumbling block which any reasonable resolution of racial/ethnic problems must overcome.

Further, in my experience, this uncompromising behavior is often a way of compensating for a hidden inner ambivalence. The social psychologist Harold D. Lasswell has written that "dogma is a defensive reaction in the mind of the theorist, but doubt of which he is unaware."

This unconscious ambivalence appears to explain the willingness of many so-called "anti-racists" to justify and practice a kind of reverse racism or "counter-bigotry." This manifests itself in the "good" discrimination of affirmative action and race-preferential policies, as well as in rationalizing prejudicial and stereotyping statements about white people.

Twenty years ago one couldn't have said this, but today discrimination in schools, housing, jobs and government is minimal. Institutional racism is virtually gone. In its place, a series of preferential policies are firmly established.

In recent years "anti-racists" have proclaimed that virtually every behavior and institution in our society is covertly racist. Anti-racism has become a small industry in the United States. Entire career fields are built around defining and combatting "racism" in one form or another. As individual problems are solved and offensive behaviors disappear, the definition of racism is broadened again and again to include more and more behaviors, hence we have the problem of "increasing" bigotry and intolerance. I suspect the last thing many professional anti-racists want is a truly race-neutral society. They have developed a vested interest in the continuation of the problem, a kind of "co-dependency" relationship, if you will.

It's no great surprise that a bright, socially-conscious individual would realize quite on his or her own that there's nothing like some racist graffiti or some other "hate crime" to invigorate the militants, and what the hell, it's for a good cause - right? Americans are not known for their ability to defer gratification for long. Hence, the racist or anti-Semitic hoax. It's as easy as apple pie.

Consider a college campus boiling with racial and gender sensitivity, with courses in victimization, organizations for victims, a constant barrage of victimization propaganda -- but no immediate and palpable victims. "Anti-racist" vigilantes with no racists (or misogynists and homophobes) to hang had better get busy and make some, and as we see, they often do.

What I see happening with hoaxes is a kind of "market" process: the frequency of hoaxes increases with their utility in accomplishing desired ends. When the "market" or payoff for victimization goes up, the temptation to create victimization where none exists is very strong and the temptation of exaggerate minor cases of alleged victimization is even stronger.

Conversely, as the number of hoaxes increases (assuming they are reported) a greater skepticism toward unproven and marginal victimization claims will probably increase as well, and hoaxes will become less effective. It's pretty much a matter of supply and demand.

Concerning the text, it's important to realize that in some cases there may have been further developments in some of the incidents I have covered. If a particular case is important to you, I advise that you attempt to determine its current status. Also, for the most part I relied on journalistic accounts for my

information. While I believe that these are generally reliable, one has to be realistic and concede that they are hardly infallible. I have footnoted as many sources as I could find. It is up to the readers to judge their reliability.

Finally, this publication is a continuing project. It is anticipated that future editions will appear. I would like to recruit you to help overcome the disadvantage I have in compiling information on hoaxes. If you see newspaper coverage or other information about a hoax in your community, please send it to me.

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## Chapter 1

### The Scope of the Problem

In January 1994 the Anti-Defamation League, an organization devoted to defending the interests of Jews, reported that anti-Semitic acts against people and property rose 8 percent in the United States during 1993. The ADL also reported 1,867 incidents involving threats, harassment, assaults, vandalism, graffiti and other behaviors (one incident per 139,000 Americans). These included one arson, one attempted arson, one bombing and one attempted bombing.

The ADL annual audit claimed 788 acts of vandalism (one per 330,000 Americans or slightly over 2 per day in a country of 260,000,000) down 8 percent from the previous year. Of those, 325 involved graffiti on bridges, buildings and signs, i.e., expressions of values, opinions and beliefs on private property. Nationwide, according to the ADL, in 1993 there were only sixty arrests for any of this activity, revealing that the vast majority of the incidents were unsolved and no identified culprit was apprehended. Vandalism is almost always a criminal offense and could be prosecuted if there were anyone to prosecute. The ADL, of course, lobbies hard for prosecution when the perpetrators are identified.

On the other hand, the ADL's 1992 annual audit of anti-Semitic incidents reported an 8 percent decline from 1991. Thus, the 1993 increase only served to bring the number of incidents back to its 1991 level. A total of 1,730 incidents were reported in 1992, including 28 serious cases such as arson, attempted arson, cemetery desecration and synagogue bombings. Forty-four percent of the incidents took place in public areas, such as public schools or office buildings.

B'nai B'rith, Canada's League for Human Rights, the Canadian equivalent of the ADL, also reported a decline in anti-Semitic incidents in its 1992 audit. A total of 196 incidents occurred nationwide in 1992 (one per 196,000 Canadians), down 22 percent from 1991. Half of the incidents occurred in Toronto, which has the largest Jewish population in Canada.

The ADL audit, as always, included many incidents that are not crimes, only personal insults, such as one person telling another off and making reference to their ethnic identity in the process. ADL National Chairman, Melvin Salberg, said that he found this "very disturbing and of great concern. This 'in your face' anti-Semitism may signal a new tendency to engage in direct confrontations with Jews and further erodes the taboo against open bigotry."

The audit also includes incidents where mailings are identified on the basis of their alleged anti-Semitic content, public expressions of identification with Arab radicals in Israel's occupied territories, distribution of holocaust revisionist material on the campus, and other activities protected under the First Amendment.

The ADL reported 1,879 anti-Semitic incidents in 1991.<sup>5</sup> This was up from 1,685 incidents recorded by the ADL in 1990, and 1,432 in 1989. Bona fide anti-Semitic physical violence against Jews is extraordinarily rare in the United States. The

ADL reported only 30 such cases in 1990 and 60 in 1991.

No disrespect is intended, and I'm sure such incidents were distressing to those who experienced them, but these figures do not support the claim of a serious and significant trend toward anti-Semitism in a nation of more than a quarter billion people.

The vast majority of these incidents are on the order of simple graffiti, minor vandalism, verbal altercations or telephone harassment. Most remain unsolved in that no perpetrator was ever identified, let alone prosecuted. Where the perpetrator is identified, most of these offenses are committed by juveniles under 18. Many of the unsolved cases may be hoaxes. 1 A single hoaxer with a can of spray paint or a pocket full of quarters can significantly inflate statistics.

The ADL compiled these statistics through a nationwide network of regional offices, local "monitors," clipping services, and reports from police agencies. In addition, the ADL actually solicited reports of anti-Semitic incidents by circulating questionnaires to its own mailing list - hardly a disinterested group. This practice raises serious doubts about statistics compiled by an interested organization eager to promote its own agenda. g According to Leonard Larson, syndicated columnist for Scripps Howard News Service, the ADL's statistics may be questioned on other grounds as well. Larson notes that among the anti-Semitic incidents listed in an annual audit is a case where individuals in Boston displayed "pro-Palestinian/ anti-Israel graffiti" in the subways- Larson adds that the ADL considered these and other incidents anti-Semitic because they recount brutal acts of repression against Palestinians by the Israeli government. "An obvious intent here is to use intimidation to silence criticism of Israel's political and military conduct," Larson says.

#### Anti-Semitism: On The Rise?

Of course, there is disagreement whether anti-Semitism is on the rise i or in decline. In November, 1991, the ADL held a two-day conference in Montreal which produced a consensus that "Anti-Semitism, both in North America and abroad is on the rise, and Jews have to stop keeping quiet about it."

According to ADL executive director Abraham Foxman "...we have reason to be concerned and frightened by what seems to be a rising tide of anti-Semitism here and around the world....The virus has become more active. The restraints and taboos have disappeared."

In January 1992, however, another Jewish organization released its report, based on detailed survey data, that racial and religious tolerance is increasing and anti-Semitism is declining The American Jewish Committee report cited data, for example, which showed that in 1968, 59 percent of Gallup poll respondents expressed approval of marriage between Jews and non-Jews, while in 1983, 77 percent approved. According to media reports,

"The study found that anti-Jewish attitudes are at historic lows...Jews were even perceived in the 1990 general Social Survey as leading whites in general, Southern whites, Asians Americans, Hispanic-Americans and blacks in terms of who was regarded as harder working, richer, less prone to violence, more self-supporting and more intelligent."

The American Jewish Committee said that "the report should come at a relief to American Jews who fear a possible increase in anti-Semitism." This was not the first time in recent years serious differences over the prevalence of anti-Semitism have emerged among Jewish organizations. In 1983 the

Anti-Defamation League and the Simon Wiesenthal Center were at loggerheads over the issue.

The ADL reported a 15 percent decline in anti-Semitic incidents in 1982 from the previous year, and out of 829 incidents, only 197 involved vandalism at Jewish synagogues, temples and community centers. The Wiesenthal Center, on the other hand, claimed a total of over a thousand vandalism cases, asserting, for instance, that in the last three years 57 percent of the synagogues in New York had been vandalized. These are not trivial differences.

In 1988, J. J. Goldberg, writing in Jewish Week, observed

"a majority of the Jewish community's professional experts insist there is no detectable jump either in the rate of anti-Semitic acts or in the level of anti-Jewish feeling among the American population at large."

Goldberg's article quotes sociologist Steven M. Cohen, who believes that an increase in reporting anti-Semitic incidents fuels the claim that they are increasing. Cohen says,

"Jews are more sensitive to anti-Semitism than they've been in the past. So one of the reasons we may be seeing a rise in reports of anti-Semitism is that local people see incidents as anti-Semitic more readily. And secondly, the national media give it more prominence than in the past... You have to conclude that to some degree, Jews construct anti-Semitism."

Five years later, writing in The New Republic, Goldberg said that the very definition of "anti-Semitism" had been changed by some Jewish groups in order to support their agenda.

"Before World War II, anti-Semitism was defined as wanting to harm Jews.<sup>i</sup> In the post-war era, it was broadened to include prejudice that might lead one to wish Jews harm. More recently, it's come to mean any stereotype - or disagreement - with the Jewish community. The very term has become a weapon."

Goldberg commented on the hyping of anti-Semitism by Jewish organizations, noting that people give money when motivated by fear,

"In private, some Jewish agency staffers insist the alarmist tone set by a few national Jewish agencies, mainly for fundraising purposes, is a key cause of Jewish anxiety. Fingers point most often at the ADL and the Los Angeles-based Simon Wiesenthal Center, both of which specialize in mass mailings warning of impending doom and urging donations." A critique of alarmist tactics was circulated by the Jewish Telegraphic Agency in 1993. Debra Nussbaum Cohen, a prominent Jewish journalist, noted

"The reality, experts say, is that Jews no longer face serious discrimination in American society -- not in the community, the workplace, politics or academia.

But American Jews are convinced more than ever that anti-Semitism remains a serious threat, although few have encountered any real bias themselves.

This dilemma, Ms. Cohen, avers, is occasioned by the very organizations that promote awareness of anti-Semitism and solicit funds to combat it. With apparent reference to the ADL audits, she says,

The very lumping together of graffiti and epithets with occasional acts of violence in order to emphasize an upward trend in anti-Semitism may obscure the issue and raise undue alarm."

Ms. Cohen quotes a source which she identifies as a "senior staffer" at a mainstream Jewish organization,

"By focusing on small and dramatic expressions of anti-Semitism which don't mean much, they're sending an alarmist message which is, at bottom, irresponsible.

The ADL's obsession with minuscule American hate groups has been noticed abroad as well. In October 1991 the Jerusalem Post editorialized

"Disappointingly, the Anti-Defamation League, which used to take firm positions on Israel and devote much effort to its causes, now wastes energy on such marginal phenomena as neo-Nazi skinheads, devotes inordinate time to aggrandizing its executive director, and goes out of the way to ingratiate itself with the U. S. administration and the media."

In a perceptive analysis of the hate crime controversy appearing in Reason magazine, associate editor Jacob Sullum observed that serious problems exist in ADL statistics.

"...a single random event can skew the numbers, falsely suggesting an alarming nationwide rise. For example, the ADL counted twice as many anti-Semitic assaults in 1991 as it did in 1990.- But all but a handful of the additional attacks were associated with unrest in Crown Heights, Brooklyn, following a car accident in which a Hasidic Jew killed a black boy. If that incident hadn't happened the number of assaults would have been roughly the same."

Sullum also observes that the statistics constructed by the ADL fail to provide necessary perspective.

"In 1990, the same year the ADL counted 30 anti-Semitic assaults, the Federal Bureau of Investigation counted nearly 1 million arrests for assault nationwide. Jews represent about 2.4 percent of the population, and let's assume that they suffer a proportionate number of assaults. That means that for every assault motivated by anti-Semitism, Jews experience roughly 400 assaults for other reasons (assuming that every assault led to an arrest)." 3

Faced with growing criticism of its statistics from within the Jewish community and without, the ADL commissioned another study to support its agenda. Amazingly, the May 1992 ADL study reported that "One in five adult Americans holds strong prejudicial attitudes against Jews, and anti-Semitism is most prevalent among blacks and the elderly, according to a survey released Monday.

Overall, 20 percent of Americans in the survey fell into the 'most anti-Semitic' category. Thirty-seven percent of blacks were in the category, compared with 17 percent of whites." 4

The study used a series of eleven questions to gauge anti-Semitism. Included among these were

Jews stick together more than other Americans (51% agreed).

Jews always like to be at the head of things (39% agreed).

The other questions related to Jewish loyalty to Israel, Jewish business practices, and Jewish power in America, etc. .In order to be entirely free of anti-Semitism, a respondent could not agree with more than one of the eleven questions. Agreeing with more than six put one in the "hard core of haters" who are "unquestionably" anti-Semitic.

Debra Nussbaum Cohen observed in Jewish Week that the survey question about Jews

sticking together more than other Americans was "a quality that could be regarded as ambiguous, if not positive, by non-Jews and Jews alike." Other questions, such as the one implying Jewish leadership ability, are equally troublesome. This could easily be taken as a compliment. By injecting these two ambiguous questions in the survey the ADL survey seriously fudged the results. A more interesting result might have been obtained if the same questions were posed to an equal number of Jews.

Another critical account of the ADL survey was penned by Richard Cohen in the Washington Post Magazine. He observed

"You may even want to publicly agree with one of the statements with which the surveyors caught anti-Semites in the process of thinking anti-Semitically: 'Jews pretty much run the movie and television industries.' I would have said yes to that myself."

Cohen adds that he could cite several books to back up this position, and that Hollywood has been dominated by Jews so completely and their influence in the entertainment business is so vast that to name them would take up the remainder of his column. In short, to agree to this statement is simply not evidence of anti-Semitism.

However Cohen admonishes that

"...non-Jews know better than to comment about what is before their very eyes. Should they answer forthrightly, they might well be denounced for anti-Semitism."

A very good point. In fact, in the ADL survey, they were. What many critics have pointed out as a perverse and manipulative double standard in perceptions of anti-Semitism is clearly evident.

#### Hate Crime In Perspective

The ADL statistics have their problems, and similar compilations of "hate-motivated" incidents compiled by other interested parties, such as the NAACP and Klanwatch are also flawed. Perhaps the most glaring flaw in these statistics is the practice of counting unsolved incidents. Doubtless, numerous hoaxes are included among them.

Other crime statistics help to put these figures in perspective. For example, 570 individuals -- mostly young minority males -- died in violent, often interracial, gang warfare in Los Angeles in the twelve months of 1989. In addition there were 3,819 gang-related reported assaults with deadly weapons, 93 rapes and 1,851 robberies. The perpetrators of this year of carnage, which certainly surpasses the death toll from racist and anti-Semitic "hate crimes" in 20th century America, have also been mostly young minority males, primarily skinheads.

The issue of black gang violence was graphically illustrated by a thirty second TV commercial commissioned by the Evanston, Illinois, Human Relations Commission in 1992. The commercial began with a shot of a Ku Klux Klansman on the left and a black gang member on the right, arms crossed and looking defiant. The announcer states, "if they were giving medals for killing black people, the neo-Nazi would win a bronze medal, the KKK member a silver and the street gang member the gold." At this point the following data appears on the screen under the Klansman and the gang member,



KKK Murdered at Least 20 Blacks, 1960-1991 Black Gangs Murdered at least 1,300 blacks, 1991 alone If you're in a gang, you're not a brother, you're a traitor

The black community went ballistic. A public screening was disrupted by protestors, who called it racist. Operation Executive Director Janette Wilson said that the ad "misstates the problem."

#### The Anti-Defamation League

The Anti-Defamation League projects a public image of a human rights organization, with a particular interest in the welfare of Jews and opposition to whatever it considers as anti-Semitism. Established in Chicago in 1913 as a subdivision of B'nai B'rith, a Jewish fraternal order, the organization has grown by leaps and bounds. Today, the tax-exempt organization maintains 31 offices nationwide and has a budget of \$34 million, and over four hundred employees including an extensive legal staff.

Over the decades the ADL established a reputation within and without the Jewish community as a major supporter of civil rights for Jews and other minorities, a staunch opponent of bigotry in all forms, a fearless watchdog over racist and anti-Semitic groups and a major educational resource on human rights issues. Little known was its far less scrupulous espionage, disinformation and destabilization operations, not only against neo-Nazis and Ku Klux Klansmen, but against leftist and progressive groups as well.

The ADL's charade came to a halt in January, 1993. A rapidly developing investigation by the San Francisco Police Department into the activities of police intelligence officer Tom Gerard produced evidence of extensive network of illegal ADL penetration into confidential police files in San Francisco and elsewhere.

The investigation quickly focused on Roy Bullock, a paid ADL operative and well-known figure in the gay community who had possession of an extensive ADL "enemies list" of some ten thousand individuals and 1,000 organizations. Bullock, who had worked for the ADL for fully 35 years and who was regarded as their "top spy," had an illegal intelligence sharing relationship with Gerard, who regularly stole information from police files for transmittal to the ADL and in some cases to Israeli agencies through Bullock. Other information developed that there were Bullock and Gerard "clones" positioned in or close to police departments throughout the country.

What was striking about the "enemies list," was that most of the individuals and organizations listed were of the leftist, progressive persuasion. Given the scarcity of bona fide racist and neo-Nazi organizations, it is not surprising that few of them would be listed. Also not surprising is that many Arab human rights organizations listed were. What was shocking was the range of left groups, which included many organizations included among the ADL's allies. Groups such as the American Civil Liberties Union, the National Conference of Black Lawyers, the Black United Fund, the Center for Investigative Reporting, the Asian Law Caucus, and the San Francisco Anti-Apartheid Committee were on the list. Predictably, this produced a howl of protest from a sector of the American political spectrum that might have been expected to condone the ADL's harassment of the far right.

Why leftist groups, particularly human rights groups? For the simple reason that the ADL fears nothing more than that the American civil rights establishment will adopt the Palestinian cause, which in certain respects resembles the plight of American blacks. Some of the tension existing between Black organizations and the Jewish community centers around this controversy, although ADL

disinformation efforts manage to either kept it swept under the rug or framed in terms of "black anti-Semitism."

Some of the best coverage of the ADL scandal appeared in the San Francisco Examiner, where reporters Dennis Opatrny and Scott Winocur covered the story almost daily from its inception. Detailed overviews appeared in April and May 1993, respectively by George Cothran and Peter Hegarty in the ASF Weekly, a San Francisco tabloid, and by Robert J. Friedman in the New York weekly, The Village Voice. Cothran and Hegarty had this to say

"Examples abound of the ADL's brazen invasion into the lives of people who happen to disagree with its political views. In 1983, the group disseminated a "blacklist" to Jewish campus leaders around the country that smeared scores of respected academics and Middle East peace activists as 'pro-Arab sympathizers and propagandists who use their anti-Zionism as merely a guise for their deeply felt anti-Semitism."

The ADL responded to the adverse publicity with an intense media disinformation campaign, claiming that it did nothing wrong in "sharing information on violence-prone groups with law enforcement officials," and that it "will not countenance violations of the law on the part of anyone connected with the agency." This was met with healthy skepticism by virtually all concerned. Robert J. Friedman had this to say in the Village Voice,

"That's what the ADL says for public consumption. But morale is so low that its employees complain of sleepless nights and crying fits. And even as other Jewish groups circle the wagons around the ADL in a show of solidarity, many do so holding their noses. More than a few Jewish officials privately say that the ADL has to decide whether it is a human rights group or a secret police agency."

When ADL National Director Abraham Foxman went on a damage control mission to West Coast news media offices and Jewish organizations he attacked critics of the ADL in characteristic fashion, calling them "anti-Semitic, undemocratic, and anti-American bastards."

The ADL also enjoyed the same relationship it had with American police intelligence officials with Israel's spy agencies, the super-secret Mossad and the Shin Bet. The ADL may also have played a role in the Jonathan Pollard case as well. Pollard, an American Jew, was charged in 1987 with stealing thousands of pages of U.S. military secrets and transmitting them to Israel. According to Friedman

"Pollard's handler was Avi Stella, an Israeli air force colonel whose wife worked for the New York ADL as a lawyer. Pollard later wrote to friends that a prominent ADL leader was deeply involved in the Israeli spy operation."

Part of the ADL's legal strategy in the various lawsuits filed against it over the years is to claim "journalistic privilege." The ADL claims to be a "news and information gathering" organization," and as such it is entitled to protection under the shield laws used to protect the working press from having to reveal their news sources.

In no sense of the word is the ADL on a par with the New York Times or Time Magazine, nor is it even vaguely related to the working press. Its publications are designed to support the ideological prerogatives of the organization and its constituency, and not to provide "news." In addition, its publishing activities are only a small part of its overall program, most of which is public relations and fundraising, along with developing and maintaining its extensive enemies files. Yet, time after time judges have bought this argument, and the ADL has avoided potentially damaging discovery proceedings that would have provided

ample ammunition for both criminal prosecutions and private lawsuits. Such was the case in San Francisco.

The evidence that developed against the ADL was overwhelming. Not only did their paid agent take part in stealing police records, a felony, but there were numerous other infractions as well. There was active speculation that felony indictments against prominent ADL officials would be forthcoming. They were not. why not? Consider this:

"Some close observers believe that political pressure will make it impossible to prosecute the respected Jewish organization. 'Mark my words, this is going to be obfuscated, obliterated...' said one veteran inspector. 'It's going to be a classic study in how things get covered up. You don't do Jewish people in San Francisco. It's not PC. Especially when you have two U. S. Senators who are Jewish (Barbara Boxer and Dianne Feinstein) and the city's Chief of Protocol is Dick Goldman (a prominent fundraiser in the Jewish community.)"

The inspector was prophetic. The ADL and its spy, Roy Bullock, were dropped from the criminal investigation in April, leaving only Tom Gerard, against whom prosecution would be very difficult. In December, 1993, the San Francisco District Attorney reached a settlement with the ADL. The ADL agreed to pay \$75,000 to "fight hate groups" and it surrendered documents on some 1,400 groups and individuals it had illegally obtained - a mere slap on the wrist.

Although the ADL is apparently off the hook in this case, the damage done to its carefully crafted reputation poses a major challenge to its staff of disinformation specialists and spin doctors. This was the organization's closest call yet. Quite possibly there will be more to come.

#### The ADL and the FBI

The history of the ADL's relationship with government agencies, including the Federal Bureau of Investigation, has yet to be written. However, in working through a large stack of FBI documents obtained under the Freedom of Information Act it becomes clear that the organization has labored hard and long to ingratiate itself to federal law enforcement authorities, ostensibly as "experts" on their own enemies.

Until the Reagan administration the FBI kept the ADL at arm's length, although they readily accepted ADL information in the same manner that they do from a wide range of informants. Under J. Edgar Hoover, the bureau was particularly reluctant to get into any kind of cooperating arrangement with the ADL.. Hoover, for example, repeatedly declined offers to address ADL banquets, realizing that his presence would be a propaganda coup for an organization he didn't entirely trust.

In a 4 January 1966 letter to Dore Schary, ADL national chairman, Hoover declined attendance at an ADL dinner for Supreme Court Justice Arthur J. Goldberg. A note is appended which reads:

"NOTE: Mr. Schary is a Hollywood producer who is well known to the Bureau. He has never been investigated but Bureau files reflect that he has been a member or sponsor of, contributed to or was in other ways affiliated with a number of organizations cited as CP [Communist Party] front groups or which have been designated as subversive pursuant to EO [Executive Order] 10450.

The reason for distrust - aside from the extremist background of certain ADL leaders - was the sheer opportunism evident in ADL tactics to compromise the independence of the bureau, and also in the shoddy quality of some ADL

investigative work on its enemies.

An internal FBI memorandum dated August 12, 1965 from Assistant Director William Sullivan to R. W. Smith made reference to an ADL pamphlet on the Ku Klux Klan. Sullivan notes

"It is stated on page 6 that a Klan plot to assassinate Martin Luther King early in 1965 'leaked out, and the FBI and other law enforcement authorities threw a heavy guard around him.' This is not true...

"...the pamphlet erroneously lists James Venable's National Knights of the Ku Klux Klan as the second most important group, having the support of 7,000 to 9,000. Originally formed by Venable to bring a number of small Klans into one organization, the National Knights of the Ku Klux Klan has A not realized its goal."

A year later FBI documents refer to another erroneous ADL report, this inflating the strength of the Ku Klux Klan, which the ADL claimed was at about 29,500! .The ADL also claimed in a September 1966 statement in the New York Times that KKK membership had increased by 10,000 since the first of the year. According to an FBI memorandum

"while the Klan has made organizational efforts in the North and Middle West, they have met with little success."

There has been no indication that Klan membership has grown by 10,000 since the first of the year...The present Klan membership is between 14,000 and 15,000 active members. Perhaps most significantly, however, the 1966 FBI memorandum contained the following, which is transparently evident to objective observers,

"The Anti-Defamation League has vested interest in discovering and exposing anti-Semitic organizations such as the Klan and other hate groups."

Indeed, the ADL seems to need groups like the Ku Klux Klan and the various minuscule neo-Nazi organizations. When the last Klansman and the last neo-Nazi turn out the lights and lock the door, either the ADL cooks up an acceptable substitute or it goes the same way. Small wonder the ADL is accused of exaggeration. Absent a existence dramatically diminished. This peculiar symbiotic relationship between extremist groups and the counter-extremist groups that hate them is well-established.

Faced with problems like these, throughout the 1960s and most of the 1970's the FBI practiced a healthy skepticism about ADL information. It seemed clear that there was nothing the organization would like better than to have the premier federal law enforcement agency become their enforcement arm. It wasn't until Judge William Webster became FBI director in 1978 that the agency bowed to political pressures from the White House and elsewhere, and significantly stepped up its informal intelligence sharing operation with the ADL.

Cooperation between the ADL and the FBI increased enormously under President Reagan in 1981, and became formal with the issuance of a 1985 "memo" requiring all FBI field offices to develop formal liaison with some thirty ADL Field offices around the nation. This memo remained secret until it was uncovered in 1990 in a FOIA request to an FBI field office in Minnesota, where it was released to a journalist by mistake.

The memo, directed to the Special Agent in Charge (SAC) of twenty-four FBI field offices, accompanies two ADL publications to review and instructs each SAC to "contact each ADL regional office to establish a liaison and line of communication..." One of the publications in question was the ADL's

controversial 1984 "Hate Groups in America."

## Hate Groups in America

In 1980 the U. S. Commission on Civil Rights contracted with the AntiDefamation League to produce a report on extreme right "hate groups" for a \$20,000 fee. The ADL hardly needed the fee, but was thrilled at having the implied endorsement of a government agency for one of its reports. This did, not work out so well, however.

After the report was published the commission rejected and declined to publish it on several grounds. A letter dated March 8, 1982, from Paul Alexander, acting general counsel of the commission, to John Hope, III, acting staff director, gave the following reasons,

"I would like to raise several policy considerations. The ADL report does not in any way resemble a standard USCCR report. It is not a dispassionate attempt to present a balanced accounting of facts. The commission previously has had no difficulty in publishing reports containing defamatory information when it was verifiable and necessary to the report. .Our Voting Rights Report is the most recent example. In that report, however, we did not find it necessary to mix epithets and emotionally-laden labels with the facts. The ADL report is rank with epithets and labels that only serve to distort the factual accountings of the activities of the KKK and similar organizations."

"The liberal use of hyperbolic epithets throughout the ADL draft sets a tone that probably precludes correction through simple adjectival laundering. The alleged inaccuracies and misrepresentations noted by the respondents present very serious problems...If (they) are at all representative, the report probably contains many inaccuracies. It is doubtful that the report could survive the normal process of a source-check as their does not appear to be sufficient data to support the allegations."

Alexander further noted that the ADL report "bordered on jingoism."r Although the USCCR wisely declined to lend its name to the report, the ADL published it anyway, with epithets, emotionally laden labels, and jingoism" intact. Like all ADL publications on the people and groups that it hates, its tone is one that encourages contempt for the civil liberties of its subjects and treats them in a dehumanizing manner -- behaviors the ADL purports to oppose. The report has now appeared in several editions and is widely circulated to journalists and police departments.

## Hate Group Membership

If determining the extent of anti-Semitism, racism or hate crimes is problematic, consider determining the strength of anti-Semitic and racist groups. Some of the most wild speculation has been made in this area. At a time when the ADL estimated nationwide KKK membership at roughly 12,000, a St. Louis TV station claimed a fantastic 50,000 members in Missouri alone. In this instance the ADL's estimate is much closer to the truth, although it probably didn't take into account multiple memberships.

Many Klansmen join through the mail and rarely or never attend meetings Some belong to several Klans, and a few carry cards from virtually all of them. Thus, 1,000 "members" may represent only eight or nine hundred actual Klansmen and even fewer are actual participants in Klan activities. Subtract from this police informants, agents for "monitoring" groups, curiosity seekers and literature collectors, and this figure diminishes even further. Also, in most racist groups

the membership list and the mailing list are usually two distinct entities. Ku Klux Klan organizations have maintained large complimentary mailing lists in the past, although that practice has faded for reasons of economy. Some groups don't have "members" as such, only people who receive their mailings, and others make no distinction between members and people who write and ask for information. A few groups even send out blank membership cards with their solicitation letters. According to the ADL, in 1990, the various Ku Klux Klan organizations had a combined membership under 4,000, down from 45,000 in 1964 and 12,500 in 1981. In 1987, during a period of growth, the ADL estimated hard-core neo-Nazis at "no more than 400-500." The much publicized "skinheads", recently estimated at 5,000 nationwide are almost certainly no more than a third of that. Determining who is and who isn't a neo-Nazi racist skinhead involves a lot of pure guessing. A recent possible hoax in Denver initially focused on the local skinhead population and an estimate of 200 was made, a great surprise to bona fide Denver racist groups. Many bikers adopt the skinhead appearance while having no serious affinity for their views, and there are many "anti-racist" skinhead groups around. The actual number of bona fide racist, neo-Nazi skinheads in Denver is probably under 25. At the time a Kansas City KKK "group" made national news in 1988 with its plans for a public TV show it had only two members. Speculation had ranged as high as a hundred and rumors of alleged KKK vandalism and cross-burnings spread through the community.

Groups like the "Posse Comitatus" attained almost mythical proportions in the early 1980s, with estimates as high as 40,000 given by irresponsible writers. This was absolute fantasy, although Jim Wickstrom, Posse "leader," claimed the incredible figure of a million and a half! Having talked with police agencies, journalists, farmers and local officials, and with Posse members themselves, I seriously doubt if more than 1,000 serious Posse activists ever existed at any one time. The Posse was never tightly organized and the national "group" was primarily a literature distribution operation. Local "groups" were autonomous and virtually anyone could claim membership and be believed.

In Kansas, for example, State police officials monitoring farm auctions in the early 1980s made the incredible mistake of estimating Posse presence in one case by noting that a "Posse" activist was present and he had thirty or so people gathered around him reading the literature he passed out hence, there was a Posse "presence" in the "neighborhood of thirty" at the auction! A single individual distributing Posse literature in service stations and restaurant restrooms caused near panic in one county.

This situation got so far out of hand that in 1985 three Kansans filed a civil rights lawsuit against Kansas Attorney General Robert Stephen for "creating" the Posse Comitatus to further his political career. A suit brought on behalf of Freda Steele, James Steele and Harold Hollander, all 4 rural Kansas residents, charged that unnecessary police powers were utilized during a repossession action against Mr. Steele, which included "air support and a small army of Kansas Bureau of Investigation agents, Kansas Highway Patrol troopers, sheriff's deputies and local police personnel, all heavily armed as for combat, who descended on said farm like an invasion force."

Among the various problems in determining membership in groups is the fact that claims by the groups themselves can't be believed. Invariably, A they will exaggerate their own strength. Both Ku Klux Klan and anti-Klan groups routinely distort the KKK's numbers, influence and threat to the established order.

In 1984 a terrifying right-wing Halstead, KS, organization with the creative name of the "Farmer's Liberation Army" was finally determined to have one member, founder Keith Shive. Anti-racist groups took the organization very seriously and references to it appeared in the national press. Shive was absolutely delighted with the response. Similar cases involving allegedly

paramilitary "constitutional patriot" and tax protest groups consisting of one or two members are not uncommon. A creative trickster with access to a photocopy machine can create havoc in a community with the help of a properly "sensitized" local media on the watch for witches to burn.

Robert DePugh's Kansas City area-based paramilitary "Minuteman" organization of the 1960s suffered from similar distortions. Primarily a paper operation with a handful of activists, DePugh topped out at 500 "members," most of whom were essentially inactive literature-collectors and several of whom were government agents. Media estimates ranged in the thousands. By 1968 the FBI had refined its intelligence on the group to the point where they stated that there were "less than fifty persons upon whom Minutemen leaders can call for overt action." My own subsequent investigation suggested a more realistic figure of under a dozen. During the McCarthy era, by the way, the membership of leftist groups, including the Communist Party, was similarly exaggerated. gt 8

### The Southern Poverty Law Center

In February 1992 i- sA Today reported that Klanwatch, a subdivision of Morris Dees' Southern Poverty Law Center, had identified a total of "346 white supremacy groups operating in the USA, up an alarming 27% from the past year." Included were 97 Ku Klux Klan and 203 alleged Neo-Nazi groups. This figure is outrageously inflated. What Klanwatch apparently did is locate any mailing address they could find, including the large number of "post office box chapters" maintained by several organizations, police, government agencies and private groups monitoring the Klan. They probably listed many groups whose actual affiliation is neither KKK or neo-Nazi, and who would argue with the designation of "white supremacy."

This writer publishes an annual directory of these groups (and a companion directory on the left), and can attest to the irresponsible inflation of Klanwatch's figures. In terms of viable groups with more than a handful of members, not post office box "groups" or two man local chapters, the actual figure is a combined total of about 30 -- a far cry from 346! Unfortunately, this kind of exaggeration is typical.

The Southern Poverty Law Center has been faulted on other grounds as well. In February 1994 the Montgomery Advertiser ran a series of articles exposing various aspects of the SPLC, including its questionable fundraising tactics and other dishonest practices. Among the issues raised were,

"The SPLC has reserve funds of \$52 million...Just what the Law Center does with all that money is a source of concern. Some who have worked with Morris Dees call him a phoney, the 'television evangelist' of civil rights who misleads donors..."

For 15 years, people throughout the country have sent millions of dollars to the (SPLC) to fight the Ku Klux Klan and other supremacists. But critics say the Law Center exaggerates the threat of hate groups..."

The SPLC responded to the series with a number of veiled threats and charged that it was a "hatchet job". Nevertheless, the series was widely praised and is regarded as a model for courageous, objective reporting.

### The SPLC Legal Offensive

In 1987 Dees and the SPLC made national headlines with a civil judgement against United Klans of America and two of its members for the 1981 slaying of a black

teenager. Unable to afford competent counsel in the complicated matter, the UKA was forced to turn over all of its assets and went out of business.

At issue in that trial was the liability of the UKA for the acts of its members. Had this doctrine that organizations are responsible for the acts of their members been established as a legal precedent in the 1960s, it would have decimated the early civil rights movement and would have bankrupt the NAACP and CORE, both of which this writer belonged to. Even the labor movement and the anti-war movement could have been crippled by lawsuits arising from the violent acts of some of their participants.. Suppose a black activist group was hit with a \$7 million judgment because one of its members killed someone in the Watts riots? This sounds far-fetched, but had the Dees precedent existed then it could have happened.

Conscientious civil libertarians, while strongly opposing the Ku Klux Klan and neo-Nazi groups, disdain unfair and underhanded methods used to go after them in the courts. The SPLC proclivity to use civil suits, where constitutional protections are minimal, against poor, working-class and often semi-literate Klansman unable to afford counsel, has been compared to shooting fish in a barrel.

The issue, of course, is a classical moral one, i.e., whether the ends justify the means used to accomplish them. Most moral philosophers would say that the means indirectly determine the ends, and that unjust means necessarily lead to unjust ends.

Another Dees civil case involved three neo-Nazi "skinheads" who killed a black man during a November 1988 fight in Portland, Oregon. The skinheads pleaded guilty and are serving long prison sentences. This was not the end of the matter, however. Morris Dees and the SPLC, with the cooperation of the ADL, filed civil suit on behalf of victim's family. None of the skinheads was worth suing, so Morris Dees sought a judgment against Tom and John Metzger and their White Aryan Resistance (WAR) organization, to which the skinheads allegedly belonged. The Metzgers, it was agreed, did not even know the men who committed the crime, nor had they directed their actions. The issue was whether, by virtue of the Metzgers attitudes, opinions and beliefs, they had somehow "motivated" the killers.

The Metzgers and WAR had minimal assets, not nearly enough to even cover the cost of the lawsuit. Dees and the ADL were clearly trying to put WAR out of business. The Metzgers were, of course, unable to afford counsel and at-tempted to defend themselves. After a long trial before a judge with one year of experience on the bench, a tired jury found against the Metzgers in October 1990, and awarded the victims family an enormous settlement. A subsequent appeal was denied, largely because the Metzgers, with no legal training, had failed to bring up specific objections during the trial. At 'one point, when Tom Metzger attempted to pay for a transcript of the trial with donated funds in order to prepare their appeal, Dees garnished the' payment, thus impeding their efforts.

Criticism of Dees does not come from right-wing sources alone. gin a column appearing under the banner of the Los Angeles Times/Washington Post News Service, Ray Jenkins, a writer for the Baltimore Sun, noted that while the State of Oregon lacked evidence to put Metzger on trial for murder in the case, what Morris Dees did was to

"...convert the civil law, whose basic purpose is to settle disputes between individuals, into an arm of the criminal law. In legal abracadabra, the standard of proof in civil, cases -- usually only 'preponderance of evidence' -- is a good deal easier to meet than the higher standard of 'guilt beyond a reasonable doubt' required in criminal prosecution.



Let's not forget, there are cases on record where civil law was tortured into criminal law to punish Communists in the 1950's, then civil rights groups, including the National Association for the Advancement of Colored People, in the 1960's."

An unnamed philosopher once said to beware of those in whom the urge to punish is strong. The zealous and vengeful nature of these self-appointed "hate-crime" vigilantes, so quick to abuse long-established legal processes designed to protect the civil rights of all citizens, renders them as dangerous as the hate groups they claim to oppose -- and perhaps even more so in that they maintain an image of legitimacy. Militancy and fanaticism in any pursuit, even one that is objectively laudable on its face, is bound to produce results that are injurious in the long run.

"Whoever fights monsters should see to it that in the process he does not become a monster. And if you gaze long enough into an abyss, the abyss will gaze back at you." Friedrich Nietzsche, 1878

1 Associated Press, "Harassment of Jews Rose in '93, AntiDefamation League Reports," New York Times (25 January 1994).

2 Debra Nussbaum Cohen, "ADL Reports Fewer Anti-Semitic Acts In 1992," Kansas City Jewish Chronicle (5 February 1993).

3 "Anti-Semitism Declines," Jewish Week (12 March 1993). Stewart Ain, "Anti-Semitism: Fewer Acts, More Personal," The Jewish Week (5 February 1993).

5 Debra Nussbaum Cohen, "Reports Says Acts of Anti-Semitism Up In 1991." Kansas City Jewish Chronicle (7 February 1992). 8

6 "Acts of Anti-Semitism Hit Record High in '90," The Jewish Week (8 February 1991).

7 "1,432 Anti-Jewish Incidents Reported Last Year," Associated (Press (18 January 1990). A

8 Toby Axelrod, "A Violent Trend..." The Jewish Week (14 February 1992).

9 Leonard Larson, "ADL Report Diminished Its Reputation," D.C. Observer (12 June 1988).

10 Canadian Jewish News (14 November 1991).

11 New York Times (8 January 1992).

12 Ibid.

13 "Wide Divergence in 2 Reports on Anti-Semitism In The U.S.," Jewish Post Q Opinion (19 January 1983). A A

14 J. J. Goldberg, "Tide Of Anti-Semitic Acts Exposes 'Perception Gap,'" The Jewish Week (18 November 1988).

15 Ibid.

16 J. J. Goldberg, "Scaring The Jews," The New Republic (May, 1993).

17 Ibid.

18 Debra Nussbaum Cohen, "Paradox of Anti-Semitism in America: Perception vs. Reality, Kansas City Jewish Chronicle (8 1 January 1993).

19 Ibid.

20 Ibid.

21 "Calling All Jews," Jerusalem Post (21 October 1991).

22 Jacob Sullum, "What's Hate Got To Do With It?," Reason (December 1992).

23 Ibid.

24 Associated Press, "1 in 5 Americans Anti-Semitic, Survey Finds," Tulsa Herald (17 November 1992). 25 Ibid.i

26 Debra Nussbaum Cohen, "1 in 5 Americans 'Hard-Core' AntiSemites, Survey," Jewish Week (20 November 1992).

27 Richard Cohen, "The Gotcha Game," Washington Post Magazine (20 December 1992).

28 Ibid.

29 Ibid.

30 New York Times, 27 January 1990. i

31 "Chicago Is Talking," Newsweek (31 August 1992).

32 Kevin Johnson, "Anti-Gang TV Ad Called Racist," USA Today (28 August 1992).

33 Dennis J. Opatrny and Scott Winokur, "S. F. Spymaster Revealed," San Francisco Examiner (8 April 1993).

34 George Cothran and Peter Hegarty, "Spies For Zion," SF Weekly (28 April 1993).

35 Robert J. Friedman, "The Anti-Defamation League is Spying On You," Village Voice (11 May 1993).

36 Ibid.

37 Garth Wolkoff, "ADL Chief Lashes Out At Critics, Press, D.A.," Jewish Bulletin Qi Northern California (7 May 1993)38Friedman, Op Cit.

39 Cothran and Hegarty, Op Cit.

40 "Overstepping Bounds" (14 December 1993).

41 J. Edgar Hoover, Letter to Dore Schary, National Chairman, Anti-Defamation League of B'nai B'rith, January 4, 1966.

42. C. Sullivan, "Memorandum," to R. W. Smith, "Review of Pamphlet, Report on the Ku Klux Klan, by Arnold Forster and Benjamin R. Epstein," 12 August 1965.

43 William C. Sullivan, "Memorandum" to F. J. Baumgardner, "Investigation of Klan Organizations, Racial MattersKlan," 22 September 1966.

44 Ibid.

45 Federal Bureau of Investigation AIRTEL, "Anti-Defamation League of B'Nai B'rith (SDL), Information Concerning Civil Rights Matters," 4 February 1985.

46 Anti-Defamation League, Hate Groups In America: A Record of Bigotry and Violence (New York: Anti-Defamation League, 1983).

47 The KKK Today: A 1991 Special Status Report (New York: AntiDefamation League)

48 Irwin Suall and David Lowe, "Shaved for Battle -- Skinheads Target America's Youth, Political Communication and Persuasion 5 (1988): 144.

49 Editorial, "Swastikas In Denver: Isolated Incidents or Worse?, Rocky Mountain News (13 June 1990): Police Watch, "Skinheads Cleared," Rocky Mountain News (26 July 1990).

50 Interview with James Allen Moran, Grand Dragon, White Knights of the Ku Klux Klan, December, 1988. q

51 "Lawsuit Says Stephan Invented Radical Sect to Further His Career," Associated Press (3 August 1985). E

52 Bruce Maxwell, "Far-Right Group Ready To Fight For Farmers," Rochester Post+Bulletin (13 November 1984).

53 Anti+Defamation League of B'nai B'rith, Extremism on the Right; A Handbook (New York: The ADL, 1983). Even this figure may have been too high. A A

54 J. Harry Jones, The Minutemen (New York: Doubleday, 1968).

55 Mark Hayfield, "Hate Groups Increase - As Do Their Crimes," USA Today (20 February 1992).

56 Laird Wilcox, Guide To The American Right (Olathe, KS: A Editorial Research Service, 1993): Laird Wilcox, Guide To The American Left (Olathe, KS: Editorial Research Service, 1993).

57 Greg Jaffe and Dan Morse, "Rising Fortunes: Morris Dees and the Southern Poverty Law Center," Montgomery Advertiser (February 1994).

58 Ray Jenkins, "Even A Scoundrel Is Due A Fair Trial," Los Angeles Times/Washington Post Service (November 1990).

## Chapter 2

### Hate Crimes Legislation

If membership figures for anti-Semitic and racist organizations are hard to determine, and data on incidents murky and conflicting, statistics on so called "hate crimes" are problematic as well. In 1990 congress passed legislation based on the ADL's model statute requiring the United States Attorney General to "set up a system for collecting statistics on hate crimes" known as the "Hate Crimes Statistics Act." The ADL had lobbied mightily for this legislation, as well as virtually identical legislation in several states. In addition to serious crimes such as murder, arson and manslaughter, relatively minor offenses such as simple assault, intimidation and vandalism which includes graffiti, were to be included

in the tabulation. The legislation contained no provision for reporting incidents that turn out to be hoaxes as such. When an incident is discovered to be a hoax it might be dropped from the statistics, and it might not. Even more disturbing the legislation contained no provision to exclude unsolved offenses, many of which are probably hoaxes. Offenses having the mere appearance of a hate crime are to be reported as such, including unsubstantiated telephone threats, anonymous graffiti and unproven claims of name calling

Local police departments quickly stepped in line. The Los Angeles Police Department adopted a policy that classified all hate crimes as "category one" crimes, "like felonies, with named suspects." Robert Vernon, LAPD assistant chief of police, announced that even misdemeanor offenses, such as alleged threatening phone calls or malicious mischief would be aggressively investigated by police.

In 1991 FBI director William Sessions announced that "The implementation of the hate-crimes program will continue to be a top priority of the FBI." However, Sessions also commented that while there appeared to be an increase in hate crimes, the rise may be due partly to required reporting.

The decision to even classify incidents as "racially-motivated" is fraught with issues of subjectivity and bias. Although "racially-motivated" seems to be a neutral term, it is not. In practice it's been a code phrase for crime by white (and not black) racists. It creates the anomaly of white youth receiving a stiffer sentence for mere graffiti on a black business than a black youth might receive for the burglary of its owner!

"Racially-motivated" is a legal distinction that justifies preferential status and discriminatory punishments. In many cases, the law actually provides for civil penalties and damages, which actually encourages hoaxes and fabrications. More importantly, we are in grave danger of institutionalizing a double standard where some citizens are accorded special protections based entirely on their race while others are penalized for theirs -- a problem the Civil Rights movement originally sought to redress. A dramatic example of that double standard was illustrated in the 1990 "dart man" case in New York City. "Dart man" was a black man who went around Manhattan shooting blowgun darts into women's behinds. Although all of "dart man's" two dozen plus victims were white (including two light-skinned hispanics), it was reported that "authorities do not think race is a factor."

Police are quoted as saying that they "have no reason to believe the attacks are racially motivated." However, in New York City's diverse racial mix the odds of picking two dozen white women at random are on the order of winning Lotto America! Imagine for a moment what the conclusion would have been had "dart man" been white and all of his victims would have been black.s The selective police attention to alleged hate crimes is shadowed by selective media inattention to hate crime hoaxes. Many hoaxes are only reported in the local media and die when they reach the wire services. I've also been told that a fair number are simply "spiked" once their nature is ascertained, out of "sensitivity" to minority concerns, or so as not to "give ammunition" to racists. Absent some kind of clipping service, a network of local "monitors" or the intelligence capability of the American law enforcement community, one is at a considerable disadvantage researching this subject. There could be a much bigger story here than initially appears. In Kansas City, for example, Terrence Weaver defaced a wall near a major art museum with racist and anti-Semitic graffiti in September, 1989. He was observed, chased, and apprehended. The local newspaper reported the incident as a "hate crime," along with the interesting fact that the perpetrator had checked himself into a local mental hospital immediately after his arrest. The incident quickly faded and no more was heard of it. The Kansas City Star has declined to pursue the matter.

My own investigation revealed that this young man was well-known to local leftists, and that he had talked of a plot to entice all Ku Klux Klansmen and neo-Nazis to a meeting then blow up the building and kill them. He was, in fact, not racist but anti-racist. Kansas City police sat on the case and local anti-fascist activists seemed to be holding their breath until the story faded into the memory hole. If you didn't live in Kansas City and read the local paper, you wouldn't know it had happened. If you hadn't investigated, you wouldn't know it's a probable hoax incident. Are there more cases like this? Probably so.

#### Valid Objections To Hate Crimes Reporting Act

There are many valid criticisms of the "hate crime reporting" concept but by far the most legitimate is that selective reporting exaggerates a phenomenon by calling selective attention to it. If statistics were kept of crimes committed by Methodists, or left-handed Democrats, or by service station employees, or of crimes against these groups, it would quickly seem that we have a serious crime problem in these areas. To answer an objection to this argument from a Jewish friend, I asked what the probable consequences of compiling and publicizing statistics on crimes by Jews in the United States might be, so as to draw attention to them. He quickly conceded that it would seriously distort the picture and lead to "dangerous false conclusions" by "singling out a particular group" and would be "unfair selective attention." Enough said. A s

Civil libertarians are traditionally concerned with two issues more than any other. In criminal law, they are concerned with due process issues, i.e., the fairness of the criminal justice system and its adherence to procedural processes that ensure even-handedness and protection for the rights of the accused. In constitutional law, the issue of free speech overshadows most other concerns, since it is regarded as the bedrock upon which all other freedoms depend, and rightly so.

The Anti-Defamation League seems acutely aware that too scrupulous an adherence to civil liberties can be counter-productive to its interests. For example, inconvenient standards of evidence in criminal trials may allow individuals they would prefer to see convicted to go without punishment and ritual defamation, hence their clever advocacy of civil action against individuals and groups who offend their interests, whether or not they have been convicted of an actual criminal offense. In civil cases, evidence is allowable that wouldn't get past the door in a criminal case. Among other things, the standard for conviction is merely the preponderance of evidence, and not the more rigorous "beyond any reasonable doubt." Simply put, if you can't prove a crime, you may still be able to punish with a civil judgment.

Similarly, although they routinely deny it, free speech is troublesome to the ADL when it includes values, opinions and beliefs they regard as retrograde to their interests, such as criticism of Jews, Israel, or Jewish institutions. When the ADL condemns anti-Semitism, they are usually condemning some form of expression of values, opinions and beliefs. Accordingly, while the ADL has officially given muted opposition to discredited and unconstitutional "hate speech" legislation, it has worked mightily to create the climate that produced it.

The "hate speech" case in question was a St. Paul, Minnesota, ordinance outlawing mere expressions of racism and anti-Semitism, including speech, writing, art as well as symbolic acts such as cross burnings. The United States Supreme Court decided unanimously in June, 1992, that the ordinance was in violation of the constitution.

On the other hand, the issue in the ADL's model "hate crime" statute, which they have successfully lobbied through most state legislatures, and which is being embodied in federal legislation as well, is that certain forms of speech, such as hostility or contempt for racial or ethnic interest groups, may not be unlawful in itself, but when expressed in conjunction with a criminal act, such as graffiti, vandalism or assault, it should result in a mandatory increase in sentence.

Bona fide criminal activity, including violence, is always prosecutable, as it should be, but the ADL clearly feels that criminal activity directed against Jews and their clients in the minority community deserves special punishment. However, to make a law singling out a particular interest group for special protection is a touchy subject, and consistent civil libertarians have tended to oppose that tactic, affirmative action programs aside. The ADL anticipated that laws prohibiting acts directed at specific groups as "hate crimes" might present constitutional difficulties (particularly the equal protection clause). Such laws may also encourage public perception that "special people get special protections," a view that the ADL wishes to discourage. Americans tend to reject "group rights," and public awareness that the ADL is promoting precisely what could be a public relations blunder.

The ADL chose to minimize these complications by focusing its legislative offensive on the sentencing phase of the criminal procedure. This way, one can say that the accused has not been convicted of a "special" crime designed to provide "special protections" to "special groups," but rather has been convicted of an ordinary crime -- only the punishment is to be more severe because of the circumstances surrounding it. No one is being convicted of a thought crime because of their values, opinions and beliefs, only a sentence is longer because of them. But why this convoluted tactic? Wouldn't the appellate courts see the ruse? In 1993 the Wisconsin Supreme Court did exactly that when they invalidated a state law mandating longer sentences in hate crimes. Many civil libertarians applauded this development. Sentencing practices are the neglected area of due process. One can see this immediately by noting the wide disparity of sentencing in similar crimes. A simple \$100 burglary may bring probation in one case, and 20 years in another.

Factors only marginally relevant to the seriousness of the crime at hand are allowed in the sentencing process, such as the defendant's appearance or courtroom demeanor, the judge's perception of the defendant's repentance (which may say as much about the judge as it does the defendant), or whether or not the defendant plead guilty or had the temerity to demand a trial. In other words, "evidence" can be entered into a sentencing hearing that would be inadmissible in the trial itself. More than one civil liberties attorney has cringed at the arbitrariness of sentencing procedures. It could be said with respect to hate crimes that all the penalty enhancement statutes do is formalize a kind of discrimination that is already occurring on an ad hoc basis. Unfortunately, penalty enhancement makes it mandatory.

#### Racial Motivation and Sentencing Policy

The particular case that brought this issue before the U. S. Supreme Court in 1993 involved not a white, but a black defendant in a case of aggravated battery. Todd Mitchell was one of a group of black teen-agers who severely beat a 14-year old white boy in Kenosha, Wisconsin in 1989. The group had just seen the film Mississippi Burning, which glorifies the civil rights movement of the 1960s and vilifies its opposition -- not a particularly difficult task. When Mitchell and his gang came upon the victim, Mitchell said, "There goes a white boy! Go get him." They did, and the boy was seriously injured in the beating

that followed.

A jury found Mitchell guilty, and he was sentenced to two years in prison, the maximum for aggravated battery in Wisconsin. However, the jury, finding that Mitchell chose his victim on the basis of his race, went on to increase his sentence to a maximum seven years, or a 350% increase! Paradoxically, had Mitchell merely beaten a black person for some other reason, such as wanting his shoes, he would not have been so thoroughly savaged at sentencing. Two years would be two years, and he probably wouldn't have gotten that.

Mitchell appealed, and the Wisconsin Supreme Court invalidated the longer sentence. They said the state legislature had violated the First Amendment by criminalizing "bigoted thought with which it disagrees." Civil rights groups and the ADL were outraged. In April, 1993, Wisconsin Attorney General James E. Doyle argued the case before the U. S. Supreme Court, making the distinction that the case involved conduct and not ideas. As the result of a massive lobbying effort in which the ADL played a major part, 49 other states had filed briefs in support of Attorney General Doyle. The Supreme Court agreed with Doyle, and unanimously reaffirmed Mitchell's 350% sentence enhancement.

The Supreme Court's reasoning bears special examination. Chief Justice William Rehnquist, writing for the court, said that "...a defendant's abstract beliefs, however obnoxious to most people, may not be taken into consideration by a sentencing judge.

Rehnquist offered that those beliefs are no longer abstract once they provide the motive for discriminatory action. Thus, according to his reasoning, "a physical assault is not by any stretch of the imagination expressive conduct protected by the First Amendment." Of course it isn't, and no one argued that it was. Physical assaults are and always have been punishable. The court's decision is, of course, a can of worms. With this logic it would be possible to legislate penalty enhancement for thieves whose crimes, were motivated by "disrespect for private property," or shoplifters whose pilferage was occasioned by adherence to social doctrines that denigrate the virtue of capitalism. Although one might only be convicted of one offense, the net effect may be to get the equivalent of two times the normal sentence. It might as well be double jeopardy, for all practical purposes, accompanied by two convictions and two sentences.

However, all may not be lost. If these laws are applied equally to all interracial "hate" crimes, broadly defined, and not primarily in the cases where minorities are the alleged victims, the discriminatory effect against whites may be blunted, perhaps severely. In the end they may become another nuisance law that has proven embarrassing to its proponents by virtue of its unforeseen consequences.

#### Unforeseen Consequences of Hate Crime Legislation

New York University law professor James B. Jacobs has written that the bl crime legislation was to protect allegedly victimized blacks from victimizing A proliferation of "hate crimes" laws have resulted in (apparently) unforeseen problems. Attributing the degree of "prejudice" or racial animosity necessary to establish a hate crime motive is not the least of the problems. Virtually all interracial crimes may be perceived as a hate crime if the conditions are defined loosely enough. Noting that the original impetus of hate crime legislation was to protect allegedly victimized blacks from victimizing whites, he says

"Indeed, at some point in the future some supporters of hate crime laws may be dismayed to find that these laws are frequently used against black offenders."

Such a state of affairs may already be on the horizon, according to no less of a source than the SPLC's Klanwatch. In December 1993 New York Times writer Peter Applebome reported

"Klanwatch said that in the last three years 46 percent of all racially motivated murders tracked by the group were committed by blacks on victims who were white, Asian or Hispanic."

In an unsigned editorial in the "Comment" section of a June 1993, issue of The New Yorker, these concerns were also expressed. with reference to the 1993 U. S. Supreme Court ruling in Wisconsin v. Mitchell, the editorial noted that the black youth who had taken part in the beating of a white youth, was essentially being punished because his victim wasn't black. The editorial also observed,

"In Wisconsin, where less than a tenth of the population is nonwhite, half the defendants in hate-crimes cases have been minorities. A preliminary FBI report on hate crimes earlier this year found that thirty percent of the offenders whose race was reported were black. I

However, in another zinger, the editorial also raised the specter of the old saw, "What goes around, comes around."

"Now that the Supreme Court has upheld the Wisconsin statute, it is a safe bet that the law-enforcement community, which more often than not is largely white and largely conservative, will find black offenders a more tempting target for hate crimes prosecution..."

What might have been the civil rights establishment's worst nightmare occurred in December 1993, when Colin Ferguson, a black man of Jamaican ancestry, deliberately shot and killed six white passengers and wounded 19 others on a Long Island railroad commuter train. It was clearly a "hate crime," for Ferguson raged at black "uncle Toms" and carried notes on his person expressing his hatred toward white people<sup>3</sup> Ferguson has been indicted on 93 counts, including civil rights violation. a Black spokesman Jesse Jackson immediately went into damage control, expressing fear of a backlash" and preaching a message of healing and reconciliation. Jackson was reported as saying his second thought upon learning of the killings was o I

"Hoping against hope it wasn't a black person because I knew the e would immediately be a rash of irrational conclusions."

But not to worry, Klanwatch and Jesse Jackson, for Ferguson was portrayed in the media as a victim of white racism on the one hand, and as a victim of mental illness on the other. Had he been a white man who had killed six black people solely because of their race, we might still be hearing about it. In the meantime, however, the story has disappeared from the news. It's the opinion of this writer and many other observers that an evenhanded approach to the hate crime controversy, in which equal standards apply, and behavior that is considered a "hate crime" for whites would also be considered a "hate crime" for blacks (or anyone else), would reveal a picture much different than militant "anti-racist" groups would prefer. Let's take a few examples from the nation's campuses. a a In 1989, the situation of black-on-white violence got so bad at Brown University in Providence, Rhode Island, that university president Vartan Gregorian said he was considering asking for federal help. According to Robert Reichley, vice president for university affairs,

"There have been 16 reported cases since classes began in September [a six week period], Mr. Reichley said. In most cases, he said, black men have attacked white male students or have sometimes drawn guns or other weapons."



In 1991, University of Illinois officials met with police to discuss an alarming series of assaults on white students by black gangs, who apparently attacked the students as part of a gang initiation rite. According to news sources,

"Police said the gang initiation rite requires the potential gang member to find a large white male and knock him out with one punch."

The two gangs involved in the assaults, from Champaign and Urbana, traveled in groups of four to twenty and members ranged in age from 15 to 23, according to news reports "Officials expressed concern about a backlash resulting from the attacks.

The preceding two cases involved college campuses. It would be inaccurate to say they were commonplace, but neither are they rare. Almost every major university has had incidents such as these. Sometimes they made local papers, occasionally the national press. Sometimes they were undoubtedly spiked for considerations of "sensitivity."

At the University of Kansas, for example, a group of black students descended on a white fraternity with clubs and other weapons shouting threats and insults after a black student had allegedly been insulted there." Fortunately, there was no violence in spite of the fact terroristic threats were apparently made. Neither the campus press or the local daily mentioned the incident. One has to wonder how many times such incidents occur nationwide in a year. Surely, they contain the elements of a "hate crime." In virtually every case, however, we can be sure that issues of "sensitivity" are raised, along with fear of "backlash" and "misunderstanding."

If one includes crimes in which an awareness of the victim's race or ethnicity is a factor, then most interracial rapes, armed robberies and assaults might be considered "hate" crimes. Blacks are highly over-represented as perpetrators of the vast majority of these offenses relative to their representation in the population. One could even say that the alleged rage that blacks feel toward "white" society is a race-specific rage, directed at individual victims on the basis of racial identity and, as we see in the Colin Ferguson case, often has the same tragic consequences to innocent individuals as any 1920s-lynching in Alabama.

Editorial writer Samuel Francis cites the 1992 case of a 15-year-old white girl who was raped by a gang of young blacks, who allegedly told her they picked her because she was "white and perfect." According to Francis,

"The story made the tabloid headlines and passed from human memory the next day."

Obviously disillusioned, he adds,

"Hate crimes aren't for white people. They are the special political and legal privileges of racial and religious minorities, and they are weapons by which white people can be bullied, bludgeoned, beaten, prosecuted and persecuted into shutting up about race and the cultural institutions that attend it."

When an even-handed approach is denounced and avoided, of course, the issue becomes highly politicized. Powerful racial and ethnic interest groups have compelling reasons to manipulate the rules and to keep up an appearance of perpetual victimhood. Not only is it extremely useful in promoting a political agenda, but it can have considerable financial benefits to the "victims" as well. Many hate crime statutes have provisions for recourse in the civil courts for monetary damages. These allow victims to sue for special, general, and

punitive damages -- a powerful incentive for professional victims and hoaxers.

### Hate Crime McCarthyism

Anyone with a memory of the tensions on some campuses during the 1950s should be sensitive to the issue of "McCarthyism," with its connotations of "subversive" ideas and thought crimes. One's friends and associates, membership in organizations, personal habits, reading material, offhand comments, even the jokes one laughed at, could be grounds for suspicion of radical and un-American tendencies. Many of the government investigations undertaken during this period focused directly on the defendants state of mind. Any bit of ideological contamination required explanation. Criticism of American policies aroused suspicions. Mere liberals were taken for socialists, and socialists were taken for communists. A careless comment to the wrong person could be a costly mistake.

Professor Jacobs, quoted previously, also observed that since state of mind is pivotal in establishing a "hate-motivated" offense, trials may turn into inquisitions on the values, attitudes and opinions of the defendants, not unlike a 1950's McCarthyite investigation into the values, attitudes and opinions of suspected subversives by the House Un-American Activities Committee. He cites a case in which a man suspected of a hate-motivated offense was grilled about his relationship with a black neighbor. Did he ever have dinner with her, invite her for a picnic, or go with her to a movie? It's quite likely that the magazines and books a defendant reads, present or past memberships in organizations, religious and political beliefs, as well of discovery.

In his Reason article, Jacob Sullum quotes Kevin O'Neill, who wrote the American Civil Liberties Union's brief against the Ohio hate speech law. Although different from hate crime legislation because it penalizes speech unrelated to criminal conduct, the law raises related civil liberties issues. O'Neill says

"Our basic concern about hate-crimes legislation in general, and Ohio's ethnic intimidation law in particular, is that it is an effort by government to punish people for their ideas."

Indeed it is, and no amount of weaseling or doubletalk can obscure that fact. George Orwell himself could not have imagined a more diabolical scenario for the legitimization of "thought crime" in a supposedly free society.

1 Basil Talbott, "Senate Joins Fight Against 'Hate Crimes,'" Chicago Sun-Times (9 February 1990).

2 "LAPD Policy on Hate Crimes," B'nai B'rith Messenger (27 July 1990).

3 Jerry Seper, "FBI Chief Pledges to Make Hate-Crimes Data a Priority," Washington Times (5 April 1991).

4 New York Daily News, 4 July 1990.

5 James C. Fitzpatrick, "Teen Charged in Wall Defacement," Kansas City Times (22 September 1989).

6 A "Decision on Hate Crimes Ban Elicits Mixed Reaction," Jewish Week (3 July 1992).

7 "Tough Bias-Crime Penalties are Upheld," Law Enforcement News (15 June 1993).

8 Ibid.

9 James B. Jacobs, *The Public Interest* (Fall, 1993).

10 Peter Applebome, "Rise Is Found In Hate Crimes Committed By Blacks," *New York Times* (12 December 1993).

11 "Comment: Bad Motives," *The New Yorker* (21 June 1993).

12 Ibid.

13 "N.Y. Gunman Indicted on 93 Counts," *Chicago Tribune* (19 January 1994); Lena Williams, "After Train Killings, A Rise Of Black Anxiety," *New York Times* (12 December 1993).

14 Lena Williams, *Op Cit.*

15 Associated Press, "Attacks At Brown May Bring A Request for Federal Help," *New York Times* (18 October 1989).

16 Andrew Herrmann, "Officials To Meet On U. of I. Attacks," *Chicago sun-Times* (10 October 1991).

17 Lou Oritz, "Students, others attacked in Champaign gang 'rite'," *Chicago Sun-Tim* (9 October 1991).

18 Samuel Francis, "Feeding Hate To The Crime Colossus," (*Washington Times* (4 February 1992).

19 Jacobs, *Op Cit.*

20 Jacob Sullum, "What's Hate Got To Do With It?," *Reason* (December 1992).

### Chapter 3.

#### The Prevalence of Hoaxes and Fabrications

How common are hate crime hoaxes? Some civil rights, Jewish and "antiracist" groups stress the view that they are unusual and represent the misguided work of disturbed individuals. On the other end of the spectrum is the view held by genuine racists and anti-Semites that a massive conspiracy exists to commit hoaxes and publicize them as bona fide hate crimes. The truth, as might be expected, lies somewhere between these two positions. The problem, however, has long been recognized even by anti-racist authors and journalists although few of them have written about it.. Ben Hass, author of the anti-Klan classic, "KKK", noted that

"It would be foolish, of course, to say that all violence attributed to the Klan was actually committed by Klansmen, or as a Klan-sponsored activity. Therein lay the fallacy of the disguise. Any gang of hoodlums that could scare up the requisite robes and hoods could set out to have some sadistic fund or settle personal grudges, and the onus of their misbehavior would automatically fall on the Klan."

In all likelihood, the actual extent of racist and anti-Semitic hoaxes can never be known as long as unsolved cases are uniformly regarded as actual and not merely suspected hate crimes. Police who investigate alleged hate crime cases privately report that a surprisingly large percent are "suspicious" or "likely

hoaxes or pranks." In talking with college and university security officials I encountered responses ranging from "a few, not too many," to "damned near all of them." Most officials were cautious and reluctant to talk without some assurance of anonymity, and a several merely referred me to administrators who were even more paranoid. When a figure for hoaxes was mentioned, however, it was often in the area of 25%. This figure has a kind of reasonableness about it, allowing that it probably doesn't hold true for every environment.

Deliberate misrepresentations, hoaxes and frauds are surprisingly commonplace in American political life. They are more likely to occur in those issues where taboos, "sensitivity," or fear of being called names are operational, or where the moral imperatives of noble social causes and crusades overwhelm individual judgment. Let's look at a few proven hoaxes involving blacks. In these examples, most people are deeply affected by the emotional impact of the message. Few ask whether the message is actually true.

#### Roots: A Search For Black Origins

As an example, perhaps one of the greatest literary hoaxes, with strong racial overtones, was committed by Alex Haley, author of the spurious book, *Roots*, which fraudulently purports to trace his ancestry back to a village in Africa. What is particularly troublesome about this hoax is that, although knowledgeable researchers doubted Haley's work from the beginning, it wasn't until December, 1978 when Haley settled a plagiarism lawsuit with Harold Courlander, author of the 1967 novel, *The African*, for \$650,000, that it became clear how seriously Haley had fudged his facts. In the meantime, the book sold 1.5 million copies and Alex Haley had won a Pulitzer Prize.

Ironically, Haley was quoted on 10 April 1977 in the *New York Times*,,

"It would be a scoop to beat all hell if *Roots* could be proved to be a hoax, and that's one of the reasons why it was so important to me to document as best I could."

The *Roots* hoax had enormous consequences, for the story it fabricated was used to inspire militancy in a generation of black people, and was a significant factor in the development of black political power in the post-civil rights movement 1970's and 1980's. Its influence persists to this day. Although the hoax has received considerable publicity, it's still widely regarded as an authentic and inspirational legend, not uncommonly shown in the nation's schools in order to sensitize white students to the black experience. The television miniseries it generated was viewed by an estimated 130 million people and broke existing Nielsen TV ratings.

Subsequent research showed that Haley stole passages from other books and fabricated many of the characters. Even his pre-civil war U.S. research, where some records were available, was faked. When University of Alabama Professor Gary Mills and his wife, Elizabeth, editor of the *National Geographic Society Quarterly*, attempted to document Haley's genealogical work, they concluded

"The records show that [Haley] got everything wrong in his pre-Civil War lineage. One hundred and eighty-two pages and 39 chapters on Haley's Virginia family have no basis in fact."

So extensive was the hoax that Harvard professor Oscar Handlin observed.

"A fraud's a fraud...Historians are reluctant - cowardly about calling attention to factual errors when the general theme is in the right direction. That goes for foreign policy, for race, and for this book."

## The Liberators: Black-Jewish Reconciliation

A more recent example of a hoax involving faked black history is the 1992 Public Broadcasting System film, *The Liberators*, which purports to tell of the part played by the all-black 761st Tank Battalion in the liberation of the Dachau concentration camp in April, 1945. Viewed by an audience of 3.7 million people, the film was nominated for an Academy Award. Largely the work of William Miles and Nina Rosenblum, producers of politically-correct documentaries on blacks and women, the film was designed to ease strained black-Jewish relations. Leaders from the black and Jewish communities viewed a special showing of the film and spoke of a "common history of oppression." Good sentiments aside, they had chosen a fraudulent vehicle to bring the groups closer.

In a February 1992 interview in *The New Republic*, Nina Rosenblum attacked critics of the film as "Holocaust revisionists," and attributed their criticism to racism. But according to former Army Captain David Williams of the 761st, the unit was nowhere near Dachau when the camp was liberated. He says,

"On April 29, 1945, the 761st was near Straubing, which is about 70 miles from Dachau as the crow flies. Bridges were down, the tanks were all beat up., There wasn't enough gas. Nobody could have just taken a Sherman tank on a 140-mile round trip and not have been noticed missing. He would have been court-martialed."

Philip Latimer, president of the 761st veteran's group, said, "all anybody had to go is look at our history. There is no mention of Dachau or Buchenwald."

Other doubts about the documentary arose and articles questioning its veracity appeared elsewhere. Finally, in February, 1993, WNET-TV, a PBS affiliate involved in the film's production, decided to withdraw *The Liberators* from circulation, admitting that the 761st Tank Battalion "did not, in fact, liberate two concentration camps, as described in the film."

## M Dr. Charles Drew: Death by Discrimination?

One of the more enduring hoaxes has been the falsified account of the death of Dr. Charles Drew, a black physician credited with developing their blood bank system. According to the hoax, Dr. Drew bled to death following a 1950 automobile accident because a white-only hospital refused to treat him. This unfounded tale was repeated by National Urban League director Whitney Young in a 1964 syndicated column, and black historian, William Loren Katz, wrote of the spurious incident in his 1971 book, *Eyewitness: The Negro in, American History*. Katz has since acknowledged the error.

Dr. Charles Mason Quick, also a black physician, has said he wants to stamp out this "perpetual lie" about Dr. Drew. Quick says he personally saw three emergency room doctors work for two hours trying to save Dr. Drew's life. Drew's injuries included brain damage and he died in the emergency room.

Cecil Adams, author of "The Straight Dope" column in Washington, DC's City Paper, reported that Dr. John Ford, one of the passengers who was injured in Dr. Drew's car, reported that "We all received the very best of care. The doctors started treating us immediately." Adams also mentioned a similar hoax involving a famous black blues singer.

"The Drew story is strangely similar to one told about blues singer Bessie Smith. She too supposedly bled to death after an auto accident when a white

hospital refused to admit her. The alleged incident, which occurred in Mississippi in 1937, was even the subject of a play by Edward Albee."

#### Dr. Martin Luther King: A Case of Plagiarism

There has been no greater black icon than Martin Luther King, whose name became synonymous with the civil rights movement in America. Yet, controversy plagued his life until his terrible assassination in 1968. It became widely known that he was abusive to women and frequented prostitutes as he traveled around the country. Several of his close associates had long-time ties to the Communist party. What was not known until long after his death, however, was that his degree as "Dr." was unearned and, in fact, the product of fraud.

King's degree was awarded for a supposedly original thesis entitled "A Comparison of the Conceptions of God in the Thinking of Paul Tillich and Henry Nelson Wireman" he submitted to Boston University in 1955 as part of his requirements for a phd. Over the years rumors built up about the originality of the work, and in 1990 the University established a committee to investigate the alleged plagiarism. In October 1991, the committee released its findings. '

I "There is no question but that Dr. King plagiarized in the dissertation by appropriating material from sources not explicitly credited in notes, or mistakenly credited, or credited generally and at some distance in the text from a close paraphrase or verbatim quotation."

In spite of these highly damaging findings, however, the committee said that "no thought should be given to the revocation of Dr. King's doctoral degree from Boston University." 5

Committee members, through their spokesman, John Cartwright (Martin Luther King professor of Social Ethics), said "I think it is good to get this behind us."

#### The Absence of Healthy Skepticism

Most Americans take a surprisingly uncritical and unquestioning attitude toward this problem.i They seem to believe that whatever is said, or written, or done in the service of a good cause must be the truth - particularly if that cause is fighting racism and anti-Semitism. Why, after all, would anyone lie, fabricate, exaggerate or distort when it seems clear that they are pure in heart? And what if they did?i Aren't they doing it for a good cause? And what of those who expose these deceptions? Isn't this evidence of some kind of covert racism or anti-Semitism? Why would anyone talk bad about a good cause? In short, those who lie and distort are the good guys, and those who pursue the facts of the matter are the bad guys! This is a pretty incredible situation, indeed.

For example, the elaborate rape hoax concocted by Tawana Brawley, her mother and Rev. Al Sharpton was accepted at face value by politicians and the media. It brought about a virtual orgy of white guilt and anti-racist agitation, and we were made to feel that in some metaphysical way we were all somehow responsible for what happened to this young black girl. Finally, an intensive investigation revealed the hoax that should have been suspected early on.

There are still people who believe that the story "must have something to it." You even heard the argument that "if it didn't happen to her, it might have happened to someone else somewhere, sometime." It became a question of the identity of the victim and alleged victimizers, and not one of facts or evidence. For many people, that Tawana Brawley was black was all they needed to know. Nothing else carried as much significance as her minority status.

## Victimhood Pays

In terms of cost-benefit analysis, the actual payoff for victimhood can be very high and the risk of discovery of a hoax very small. This issue of "secondary gain" plays an important part in racist and anti-Semitic hoaxes, and the search for an answer to this troubling phenomenon is well served by the question, "Who benefits?"

When a hoaxer gets caught, which isn't often, there are "fall back" positions which can put a positive spin on the incident. The hoaxer's status may be reframed so that "blaming the victim" can be alleged. Or, he may become "mentally ill," which also removes any responsibility for the hoax. Barry Dov Schuss, responsible for several apparently anti-Semitic arsons,, wanted to keep awareness of anti-Semitism alive and, until he was caught, accomplished it through a series of arsons in Hartford's Jewish community. 17

Psychiatric treatment was the major part of his "punishment". The rest was probation and a suspended sentence. 1 In the case of Sabrina Collins, who fabricated harassment and death threats, the county prosecutor said she needed "counseling and treatment, not prosecution" for her hoax. I did not uncover a case where a white, non-minority defendant in a "hate crime" prosecution was treated so generously or relieved of responsibility in such a manner.

With hoaxes the nature of the offense makes discovery difficult. Telephone harassment, for example, usually leaves no forensic evidence, unless the problem is severe enough for police to order a monitoring device. This happened in several of the hoaxes mentioned in this essay. A telephone message service by the Oklahoma White Man's Association was being sabotaged by endless incoming calls tying up the line. The group complained to the police and the telephone company who installed tracing equipment on the line., An investigation showed that the local Jewish Community Center where a computer was apparently automatically dialing call after call, was the source of the problem. In spite of hard evidence to the contrary, Jewish Community Center director David Bernstein said, "We have no computers here and we're not jamming any phones." No criminal charges were filed. In other cases, Buzz Cody and Laurie Recht, both of whom fabricated anti-Semitic death threats, were entrapped with telephone tracing equipment.

In the case of defacing property with racist and anti-Semitic graffiti, investigation is made only slightly easier. Spray painted graffiti, unlike handwriting or typewritten material, cannot be pinned down- gin two cases S mentioned in this study the discovery of the very spraycan in the possession of the "victims" led to their prosecution, but both were acquitted on the basis of insufficient evidence.

The eye-witness account is often an important factor in hoax investigation. In many cases it was this that led authorities to suspect fabrication. The factor here was inconsistent testimony or different stories by different witnesses, or physical evidence of lying. Where the possibility of a hoax exists, the witness (who is often the victim) should be interrogated by a person skilled in that area. Surprisingly, the cover story often isn't very well prepared and can be "cracked" with reasonable effort. In the case of Quentin Banks, who faked a racist assault and death threats, it was a skilled interrogator who caught him in a number of contradictions and broke the case.

To so Temptation To Fabricate Hoaxes is Strong

Because bona fide organized racist and anti-Semitic incidents are relatively unusual today, and because they serve valuable functions for the victims and their constituencies when they occur, the temptation to fabricate incidents is strong. Victims are usually treated as heroes who have been ennobled by their experience and the rage against the suspected perpetrators, as well as representatives of their race, gender or class, can be amazing. In terms of sheer effectiveness, nothing works quite as well as a racist or anti-Semitic incident to intimidate an institution, "sensitize" a population, polarize an issue or silence critics. Victimization, genuine or faked, can accomplish more in minutes than months of organizing, agitation and propaganda. is

The personal benefits are impressive as well. Many hoaxers have received substantial assistance from sympathizers and wellwishers, as in the case of Patricia Anderson and Lee Williams, who vandalized their own house, and received offers of clothing, gifts and money. Laurie Recht, who faked death threats and graffiti, became a celebrity for her victimhood, and wound up with a scholarship and an honorary "Doctor of Humane Letters" before her hoax was discovered. The most important benefits of victimization are psychological, however.

The delicious sense of importance and meaning to one's life that victimization brings is often overlooked as a motive in hoaxes of the kind illustrated here. I suspect it plays a very significant role. The paranoid personality, with its tendency to interpret everyday experience in vigilant and suspicious terms, revels in the attention of recognized victimization. Victimization gives dignity to the undignified, importance to the unimportant, and a kind of "I told you so" self-fulfilling prophecy that explains failure and disappointment as few things can. Not being liked becomes less of a question of what is wrong with you than what is wrong with others who don't like you.

Some people become important and valued for what they do, their contributions to their loved ones, to their careers, and to society; others for what is done to them. In the former case many years of forming character traits and a reputation are required, and the resulting importance can be seen as a reward for recognized accomplishment. In the latter case no such accomplishment is required, only that one is victimized. Victimization is instant fame, instant sympathy, and often in some form or another, instant compensation. Whatever shortcomings, unpopularity or character flaws one has are eclipsed by the wickedness of one's alleged persecutors. Having the "right" enemies can often lead to acquiring the "right" friends.

In a perceptive article on victimization appearing in The New York Times Magazine a few years ago, Joseph Epstein discussed the issue of motivation quite perceptively . .

"... victimhood has not only its privileges but its pleasures. To begin with, it allows one to save one's sympathy for that most sympathetic of characters -- oneself. "The pleasures of victimhood including imbuing one's life with a sense of drama. .The drama of daily life is greatly heightened if one feels that society is organized against one. To feel oneself excluded and set apart is no longer obviously or even necessarily a bad thing...

"People who count and call themselves victims never blame themselves or their condition. They therefore have to find enemies..."

#### Hate Crimes Harmful to Bona Fide Racists, Hate Groups

There's a very important point that needs to be understood here: bona fide racist and anti-Semitic harassment is invariably counterproductive for bona fide racists and anti-Semites. The quickness and skill with which racist and



anti-Semitic incidents, including hoaxes, are used to galvanize support in a community is amazing. No benefit accrues to racists and antiSemites and the costs are enormous. Not only does law enforcement immediately start targeting suspects for questioning, but efforts to entrap them in other offenses step up as well. "Who benefits?" The honest answer is not white racist and anti-Semitic groups!

So damaging to real anti-Semites and racists are desecrations and graffiti that one bona fide anti-Semite, Jozef Mlot-Mroz of Salem, Massachusetts, was arrested for attempting to paint over anti-Semitic graffiti on a local synagogue. He claimed that the graffiti was intended to create an false impression of anti-Semitic harassment in the community. Mlot-Mroz was charged with malicious destruction of property over \$250.00 and civil rights violation, both felonies, according to newspaper reports.

Although evidently not a hoax, a Lomita, California, graffiti case demonstrates the counter-productiveness of racist and anti-Semitic vandalism, and the skill with which these incidents can be exploited to generate sympathy and mobilize opposition to alleged perpetrators. In 1991 Janis Brett Elspas and her husband Schlomo found a Nazi swastika and the words "White Power" spraypainted on the garage doors of their house at 7:30 one morning. This was allegedly the ninth time their home had been the target of antiSemitic attacks. A public relations professional, Ms. Brett-Elspas immediately went into high gear and by 8:30 AM she was faxing a news release to area television and radio stations.

"By noon we had finished several newspaper interviews and T had posed for photos for each. Throughout the day we did more interviews by phone with two major Los Angeles all-news radio stations, and a variety of local, national and international Jewish publications. And, when five television crews showed up at 4 PM (just one hour before the start of the Jewish Sabbath), we held an impromptu press conference in our living room." 2

Within a week the Los Angeles Times had done three major stories, and the Daily Breeze, a Torrance daily, published three major articles based in .interviews with the couple. Numerous radio and TV stations had covered the incident, and stories ran in several Jewish newspapers. The incident and resulting publicity were instrumental in rewriting a city ordinance dealing with hate crimes, and an ad hoc committee was formed to deal with graffiti and hate crimes. At the time of this writing the case remains unsolved. 35

1 Ben Hass, K55 (New York: Greenleaf, 1963).

2 Alex Haley, Roots (New York: Doubleday, 1976).

3 Harold Courlander, The Africans, A Novel (New York: Crown Publishers, 1967).

4 Esther B. Fein, "Haley's Final Family Sage Is Being Sold As A Novel," New York Times (3 March 1993).

5 Quoted in: Philip Nobile, "Uncovering Roots," Village Voice (23 February 1993).

6 Ibid.

7 Ibid.

8 Richard Bernstein, "Doubts Mar PBS Film On A Black Army Unit," New York Times (28 February 1993).

9 Debra Nussbaum Cohen, "Film About Black Liberators called 'Seriously Flawed,'"

Kansas City Jewish Chronicle (17 September 1993).

10 Ibid.

11 William Loren Katz, *Eyewitness: The Negro in American History*, (New York: Pitman Pub. Corp., 1971).

12 United Press International, "Physician Wants 'Perpetual Lie' of Blood Pioneer's Death Erased," Greensboro News (12 July 1982).

13 Cecil Adams, "The Straight Dope," City Paper (24 November 1989).

14 King Plagiarized, Panel Finds," New York Times (October 11, 1991).

15 Ibid.

16 Robert D. McFadden, et al., *The Story Behind The Tawana. Brawley Hoax* (New York: Bantam Books, 1990); Associated Press, "Brawley's Rape Story A Lie, N.Y. Attorney General . Says," New York Times (7 October 1988); Ralph Blumenthal, et . al., *Evidence Points To Deceit By Brawley*, "New York Times (27 September 1988).

17 Barbara Sullivan, "Three Arsons Ignite Old Fear of AntiSemitism," Chicago Tribune (1 September 1983); Richard L. Madden, "Fires at Connecticut Jewish Sites Laid to a Synagogue Member, 17," New York Times (14 December 1983).:

18 Sullivan, Op Cit., Richard L. Madden, "Youth Is Charged In Blazes at Synagogues," New York Times (14 December 1983); Associated Press (26 January 1984).

19 Sonya Ross, "Officials Think Student Fabricated Racist Threats," Associated Press (2 February 1990); "Campus Racism: Seeking The Real Victim," Newsweek (21 May 1990); "DeKalb Won't Prosecute in Emory Case," Associated Press (1 June 1990).

20 Wayne Greene, "Calls To Hate Group Traced To Jewish Center," Tulsa World (24 December 1988).

21 Fred Mares, "Student Says He Lied About Racial Threats," The Kansas City Times (6 December 1988).

22 John C. Ensslin and Ann Carnahan, "Swastikas Prompt Probe By FBI," Rocky Mountain News (7 December 1990); Mark Brown, "Generosity Deluges Family Whose Home Was Torched," Rocky Mountain News (15 December 1990); Tillie Fong, "Man Gets 10 Years in Fake Hate Crime," Rocky Mountain News (29 May 1991).

23 James Feron, "Yonkers Housing Advocate Held in Fake Death Threats," New York Times (1 December 1988).

24 Joseph Epstein, "The Joys of Victimhood," New York Times Magazine (2 July 1989).

25 Mlot-Mroz Faces Charges," Beyerly Times (9 September 1989).

26 PR Pro Turns Racial Attack Into PR Opportunity," IABC Communication World (April 1991).

## Chapter 4

### On The Campus

The college and university campus, because of its young and imaginative population, and also because of the immense pressure for "political correctness," is a hotbed of sensitivity and awareness of ethnicity and race. It is not surprising that a large number of hoaxes and pranks occur there, including some of the more imaginative cases. It's also on the campus that most of the unreported hoaxes occur, i.e., they are discovered to be hoaxes early enough that they simply are never reported in the campus or community press.

### Cases

Quentin E. Banks, a black student at Northwest Missouri University in Maryville, reported a "racially motivated" assault and death threats against himself to university officials in October 1988. Following extensive media attention, rumors of a Ku Klux Klavern among NMU students emerged and the campus shifted into a crisis atmosphere. Even the President of NMU, Dean Hubbard, bought the story, saying:

"We believe the klavern is made up of about five students, who are distributing the leaflets and letters on the students' cars and under their doors. The U. S. Marshall's office and the FBI have told us that this is a violation of the students' civil rights. We'll catch one of 'em these days at it." 1

At a campus rally some two hundred students, faculty and administrators protested that racism, instigated by the Ku Klux Klan, did not belong on the campus or in Maryville, and that it would not be tolerated.

In fact, there was no Klavern at NMU, although as many as 15 black students had reported finding Ku Klux Klan fliers on windshields and dormitory doors. James A. Moran, "Grand Dragon" of a two-man KKK "Klavern" in nearby Kansas City, took advantage of the publicity and announced that "We'll grow and prosper off their paranoia" with plans to exploit the situation. Newspaper accounts portrayed the campus as a hotbed of racism as the situation gained the national spotlight.

The case unraveled a month later when the principal "victim" came clean and confessed to having fabricated the entire story. On the strength of the original complaint by Banks, 18, the university had summoned assistance from the F.B.I. and a special unit of the Justice Department. Later, when President Hubbard began noticing inconsistencies in Banks' account of the alleged incidents, he summoned a special investigator from the Missouri Highway Patrol. During the course of an interrogation by Sgt. Larry R. Stobbs of the patrol, Banks broke down and confessed to his hoax.

During the several-week period when Banks' story had been believed, he had been a campus hero, talked about and admired for his "victimization." 1 School officials encouraged Banks to address freshman classes on his alleged experiences. According to Hubbard, the student became "the center of much attention" following the incidents. 1

Banks was subsequently suspended from school for two years. He claims that all he did was "devise a really big calculated plan to test university policy" on non-discrimination.

At the University of Kansas at Lawrence, students awoke one January 1992 morning to find fliers from a purported "Conservative Christian Crusade" posted

throughout the campus. The fliers contained neo-Nazi icons, a border resembling a series of swastikas, a flaming sword, and three imperial eagles at the bottom. The content of the flyer was calculated to provoke the radical anti-racist and multicultural forces on the campus. It stated, in part

"Aren't you tired of minority special interest groups being given preferential treatment on this campus."

"As the radical minority pressure groups indulge in historical revisionism, it is our duty to oppose the orgy of whitemale bashing threatening to destroy the academic structure of our university."

"Join your Brothers on Friday, January 17 on Nescoe Beach at Noon to show the administration and the community of cultural extortionists the power of our voices. We must be heard!"

When the appointed date came the area was filled with 200 "anti-racist," feminist, gay rights and multicultural counter demonstrators, all expressing their indignation over the message on the flyer. Led by Ann Neick, chairwoman of the Lawrence Alliance and Dean of the Social Welfare department at the University, the group was apparently disappointed that no one from the Conservative Christian Crusade had decided to appear. Nevertheless, a good consciousness-raising time was had by all, including speeches condemning racism, sexism, homophobia, and so on.

In point of fact, there was no such group as the Conservative Christian Crusade. A hunt on and off the campus failed to turn up a single member, or even anyone who said they had heard of the organization prior to the fliers. The KU Department of Religious Studies was not familiar with the group. Campus police checked all local print shops and failed to find any who had printed the fliers. KU police Lt. John Mullens said, "As far as we know, there is no organization whatsoever by that name." He also said he thought the flyer was a hoax. This writer contacted the few bona fide right-wing students on the campus and none of them had heard of the group, although they acknowledged they would like to.

"Laird Wilcox, former KU student and founder of the Wilcox Collection of Contemporary Political movements...said that the flyer was obviously designed to stigmatize the ideas associated with and arouse anger and hatred toward them. 'The quasi-swastika, the burning sword, [and] the imperial eagles are not particularly subtle attempts to evoke Nazi connotations, both on a conscious and subconscious basis,' he said. 'The terms 'conservative' and 'Christian,' as well as the reference to skin color and sex, white-male bashing and 'brothers' name the groups intended to be stigmatized.'

'The reference to the 'academic structure of our University' completes the suggestion of linkage between the interests of 'conservative Christians,' 'white males,' Nazi images actually a rather clever creation.

Wilcox also said that any thinking 'conservative Christian' or 'white male' activist would realize that the flyer would create a negative response and would be entirely counterproductive.

1 'Ask yourself who actually benefitted from this incident? It certainly wasn't any 'conservative Christians' or 'white males,' who wound up being portrayed as Nazi sympathizers and racists.'

A year-and-a-half after the incident an ongoing investigation had failed to turn up any trace of the group, Conservative Christian Crusade.

Black students at Williams College in Massachusetts were horrified in February

1993 to find three racial slurs written on notebook paper posted on the door of the Black Student Union building. The event took place five days before the start of Black History Month. The campus convulsed with social consciousness spasms and indignant speeches condemning racism. 7.7 percent of the students at Williams are black. The notes posted on Rice House had said "Die Niggers", 5 "Go home niggers," and "Niggers are worth less than dirt under this house."

The Black Student Union covered the campus with posters deploring the act and challenging students to examine themselves for racist attitudes. Shortly afterwards, Dean Joan Edwards informed the campus, without specifying the student's race, that a student had confessed to the act. Although rumors spread on the campus, it was fully 10 days before the Williams Record, the campus newspaper, reported that Gilbert Moore, a black student, had been suspended.

Interestingly, even though Moore had informed the Black Student Union of his acts when he confessed to university authorities, the BSU continue to exploit the incident as a bona fide case of white racism until the student newspaper reported otherwise. The newspaper Bad criticized the BSU for perpetrating "an implicit lie" through silence.

In February 1993 Lewis Williams, 19, a black sophomore and resident dormitory assistant at Slippery Rock University near Pittsburgh, Pennsylvania, returned to his room to find a racial epithet -- "Head Nigger" -- scrawled on his door with a black marker. Two other black students, James Kenney and Darryle Carpenter, also found the word "Nigger" on the door of the room they share in the same building.

When Williams reported the incidents, he opined that the slurs were related to Black History Month, currently being observed on the campus. The incident reminded students of an off-campus cross-burning three years before, in which two white students were expelled and charged with ethnic intimidation and harassment. As might be expected, the campus was electrified. Williams, a member of the Black Action Society, was quoted in the Pittsburgh Post-Gazette as saying that "Racism is not something you're born with. It's something you're taught." 1

Students didn't have to wait long for the culprit to come clean. It was Williams himself, who confessed to both incidents before campus police. Police filed criminal mischief (a summary offense) and ethnic intimidation charges (a misdemeanor) against Williams -- neither of which was likely to involve jail time.

An attempted racist frame-up occurred at Ohio Dominican College in Columbus, in December 1988 when white student Michael A. Smith, 22, found himself under arrest for sending threatening letters to 13 black students and faculty members. The threats were worded in the same way as was a section of a term paper on prejudice he had submitted to Janice D. Hamlet, a black teacher at the school. Hamlet had pointed out the similarities in the documents which immediately implicated Smith. The letters stated: "Death to All Niggers and Dumb Puerto Ricans." 1

However, two Columbus police detectives who had taken a class from Hamlet took an interest in the case. Hamlet had been outraged by Smith's use of the word "nigger" in his term paper and had tried unsuccessfully to get him expelled. Forensic examination of the envelopes the threatening letters had been mailed in turned up Hamlet's fingerprints and an examination of her typewriter determined that the letters had been written on it. In fact, she had copied part of Smith's essay and mailed it to the 13 blacks and then "discovered" that they were worded in the same manner. Ethnic intimidation charges against Smith were dropped and Hamlet was charged with two felony counts of ethnic intimidation and two misdemeanor accounts of aggravated menacing.

The unequal treatment of Smith and Hamlet raised considerable controversy on the campus. Smith was immediately suspended without a hearing after being accused of sending the fliers, while University officials appointed a "fact-finding committee" to investigate the charges against Hamlet. Also, Smith was arrested at the school and hauled off in handcuffs to a patrol car.

One would think that such a damaging fabrication would have ended Hamlet's career. At last report, however, she had returned to Kent State University to complete a phd. Michael Smith subsequently filed suit against the University for \$6 million and was awarded an undisclosed amount in 1990.

In Atlanta, Georgia, a black freshman at Emory University claimed she had been the victim of racist attacks in her school dorm in April 1990. She had discovered the phrases "Hang Nigger" and "Die, Nigger, Die" written under a rug in her closet, as well as scrawled on her tampons in a drawer. Sabrina Collins, 18, also claimed to have received two letters threatening to lynch her. In addition, bleach was poured on some of her clothes and stuffed animals, and the phrase "nigger, hang" was written on the wall of her closet. Despite an alarm that police installed in Collins's room, the incidents continued. Police eventually determined that a threatening letter had a grammatical error the "victim" commonly made, that it was typed on the sort of typewriter found at her place of employment, and it had no fingerprints on it but hers. In the meantime, Collins was hospitalized and became mute. Two weeks later she was released after having recovered her speech.

The incident triggered a march by 700 students and a sit-in in front of the administration demanding a "crackdown on campus racism." Black leaders in Atlanta got into the act, perpetuating demands against hate crimes. Although it was speculated virtually from the start that Collins might be responsible for the events, considerations of "sensitivity" kept a lid on this aspect of the case for several months. Finally, police reports were leaked that confirmed suspicions.

DeKalb County prosecutor Ralph Bowden announced that he will not pursue charges against Collins 16. He said that Collins needs "counseling and treatment, not prosecution."

The Collins case is interesting in a number of respects. Otis Smith of the Atlanta chapter of the NAACP, perhaps without realizing it, admitted the utility of hoaxes in the following statement,

"It doesn't matter to me whether she did it or not, because of all the pressure these black students are under at these predominantly white schools. If this will highlight it, if it will bring it to the attention of the public, I have no problem with that."

According to Harvard Law School Professor Alan Dershowitz, "Miss Collins first submitted her reports of racial harassment shortly after she was formally accused of cheating on a chemistry test." Dershowitz noted that the "ends justifies the means when it comes to racism" mentality will inevitably lead to false accusations being directed at innocent people."

A widely publicized case of anti-Semitic graffiti bears special attention because of the manner in which it was handled, although the suspected perpetrator was eventually acquitted of the charges.

Students at the State University of New York in Binghamton were shocked to find anti-Semitic slogans spray-painted inside the door of the Jewish Student Union office in November 1988. The slogans, "Kill Kikes" and "Zionazi Racists", were

sprayed the day after the 50th anniversary of Kristallnacht, when Nazis terrorized Jews in 1938 Germany. Authorities investigating the incident soon zeroed in on a suspect He was James Oppenheim, former President of the Jewish Student Union.

According to the B'nai B'rith Hillel Foundation in Washington, Jewish students represent fifty percent of the school's enrollment, one of the highest ratios at any public university in the nation. SUNY-Binghamton's president, Raymond E. Dye, responded to the accusation with the statement that Oppenheim "is entitled to full participation in all aspects of university life" and that "this should not be an occasion for prejudging a person or a group."

In September 1989, Oppenheim, 20, was arrested by state police and charged with fourth-degree criminal mischief and third-degree false reporting of a crime. These relatively minor misdemeanor offenses rarely result in jail time upon conviction.

The manner in which this case was handled is a fascinating study. State Police investigator Charles Gould, responsible for filing the charges, said of Oppenheim, "He's not a bad kid!" The Binghamton Press & Sun Bulletin quoted police investigators as saying

"Oppenheim was trying to broaden recognition of anti-Semitism following a mediocre showing at a memorial to the victims of the Nazi Kristallnacht program."

Student Association President Craig Spiegel read a statement that warned against judging Oppenheim before due process takes its course, and reminding students that "anti-Semitism, racism, sexism, homophobia and other forms of oppression existed on our campus." Three weeks later Oppenheim was elected to the Harpur College Council. Harpur is the liberal arts college at SUNY Binghamton. Rabbi Arnold Fertig described Oppenheim as an "emotional, highly-committed young man devoted to Jewish causes on the campus."

In addition to being portrayed as sincere if misguided, Oppenheim had another advantage. His father was an attorney and knew that the evidence against his son could be challenged. Aside from non-specified circumstantial evidence, the

in his desk at the Jewish Student Center. This would seem incriminating enough, but the case was made that Oppenheim had just picked up the can and hid it so it wouldn't get lost. The Judge accepted his account and in December 1989, James Oppenheim was acquitted of all charges. In fairness, the decision for acquittal should be respected. At the time of this writing no one else had been apprehended and there were no other suspects.

The Dartmouth Review, a politically conservative student weekly newspaper, had been a thorn in the side of high-ranking administrators, some professors, and campus leftists at Dartmouth University in New Hampshire for ten years. Its editors have been harassed and vilified for their values, opinions and beliefs, and their more extreme critics have gone so far as to accuse them of racism and anti-Semitism. These critics had their fondest dreams fulfilled when a copy of the Review appeared on the eve of Yom Kippur on October 3, 1990 with their usual credo, a quotation from former U. S. President Theodore Roosevelt, replaced with a quotation from no less than Adolf Hitler himself.

"I believe today that I am acting in the sense of the Almighty Creator. By warding off the Jews I am fighting s for the Lord's work." 26

Interestingly, like many conservative campus publications, the Review has been exceedingly strong in its support of Israel against the Palestinians, but that

bought them no protection from from false charges of antiSemitism.

The substitution was immediately recognized as sabotage. Review editors and staff quickly apologized, even taking out ads in the campus newspaper, and began searching for the culprit. Amazingly, Dartmouth University President James Freedman, along with numerous leftist student groups and off-campus journalists, persisted in treating the quotation as if it actually represented the policies of the paper and was the collective responsibility of everybody who wrote for it. "Appalling bigotry of this kind has no place at the college or in this country," Freedman said. Review editor-in-chief Kevin Prichett, who is black and rather sensitive to racism, was not amused. "Our knowledge is that it was an inside job" by one or more staff members," he said.

Freedman's tirade against the Review was so vituperative that former U. S. Treasury Secretary William E. Simon responded in an essay in the New York Times to the effect that,

"[Freedman] led the campus in a nationally-publicized rally against hate that quickly metamorphosed into an instrument of hate -- hate directed against student journalists who, as a result, suffered death-warnings, threats of violence, as well as mean-spirited accusations."

As a result of the furor, and as a result of complaints about the Review's editorial content from "anti-racist" groups, Barry Palmer, chairman of New Hampshire's Human Rights Commission, undertook a review of two year's back copies of the paper. Said Palmer:

"I read every single thing they wrote about teachers. I reviewed editorials and editorial cartoons. And I didn't find any hint of bigotry or prejudice. After reviewing two. years of the publication, I began wondering what all the fuss was about."

Although no one was ever charged in the hoax, suspicion boiled down to a couple of staff members who have since left the paper.

Pedro House, Jr., of Cranford, New Jersey, was caught in the act of painting a series of racist and anti-Semitic slurs on a restroom wall inside a building on Union County College's Cranford campus in December 1989. House, who is black, is a postal employee in South Orange, New Jersey, and a part time student at the college. Cranford Police Captain Harry Wilde said that offensive graffiti was found in the same restroom on eight different days within the past two months. The graffiti had become an issue around which anti-racist groups had rallied on the campus.

Police also seized materials allegedly used to mark the drawings and epithets, which included swastikas and quotations about white power, Adolf Hitler, Jews and blacks. House had been active in anti-racist movements. 44

John Grace, a black freshman at Middlebury College in Middlebury, Vermont, had been at school less than a week in September 1983, before he got the first racist note taped to his window. The next day he got a second note, which said "Die Nigger." Blacks on the campus rallied to his side. Erica Honnacott, dean of students, began her investigation to uncover the horrible racist who had victimized Grace. She didn't have to look far.

"We conducted a vast handwriting check and it was pretty clear it was his handwriting. He was confronted with it and admitted he had done it."

In addition to the fake notes, Grace had also broken a window. The school however did not press charges. Ms. Wonnacott said, "He's obviously a young man



with a lot of problems."

Berkeley, California, police reported that there had been four attacks on white students by black students at Berkeley High School following the appearance of a racist leaflet on the campus in December 1991. The leaflet thanked blacks for killing one another in gang violence, among other things, and mimicked the stereotype of a white supremacist production.

Two days later police had located the flyer's author. He was black journalist Matthew Stelly, a reporter for the black weekly Milwaukee Courier. The flyer claimed to originate from the Ku Klux Klan.

Handed out to students at a Berkeley public transportation station, the leaflet brought an almost immediate reaction. According to Oakland Tribune reporter Robert Hollis,

"That morning, seven or eight black teenagers, who school officials said were angry over the leaflet, attacked a number of white students, four of whom were injured. Police arrested one 15-year-old sophomore after he was identified as one of the assailants."

Stelly is quoted as saying he wrote the flyer as a "reverse psychological+ cal ploy to try to get these people (gang members) to stop this madness."

Planned carefully, the risk of discovery of a racial hoax is minimal. However, even when a hoax is discovered it may still serve its intended purpose.

An example of this occurred at Pennsylvania State University at State College when "an unidentified man" placed six help-wanted ads in the student newspaper asking for "colored nannies" in January 1979. The expected (and intended) outrage resulted in several demands upon the administration: gag "About 75 students met with Provost Edward D. Eddy and demanded that the school increase the number of black students, professors and programs and provide more financial aid for blacks.

The newspaper printed an apology in its help-wanted columns, but editor David Skidmore said a second apology would not be run. He said the incident was being used to bring attention to a host of complaints by local black organizations."

The six phoney ads had been accepted by a junior staff member and were not approved by the newspaper's senior staff. The hoax was discovered after a search for the man who placed the ads. It was learned that the ads originally appeared in a South African newspaper and that they were placed in opposition to South Africa's racial policies.

Two break-ins at Richard Montgomery High School in Rockville, Maryland, resulted in an incredible \$650,000 in damages in February, 1990. Included in this figure was damage to the library, computers, storage and administration offices. In addition, gas jets were opened in the chemistry laboratory filling the school with natural gas, threatening an explosion. According to news reports:

"The culprits, in an effort to implicate white-supremacist 'skinheads,' drew swastikas on the walls and books and left threatening, anti-Semitic messages signed by "Nazi Youth."

Investigators soon found those responsible when two students reported another student's account of the destruction. Arrested were Jason Wesley Knight, 19, who is black, and Stephen Lawrence Bonner, 18, who is Jewish. Bonner reportedly said that Knight wanted to destroy the school, and Knight's attorney, Myra P.

Kovach, said Mr. Bonner took the lead. The incident, as intended, was originally reported as a hate crime.

At San Bernardino Valley College a campus officer brought Ku Klux Klan fliers to work in order to make others aware that such literature was being circulated. The fliers were left on a table so other officers could familiarize themselves with them. However, when Arthur Johnson, 37, a black campus security officer, found one of the fliers in his campus mailbox in January 1992, he charged that fellow officers had placed it there as a form of harassment.' Later, he confessed to placing the fliers in his mailbox himself. News reports noted that

"Johnson's accusations ..prompted an FBI investigation and sparked complaints about alleged racism."

"Reached at home by phone, Johnson declined to say much. 'I want to make all the right moves,' said Johnson, a five-year veteran of the campus police force. 'Let me see what their hand is going to be. You know I'm no fool or anything. You know I had a reason.'"

Chancellor Stuart Bundy commented that the affair had taken a serious toll on the college. "That department has been totally demoralized, the board of trustees has been charged as racist," he said. 40

1 Clifford Cain, "NWHSU Battles Campus Racism," Daily Forum, 31 October 1988.

2 Ibid.

3 Ibid.

4 Robert Manor, "Student Says He Lied About Racist Threats," St. Louis Post-Dispatch, 7 December 1988.

5 Fred Hares, "Student Admits He Lied About Threats," Kansas City Times, 6 December 1988.

6 Flyer

7 John Noltensmeyer, "Expert Doubts Existence of Hate Group," The Oread Review (April 1992).

8 Ibid.

9 "Black Student Posted Racist Notes," Chronicle of Higher Education (24 February 1993).

10 "A Test Of Racism Produces An Uproar," New York Times (17 February 1993).

11 Marilyn Pitts, "Slippery Rock Ousts Slur Writer." Pittsburgh Post-Gazette (26 February 1993).

12 Michael J. Berens, "Detectives in Class Started Hail Probe," Columbus Dispatch (21 December 1988).

13 Michael J. Berens, "Hate-Mail Case Sends Teacher to Court Today." Columbus Dispatch (20 December 1988).

14 Sonya Ross, "Officials Think Student Fabricated Racist Threats," Associated Press (2 February 1990).

15 "Campus Racism: Seeking The Real Victim," Newsweek (21 May 1990).

- 16 "DeKalb Won't Prosecute In Emory Case," Associated BIQSS (26 June 1990).
- 17 Alan Dershowitz, "Racial Hoax With A Sour Echo," (26 June 1990).
- 18 Ibid.
- 19 James Feron, "Jewish Student Accused of Faking Anti-Semitism," New York Times (15 September 1989).
- 20 Ibid.
- 21 Marilyn Sall, "Student Leader Charged With Vandalism," Jewish Week (29 September 1989).
- 22 Steven N. Levine, "Police: Accused Vandal Meant No Harm." Press and Sun-Bulletin (15 September 1989).
- 23 Ibid.
- 24 Marilyn Sall, "Antisemitic Graffiti 'daubed by a Jew.'" Jewish Chronicle (29 September 1989).
- 25 Naomi Godfrey, "Jewish Student Acquitted of Vandalism. Jewish Week (22 December 1989).
- 26 Fox Butterfield, "Quote From 'Mein Kampf' Ignites Furor At Dartmouth." New York Times (2 October 1990).
- 27 Ibid.
- 28 William E. Simon, "Demagoguery At Dartmouth," Campus (Winter 1991).
- 29 "Review of Dartmouth Finds No Discrimination," Associated Press (1 January 1991).
- 30 Robert E. Hisseck, "Roselle Han Is Accused of Racist Graffiti," Newark Star-Ledger (13 December 1989).
- 31 Associated Press, "Student Says Racial 'Harassment' Hoax," Colorado Springs Sun (1 October 1983).
- 32 Ibid.
- 33 "Interracial Attacks At Berkeley High," San Jose Mercury News (20 December 1991).
- 34 "Black Journalist Says He Wrote Racist Flyer," San Francisco Examiner (22 December 1991).
- 35 Robert Hollis, "Identity Revealed of Author of Racially Inflammatory Flier," Oakland Tribune (21 December 1991).
- 36 Ibid.
- 37 United Press International, "Fake Ads Anger Blacks," Reading Eagle (29 January 1979).
- 38 Arlo Wagner, "19-year-old Pleads Guilty to Trashing Rockville School," Washington Times (2 October 1990).

39 Theresa Walker, "Black Campus Officer Admits Planting Racist Fliers," The San Bernardino County Sun (27 March 1992).

## Chapter 5

### Blacks

By far the largest number of hoax incidents involve black victims and non-black (usually white) offenders. This is true both on the campus and in the community. The most common motive is to capitalize on the psychological benefits of victimization or to promote a specific personal, social or political agenda, but other motives such as insurance fraud and attempts to cover up other crimes are not uncommon. Some hoaxes are simple pranks that got out of hand but the majority involve some degree of planning and deliberate organization.

### Cases

In November 1987 a black Wappingers Falls, New York, teenager, Tawana Brawley, claimed to have been kidnapped for several days, raped by white men, smeared with dog feces, placed in a plastic garbage bag and marked with racial slurs. The case quickly became a cause célèbre, with editorials, marches, and politicians and media personalities deploring the incident and the "racist climate" that obviously led to it. Rev. Al Sharpton, a black activist with a shady background, became spokesman for the Brawley family and insisted that "justice be done" and the white men responsible be prosecuted. The incident fueled support for hate crime legislation around the nation as the case was reported nightly on network news.

Tawana Brawley and her handlers basked in nationwide attention and she acquired victim status on a scale rarely seen. Discrepancies in her story were evident from the very beginning. A claim that she had been raped and brutalized by three white police officers quickly fizzled out under examination. A detailed investigation determined that she was seen by friends during the period she said she was held captive and that she spent much of this time in an apartment previously rented by her family. Other elements of her story were gradually eliminated one by one and police subsequently reported that the Brawley case was a massive fabrication and hoax. What made the Brawley case outstanding was the incredible media feeding frenzy that took place. Although there was reason for skepticism virtually from the beginning, newspaper and television media were slow to pick up on the implausible nature of the allegations. Only after the doubt was substantial and clearly pointing in the direction of a hoax was the public informed.

New York Post columnist Eric Breindel commented that radical attorney William Kunstler had said, concerning the Brawley case, "It makes no difference anymore whether the attack on Tawana really happened...a lot of black woman are treated the way she says she was treated."

Three years after the case broke the Brawley matter was still being litigated. According to news reports, 49

"A county prosecutor was defamed by a black teen-ager who falsely claimed he was one of six white men who abducted and raped her, a judge ruled. State Supreme Court Judge Ralph. Beisner ruled Tuesday that Tawana Brawley intentionally inflicted emotional distress on Steven Pagones, a former assistant district attorney for Dutchess County...

"A special grand jury cleared Mr. Pagones of any involvement in the Brawley case and concluded Miss Brawley fabricated the story."

As the Brawley incident was capturing headlines in Wappingers Falls, 25 miles away in Kingston, New York, another racial hate crime hoax was brewing. Police had discovered the nude body of 19-year-old Anna Kithcart, a black woman, who had been strangled, beaten and killed. On both thighs were carved the initials "KKK," an obvious reference to the Ku Klux Klan. The community was shocked and it seemed clear that malignant racism had once again struck an innocent black person.

But not for long. Within days police investigation focused on Jeffrey Allen Dawson, a 29-year-old black man with a criminal record. Dawson was arrested after he made incriminating statements about the murder to a wired undercover policeman. Kingston Police Department sources said the murder was apparently drug related. As for the alleged Ku Klux Klan connection, Ulster County District Attorney Michael Kavanagh said

"Nothing would lead us to believe that this murder was committed by members of any racial hate group such as the Ku Klux Klan."

Interestingly, two Brawley family advisers, Rev. Al Sharpton and Alton Maddox, Jr., got on the band wagon in this case, too. Sharpton and Maddox were soon conducting their own investigation in the slaying. Said Maddox, "I believe it was a racially motivated crime."

October 1991: two cross burnings are reported South Seattle, Washington. The first cross was 30 inches tall; the second cross never actually ignited. Aaron Briggs, one of the victims, said "It makes me mad that we have not come as far as I thought we had come." Predictably, the Ku Klux Klan- style "cross burnings" sent a shock through the community. Sensitivities were raised, racism was deplored and anti-racist forces were energized. Three months later the monster was captured. Unlike most other cases, where the culprit is vilified and condemned and where no excuse whatsoever will do, this case was reported with kindness and understanding, and with a charity and compassion unusual in stories of racist criminals. Here is why:

"When they heard the confession of a troubled 16-year-old who admitted he was behind a string of cross-burnings and racial vandalism against black people in South Seattle, police were stunned and saddened. 50

The youth, who also is black, told police he committed the acts of vandalism to create fear that would attract the media. Capt. Douglas Dills, who heads the police section that investigates malicious harassment, or hate crimes, said it appears that the youth had a fascination with both national and local media coverage of racism and racial incidents. The teenager is not only under suspicion in a string of malicious harassment cases, but in several arsons as well."

The newspaper also reported that "The youth might have been inspired by a Phil Donahue TV show the day before about hate crimes," according to police. The arrest cleared up-a large number of unsolved cases of allegedly racially-motivated crimes in the community," all registered in the statistics kept by anti-racist groups.

One of the most convoluted and bizarre hate crime hoaxes was exposed in Portland, Oregon, in October, 1992. Hoaxes can be very elaborate, and almost always require some degree of planning. But the case of Azalea Cooley, 40, a black lesbian, involved a series of misrepresentations, distortions and out+

right lies covering up to eight years, including false claims of disability that left her wheelchair bound, and of bogus racial harassment that began as far back as 1985 when she allegedly received death threats. In 1983 Cooley moved in with Susan Soen, whom she had been dating since 1981. In 1986 she claimed she had been diagnosed with cancer and quit her job as a corrections officer. Cooley and Soen, also a corrections officer, continued to live together and were active in the community politics.

A The most recent reports of racial harassment began on May 3, 1992, when racist graffiti was painted on Cooley and Soen's house. Following that, the word "Nigger" was painted on the house, a note card with "Hitler Lives, Death to All Niggers" was found on the doorstep, and a swastika with the words "burn nigger burn" was written on Cooley's wheelchair ramp. Over a period of weeks some seventeen hate crime incidents occurred, none of which police were able to solve.

Cooley and Soen turned to the local Anti-Bigotry Coalition to counsel them through the ordeal. The Metropolitan Human Rights Coalition set up a special hot line to receive tips on the perpetrators. Police questioned several suspected skinheads and neo-Nazis, and even arrested one man who was seen watching the cross burn in Cooley's yard, but later said they didn't believe he was responsible.

Azalea Cooley became, to paraphrase a local journalist, a "poster child" for Portland's victimized classes, i.e., the black, handicapped and gay/lesbian communities. She reveled in her victimhood and eagerly accepted the role of a martyr. On Sunday, 1 November 1992, she helped lead a rally and march named "Take A Stand Against Hate" through Portland. Photos of Cooley being pushed in her wheelchair at the head of the march were widely published. She became a symbol of the fight against bigotry and prejudice on as grand scale. On the very morning of the march, someone set fire to a cross on Cooley's lawn. Unbeknown to Cooley and Soen, however, this time police cameras recorded the incident. 51

That same evening police arrived and searched the Cooley-Soen residence. They said they found items in the house "consistent with materials used in the cross burning." The videotape showed that the person who lit the cross had come from inside the house. Susan Soen, who had filed the original hate crime complaints, was served with a warrant for initiating a false police report, a Class C misdemeanor. She was placed on administrative suspension at the Multnomah County Jail, where she had been a line supervisor for 15 years. No charges were filed against Cooley at that time."

Scott Lively, spokesman for the Oregon Citizens Alliance, a group opposing special civil rights protections for homosexuals known as Ballot Measure #9, made political hay of the arrest. He said

"This vindicates our position that the No on 9 campaign has been basing their position on fraud. I think there is high emotion on both sides; but when a black, crippled woman in a wheelchair starts burning crosses in her own yard, it's fraud and a sad day for the community. I think it exposes what we have been saying all along."

On November 20, 1992, The Oregonian, a Portland daily, reported that Azalea Cooley had "confessed to staging the cross burnings, death threats and vandalism." Cooley admitted that "the hate crimes that happened at our home were my doing." In June, 1993, federal judge Helen J. Frye placed Cooley on two years probation for lying to an FBI agent. She was also ordered to spend four months in house arrest. The charges against Soen, who had filed a defamation lawsuit against sheriff's officers involved in the investigation, were still pending at the time of this writing.

How was Cooley able to fool so many people for so long? Rachel Zimmerman, writing in Willamette Week, a Portland weekly, noted

"Cooley fooled so many so fully because she was seen as the ultimate victim: an African-American lesbian, wheelchair bound and dying of brain cancer, haunted by an anonymous bigot. In hindsight, there were a number of signs suggesting the attacks were a hoax. But those who came to Cooley's aid were blinded -- either by naivete, by their own abhorrence of racism or by the temptation to hold such a victim up as a symbol, even a martyr."

In 1990 Curtis Sliwa, founder of the multi-racial and quasi-vigilante Guardian Angels organization, claimed in 1980 that three New York City transit officers abducted him, drove him around and threatened him in order to force his organization to end subway patrols. He also claimed that someone painted "KKK" and "White Power" outside the group's headquarters. The organization, founded by Sliwa in 1978, had acquired a reputation for sensationalism and as publicity seeking. As Sliwa puts it, "We were just little people trying to get recognition for doing good work." 9

In November, 1992, Sliwa admitted that the kidnapping, the KKK graffiti and other events were, in fact, faked. He remarked that the constant media attention played a part in the deceptions. "It became like an intoxicant, a narcotic," he said.

Three men and a youth, all black, were arrested in August 1990 in connection with three cross burnings in Prince George's County, Maryland. Ross Fairwell, 18; Gerald Simons, 20; and Reginald Steward, 21; and the juvenile, were charged with the offenses.

"According to Capt. Ron Siarnicki of the county fire department, a homeowner in the Forest View section of the community discovered the cross burning in the front yard about 3 AM after a brick was hurled through the living room window. Earlier, three black youths had jokingly donned white sheets and set fire to a total cross in front of a friend's house in the 9500 block of Castle Drive in Forestville...The friend came out to see what was going on, and then joined the trio as they went on." 8

Captain Siarnicki went on to minimize hate crime aspects of the incident, claiming that "The act wasn't racially or religiously motivated. They were just being crazy, I guess...something that just got out of hand."

In Lawrence, home of the University of Kansas, a small cross was burned and "KKK" was spray-painted in several buildings in Lawrence neighborhoods in October 1990. Police determined that the culprit(s) were probably juveniles. The two-foot high cross was made from pieces of wood taken from a discarded sofa, tied together with fabric from the sofa, wedged against the ground and building, and set afire.

"The Edgewood Homes tenants association held an emergency meeting last week to express anxiety. 'It's terrible because so many people are afraid,' said 15-year resident Frances Moore, 63..."

In another case, a cross was burned in front of an all-white fraternity near the University of Kansas, accompanied by a note containing anti-white comments. Militant anti-racists have been active in the Lawrence community and at the university, and Angela Davis, former member of the Central Committee of the Communist Party USA and militant anti-racist activist had recently spoken at K.U. Other suspected hoaxes have occurred.

What makes the Lawrence case interesting is that obvious hoaxes were treated as bonafide incidents by the media, which in turn encourages hoaxers. Wichita Eagle writer Dave Hendrick wrote a lengthy article entitled "Racial Tensions Taint Lawrence's Image," never mentioning that the cross-burnings and graffiti were hoaxes. He did note that "Reports about the cross-burnings and graffiti have been filed with Klanwatch, a division of the Southern Poverty Law Center in Montgomery, Ala." These faking hate incidents may become part of the statistics they issue periodically.

An unnamed black teen-ager in Queens, New York, told authorities that a white man had set him on fire. News reports of December 1986 noted that

"Police at first believed the account and reported it as the third racial attack in Queens in a week. But when detectives found inconsistencies, the 15-year-old and three of his friends admitted the fabrication, police said."

The youth had accidentally burned himself by lighting gasoline in a fireplace. He fabricated the story in order to avoid punishment and to gain sympathy.

In Bensalem, Pennsylvania, Albert A. Dawson, a 28-year-old black man, was arrested and charged with "ethnic intimidation" in February 1984 for allegedly setting crosses afire on the lawns of four interracial couples. At the time of the incidents it was believed that the offenses were committed by white racists. One of the couples, Floyd Darden, 33, who is black, and his wife Janet, who is white, woke up with a burned cross in their yard. "The fact that he's black brings a totally different dimension to the thing," Darden said.

Another family, living directly across the street from Dawson, consisted of a young black woman who recently married a white man. Another interracial couple, also victimized, lived two blocks away. Dawson, 28, was freed after posting 10% of his \$50,000 bail. Alan Rubenstein, assistant district attorney, said that the cross burning "...certainly was a racially motivated incident." Had Dawson not been apprehended the image of the Ku Klux Klan or neo-Nazi skinheads would have remained in the public mind concerning the incident.

As we have seen, even law enforcement officers are not immune from racial hoaxes. A Philadelphia, Pennsylvania, police officer was charged in March 1988 with writing an anti-black slur on a six-foot banner in a district police station. Police patrolman Ross Barnes, a 14-year veteran, who is black, confessed to the act. Apparently, Barnes was attempting to inject racism as an issue in the transfer of officers within the department. Ronald Oliver, president of the 1,000-member Guardian Civic League, Philadelphia's minority police organization, said, "For a black person to do that...is beyond my capacity. That point leaves me wondering."

One of the most widely publicized cases of terroristic bombing in U.S. history, blamed on racists and occurring on the very eve of a congressional vote on "hate crimes reporting" legislation in December, 1989, contains the elements of a planned deception. Newspapers and television throughout the nation spoke of the connection between the series of letter bombs which resulted in the murder of a U. S. District Judge and a lawyer who had handled civil rights cases and the claimed "rising tide" of racially-motivated hate crimes. 54

The incidents proved useful in promoting the agenda of the Southern Poverty Law Center and the Center For Democratic Renewal. Both organizations attempted to link the bombings to right-wing racial extremists.

Wayne O'Farrell of Enterprise, Alabama, an early suspect in the mailbomb killing of U. S. District Court Judge Robert Vance and attorney Robert Robinson, proved a dead end. Hundreds of federal agents descended upon O'Farrell's home and



salvage store in a prolonged, detailed investigation that was covered daily in the national media. Nevertheless, investigators failed to find any conclusive evidence linking him with the bombings. When O'Farrell was under investigation he sold T-shirts to tourists as souvenirs, and had his photo taken with visitors to his store. Dottie Lee Snow, a relative of Hank Snow, recorded a song, "A Tribute to Robert Wayne O'Farrell" which he sold cassette tapes of for \$5.00 each.

Several months later, federal agents arrested Walter Leroy Moody on several unrelated charges. Moody had been convicted for bomb possession in 1972. Moody, it turned out, had been a suspect almost from the beginning. Federal agents had focused on O'Farrell as a diversion - an alarming tactic from a civil libertarian point of view.

In an attempt to throw investigators off his trail, Moody included racist commentary in his letters to various media to create the false impression that the bombings were racially-motivated when, in fact, they were not. According to news reports

"Mr. Moody has no history of racial animus, and both his brother and Michael Bergin, a former Moody lawyer who married a black woman, said they believed that if race was behind the mail bombs they would be surprised if Mr. Moody would be involved."

Moody became a suspect shortly after O'Farrell did, although federal agents did not divulge this fact to the media. In fact, federal agents were watching Moody almost two weeks before highly publicized searches of O'Farrell's premises took place. The focus on O'Farrell kept the issue up in the air, and newspapers around the country speculated on what seemed an obvious racist motivation behind the crime. Full public attention to Moody would have exposed a total absence of racial motivation. There was no law enforcement need for the O'Farrell deception, for Moody knew he was a suspect as soon as he was placed under surveillance early in the investigation.

"The federal agents 'were not particularly surreptitious,' said Moody's attorney, Michael Hauptman, adding that Moody was under constant surveillance from early January until his arrest in July on unrelated charges.

"Agents...made their headquarters a convenience store down the street from Moody's home and followed Moody while wearing jackets with FBI printed on the back."

The hate crime angle was allowed to percolate through public consciousness for eleven months, including the period when "hate crime reporting" legislation was before congress, which subsequently passed. Moody was apparently kept under surveillance to be arrested at the appropriate time. 55

On 28 June 1991 Moody was found guilty on all 71 counts related to the bombings. During his trial federal prosecutors conceded that his motives were devoid of any racial considerations.

"Prosecutors said that Moody was obsessed with his failure, to get his 1972 conviction for possessing a bomb overturned, leave a criminal record that prevented him from attaining his dream of practicing law. Moody blamed the Ku Klux Klan for the bombings."

In July, 1987, Portsmouth, Virginia, black community leaders began receiving vitriolic racist "hate mail," including obscenities, racist remarks, and threats. Calls for action against the white "hate groups" were demanded. It was cited as one more example of the rising tide of hate crimes. The incident took a dramatic turn when a police investigation found that fingerprints on the

letters belonged to James W. Holley, III, the city's first black mayor, who denied the charges and claimed that he had been framed. Fortunately for Holley, at the time of the incident there were no hate crime statutes so he wasn't charged with a criminal act. In all, some 30 letters directed to eight individuals -- all but one of them black leaders in the community -- had been mailed.

"The mayor's fingerprints were on file with federal authorities because of a 1973 assault charge of which he was acquitted."

Tests showed copies of newspaper clippings contained in the mailings were made by the copier on the sixth floor of City Hall, where the mayor has his office."

Five months later voters held a recall election and 57.7 percent of the electorate voted to retire the 60-year old dentist and long-time civil rights leader. Holley continued to maintain that he had been framed.

In Milwaukee, Wisconsin, a black city alderman initiated a hoax in June 1990 that nearly put a 100-year-old meat company out of business. Alderman Michael McGee, who had recently formed a black paramilitary group called the "Black Panther Militia," charged that sausage packed by white-owned Usinger's Famous Sausage, Inc., was tainted with rat poison. McGee said that the "Militant African Underground Squad" was responsible. When the company recalled c 80,000 pounds of meat from 150 stores, an examination found none of the meat was tainted. According to news reports

"Milwaukee Mayor John O. Norquist and others said...they believe McGee's story was fabricated because the alderman brought the warning to news media instead of reporting it immediately to police."

"'It's a hoax. It's phoney,' Norquist charged. 'What he's really doing is scaring the hell out of people, which feeds racism and bigotry."

The controversy arose when a group of businessmen opposed a McGee sponsored bill to rename a city street after Martin Luther King, Jr. A portion of the street in question is already named for him. The businessmen opposed renaming the rest of the street, saying the change would inconvenience their businesses.

Letters appearing to be of Ku Klux Klan origin exhorting blacks to continue killing each other circulated in Washington, DC, for a several week period in 1991. Entitled "A Salute to All Gang Bangers," the letters thanked black gang members for having killed over 4,000 blacks since 1975. The letters read

"Keep killing each other for nothing. You are killing each other for our property. You are killing what could be future black doctors, lawyers and businessmen that we won't have to compete with; and the good thing about it is that you are killing the youth."

One edited version was printed in the Washington Afro-American newspaper. Observers noted that one version of the letter misspells the name of the KKK as "Klu Klus Klan." Washington, DC talk show host Robin Breedon said on WPGC Radio,

"I don't think the letter is from the Klan, but it should give those who are involved in black-on-black violence something to think about. I think the letter was written by some black person who, like myself, is fed up with the violence and is trying to do whatever it takes to get through to these young people."

In Brooklyn, a 16-year-old black teenager said she had been the victim of a racial hate crime at the hands of two 17-year-old white youths as she was walking on a city street late one Sunday evening. According to police Sgt.

Edelle James,

"They yelled ethnic slurs and said she didn't belong there. They went through her purse, removed lipstick, ripped her blouse and smeared lipstick on her chest and neck. Then they struck her in the face and fled the scene."

The teenager was taken to Coney Island Hospital, where she was treated by physicians and released, according to news reports.

Four days later, on October 3, 1992, newspapers reported that the teenager had recanted her story. "It didn't happen," said Capt. William Plackemeyer. "She was looking for sympathy from her boyfriend and made up a story." Police investigators began to suspect the hoax when important elements of her story didn't check out. In the meanwhile, New York Mayor David Dinkins had cited the case as an example of a hate crime to illustrate the need for a state anti-bias law.

Hate crime hoaxes are sometimes used to cover up crimes, to draw attention away from criminal activity, or to create a "victim" cover for an individual fearing discovery and criminal prosecution.

D'Ron Birdsong, an 16-year old black youth, testified in May 1988 that David Price, an 18-year old black man, was shot and killed by a carload of white men who were yelling racial epithets while driving through a Louisville, Kentucky, neighborhood. Police Chief Bobby Crouch described the shooting as a racial hate crime. The charges rocketed through the Louisville, community and quickly brought calls for "justice" and an end to white racist terrorism.

There were problems with this account, however. Police showed that Price had been shot from a distance of three to six feet away, not 30 or 40 feet away as Birdsong had testified. Also, it was learned that Price was a drug dealer.

Later, in September 1988 in Federal Court, Birdsong recanted his previous story and testified that Price was shot in the back by Keith Pointer, at 17-year old black youth and fellow drug dealer. According to news reports

"While police still believe there was a carload of men yelling at blacks in the area, they now believe Price, who is black, may have been shot accidentally."

No shots were fired from the alleged carload of whites -- this was a fiction Birdsong originally concocted to protect Pointer. Birdsong stuck with the fabrication during four statements to the FBI. Finally, he told his mother to call police and he told them what had actually happened.

Heavy smoke poured from the west wing of the Manor Baptist Church and School in San Leandro, California, in September, 1992, destroying the Church's offices and damaging the library. Police and fire investigators initially believed the arson was a racially-motivated hate crime. Graffiti was sprayed on the walls before the church was doused with kerosene and gasoline and set afire.

Almost immediately though, attention shifted to Shawn Ragan, 30, former principal of the church school and church treasurer. He had been accused of embezzling \$20,000 in church funds. Ragan had resigned from his post in June 1992. The reason, according to church officials, was his poor performance. Ragan told investigators that he sprayed the graffiti to make them think the arson was racially-motivated. According to San Leandro Police Lt. James O'Meara,

"Part of (Ragan's) motive was emotional -- revenge and anger toward the people of the church and fearful that he was going to be exposed.

In July, 1991, 73-year-old Helen Clewell, who lived alone in an Upper East Side building, was found stabbed, beaten and strangled in her apartment. According to news reports,

"The police, after finding a note in Mrs. Clewell's apartment that contained references to the Ku Klux Klan and racial and ethnic slurs, classified the killing as a bias incident. But Captain William Roe, the commander of the 4th Detective Division, said the police had been unable to link the contents of the note to the crime.

A few days later police had their culprit in custody. The note, which read "KKK hates Jews, niggers and spics" had apparently been written by Charles Ocasio, 32, a hispanic, who lived with his mother on the same floor as the victim. Police Detective Joseph Borrell observed that the apartment house "is a very secure building." He said,

"Most investigators had a gut feeling it was someone who lived in the building or had access to it. The note was intended to kind of throw us off the track. It just didn't fit."

Albany, Oregon's mayor, Gene Belhumeur, reported to police in June 1993 that he had been the victim of a racial hate crime. Belhumeur is white; his wife and children from her previous marriage are black. His 17-year-old son awakened him with the story that two boys had flattened three of the tires on a family car and stole a hood ornament. A racial hate note was attached to the windshield, which made the offense a hate crime under Oregon law., Police were looking for two teenagers.

However, when they interrogated Belhumeur's son the next day, the boy admitted to police having fabricated the hate crime story after driving the car into a ditch and flattening three tires.

Three black youths on a bicycle-stealing spree in June 1991 claimed to have been attacked by a group of white men before they were apprehended by police in Cleveland, Ohio. At the time of the theft, police were called, who chased and apprehended five black youths. Four others got away.

Cleveland police Sergeant Patrick Reynolds said they had fabricated the story to conceal their crimes.i The blacks were among a larger group of who had previously stolen bicycles from the same bike shop. when they returned to the bike shop an employee, thinking they were going to make a second attempt, ran out after them.

The fabricated account of the attack by white men was easily debunked in this instance. According to Cleveland Prosecutor Mark McClain, "After the police talked to everyone, it was clear that there was no racially motivated attack."

A 14-year-old black teenager claimed that he had been shot in a racially-motivated drive-by shooting near Clearlake, California in July 1988. This raised the consciousness of the community to the issue of hate crimes and related matters. One month later, however, Clearlake Police Chief Roger Sciutto reported that the black youth admitted that he had accidentally shot himself in the hand with a revolver he claimed to have found in a park. No hate crime had ever occurred.

In Akron, Ohio, two black teenagers reported in March 1989 that a carload of white youths had beaten them. The attack had occurred as they were walking along a city street, they said. The white youths began taunting them and then attacked them. Both boys suffered facial injuries, and the 14-year old's jaw was broken in

four places and four teeth had been knocked out. The day of the attack, police began investigating the theft of a 1979 Chevrolet from a parking lot. Police discovered that the "attacked" black teenagers had stolen the car and wrecked it when the 16-year-old drove it into a pole. The facial injuries were apparently caused by the accident. They were charged with receiving stolen property and making a false police report.

In August of 1988, a biracial couple living in the Troy, New York's Martin Luther King Apartments reported finding their apartment walls painted with racial slurs and the initials "KKK," according to news reports. Dawn Rowe, 31 is white; her 63-year-old husband Pleasant is black, and they have six children. The couple reported that they had been taunted with racial slurs to the point where they often stay inside with the curtains drawn. Police investigating the incident, however, told another story. Detective Robert Paul came to suspect that the "victims" had been feuding with someone. He said there had been no signs of forced entry. Neighbors had not noted anything unusual around the apartment at the time of the alleged hate crime. He noted that the housing complex is racially mixed and that biracial families are not uncommon. There had been no other racial incidents there.

Police declined to characterize the case as a hoax when pressed but it was clear that there was strong suspicion that the Ku Klux Klan was not haunting the complex after all.

It had the potential to be another Rodney King case. Four white Berkeley, California, police officers were accused of severely beating Ronald Griffin, 25, a black man, who was taken to a local hospital with broken upper and lower jaws and several teeth knocked out. A police officer identified by the "victim" as the one primarily responsible for the May 1992 incident was, placed on administrative leave.

According to Griffin, he had been walking along a Berkeley street when two officers pulled up, asked him to identify himself, and drove away. He said that two squad cars came by later with two additional officers, put him in one of the cars and drove him to an unknown locations where he was handcuffed, beaten unconscious with a baton, and abandoned. 60

The media initially sensationalized the case. However, it was soon learned that Griffin had been recently released from San Quentin, after serving four years for attempted murder and robbery. His arrest record also included narcotics dealing, burglary and auto theft. On several occasions Griffin either fled or resisted arrest, and in one case almost rammed his car into a patrol car. Four days later lawyers for Griffin announced that plans for a lawsuit against the policemen was dropped due to lack of supporting evidence.

The police department interviewed all officers who were on duty when the alleged beating occurred and reviewed all radio transmissions during the period. After a thorough investigation they announced that Griffin's account was a fabrication. According to news reports,

"Police here say they now have solid evidence that the Richmond black man who claimed he was beaten 10 days ago by four white Berkeley cops made up the entire episode to cover his involvement in a three-city crime spree. Sources said police believe Griffin attempted to rob a drug dealer and his jaw was broken when his victim hit him with a gun butt."

Finally, as the hoax unraveled, it was learned that the day before Griffin made his charges against police, he had allegedly fired a gun at a dope dealer he was trying to hold up. The bullet hit and killed an innocent Mexican immigrant bystander. The gun recoiled, striking him in the jaw, which accounted for

Griffin's injuries.

Griffin, along with a companion, was subsequently charged with murder, two armed robberies and car theft. He was returned to San Quentin Prison where he was being held on a parole violation.

Rev. James Dixon, a black minister in Houston, Texas, had received a hate letter in January 1992 which said, "Boy, you are one troublemaker. What do you think we should do about this." The words "THIS IS THE KLAN!" were printed in large letters, and an illustration of a Klansman in robe and hood was included. Media accounts said the letter contained several "racist statements."

Charles Lee, Texas grand dragon of the minuscule White Camelia Knights of the Ku Klux Klan, denied his organization was involved. He suggested that the letter might be a hoax to arouse publicity for Dixon. Lee said that this kind of thing only brought notoriety and police harassment for the Klan.

But a few days later another letter appeared, this one apologizing for the first one. The writer said he was not a member of the KKK and that he had intended the letter as a joke, and apologized for the letter. Constable Jack Abercia said the author of the apology also wrote the original letter, based upon similarities in the two. By this time the "copycat" phenomenon had kicked in and yet another letter was received containing racist threats and apparently not related to the other two letters. Michael Lowe, Grand Dragon of another tiny Houston-based KKK faction, was interviewed by the Houston Chronicle. He said his Klan group is opposed to the use of threatening letters or violence.

Warren Duliere, publisher of the left-wing alternative paper, West Virginia Advocate, was found dead in his garage in July 1992, a victim of a gunshot wound. Duliere's outspoken attacks on the Ku Klux Klan were a matter of public record as he challenged its members to "come out from behind their robes, hoods and masks." Consequently, the "KKK" found written on the walls of his home with a marker seemed certain to implicate the Klan in his death.

A police investigation soon cleared up the attempted hoax. Police spokesmen were quoted as saying that the 60-year-old publisher, distraught over failing health and criticism of his newspaper, committed suicide. Forensic evidence and examination of the scene compelled police Cpl. D. B. Burkhart to observe that

"The results indicate Mr. Duliere died as a result of a self-inflicted gunshot wound with his own gun."

A source said that there was "an air of mystery about [Duliere] and I think he wanted to go out the same way."

Kenneth Daugherty, an employee of the University of San Diego, told police in February 1992 that three white skinheads had attacked him at an automatic-teller machine after he had deposited his paycheck. His original account was that he fought a single skinhead but was overwhelmed when two other skinheads beat and kicked him while shouting racial epithets.

Daugherty, a black Gulf War Navy veteran, claimed that no one in the parking lot would come to his help, and a nearby bicycle shop refused to allow him to make a 911 call to police. Finally, he said, he flagged down a patrol car, but the officers refused to take a report of the hate crime. Media accounts of the incident brought an orgy of sympathy and offers of financial assistance.

A San Diego police department internal investigation, however, concluded that Daugherty had made up the entire incident. According to Assistant Police Chief Dave Worden,

"After an exhaustive investigation into the matter, we believe that his claims were outright fabrications. We have conclusive evidence it did not happen."

No-one Daugherty claimed to have talked with, or who witnessed the incident, could confirm the attack, including the clerk at the bicycle store. Police could not locate a single witness from the allegedly crowded parking lot, nor the police officer that was supposedly flagged down.

In New York City Lewis Watkins, 25, a black man claimed he had been beaten in January 1992 by five white men in a white van. One man allegedly got out and pushed him to the ground. The others then got out and began kicking Watkins, using racial slurs and referring to an earlier abduction and rape of a 15-year-old white girl by two black men.

New York Mayor David Dinkins took the opportunity to issue a statement condemning racism and the "absolutely senseless, absolutely appalling act of bias violence." The police investigation became high priority. A few hours later, however, Mayor Dinkins retracted his statement after police officials voiced doubts that the attack even occurred. Watkins, it turned out, had made two previous unfounded reports of beatings at the hands of white men in white vans. Dinkins' press secretary, Leland T. Jones, commented

"It's hard to condemn something that didn't happen. If the price of a retraction is a bias incident that did not occur, we'll pay that price, because we are pleased that an incident as terrible as this was reported to have been did not occur."

Richard Savino, a white Staten Island, New York, homeowner was visiting his parents in Delaware, New York, when police called with news that his house trailer was on fire. Savino had been trying to sell the trailer for six months. On one occasion he had shown it to a black couple. Subsequently, his car was vandalized and racial slurs were painted on the trailer. He also claimed to have received threatening telephone calls. At the time of the fire, the slogan, "NOW sell to niggers" was found spraypainted on a wall. The police classified the incident as a "bias related" hate crime.

However, other residents in the neighborhood were puzzled at the course of events. The development has black, Indian, Chinese and Hispanic residents. The president of the Meadowbrook Civic Association said, "We don't think it's a bias situation. We have a multiracial community here."

On October 13, 1991, police arrested Savino himself for the crime. He was charged with arson, conspiracy insurance fraud, reckless endangerment of property and falsely reporting an incident, according to police spokesman Sgt. Edward Burns.

A black man, Oliver Mason, III, had allegedly received a racial hate letter and was served a dead mouse and broken glass in an omelet at an Annapolis, Maryland, restaurant. He was hospitalized briefly after the incident. Mason had also complained of being a "victim of racism" at the Annapolis Holiday Inn where he operated a gift shop.

Mason was hospitalized again on April 25, 1991, after he was found in a men's restroom with an electric cord around his neck and the words "Sorry Nigger" written on the door. Mason told police someone had looped the cord around his neck.

Mason was subsequently arrested and charged with filing a false report and hindering a police investigation. Police spokeswoman Florence Steffen said

investigators had determined that Mason had written the hate letter he had reported receiving. 53

In a 1986 case, a St. Charles, Missouri black girl, Bridget Clark, 14, told her parents that two white men had thrown acid on her and shouted racial slurs as she walked home from school. The black community was in an uproar. A police investigation revealed that the acid was actually the result of an accident at a summer job where the girl spilled chemicals on her arm causing first-degree burns. "She made up the story on her way home," her mother, Shirley Clark, said.

According to news reports, Mrs. Clark said Bridget, "who had been doing cleaning work at Duschesne [High School] through a federal jobs program would be transferred to work at another school."

The headlines in the February 6, 1993 Olathe, Kansas, Daily News were stark and explicit: "Vandal Scrawls Racist Message on House." Under the photograph of a black woman standing beside the hate message, "Nigers Go Home," [sic] was the caption: "Edna Mitchell was surprised and saddened Friday morning to find a racist remark written on the front of her Spring Hill home."

"It makes you feel violated," she said. Rosemary Jackson, Mitchell's sister, was with her when they discovered the graffiti. She said,

"My (seven-year-old) daughter was screaming and crying 'Momma, how can somebody do this,' They were dumb enough to s leave their footprints, and their spelling was wrong."

Later media accounts told of the Mitchell family being driven from Spring Hill. She reported harassing telephone calls. "They called and told us they were going to kill our kids. They said we were getting too much publicity," Mitchell said.

Local authorities sprang into action. Spring Hill police stopped children on their way home from school for questioning. Mayor Mary Lavery said she was "shocked, dismayed." In the twenty years Lavery had lived in Spring Hill, this is the first time she had heard of a racial incident. An anti-racist witch hunt was brewing. Coincidentally, in nearby Olathe, Kansas, employees of the Olathe Water Department had been disciplined for possessing and sharing racially offensive religious literature. The story percolated in the local news media for a couple of weeks, and was reported statewide in the large circulation Kansas City Star. Olathe NAACP T leader Sue Cartwright said the distributors of dangerous literature "should be reprimanded, fired."

Responding to the opportunity for further notoriety, a tiny Ku Klux Klan grouplet from a rural Kansas community passed out fliers at a couple dozen A houses in the city. Community leaders were aghast. All of a sudden the community was "sensitized" and townspeople were speculating about who might be responsible about the Mitchell incident. And then the bubble burst. 64

On March 9th police charged Mitchell with two counts of making false police reports, a class A misdemeanor in Kansas. Authorities accused her of inventing several stories that she was being harassed in the community, including her account of the racial slur on the wall of her home. Spring Hill Police Sgt. Hugh Grossman said

"We took this seriously, and we wanted to find out who did it because it was such a terrible thing for the city to live down. We were just surprised at the outcome."

Charles A. Lewis, a black mayoral candidate in Jacksonville, North Carolina, found the words "NO VOTE NEGGER" [sic] in pink spray paint on his house on



August 9, 1991. A front-page story in the local newspaper depicted Lewis as a victim of a racial hate crime and photographed him standing in front of his vandalized home. Lewis portrayed the incident as an attempt to discourage his candidacy:

"If they can discourage me from running by acts of aggression or other form of hatred, that's what they will do. But it won't stop us."

There is more to the story. Lewis contacted police with the claim that he was being blackmailed. Some woman had made up a story to the effect that Lewis had paid two men to deface his house, he claimed, and she was threatening to tell unless he paid her \$2,000. Police initially believed Lewis and set up a sting operation to entrap the woman. Under electronic surveillance Lewis met with the woman and paid her \$500. Police moved in and arrested the blackmailer.

However, the same woman had gone to the County Sheriff's office and confessed that she was planning to extort money from Lewis. She insisted that Lewis had asked friends to paint the racial slur on his house so he could capitalize on victim status. Police contacted the men, who confirmed the story, and arrested Lewis when he visited one of the men. Lewis subsequently confessed to the hate crime hoax.

Lewis, who had previous convictions for larceny and bad checks, remained in the race and, incredibly, despite his confession to police, continued to profess his innocence! He lost the election.

At California's March Air Force Base the dormitory doors of the 22nd Security Police Squadron were covered with racial and sexual slurs in a red marker. The slogans found on October 8, 1992, included "Stay with Your Own Kind" and "KKK." Although both white and black air police officers slept in the dormitory, only the rooms of blacks were defaced.

Within a week military police had charged a black military policeman, Airman First Class Ivory Lee Scott, 28, an 18-month Air Force veteran, with seven counts, including damaging government property, making racial and sexual slurs, obstruction of justice by tampering with three witnesses and two counts of making false statements in another matter. The arrest followed a week-long investigation by wing commander Brig. Gen. Don Jensen, who uncovered the hoax.

Police informants are often unstable and unreliable, particularly in matters involving alleged hate crimes. Even in cases where they're not trying to save their own necks, they may fabricate stories for no other reason than to feel important. Such a case occurred involving the notorious anti-black and anti-Jewish Aryan Nations organization in Idaho.

To the credulous mind there is little that one could say of Aryan Nations that wouldn't be believed. Few organizations have received more publicity entirely out of proportion to their objective importance than this small group. Not that the group hasn't sought out such publicity, mind you. Nevertheless, the media has sensationalized the group to the point where any news about them becomes big news.

Based on the account by a former informant, FBI agents approached Marshall Mend, a Jewish real estate man in Coeur d'Alene, Idaho, with the news that a group of white racists had conspired to do him in, along with Bill Wassmuth, a former Catholic priest. Both men had been active in campaigns against Aryan Nations and other white racist activists in their community.

The informant, Dan Bordner, who had infiltrated Aryan Nations, had been dropped by the bureau after FBI agents came to doubt his credibility,<sup>73</sup> also claimed that

a synagogue bombing had been planned for nearby Spokane. H Later, the FBI acknowledged that the "plot" was sheer fiction. David Hill of the FBI office in Seattle, said, "The bottom line is we found there was no substance to the allegations." Apparently, however, Bordner -- acting as an informant -- actually tried to get a conspiracy of that nature going.

According to February 1992 news reports:

"Sources close to the investigation said FBI electronic surveillance at Aryan Nations revealed no instance where anyone in the group talked about the plot except the informant Dan Bordner.

'Nobody else ever mentioned the threat,' one source said. when the FBI gave Bordner lie detector tests, 'he flunked big time,' a source said.'"

Floyd Cochran, at whose home the group met and who freely admits his membership in Aryan Nations, said that "The whole thing was a fiction of Mr. Bordner." Cochran's home was searched by the FBI on the strength of Bordner's allegations. No incriminating evidence of any kind was turned up. The FBI suspects that Bordner fabricated the account in order to promote a future book.

Of all possible hate crimes hoaxes, one would think that an incident in which a man is deliberately set on fire would be impossible to fake. Yet, such a hoax apparently happened in Loveland, Ohio, in September 1993. 66

"Writhing in pain with burns over 75% of his body, Milton Metcalfe lay in front of a Loveland bar Tuesday and screamed, 'I was trying to help them.' His payoff, according to police: a cup of gasoline in the face and a match tossed at him. Police are checking the possibility the attack was gs racially motivated. Metcalfe is black; he described his attackers as white."

According to Metcalfe, 30, he was trying to help two men and a pregnant woman whose pickup truck was out of gas. He went home and got a gas can, had it filled, and brought it to the trio. Metcalfe told police that the truck would not start. The men asked him to get a cup of gas to prime the carburettor when he complied, one of the men poured it on him and the other man tossed a lighted match. Metcalfe, on fire, ran across to the Zappa sports bar. Bartender Angela Clasgens said,

"We heard a loud bang. It sounded like a gunshot. We looked at the door, and there was a great big fireball. He was screaming, 'They were trying to pour it gown my throat. They poured gas on me and set me on fire.'"

Loveland, with a population of 9,900, is 97% white and 2% black, according to the 1990 census. Police and citizens initially speculated on the racial aspect of the crime. A few days later, another story began to emerge. Police had discovered a half-filled gas can behind a Loveland shopping center, and accounts by witnesses cast suspicion on Milton Metcalfe's story. Hearing of these developments, the local NAACP demanded an investigation. Frank Allison, president of the Cincinnati chapter, said, "I think if the victim was white, it would have been handled differently."

Finally, the whole story began to come apart. Police revealed that Metcalfe had been convicted in April, 1993, for filing a false police report that he had been abducted by two men with a baby. A detailed police investigation determined that the incident was a hoax concocted by Metcalfe. Also, it was learned that the late-model Ford pickup Metcalfe had described has no carburetor and could not be primed with gas. Finally, although many people had seen Metcalfe in the area of the Clark station, no one had noticed the truck. Milton Metcalfe, critically burned and the apparent self-inflicted victim of a hoax that backfired,

subsequently died from the injuries.

Hatred and bigotry, it seems, know no age boundaries and no limits to viciousness. Or so it seemed in May 1993, when 12-year-old Jake Thompson, a black fifth-grader, reported that no less than ten white and hispanic boys, aged 10 to 13, had beaten him to the ground, pushed his head inside a toilet and flushed it, and then wrote "Nigger Must Die" on a boys' restroom wall at the Encinal Elementary School in Santa Clara County, California. The case was originally handled by skeptical school officials, who were cautious about buying the improbable story. Police learned of the incident few weeks later while visiting the school on another matter and "opened a case."

The case attracted the attention of a sympathetic news media who, it is charged, blew it way out of proportion, and of civil rights groups, who howled for the boys' heads. "Send them a message," was the slogan as powerful interest groups pushed for prosecution of the youngsters and demanded the indictments of the youngest defendants ever to go on trial for felony hate crimes, forcing many of their parents to hire attorneys to represent their children, and others to rely on understaffed and under financed public defenders. If convicted, the children could be sentenced to a draconian eight years in California Youth Authority custody. I

A Kafkaesque tone to the case began to emerge as discrepancies and inconsistencies developed, including the date of the "hate crime," which changed back and forth. Evidence appeared that cast doubt upon Jake Thompson's story. According to news reports,

"At a hearing held last August, a school monitor testified that when she saw Jake after the alleged assault, he showed no signs of bruising or injury."

As the case progressed the judge began dismissing defendants as the evidence for their participation evaporated. Hugh Roberts, attorney for an 11-year-old defendant who was released in the case said, "This is a terribly overcharged case, made more difficult by community and media response."

Deputy District Attorney Marc Buller admitted that "As the case has evolved, we know information now that we didn't know then." Albie Jachimowicz, attorney for a 12-year-old Hispanic boy charged in the case, claimed that Buller was pushing the case because of political and social pressure. When the case came to trial the San Jose Mercury reported

"Recanting his original story to police, a boy testified in court Wednesday that the alleged beating of a black classmate was a hoax. Instead, the seventh-grader said Jake Thompson planned the whole incident shortly after school began that day, then later ripped his own shirt and wet his hair to make it appear as if he had been beaten... (the boy) told how Jake had asked him to lie and repeatedly called his house to make sure their stories matched."

"On the witness stand Tuesday and Wednesday, two of the prosecution's witnesses changed their stories and contradicted Jake's account of the May 4 incident."

As Jake Thompson's story fell apart Judge Paul R. Teilh had no choice but to acquit the remaining four defendants. This, however, was not the end of the story. There was still a possibility for money to be made. In November, 1993, attorneys for Jake Thompson filed a \$3 million civil suit against Morgan Hill Unified School District, charging that they were "negligent" and "failed to supervise and control the conduct of students."

In Chicago a black man who had told police of an attack by a white motorcycle gang in May 1985, recanted parts of his story after witnesses disputed his

assertion that he had been beaten with chains by gang members. According to witnesses, Otis Jackson's car was overturned by people whom Jackson had endangered by driving recklessly. Jackson, 25, also withdrew claims that the whites had harassed him at a stop light, that a friend was in the car with him, and that the white gang had stolen \$300.

Jackson initially said that the gang members had pushed a Molotov cocktail through a hole in the rear window. Witnesses contradicted Jackson, saying that there was no motorcycle gang involved in the incident. According to media reports,

"...witnesses have accused Jackson of trying to run down people on pedestrian walkways before his car hit a tree... a crowd became angry after Jackson had driven in reverse at speeds of 40 miles an hour, and overturned the car after he had run off the walkways...the car exploded because the motor was running."

Jackson had told police he was driving in reverse to escape the motorcyclists. He explained, "I changed my story to them because I was high. I don't know why. I gave some bad information. I was high." Jackson had been fired from his security guard job after it was learned that he was a convicted felon awaiting trial on charges of possessing two loaded handguns, one of which was stolen in a burglary.

Hoaxes often take bizarre forms. In 1988, 54-year-old Gary A. Tucker stirred law enforcement officials with a death-bed confession that he had taken part in a 1963 church bombing in Birmingham, Alabama, killing four young black girls. Media sources reported:

"A Justice Department official in Washington said the local United States Attorney's office and the FBI in Alabama had sent 'very optimistic reports' to Washington indicating that Mr. Tucker might well be telling the truth."

According to federal officials, Tucker "really knew his dates and places and he knew the players in the bombing." Later, David Barber, Jefferson County District Attorney said that Tucker was "a confessor to a crime that he did not commit." Investigators noted that Tucker didn't even know the location of the church and gave three different descriptions of the car which he was driving. Barber and Frank Donaldson, U.S. Attorney for Northern Alabama, said their only explanation for the hoax was Tucker's physical and mental condition. Tucker was a cancer patient at the Veteran's Administration Hospital in Tuscaloosa, AL, at the time of his confession. Tucker's relatives said that he had been diagnosed several years earlier as a "paranoid schizophrenic."

"His explanation to us was that he realized he was dying and wanted to get this off his conscience. We were real disappointed at how it turned out because we want this case solved.

Insurance fraud has been the motive for more than one "hate crime" hoax. In March, 1991, a Fayetteville, Georgia, black couple was arrested and charged with fraud by arson, having spray-painted racial slurs on the interior walls before setting their \$400,000 home on fire. White racists were blamed.

Marcellous and Sandra Jackson were soon arrested and held on \$350,000 bond. They had been behind in their mortgage payments and faced foreclosure. Their real estate agent, Lynn Mitchell, was also arrested as a co-conspirator.

According to Sheriff Randall Johnson, the fire was the Jackson's third attempt in a month to burn the house down. Sheriff's Captain Bruce Jordan said,

"By the second fire, we were considering the possibility that it was not racially

motivated and may have been a financial conspiracy.

Nine months later, on 6 December 1991, Marcellous Jackson was sentenced to 15 years in prison. Witnesses said that Jackson set the fire himself to collect insurance on the house. They also testified that Sandra Jackson, real estate agent Lynn Mitchell, and neighbor Ceasar Gaiters "conspired to defraud the mortgage company that financed Jackson's house."

The home of Larry Williams and Patricia Anderson, a black couple in Arvada, Colorado, was systematically ransacked 29 November 1990, and 29 swastikas were drawn with a felt marker on walls. The police report noted that the ransacking had been done in an unusually neat, careful manner. Nothing was broken and nothing was missing. Williams speculated,

"I guess there were trying to drive home a message that they don't want us in this neighborhood. We are the only blacks here."

Exactly two weeks later Williams and Anderson returned home to find their home on fire and their blue Thunderbird missing from the garage. Police reported that the fire had been deliberately set in four places. The house sustained mostly smoke damage. A careworn and dazed Williams said, "I just can't believe this." The FBI entered the case, requesting a copy of the earlier police report. Arvada Police Lt. Jeff Waller said

"It's routine for them to look into ethnic hate crimes like this. We want to make it perfectly clear that we are not going to tolerate a situation where a family is singled out and treated this way."

Two days after the fire the Rocky Mountain News, a Denver daily, reported that Williams and Anderson had "been deluged with an outpouring of sympathy." Police Sergeant Merle Westling of the Arvada Police Department said

"We've had calls from people wanting to donate clothing, I gifts, money to help rebuild the house - I've even been told there was a contractor over there this morning who said he'd donate some time to get the place straightened up."

The Thunderbird was soon located in Denver. Police reported that someone had put a rock on the gas pedal and let it run into a parked dump truck. Police fingerprinted the car for clues. Arvada Police Chief Pat Ahlstrom said that the "investigation is high priority, as is any crime with a possible racial or ethnic hatred motive."

And investigate they did. Police learned that the family was in severe financial straits, and that the house was insured. Moreover, police were suspicious from the outset when inconsistencies developed in their account of the incidents. Within a few days Patricia Anderson was arrested, along with Lee Andrew Williams, brother of Larry Williams who was not charged in the case. Lee Williams and Anderson subsequently entered guilty pleas. In May 1991 Lee Williams was given 10 years for one count of first degree arson. Patricia Anderson received 5 years probation for attempted theft and false reporting.

In July 1990 an arson fire seriously damaged the Clothes Encounters clothing shop in Kansas City, Missouri's fashionable Westport shopping area. The owner, Angela Washington Thomas, a black woman, claimed that it was a racially motivated "act of hate."

At the time of the fire, Thomas told of racial harassment, including threatening telephone calls dating from when she opened the store in July 1989. She told a reporter:

"This was a purposeful act of hate....I'm borderline shocked that this could happen. I'd rather it was because of something I did personally to someone than because I'm black."

Thomas's claim of racial intimidation brought immense local and national media attention. Anti-racist groups were lamenting the plight of the brave young woman and calls for harsher penalties for "hate crimes" echoed throughout the community. It also brought the Federal Bureau of Investigation into the case, which proved to be the actual perpetrators undoing. According to FBI spokesman Max Gieman

"The FBI conducted an inquiry but a determination was made after a preliminary investigation that the allegations [of racism] were not supported."

Lauren D. Johnson, a former Kansas City, Kansas, firefighter, proved to be the key to the case. He had been bragging to a friend that he had been involved in the arson. This friend told a friend, who called police. As the investigation began to focus on him, Johnson admitted his part in the crime.

The store was failing and it was burned to collect insurance.

Thomas and Johnson were convicted. Due to an effective attorney and their willingness to implicate one another in the crime, both received relatively lenient sentences. Thomas was sentenced to 60 days of monitored house arrest and ordered to pay \$13,000 restitution. Johnson was sentenced to 90 days monitored house arrest and \$7,800 in restitution. Each was also placed on five years probation.

1 Robert D. McFadden, "Inquiry: No Evidence Links Law Enforcers To Kidnapping," The Ledger (10 April 1988).

2 Associated Press, "Time Frame Conflict In Racial Sex Case," Chicago Tribune (6 May 1988).

3 Associated Press, "Brawley's Rape Story A Lie, N. Y. Attorney General Says," Kansas City Times (7 October 1988).

4 Joan Beck, "The Public Exploitation of Tawana Brawley," The Tampa Tribune (15 June 1988).

5 Eric Breindel, "Public Truth and Racial Politics," New York Post (5 July 1990).

6 Associated Press, "Judge Rules Brawley Defamed Prosecutor," The Washington Times (9 May 1991).

7 Linda Stevens, "Black Man Held In 'KKK' Killing Of Upstate Girl," New York Post (18 July 1988).

8 Anne Ruth, "N. Y. Police Rule Out Racial Motive In Slaying," The Arizona Daily Star (18 July 1988).

9 Dave Birkland, "Two Crosses Burned in South Seattle," The Seattle Times (15 October 1991).

10 Michael A. Barber, "Troubled Teen Commits Crimes to Lure Media," Seattle Post-Intelligencer (17 January 1992). Ibid.

12 Rachel Zimmerman, "The Perfect Victim: Azalea Cooley," Willamette Week (26

November 1992).

Oregonian (1 November 1992).

14 Denise McVea, "Police Suspect Victims in Hate-Crime Reports," The Oregonian (3 November 1992).

15 Denise McVea (3 November 1992), Op Cit; Associated Press, "Multnomah Officer Accused of Fake Cross-Burning Report," Statesman Journal (3 November 1992).

16 Ibid.

17 "Founder of Guardian Angels Confesses to Hoaxes," Los Angeles Times (25 November 1992).

18 Hark Vane and Frank Wolfe, "Cross Burnings Not Hate-Crimes; 4 Blacks Arrested." Washington Times (27 August 1990).

19 Barry Lawrence, "Cross Burned By Blacks, Officials Say." Prince Georges County Forum (27 August 1990).

20 Michael Martinez, "Children, Not Klan, Blamed For Vandalism." Kansas City Star (9 October 1990).

21 "Cross Is Burned On Fraternity Lawn," Kansas City Star (8 November 1990).

22 Dave Hendrick, "Racial Tensions Taint Lawrence's Image," Wichita Eagle (16 December 1990).

23 "Report Of Youth's Burning False, Police Say." Associated Press (28 December 1986).

24 "Cross Burning Suspect is Black," wire service reports (26 February 1984).

25 Lacy McCray, "Arrest Stuns Cross-Burning Victims," Philadelphia Inquirer (26 February 1984).

26 Lacy McCray and Michael B. Coakley, "Black Man Is Charged In Four Cross Burnings," Philadelphia Inquirer (25 February 1984).

27 Joanne Sills, "Black Cop Confesses To Slur," Philadelphia Daily News (8 March 1988).

28 "Bombings, Rising Tide of Hate Crime Linked," Denver Post (26 December 1989).

29 Fred Grimm, "New Breed of Racists Heightens Fears With Ideological Hove to Revolution," News and Observer (2 January 1990): Sonya Ross, "Hate Groups Called Logical Suspects In Bombings," San Francisco Chronicle, n.d. (1989).

30 Kathy Kemp, "FBI'S Suspect in Mail Bombings Finds Notoriety Good for Business," Birmingham Post-Herald, n.d. (May 1990).

31 Peter Applebome, "A Shadowy Bomb Case Is Focusing On A o Loner and Enigmatic Figure." New York Times (20 July 1990).

32 "Hail Bomb Probe Seemed To Bog Down," Associated Press (11 November 1990).

33 Rhonda Hillbery, "Jury Finds Georgia Han Guilty in Nail-Bomb Threats," Los Angeles Times (29 June 1991).

- 34 "Mayorâ s Fingerprints On Hate Mail," Associated Press (13 July 1987). L
- 35 Associated Press, "Voters Oust Mayor Linked to Racist Mailings." Kansas City Star (16 December 1987).
- 36 Jodie DeJonge, "Milwaukee Alderman Accused of Lying to Disfavor Opponent," St. Paul Pioneer Press (June 26, 1990).
- 37 Tracie Reddick, "Letters Use Klan To Slam Killings." Washington Times (14 December 1991).
- 38 Ibid.
- 39 Pat Wilks, "Cops: 2 Whites Attacked Black Teen," New York Post (29 September 1992).
- 40 Michael Shain, "Cops Say Teen 'Bias Victim' Was Lying." New York Post (3 October 1993). A 1
- 41 Mary O'Doherty, "Black Teens Slaying Linked To Drugs, Not Racism." Louisville Courier:Journal (23 July 1988).
- 42 Mary O'Doherty, "Witness Testifies That Friend, Not Whites, Shot Price." Louisville Courier Journal (8 September 1988).
- 43 Ibid.
- 44 Sandra Gonzales, "Ex-Principle Arrested In Blaze At Church School," San Jose Mercury News (16 September 1992).
- 45 Jacques Steinberg, "Woman Found Beaten To Death In Manhattan," New York Times (11 July 1991). I
- 46 Anne E. Murray, Peter Moses and Ransdell Pierson, "Neighbor Held In 'KKK' Slaying of Granny," New York Post (12 July 1991).
- 47 "Teens Sought In Hate Crime Directed At Albany Mayor," The Oregonian (3 June 1993).
- 48 "Reported Hate Crime Really Plan By Son To Avoid Trouble," The Oregonian (4 June 1993).
- 49 Douglas Montero, "Youths Made Up Racial-Attack Story," Cleveland Plain Dealer, n.d. (1991).
- 50 "Black Teenager Recants Story About Racist Shooting, San P Francisco Chronicle (5 August 1988).
- 51 "Two Who Claimed Attacked Accused of False Report," unnamed Ohio newspaper (24 March 1989).
- 52 Mary D'Ambrosio, "Officer Doubts Racism A Factor In Troy Incident," Albany Times-Union (19 August 1988).
- 53 William Brand, "Berkeley Probes Alleged Beating Of Black By Cops," The Oakland Tribune (12 May 1992).
- 54 William Brand, "Police Say Richmond Han Made Up Beating Story," The Oakland Tribune (20 May 1992).



55 William Brand, Paul Grabowicz and Harry Harris, "Berkeley Cops Say Beating Fabricated To Cover Up Murder." The Oakland Tribune (21 May 1992).

56 Jerry Urban, "Boycott Leader Gets Hate Letter." Houston Chronicle (9 January 1992).

57 "Apology Made For Hate Letter, But Another Threat Is Received." Houston Chronicle (15 January 1992).

58 Associated Press, "Publisher's Death Suicide, Police Say," Vancouver Sun (12 August 1992): Wire service reports, "Publisher's Death Ruled Suicide (12 August 1992): "KKK Not Suspected In Apparent Suicide," (22 July 1992).

59 Wire Service Reports, Op Cit.

60 Dwight C. Daniels, "Police Say Han Fabricated Tale Of Racial Attack," San Diego Union-Tribune (20 February 1992).

61 Mary W. Tabor, "Man Reports Bias Attack, But The Police Express Doubts." New York Times (18 January 1992).

62 Lee A. Daniels, "Staten Island Han Arrested In Apparent Bias Hoax. New York Times (14 October 1991).

63 "Man Who Made Racism Claim Charged With Faking Report," Newspaper clipping, source unknown (May 1991).

64 Abby Cohn, "Assault With Acid Story Called Hoax," St. Louis Post-Dispatch, n.d. (1986).

65 Steve Porter, "Vandal Scrawls Racist Message On House," Olathe Daily News (6 February 1993).

66 Steve Porter, "Family Targeted by Racial Threats Leaving Spring Hill." Olathe Daily News (10 February 1993).

67 Ibid.

68 Kady Hoflaster, "Woman Who Reported Racial Slur Charged With Lying to Police." Kansas City Star (9 March 1993).

69 Ben Stocking, "Racial Slur Was a Sympathy Ploy on Part of Candidate," Police Say." News Q Observer (14 August 1991).

70 Ibid.

71 "Candidate Stays In Race Despite Arrest," Burlington, N. CL Times#News (15 August 1991).

72 Ellis E. Conklin, "Supremacists Allegedly Planned To Murder Men," Seattle Post-Intelligencer (18 February 1992).

73 Paul Shukovsky, "No Evidence Of Aryan Death Plot." Seattle Post-Intelligencer (19 February 1992).

74 Ibid.

75 Sheila McLaughlin, "Man Who Went for Gas Set Afire," (Cincinnati Inquirer (22 September 1993).

76 Ibid.

77 Sheila McLaughlin, "Police: Man May Have Set Self Afire," Cincinnati Inquirer (23 September 1993).

78 Sheila McLaughlin, "NAACP Wants Probe of Torching," Cincinnati Inquirer (24 September 1993).

79 Sheila McLaughlin, "Questions Put Shadow Over Story, Cincinnati Inquirer (25 September 1993).

80 Sandra Gonzales, "Bathroom Beating Trial Begins," San Jose Mercury News (26 October 1993).

81 Rodney Foo, "10 South S. J. Boys Charged With Hate Crime Assault," San Jose Mercury News (3 June 1993).

82 Sandra Gonzales, "Hate-Crime Trial To Open For 4 Boys," San Jose Mercury News (25 October 1993).

83 Sandra Gonzales, "Beating Charges May Be Dropped," San Jose Mercury News (25 September 1993).

84 Sandra Gonzales, "2nd Boy: Beating Was Hoax, Witnesses Z Contradict Black Youth's Claim," San Jose Mercury News (28 October 1993).

85 John Kass, "Black Changes Story of Attack by Whites, Chicago Tribune (22 May 1985).

86 Ibid.

87 Ronald Smothers, "Confession in '63 Bombing of Church is Called a Fake," New York Times (20 October 1988)

88 Ibid.

89 "Black Georgia Couple Accused of Faking Racist Attack, United Press International (30 March 1991).

90 Gary Hendricks, "Fayette Man Guilty In Fire At His Home," Atlanta Journal - Atlanta Constitution (6 December 1991).

91 John C. Ensslin and Ann Carnahan, "Swastikas Prompt Probe by FBI," Rocky Mountain News (7 December 1990).

92 J. R. Moehringer, "Arvada Home Burned, Burglarized Two Weeks After Swastika Incident." Rocky Mountain News (14 December 1990).

93 Mark Brown, "Generosity Deluges Family Whose Home Was g Torched." ROCK! Mountain News (15 December 1990). 3

94 Ibid.

95 Tillie Fong, "Man Gets 10 Years in Fake Hate Crime." Rocky Mountain News (29 May 1991).

96 John T. Dauner, "Federal Grand Jury Indicts Owner of Store, 2 Others in Arson Scheme." Kansas City Star (24 September 1991).

97 Art Brisbane, "Racism Destroys A Scheme." Kansas City Star (16 March 1992).

98 Dauner, Op Cit. (24 September 1991).

99 Brisbane, Op cit. (16 March 1992).

100 John T. Dauner, "Store Owner, Ex-Firefighter Sentenced" Kansas City Star (18 June 1992).

## Chapter 6

### Jews

There can be no question that faked anti-Semitic hate crimes are a cause for grief and consternation in the Jewish community. Jewish concern with persecution is justifiable. Deep-rooted Jewish sensitivity to anti-Semitism makes hoaxes committed by Jews particularly shocking.

These hoaxes are almost always the product of individuals seeking to achieve a sense of importance through victimhood, to advance a particular agenda, to seek monetary advantages through insurance claims or damage settlements, or perhaps more commonly, juveniles engaged in pranks.

One issue that needs to be addressed is whether or not there's an organized campaign to commit racist and anti-Semitic hoaxes. For years rumors have circulated that a particular organization has been engaged in this activity. Right-wingers are particularly fond of this notion in that it tends to confirm their conspiracy theories about the group.

It's important to avoid paranoid thinking on this issue, and to reject the kind of reasoning that suggests that every disturbing event must have a "plot" of some kind behind it, and a series of such events must, therefore, be the product of a planned conspiracy. Extremists on both sides of this issue tend to think in these terms with predictably unfortunate results. I found no credible evidence of a bona fide conspiracy or organized campaign to commit anti-Semitic hoaxes. The best evidence is that these hoax incidents are unconnected and the product of individuals and not of organizations.

I don't think a conspiracy is required to explain a pattern of anti-Semitic hoaxes. In addition to the psychological pleasures of victimhood, the advantages of anti-Semitic incidents to Jewish activists are obvious, so much so that it would reasonably occur to potential hoaxers upon simple reflection, with no communication among them. "Who benefits" from mindless acts of anti-Semitic graffiti and vandalism is there for all to see, and it is most assuredly not anti-Semites.

Some hoaxes have involved "plots," in a manner of speaking, and several of them have involved recognizable "conspiracies" to commit the particular hoax, but linkage with other hoaxes is very unlikely, except in the limited psychological sense of the "copy-cat" phenomenon. This "copy-cat" effect is important, however, because it can account for not only bona fide racial and anti-Semitic incidents, but for additional hoaxes as well.

On the other hand, there is some evidence of a deliberate effort to cover up or minimize incidents that prove to be hoaxes, usually to avoid "giving anti-Semites ammunition," in the words of one journalist. I have encountered several cases where the news coverage of an incident was explicitly minimized once it was discovered to be a hoax. This, of course, is what is known as "spin control" and some anti-racist and "human rights" groups are pretty good at it.

The number of publicized hoaxes, such as those documented in this report, is undoubtedly only a small fraction of those that actually occur.

## C A S E S

The Anti Defamation League itself may have been party to a significant misrepresentation on the cover of a 1985 issue of the ADL bulletin where a cover photograph designated "Desecration of a Jewish home in Kings Point, NY" was clearly a fake. The swastika depicted does not follow the contours of the paneled door and appears to stand out and away from it. It was painted onto a photo or a transparency and then rephotographed. The issue of the bulletin also featured a major article entitled, "Anti-Semitic vandalism: 2-Year Trend Reversed.". The article noted that California, with a population of 23,000,000 had experienced 99 incidents in 1984, or one incident per 230,000 citizens.

In February 1994, the ADL was involved in a major hoax controversy when Donald Mintz, a member of the ADL's National Commission and candidate for. Mayor of New Orleans, was accused of creating and distributing openly racist and anti-Semitic fliers in order to create sympathy for his candidacy and raise funds for the election. The New York Times reported that

"A main Mintz advisor has been charged with a misdemeanor count accusing him of trying to distribute some of the fliers..."

An investigation by the (New Orleans) Human Relations Commission issued a preliminary report concluding that at least two of the fliers 'originated in the Mintz campaign.'

Mintz "vigorously denied" that he or anyone in his campaign was responsible for the fliers. He conceded, however, that his campaign had mailed thousands of the fliers to Jews throughout the nation in a fund-raising effort. Bob Tucker, campaign manager for Mintz's opponent, Ernest Morial, said "Mr. Mintz self-inflicted a racial wound where there was none, and he did it to raise funds nationally."3 Mintz subsequently lost the election

Laurie A. Recht, 35, a legal secretary, vigorously supported court-ordered desegregation in Yonkers, New York, at a City council meeting in January 1988. She was heckled and booed by many of the 800 people attending the meeting. A few days later Recht, who is Jewish, began reporting death threats. As a consequence of wide media coverage of her alleged victimization, Recht became a media heroine for her courage and determination in the face of racist attacks.

In May 1988 she was awarded an honorary Doctor of Humane Letters degree by the College of New Rochette in recognition of her victimization. She told friends that she had received encouragement and support from all over and had even been offered a scholarship to attend Law School at Touro College. Ms. Recht became a very important Lady.

The Anti-Defamation League had been in the forefront in support of Ms. Recht. In November 1988 she once again reported a death threat on the telephone, and claimed to have found racist and anti-Semitic graffiti near her apartment door. It read

"Nigger Lover, Jew / We haven't Forgot you / We will show the world our cause with your corpse / a bullet waits for you."

Unbeknown to Ms. Recht the F.B.I. had installed a TV camera outside her apartment and attached security equipment to her telephone line to catch the perpetrators. The equipment showed that no threatening calls had been received,

and the hidden camera recorded Ms. Recht writing the racist and anti-Semitic threat on the wall next to her own apartment.

Recht admitted in court to lying to FBI agents. She faced a potential sentence of 5 years in prison and a \$250,000 fine. Instead she received 5 years probation, no jail time, no fine.

A November 24, 1985 Associated Press dispatch from New York City reported,

"Vandals threw rocks through windows of eight Jewish-owned shops... Mayor Edward Koch said the city would offer \$10,000 reward..."

The Jewish Community Relations Council offered a \$5,000 reward as well. The windows were broken in the predominantly Orthodox Jewish areas of Boro Park and Flatbush in Brooklyn. Two weeks later, windows in another seven stores were broken in the enclave of 100,000 orthodox Jews and 300 synagogues.

Newspapers around the nation reacted with shock and outrage and compared the incident to Kristallnacht, when Nazis terrorized Jews in pre-World War II Germany, even though no swastikas or anti-Semitic graffiti were found on the buildings. Pressure from the Jewish Community brought increased police patrols and calls for greater vigilance against anti-Semitism, although no anti-Semitism had been proven. Nine of the twelve detectives in the police department's "bias" unit had been assigned to the case. Within two weeks Mordechai Levy, leader of the Jewish Defense Organization, a militant Zionist group with a reputation for terrorism, announced that his followers were organizing night patrols.

However, on December 9, the mystery was solved. According to press reports:

"A 38-year-old Jewish man with a history of psychological problems was arrested in connection with the smashing of windows of Jewish-owned shops in the Borough Park and Flatbush sections of Brooklyn."

Police had arrested Gary Dworkin, who lived nearby -- on 43rd St in, Brooklyn. He was subsequently charged with 13 counts of criminal mischief, some of which were felonies, including one count of discrimination. Media accounts emphasized his "emotional instability," implying that that was the reason for his behavior. Brooklyn District Attorney Elizabeth Holtzman issued statement that his vandalism was directed at Israelis and Hasidic Jews.

In February 1979 one "Michael James Guttman" applied for a permit to hold a neo-Nazi rally in the shadow of Philadelphia's Independence Hall. Guttman claimed the National Socialist White People's Party would provide its own protection if police didn't.

The application, reported in the Philadelphia Daily News, created a enormous stir in the city's Jewish community, one of the largest in the nation. According to the News, the application stated that signs reading "Hitler Was Right" and "Gas Commie Jews" would be shown, and that the avowed purpose of the rally was to "show the world niggers and Jews are cowards."

The News also reported that "The Jewish Defense League had announced last week that it would meet force with force." Two days later the Park Service rescinded the permit.

"According to the terms of an agreement reached with attorneys representing survivors of the Holocaust who had challenged the permit in a Federal court hearing here, the permit was withdrawn when the man who received it, identified as James Guttman, could not be found to testify today."

An investigation revealed that the man posing as James Guttman may have been using a stolen identification card. Philadelphia police said that Mordechai Levy, associated with the Jewish Defense League, had once been arrested in New York City using information from this same stolen card.

In August 1983, a series of fires in West Hartford, Connecticut, terrorized the Jewish community and evoked media comparisons with the "Night Of Broken Glass" when Nazis terrorized Jews in pre-World War II Germany. Fires were set at Young Israel Synagogue, the Emmanuel Synagogue, and the home of Rabbi Solomon Krupka. In September, the home of Connecticut State Representative Joan Kemler, who is Jewish, was set on fire. Kemler had spoken out against the unknown perpetrator of the three previous fires.

Police involvement in the matter was intense. Nationwide media attention focused on the incident, which had launched several legislative proposals to curb "bigotry and violence." police Chief Francis Reynolds doubled patrols in the predominantly Jewish section of town. West Hartford Mayor Charles R. Matties announced a \$50,000 reward. Indeed, police staked out 15 entire square blocks of West Hartford, hoping to charge someone with arson. An article by Barbara Sullivan in the Chicago Tribune was typical of the coverage. She quoted an "elderly, white-haired woman" who sobbed, "I had relatives in the Holocaust; I never thought I'd see this happen again." Scott Feigelstein of the Connecticut Regional Office of the Anti-Defamation League is quoted as saying

"We have to be realistic because of our history, we have to take utmost caution...Perhaps good has come out of all this, because it's drawn people together, but how sad it's come from something too horrible."

The Jewish Defense League announced they would have armed patrols operating in West Hartford. The Hartford Courant published an apology for their "insensitive" coverage of this and another incident, in which an anti-Semitic note was found on the doorstep of a West Hartford home. The paper editorial

"The Courant, for its part, must continue to walk that delicate line between informing the public and not playing into the arsonist's hand...The paper must be careful not to inflame an already touchy situation."

An early suspect in the case was Barry Dov Schuss, a 17-year old Jewish student. An FBI psychological profile of the arsonist clearly pointed to Schuss, as did several other indicators.

Finally, on December 14th, newspapers reported that Schuss had confessed to all four arsons. In fact, Schuss had confessed to his rabbi, Solomon Krupka, several days before his family or the police were notified. Krupka claimed that the relationship between a clergyman and a congregant is privileged. "Krupka disavowed any responsibility for not notifying the police, which would have saved taxpayers thousands of dollars and calmed tense nerves."

Damage control in this case was a masterpiece. Jack Schuss, the boy's father, said that "He has had some problems in the past and has been receiving treatment from time to time." An editorial in the Hartford Courant spoke of "a troubled and alienated 17-year old." The editorial quoted Rabbi Krupka,

"It's time not to be judgmental, but to feel...The feeling now is how would we as a family react...We have to be very sympathetic to his family."

It was revealed that until Schuss confessed to his crimes they did not have enough evidence to arrest him, even though several times circumstances pointed directly to him. In fact, Schuss was a suspect virtually from the beginning. At one point during the investigation, police kept 33 officers in the neighborhood

where the fires occurred. The Hartford Courant reported that

"Six homes were watched 24 hours a day and about a dozen suspects were given lie detector tests. At least 15 officers were assigned to door-to-door interviews. More than 300 people eventually were questioned about the fires.

Following his arrest on four counts of second-degree arson, each of which carries a maximum 20-year sentence, a motion was made to try Schuss as a youthful offender, even though he had planned to set at least four additional fires before he was apprehended."

On February 27, 1984, Hartford Superior Court Judge John D. Brennan gave Barry Dov Schuss a suspended sentence and placed him on five years probation. In a statement to the court, Schuss said that a "possible" reason for setting the synagogue fires was to "show vulnerability of the police or the synagogue" to anti-Semitic violence."

Even the rich and famous are not immune to anti-Semitic hoaxes. No less of a personage than Morton Downey, Jr., was caught in such a fabrication in May, 1989. Downey claimed that he had been accosted by either one, two or three "neo-Nazi skinheads" in the men's restroom at the San Francisco Airport. They then "pinned him against a toilet stall, drew a swastika on his face and cut a small swatch from his scalp." According to Downey, they then gave the Nazi "Sieg Heil" salute and left. Newsweek reported:

"Airport police weren't buying it. Officers on the scene said Downey only had a couple of lines on his face -- not the full swastika he displayed to the press -- and none of the dozen or so people near the bathroom saw anything. Said an airport sergeant, 'Draw your own conclusions.'"

Downey later admitted that the incident "was publicity and it was prearranged." One of Downey's former producers at NNOR-TV in San Francisco said, "Morton knew his show was in trouble and he was trying to make a splash in the San Francisco market."

Swastikas, while regarded as specific to anti-Semitism, have become a universal symbol of racism and ethnic bigotry. In San Francisco, two nonJewish minority fire inspectors reported finding a "wooden plaque with a swastika painted on it" in their office in January, 1988. A San Francisco Chronicle account reported,

"Their discovery was deemed a striking instance of racial harassment in the troubled department and led to the resignation of Fire Chief Edward Phipps."

The incident was troubling in other respects as well. Fire Captain Michael McKinley found "certain contradictions and inaccuracies" in statements given by fire inspectors Nalter Batiste and David Sun. He asked them to submit to a polygraph machine. He said that "key witnesses" who disputed their statements have passed lie-detector tests.

Batiste and Sun were granted disability leave "for stress" since they allegedly found the plaque. Captain McKinley said they had been sent Registered letters asking them to come back for more questioning, but neither replied. The men sought the assistance of private attorneys in the matter, and the case dropped from public view.

In New York City, residents of Co-Op City, a massive housing cooperative in the Bronx, found anti-Semitic graffiti and swastikas daubed on 51 apartment doors and walls in March 1984. The incident received wide publicity, including comparisons with Nazi Germany. A \$3,500 reward was offered for the perpetrators.

Later, two Jewish teenagers tried to collect the reward by turning in someone else and were arrested. The two youths, aged 14 and 15, were charged as juveniles with conspiracy, criminal mischief and falsely reporting a police incident. They are also suspected of other racist and anti-Semitic incidents dating back over a several month period, all of which had been attributed to "racists." As usual, the crimes received far more attention than the revelations of fraud.

On July 15, 1987, a Rockville, Maryland Jewish woman and her Roman Catholic husband awoke at 4:45 AM to find a fire in the shape of a swastika burning on their lawn. Neo-Nazis, skinheads and Ku Klux Klansmen were widely speculated as the perpetrators responsible for the outrage.

Elyse Rothschild of the Montgomery County Human Rights Commission spoke of the fire as an "act of terror" and said that

"...there has to be an outcry from everybody in the country that we will not tolerate that type of behavior; it is to-. tally not acceptable."

Lt. Carvel Harding, the Montgomery County fire marshall, reported that the perpetrator came forward and confessed at the urging of his father. Gary L. Stein, a 19-year-old Jewish man, confessed to the crime and implicated a long-time friend, John F. Finnegan, as the actual perpetrator. According to Harding, Stein claimed that "his buddy did it."

In July of 1989 the Asbury Park Press (NJ) reported that two unnamed Jewish teenagers had been arrested on the morning of July 15 for throwing firecrackers at passing cars. The two youths were apprehended after a chase. A subsequent investigation quickly linked them to an incident in which swastikas and anti-Semitic remarks were painted on a home and a car, according to Marlboro Township police. The two were charged with seven counts of criminal mischief, four counts of burglary and two counts of theft. Mark Grainer, president of Temple Rodelph Torah of Western Monmouth, remarked

"There is enough anti-Semitism from non-Jews. I would hope people brought up in a Jewish home would protect the religion. Something obviously went wrong..."

Had the swastika painting and anti-Semitic graffiti been the act of non-Jews, the incident would certainly have been prosecuted as a "hate crime."

This was not done, however. According to Detective Sgt. Robert Holmes, "It's tough to prove their actions are anti-Semitic if they are both Jewish." The Asbury Park Press quoted unnamed "community leaders and scholars familiar with anti-Semitism" to the effect that the teenagers "probably acted out of personal reasons rather than religious hatred."

Jackson Toby, director of the Institute for Criminological Research at Rutgers University, noted that the incidents might have been motivated by an attempt to "arouse" and "blow the minds" of the local Jewish community. He added, "if you want to get people excited, start talking about prejudice and racism."

Three men allegedly entered a Milwaukee synagogue and poured a caustic substance on Buzz Cody, the sexton. The December 1985 incident recurred just a few hours before the start of Hanakuh, a major Jewish holiday. g Cody, a former Roman Catholic who had converted to Judaism twelve years previous, said that one of the men demanded that he unlock the sanctuary's Ark, where four of the synagogue's eleven main Torahs are kept. He said the men demanded, "Open it up. We want your Holy Koran", and referred to a group with the initials "P.D.L," possibly referring to a "Palestinian Defense League." Cody described the men as being dark-complexioned and speaking with Middle East accents. The synagogue's



senior rabbi, Francis Barry Silberg, said that Cody was obviously "willing to sacrifice himself for his faith and his duty and the integrity of the synagogue."

Alert police detectives suspected a hoax from the beginning. Milwaukee Police Lt. William Vogel said,

"I can't justify it with the investigative results as they have been presented to us. when you're talking about something involving a radical group, they don't operate in this manner."

This skepticism prompted the Milwaukee Journal to editorialize that, "...the police uncertainly seemingly demeaned the episode's seriousness...", which "could be interpreted...as reflecting police insensitivity."

In July 1985 the Jewish Community Center in Milwaukee had been defaced with nine red, spraypainted swastikas. A year before that, in June 1984, the Congregation Beth El Ner Tamid in nearby Mequon was defaced with several red, spraypainted swastikas.

The incident was followed by anonymous telephone calls in the area, one of which said that, "...the defense league is at war with the Jewish community." On 19 December 1985, Cody's apartment was allegedly vandalized. The walls were covered with anti-Semitic symbols, again in red spray paint, including a large swastika and the letters "PDL." Police could find no forced entry. Rabbi Silberg said, "The victim has been re-victimized." An investigation has turned up no such as organization as the "Palestine Defense League" or "P.D.L.."

On 15 May 1986 Cody was charged with two counts of obstructing an officer in connection with reports he had made to police about receiving threatening telephone calls, which police had determined were not true. A tracer installed by the phone company had shown that at least two of the calls were placed from Cody's private line.

Later that same day, possibly fearing discovery and disgrace, Buzz Cody tragically committed suicide. Police Captain Ronald Mehl, referring to the alleged December 1985 attack on Cody said, "There has been no shred of evidence to support the allegation." No further "PDL" incidents followed Cody's death.

Sixteen months after arson destroyed Woodside Synagogue in Silver Spring, MD, no arrests had yet been made. At the time of the 8 April 1986 fire, community leaders rallied to the aid of the orthodox Jewish congregation and supported a wave of demands that urgent action be taken to stem anti-Semitism and hate crimes.

Lt. Carvel Harding, a Montgomery County fire investigator, thinks he knows the culprit's identity, although he lacks "sufficient probable cause" to arrest the subject. Harding told Washington Jewish week that, "We feel we know the motive, but if we tell you, you'll know who the person is." "This is very touchy," he said. Harding also said that the arson was not "an act against people of the Jewish faith." Synagogue sources said one member who has since left the area was brought in for questioning and is still a suspect.

Dr. Sheldon Jacobson, a Jewish dentist, discovered a fire in the form of a large swastika burning on his lawn at his Hewlett Neck, New York, home in August 1979. It was thought that the incident was another in a series of racial offenses that had allegedly occurred in the area in the last several weeks.

A few days later police had their culprit. He was Douglas Kahn, a Jewish teen-ager who had been angered because Jacobson's dog had defecated on his front

lawn. He retaliated by pouring gasoline in the form of a 20 by 20-foot swastika on Jacobson's lawn and lighting it. Kahn, who worked as a guard at Kennedy Airport, was later convicted of fourth-degree criminal mischief<sup>4</sup> placed on three years probation and ordered to pay \$650 in restitution. <sup>1</sup>

"How many hate crimes can one bear? That's what Nathan Kobrin has been asking himself all summer in 1991. And there seems no end in sight." Kobrin, a Jewish man from Concord, California, claimed to have been the victim of anti-Semitic telephone calls, letters, arson and verbal threats on 20 separate occasions between May 17 and Labor Day 1991 -- all threatening 'his life.' Moreover, he claimed that the ordeal has damaged his health. On August 6, when an unidentified woman told him he would die, he stopped eating. According to Kobrin, "My nerves were shot, and my stress level was very high." On August 8, Kobrin became almost totally paralyzed. He was taken to a hospital and released the same day.

However, after an article in the Northern California Jewish Bulletin appeared detailing his courageous battle with anti-Semitism, followed by another sympathetic account in the August 17 Contra Costa Times, his spirits lightened. He received some 50 calls of support. According to Kobrin,

"People were telling me that they weren't Jewish but that they knew what I was going through.<sup>i</sup> All kinds of people called. Hispanics were calling, blacks, the whole ethnic tossed salad. It was amazing."

The harassment of Kobrin began on May 17th, when Halim Abdul Sanjanie, a Muslim who lived in the same apartment building, allegedly threatened Kobrin because he was Jewish. Sanjanie was arrested. He was jailed a second time July 12, when he resisted Concord Police who were serving a restraining order on Kobrin's behalf. Over the next several weeks Kobrin claimed to have received numerous telephone death threats and awakened twice to find his backyard fence on fire. On August 16, Kobrin received a letter that read, "Drop charges or I kill you, Jew boy."

Sanjanie, 28, who was originally charged with resisting arrest and hitting a police officer, found himself also charged with making terroristic threats and interfering with Kobrin's civil rights. He faced several years in prison.

Having acquired status as a heroic victim of bigotry and prejudice, Kobrin became widely known in the San Francisco Bay area. His case was used as an illustration of the hatred toward Jews that lurks about in our society. However, on 12 September 1991, Bay Area residents were presented with a different story. The Oakland Tribune reported,

"A Concord man who claims he has been the victim of 22 anti-Semitic attacks since May told investigators yesterday that he fabricated 10 of the alleged incidents, police said. Nathan Kobrin, 36, said he was the victim of terroristic phone calls, hate letters and two arson fires that were set in his patio. He blamed most of the attacks on his former neighbor, 28-year-old Halim Abdul Sanjanie.

"Yesterday Kobrin admitted to investigators that he ignited\* the two fires in his patio, left two terroristic messages on his answering machine, and wrote six hate letters to himself, Concord police said."

Concord Detective Stuart Roloson discovered Kobrin's fabrications the night of September 9, after Kobrin claimed to have received a threatening, anti-Semitic note (one of six he had admitted to falsifying), and that he had chased an assailant through a parking lot. Detective Roloson, who had been watching the apartment all night, hadn't seen any of the alleged events. Roloson also previously suspected that Kobrin was lying about some of the incidents.

The Anti-Defamation League, which had basked in the publicity against anti-Semitism and hate crimes brought by Kobrin's fabrications, was caught holding the bag. Richard Hirschaut, executive director of the ADL's Central Pacific Regional Office, who had several contacts with Kobrin, spoke of the developments in a "shocked and shaken voice." He said,

"The tragedy of Nathan Kobrin in no way discounts or diminishes the reality of increased anti-Semitism and the increase throughout society in hate crimes."

The false charges against Sanjanie were subsequently dropped. Kobrin was ordered to appear for arraignment 31 January 1992 in Contra Costa Superior Court. He was charged with one count of perjury, two counts of arson, and six counts of preparing false documentary evidence. All are felonies. In addition, he was charged with nine misdemeanor counts of making false police reports.

Kobrin was convicted in June, 1992. Deputy District Attorney Terri Barker said he should receive the maximum sentence for committing hate crimes, eight years in state prison. She commented,

"I argued that these were hate crimes and they were done out of a motive against Mr. Sanjanie because of his race. It was sophisticated, because there was a lot of planning involved. It was a hideous misuse of the system and of emergency personnel."

In July he was sentenced to one year in the county jail, in spite of pleas from his attorney that his sentence be suspended. Nancy Diner, an ADL official who attended the sentencing, said that Kobrin's hoax "will not change the way it investigates anti-Semitic crimes."

In February 1994, a Jewish student at the Kansas City area Leawood Middle School was apprehended after he distributed anonymous anti-Semitic notes, apparently only to other Jewish students. According to media sources

"the perpetrator was identified...and is thought to be responsible for placing anonymous notes with pencil-drawn swastikas and phrases such as 'go home, Jew' on the books and lockers of six students over two weeks."

The incident caused a major furor among parents of students at the school, and some threatened to use the legal system to force release of the student's name. Leawood Police Chief Stephen Cox criticized members of the community and the media for creating a "feeding frenzy" over the incident. He said:

"The child is already in intensive counseling, and so are the parents...Because they are responding appropriately, I see no need whatsoever for any further involvement or sanctions through either the criminal justice system or the school system."

"What is very harmful now is the continued turmoil at the school, children accusing each other, divisive efforts to identify the child. I would urge these people to carefully consider their own motives before taking such action."

One of the stranger cases of faked anti-Semitic violence was staged in 1991 by a former volunteer firefighter in Sugarloaf Mountain, Colorado, who said he was mistaken as a Jew. Terry Hutter had claimed that a mysterious fire set at his home was one of several alleged hate crimes committed against him since 1984 by people who wrongly believed he was Jewish. The fire was contained before the home was destroyed but another fire completed the destruction a month later. The Boulder, Colorado, Daily Camera reported

"Investigators discovered that, in a videotape of the fire, Hutter inadvertently was recorded talking about setting the fire. Hutter and another man involved in the taped conversation, Curtis Covey, didn't realize they were being recorded."

In April, 1992, Terry Hutter pleaded no contest to a charge of third degree arson. He was sentenced to eight years probation and mandatory psychiatric counseling.

A Chicago-area case of anti-Semitic vandalism in a West Rogers Park townhouse was originally thought by police to be a hate crime. On 5 February 1994, however, police had arrested Shazz Steele, 17, and his 14-year-old girlfriend. The two were charged with the vandalism and with burglarizing the same house. Belmont area Police Sgt. Rick Batrich said that the youth, who apparently knew the owner of the townhouse and that the two painted the graffiti to link the burglary with the other unsolved anti-Semitic incidents in the area. "They did this to throw some attention off themselves," he said.

It was one of the worst anti-Semitic cemetery desecrations in recent memory. Los Angeles County sheriff's investigators initially believed that the June 1991 incident at Home of Peace Cemetery in East Los Angeles, one of the oldest Jewish cemeteries in the area, may have been a hate crime. According to news reports,

"More than 24 tombstones were knocked over and Nazi swastikas, Ku Klux Klan 'KKKs' and devil worship slogans were painted on some walls and tombs."

Within days the case was solved. The owner of C.D.T.A. Security, Roger Ricardo Sapien, 27, of Rosemead, wanted to obtain the security contract on the Jewish cemetery. According to authorities, Sapien, with the aid of two confederates, apparently committed the vandalism in order to discredit the firm currently providing security there.

Information on the case took detectives to Sapien's home, where they found the guard dogs recently stolen from the cemetery. The three were booked for investigation of vandalism of a religious cemetery, a felony, and Sapien was charged with theft of the dogs.

In Cooper City, Florida, Jerome and Jamie Brown Roedel, a Jewish couple, returned home to find their home trashed and burglarized. The April 1993 incident included anti-Semitic graffiti in the form of swastikas painted on the walls. News reports indicated that

"Outraged community leaders, police and residents moved C quickly to stem what they thought was the start of a trend in hate crimes. within two weeks, an interfaith council to promote unity among ethnic and religious groups was organized." 55

A detailed eight-month joint investigation with the Cooper City Police, the FBI and the Florida state Department of Insurance Fraud was conducted.

According to Police Detective Bobby Cates:

"In the weeks prior to the burglary, Jamie Roedel purchased several expensive items...She then conspired with several people to stage the burglary and vandalism. She also filed a claim with Allstate, her insurer, for \$47,000 in losses and damages."

The insurance company paid Roedel \$30,000. After she collected the money, Jamie Roedel left her husband and began living an expensive lifestyle with a boyfriend. In December 1993 she was charged with fraud and grand theft. She was freed on \$2,000 bail. Her estranged husband was not charged in the case.

Swastika-painting vandals were suspected of setting fire to the basement of a downtown Denver restaurant 10 June 1990. The restaurant's Jewish owners were beside themselves with outrage at the ugly graffiti ("Hitler Reborn," "Die Jew."). Lee Naldman, owner of the Egg Shell Restaurant, also noted that business was down 40%, according to the Rocky Mountain News: Denver police intelligence officers suspected skinhead involvement. Denver Mayor Frederico Pena ordered an investigation into recent racist acts in the city and the News carried several alarmist articles on growing racism and anti-Semitism. Lee Naldman said, "I think there's a lot more anti-Semitism in Denver than people realize." 58 City leaders responded with outrage, stepped up police activity and called for new anti-racist legislation. As the investigation proceeded, however, it became more and more apparent that skinheads were not involved in the event and the possibility of a hoax loomed on the horizon.

Denver police have heavily infiltrated local gangs and skinhead groups and had kept meticulous track of racist and anti-Semitic incidents in the a community. The News noted that most incidents were "committed by adolescents - perhaps bored and ignorant of the consequences of their acts - and not by organized hate groups...", a fact that is often ignored. A one-paragraph article finally noted that "Swastikas spraypainted on the walls of the restaurant may have been an effort to mislead." In a later article on "hate crime hoaxes," News reporter Kevin Flynn noted that

"After all the grandstanding and headlines, the spray painting of swastikas in the Egg Shell arson is now believed to have been a hoax, and not to have involved neo-Nazi skinheads at all. Investigators believe the swastikas were S meant to divert suspicion."

In one prominent case the suspected perpetrator of a hate crime hoax and insurance fraud was acquitted on the basis of insufficient evidence. Susan and Curtis Klein, a young Jewish couple, returned home to find .their Germantown, Maryland, townhouse vandalized. Swastikas were painted on the living room carpet, bedroom mirrors, walls and hallways. Most of their clothes were ripped and most of their furniture was either painted black, ripped, scratched or smashed. The deliberateness and effort required to commit the 22 March 1991 vandalism was highly unusual in alleged hate crimes. Someone would have to have spent the better part of an hour attending to the detailed graffiti and vandalism. In the bedroom of their 8-year-old son, the words "Jew Boy" were sprayed on a mirror. According to Mr. Klein, "The officer said this is the worst case of vandalism he's ever seen in a private home." He added,

"We grew up being taught about the holocaust and being K told, 'Never again,' and here we are now.<sup>60</sup>I don't think we've gotten through the state of shock."

The apparent hate crime was committed just a day before Jeffrey Lee Eskew, a self-styled skinhead, was acquitted of breaking and entering, malicious destruction and religious vandalism at the an Orthodox Jewish boy's school in Montgomery County, Maryland.

The response to the anti-Semitic vandalism was overwhelming. Five hundred people volunteered to help Curtis and Susan Klein clean up their home. A raffle was organized to raise money for the Kleins. Area businesses donated food and soft drinks for the volunteers and a local hauling company offered to provide a truck to haul debris. Newspapers printed an address where donations could be sent to the Klein family.

Police skepticism crystallized early in the investigation. Aside from the unusual time-consuming deliberateness of the attack, the most obvious clue was the issue of secondary gain. The Kleins became local heroes and symbols of the

struggle against anti-Semitism. According to news reports Mr. Klein claimed that,

"...90 percent of their belongings were slashed, broken, shredded or marred with black spraypaint that was used to write hate graffiti throughout the house."

A review of hate crimes against property and anti-Semitic vandalism suggests that cases where the perpetrators go to this much effort to send a message are extremely rare. For a person to take time to shred clothes, for example, implies a deeply personal motive for the vandalism, suggesting that it might have been someone with a personal animus against the victim. Investigators could not locate anyone who fit this description. On the other hand, cases like this often prove to be hoaxes. According to Montgomery County Police spokesman Harry Geehreng,

"We have not established a motive. We have no suspects. It's strange. why was this family targeted? There were other Jewish families in the area."

Before long the media began reporting that Curtis Klein was a suspect in the case, although no charges had been filed. The Kleins' attorneys, Barry Helfand and Alan Goldstein, were accused police of "leaking information" to the press. Goldstein spoke of it in conspiratorial terms, saying the police were trying to "poison the public's mind." It was also learned that Klein had been charged with stealing approximately \$1,300 from a Germantown beauty salon where he used to work. On advice from his attorneys, Klein refused to answer any questions.

On July 6th, Montgomery County police charged Klein with felony theft, destruction of property and filing a false crime report in order to collect more than \$31,000 from his insurance company. Anti-Defamation League regional director David Friedman, who had taken an interest in the case, expressed "sadness" at the direction the case had taken. Klein denied the charges and said he had been a victim of hate violence. His wife was not charged.

A district court statement of charges detailed several inconsistencies in Kleins account.. Montgomery County detective Kevin Stone said that entry was apparently not forced. Curtis Klein reported to work as a hairdresser about 10:15 AM on the day of the incident, giving him ample time to vandalize the house. A neighbor said that the Kleins' dog, which had always barked at strangers, did not bark that morning. Although many of the Kleins' belongings were destroyed or damaged, some items that were obviously Jewish were not harmed -- somewhat the opposite of what might be expected in a bona fide hate crime.

Police immediately searched for a spraypaint can, but it was three days later that the Kleins turned in a can they said was found under the debris. The can had been purchased at the hardware store closest to the Klein residence, and a clerk said that Curtis Klein had been in the store on the morning of the vandalism. Klein at first claimed that \$6,750 in jewelry had been stolen, but later said it was not missing.

The statement also said that the Kleins were in debt, including \$5,000 owed to the Internal Revenue Service and \$7,000 to relatives. Their combined incomes were \$41,000, from which \$580 monthly was for car payments and \$765 for rent on the townhouse, police said. They had taken out a renters. insurance policy less than three months before the incident, had broken their lease and made plans to move shortly before the vandalism.

In September 1991 the case came to trial. Eight prosecution witnesses testified. Frank Bell, property specialist for the USAA Property and Casualty Insurance Company, said that Klein had claimed compensation for a glass-topped dining room table. Bell testified that "a chunk" was broken from the table when he

inventoried damages on March 25. However, a police photograph taken of the table during the investigation on March 21 showed that it was unbroken at that time, suggesting that it had been broken afterward.

Nevertheless, the evidence against Klein, although seemingly strong, was circumstantial. Hardware store clerk Jay Russell could not identify Mr. Klein as the man who purchased the spraypaint, although he remembered him in the store that morning. Claiming that the evidence presented by the state was "speculative," Judge William C. Miller found for the defense and acquitted Curtis Klein of all charges. with respect to the failure of the Kleins, dog to bark at the alleged vandal, Miller said, "The only thing the court can infer is that this dog is not a very good watchdog." A week later Maryland Assistant State's Attorney James Trusty dropped the charges in the alleged theft of \$1,300 from Klein's former employer. Klein had been accused of destroying and falsifying receipts between 1 November and 16 November 1990 police said. Kleins' attorney, Barry Hefland, said,

"My client has already admitted it to police. My client had a nervous breakdown over this case. In spite of his admission, I've won the case, he has reimbursed his former employers."

But it was not over yet. Once again the mysterious anti-Semitic vandal struck the hapless Klein family.

In June 1992 -- fifteen months after the first anti-Semitic incident Susan Klein said she opened the door of her new apartment and faced a black Nazi swastika painted on the walls. As in the March 1991 incident, couches, chairs, drapes and clothing were slashed. Drawers were strewn about, china closed and kitchen cupboard doors were opened and everything seemed to have been spotted by black spraypaint. "Jew" was painted across a table and a picture of a rabbi was slashed. Police said they found no sign of forced entry. Mrs. Klein expressed concern that police would consider her husband a suspect once again.

In October, 1994, three Tacoma residents returned home to find anti-Semitic slogans and swastikas, along with anti-homosexual graffiti spraypainted all over their apartment. Upholstery was slashed, plumbing torn loose, and red paint splattered throughout the interior. Somebody had taken a long time to complete their "hate crime," which occurred while the three were attending a Gay Pride celebration in nearby Vancouver, British Columbia. Interestingly, in spite of the swastikas, none of the victims was Jewish although all three were evidently homosexuals. Media coverage of the event was extensive, and the victims received several private donations from sympathetic citizens. Police estimated the damage at \$80,000.

A month later Tacoma police received a tip through a local "hot line." After an investigation, the "hate crime" took on another tone. According to media reports,

"Three Tacoma residents, once considered victims of bigotry, were arrested...and accused of vandalizing the rental home they shared, then reporting it to police as a hate crime motivated by their gay lifestyle."

"Eric Lee Sturgis, 26, Lee Erick Brovold, 24, and Michelle L. Murray were each charged yesterday...for their roles in the destruction of their home...and the subsequent insurance claims they made."

Police arrested Sturgis and Brovold as they were attempting to flee the state. Investigators searched three storage units, one 10 by 30 feet, where the suspects apparently moved the goods as donations accumulated. Prosecutors also charged that Sturgis and Brovold had threatened to kill witnesses who said the

two had admitted the hoax to them.

1 ADL Bulletin, March 1985.

2 Ronald Smothers, "Hate Fliers Inflamm Mayoral Race in New Orleans," New York Times (27 February 1994).

3 Ibid.

4 James Feron, "Yonkers Housing Advocate Held in Fake Death Threats." New York Times (1 December 1988).

5 Sharon Broussard, "Swastika Raid On Deseg Supporter." New York Daily News (28 November 1988).

6 "Yonkers Woman Admits Faking Death Threats and Anti-Semitic Graffiti," Jewish Telegraph Agency (1 December 1988).

7 "Jewish Shops Struck," Associated Press (24 November 1985).

8 Joe Starita, "Vandals Arouse Fears Of Anti-Semitism," Miami Herald (6 December 1985).

9 William Saphire, "Jewish Defense Group Organizes Patrols," Kansas City Jewish Chronicle (6 December 1985).

10 Bill Farrell and Alton Slagle, "Han Nabbed in Rock Spree," New York Daily News (10 December 1985).

11 Jewish Telegraph Agency, "NY Jewish Vandal Nabbed," Kansas City Jewish Chronicle (20 December 1985).

12 Nels Nelson, "Nazis Win Permit For Park Rally Sunday," Philadelphia Daily News (21 February 1979).

13 "Park Service Rescinds Permit for Nazi Rally at Independence hall," New York Times (24 February 1979).

14 Barbara Sullivan, "3 Arsons Ignite Old Fear of Anti-Semitism," Chicago Tribune (1 September 1983).

15 Karlynn Carrington, "4th Target Hit By Arson," Hartford Courant (18 September 1983).

16 Sullivan, Op Cit.

17 Michael J. Davies, "Covering An Arsonist's Acts," Hartford Courant (2 October 1983).

18 Tao Woolfe, "Father Says His Son Confessed To Rabbi About Arson Attacks," Hartford Courant (16 December 1983).

19 Editorial, "Peace In The Family," Hartford Courant (15 December 1983).

20 Dave Leshner, "Arson Arrest Ended Obsession For Police," Hartford Courant (17 December 1983).

21 "Suspect Planned To Set More Fires, Authorities Say." Hartford Courant (24 January 1984).



- 22 Dave Leshner, "Youth Given Suspended Sentence For Setting Hartford Fires Hartford Courant (28 February 1984).
- 23 "Mort Gets Trashed?," Newsweek (8 May 1989).
- 24 Joe Palka, "Mouthing Off," Washington Times (8 May 1992).
- 25 Thomas G. Keane, "Fire Dept's Swastika Probe is Stalled," San Francisco Chronicle (20 February 1988).
- 26 Ibid.
- 27 "Swastikas Fainted On Apartments By Two Jewish Youths," Jewish Sentinel (31 March 1984).
- 28 Rhone Melody Bosin, "Jewish Youth Charged In Swastika Burning," Washington Jewish Week (6 August 1987).
- 29 Ibid.
- 30 Frank Argote-Freyre, "Jewish Teens Charged In Spray-Painting." Asbury Park Press (18 July 1989).
- 31 Frank Argote-Freyre, "Swastika Incident Not Considered AntiSemitic Act." Asbury Park Press (23 July 1989).
- 32 Ibid.
- 33 "Acid Attack Puzzles Police: Sexton's Story Stirs Questions," Milwaukee Journal (8 December 1985).
- 34 Ibid.
- 35 Ibid.
- 36 Editorial, "Synagogue Incident is Shocking," Milwaukee Journal (11 December 1985).)
- 37 Jay Anderson, "Several Suspected in Synagogue Case," Milwaukee Journal (24 July 1984); Alicia Armstrong, "Vandals Strike at Jewish Center," Milwaukee Journal (27 July 1985).
- 38 "Vandalized Apartment is Latest Attack on Sexton," Milwaukee Journal (20 December 1985).
- 39 "Brother Says Sexton Was Depressed, " Milwaukee Journal (161 May 1986); "Additional Tests Ordered On Cause Of Sexton's Death," Milwaukee Journal (17 May 1986).
- 40 Lisa S. Lenkiewicz, "Woodside Rebuilds, Arsonist 'Known' But Still At Large," Washington Jewish Week (6 August 1987).
- 41 Nat Kanter, "Jewish Youth Arrested In Swastika Fire," New York Daily News (29 August 1979); United Press International, "Dog Stirs Swastika Burning," (April 1980).
- 42 Garth Wolkoff, "Hate Crimes Damaging Health of Concord Man," Northern California Jewish Bulletin (6 September 1991).

43 Ibid.

44 Ibid.

45 Robert J. Lopez, "Alleged Harassment Victim Says He Wrote Some Hate Letters Himself," Oakland Tribune (12 September 1991).

46 Garth Wolkoff, "Concord Man Admits Fabricating Anti-Semitic Attacks," Northern California Jewish Bulletin (20 September 1991).

47 Ibid.

48 David Mills, "Han Ordered To Trial In Hate-Crime Hoax," West County Times, (17 January 1992).

49 Garth Wolkoff, "Han Who Faked Hate Crimes Gets Year In County Jail," Northern California Jewish Bulletin (17 July 1992).

50 Christine Vendel, "Jewish Student Placed Anti-Semitic Notes, Police Say," Kansas City Star (11 February 1994).

51 Ibid.

52 Julie Hutchinson, "Ex-Firefighter Pleads No Contest to Arson," Daily Camera (15 April 1992).

53 "Youths Charged In Burglary Case," Chicago Tribune (7 February 1994).

54 George Ramos, "Security Firm Owner Arrested In Vandalism," Los Angeles Times (8 June 1991).

55 "Woman Faked Hate Crime to Collect Insurance, Police Say," (Chicago Tribune (2 January 1994)

56 Ibid.

57 Hark Brown, "Swastikas In Denver: Isolated Incidents, or Worse?" Rocky Mountain News (13 June 1990).

58 Tustin Amole, "Pena Orders Investigation of Racist Acts." Rocky Mountain News (14 June 1990); For Racial Justice," Rocky Mountain News (23 December 1990)

59 Kevin Flynn, "Hate Crime Hoaxes: Lies Sabotage The Battle Against"

60 Enrique J. Gonzales, "Vandalized: Jewish Family Finds Clue, But Still in 'State of Shock,'" Washington Times (23 March 1991).

61 Peter Kelly, "500 To Clean Up Vandalized Home," Montgomery (Journal (28 March 1991).

62 Larry Witham, "Vandals' Victims Refuse to Relocate." Washington Times (29 March 1991).

63 Ibid.

64 Joanna Shuman, "Kleins Maintain Their Innocence in Hate Crime," Montgomery gazette (10 April 1991).

65 Arlo Wagner, "Hate Victim Charged as Fake," Washington Times (17 July 1991); Retha Hill, "'Hate' Crime Victim now The Accused," Washington Post (17 July

1991).

66 Arlo Wagner, "Homeowner-Vandal Case Isn't Proven, Lawyer Says," Washington Times (27 September 1991).

67 Arlo Wagner, "Man Acquitted on Charges He Vandalized His Own Home," Washington Times (1 October 1991).

68 Arlo Wagner, "Man Acquitted of Vandalizing Own Home Also Freed on Theft," Washington Times (9 October 1991).

69 Arlo Wagner, "Couple Reports anti-Semitic Acts for Second Time," Washington Times (12 June 1992).

70 Joe Mooney, "Hate Crime A Scam, Say Charges," Seattle Post Intelligencer (September 13, 1994).

## Chapter 7

### Other Minorities

Although Blacks and Jews are the subject of most of the hoaxes, members of other ethnic groups have also taken part. A Seattle, Washington, case involving an Asian man demonstrates how complicated hoaxes can become. Cases

In November 1990 the Seattle Chinese Post, an ethnic weekly, carried the headline: "UN Rally Against Racism, In Support Of Park," referring to Darres Park, a 23-year-old Korean-Chinese student, who had claimed he was attacked by six white men wielding baseball bats and tire irons. Park was quoted as saying

"Hate crimes -- that is, usually racially motivated crimes -- have been on the rise and traditionally Asians have been told to grin and bear it. This rally is telling them something different...they don't have to be victims." Park claimed that three whites had held off his two Caucasian friends A while a small crowd gathered to cheer the attackers on, some of them yelling, "Brain the gook." He also said that without his knowledge of martial arts his attackers would have succeeded.

Clearly, Darres Park had become a local hero in the fight against bigotry and prejudice. On November 14, Park spoke at an "anti-hatred" rally sponsored by a University of Washington civil rights group. Chanting "Hey ho, hey ho, racism has got to go!" and waving banners, some 150 University of Washington students marched on the University President's office demanding justice. Accounts of the alleged attack appeared nationwide, as well as in the International Herald Examiner.

But there were problems with the story. Although Park claimed that he had reported the attack to police after a visit to a local hospital, police had no record of a report being filed. In fact, they had contacted Park after a story about the attack appeared in a community newspaper. Kevin Kane, a friend of Park who claimed to have witnessed the attack and who backed up Park's assertion that he had reported the attack to police, revised his account under police questioning "I told them I was not at the station when the report was filed," he said.

This was not a routine hate-crime hoax. On 13 December 1990 Darres Park and a confederate were charged with three armed bank robberies in Seattle and Battle Ground. Also charged in the bank robberies with Park was Joseph Fritz, white, who had also "witnessed" the attack on Park and initially supported his account

to newspapers and police.

On December 18, Seattle Police reported that Park's account of the alleged "hate crime" was a gross exaggeration. The event, it turned out, involved an altercation outside a nightclub in which Park and a single opponent were both armed with clubs, not six racist skinheads as Park had reported.

On 28 January 1992 Park pleaded guilty to bank robbery charges under an arrangement where the government agreed to drop weapons charges. Under federal sentencing guidelines he could receive up to 80 years in prison. A Maryland House of Delegates candidate returned to his Ft. Washington home in September 1990, to find two of his campaign signs burning in his yard and racial epithets painted on his garage. David Valderrama, a former Prince George's County Orphan's Court Judge of Filipino descent, was running on a slate of candidates called the "Democratic Unity Team," which included five blacks, the judge and one white. He speculated that the incident was "the work of a bigot or political opponent."

Within a few days another story began to emerge. As investigating officers probed deeper into Valderrama's story, he stopped cooperating. Lt. Col. Robert Phillips, commander of the patrol division, noted that he failed to keep appointments for questioning.

"On the first occasion, he did not keep the appointment, indicating that his schedule prevented it. On the second occasion, he said he would not give a statement on the advice of his attorney."

Police also said that they had possible fingerprint evidence in a case of alleged hate-mail directed at Valderrama, but when they asked him to provide his fingerprints or to take a polygraph examination he refused. In the meantime, the criminal investigation's focus began to shift toward a campaign staffer who also refused to cooperate. Investigator's had come to suspect someone on the staff because of the skillfully generated publicity by Valderrama's handling of the incidents.

On 15 September, 12 days after the incident occurred, the case was closed, although a WUSA-TV television report said that Valderrama was a suspect in the case.

"A major cross-burning case in Prince George's County was closed because of political pressure, according to reports, which say that the stumbling block was the office of State's Attorney Alex Williams. Mr. Williams is politically aligned with the person who reported the crime on his property, State Delegate David Valderrama."

A In San Jose, California, Chi Nguyen's family found swastikas and antiAsian graffiti scrawled outside their home on December 1992. The vandals had written "Bitch" in ketchup on Nguyen's daughter Betty's car, and wrote "Nip Bitch" and "KKK" on the sidewalk and driveway of the house. Officer Veronica Damon said the police department was investigating the incident as a hate crime, which carries a maximum punishment of one year in jail and a \$5,000 fine. Betty Nguyen said:

"We're standing up against discrimination and racism - once and for all. I think people should be aware of racial tension in the community."

Five days later, however, newspapers downgraded the "hate crime" to a "prank." Police Detective Sgt. Art Munoz said the 17-year-old culprit, also a Vietnamese-American, had quarreled with Betty Nguyen three months previous and drew swastikas, KKK and slogans on the family property to anger the girl. Detective Munoz said that investigators felt something wasn't quite right at the

beginning of the case. Some of the slurs used almost polite language instead of the ugly terms often used in bona fide hate crimes.

Sergie Rivera Ayala, a native of Mexico and a Spanish instructor at Syracuse University in New York, claimed that he had been abducted at knifepoint by two men. Sheriff's deputies found him lying on the roadside 11 July 1990, his hands tied behind his back with his own bandana. He said he had been shopping for milk at a Cortland grocery store. Deputies didn't believe him and he was arrested for a burglary at a nearby home. Ayala maintained he had been arrested and victimized by police solely because of his race.

Nine months later, in April 1991, Ayala pleaded guilty to a reduced charge of criminal trespass in the second degree, a Class A misdemeanor, and admitted in writing that the abduction story was a hoax. Ayala, in a signed statement, said

"To the extent that there has been created the impression that I was arrested, prosecuted and persecuted because of my Mexican heritage and descent, I apologize."

In Detroit, Michigan, an Arab-American was charged with arson in a 1991 incident in which he blamed anti-Arab racism for a fire at his Dairy Queen. Kareem Khoury, 36, was indicted on charges of arson and insurance fraud in July 1993, according to U. S. Attorney Stephen Markman. According to news reports:

"Prosecutors said Khoury hired an employee to set the January 1991, fire to collect the insurance. The fire caused up to \$500,000 in damage. Days before, someone tossed paint balloons and sprayed graffiti on the restaurant in what authorities said appeared to be an anti-Arab attack."

1 Jean Lepley, "UW Rally Against Racism, In Support of Park," Seattle Chinese Post (24 November 1990).

2 Kerry Godes, "Students At UW Protest Attack On Asian Han," Seattle Post-Intelligencer (15 November 1990).

3 Chuck Taylor, "Justice For Darres Park," Seattle Times (13 December 1990). N M

4 Michael A. Barber and Kerry Godes, "Alleged Attack Victim Arrested," Seattle Post+Intelligencer (13 December 1990).

5 Kerry Godes, "Hate-Crime Story Fakes, Says Seattle Police Dept," Seattle Post-Intelligencer (18 December 1990).

6 Steve Hiletich, "Hoax Perpetrator Pleads Guilty to Bank Robberies," Seattle Post+Intelligencer (29 January 1991).

7 Hark Vane, "Candidate Finds Fire, Epithets in Latest Racial-Tinged Vandalism," Washington Times (3 September 1990).

8 Richard Tapscott and Debbie M. Price, "P.G. Police Question Vandalism Report," Washington Post (7 September 1990). i

9 Hatt Neufeld, "Police Suspect Ploy by Insider," Washington Times (7 September 1990). 1 S

10 "Politics Cited In Cross-Burning Case," Washington Times (15 September 1992).

11 Alan Gathright, "Asian Family's House Vandalized with Racist Epithets," San Francisco Mercury News (5 December 1992).

12 Betty Barnacle and Rodney Foo, "Hate Crime Turns Out To Be A Prank," San Jose Mercury News (9 December 1992).

13 Jackie Hajerus, "Han Pleads Guilty, Says He Lied, Police Weren't Racist," The Citizen (18 April 1991).

14 "Arson Alleged in Fire That Was Blamed on Arab Hatred, Seattle Times (29 July 1992). S

## Chapter 8

### False Charges of Racism and Anti-Semitism

Given the strong social taboos attached to anything perceived as racism and anti-Semitism it is no small thing when false charges of this sort are leveled. A major difficulty lies in the fact that both "racism" and "anti-Semitism" are vague and poorly-defined terms in popular usage.

Eric Breindel makes this observation about racism:

"The very charge of 'racism' has already been rendered nearly meaningless by those who use it recklessly to describe everything with which they're unhappy -- from university tuition increases to the black dropout rate to the indictment of Marion Barry to the appearance of crack in the inner city.'

David Wilson, a columnist for the Boston Globe, noted that "to be accused of racism is like being sprayed by a skunk." He continues: "Even if a wholly exculpatory response can be made, the party charged with racism remains subtly tainted, possibly because the charge itself consists in part of self-fulfilling prophecy. The accused, ordinarily unaccustomed to being insulted and lied about, is unlikely to think kindly of the accuser.

Anti-Semitism is even worse It conjures up images of concentration camps, gas chambers and Nazi Stormtroopers. When Jon Carroll, a columnist for the San Francisco Examiner criticized Israel for its treatment of Palestinians, he was deluged with hate mail which he characterized as "easily the most personally hostile I have ever received." He says,

"I was called an anti-Semite. It's a cheap libel because it's so impossible to refute. Try it yourself. I've just called you an anti-Semite. What do you do now? I hope that you didn't say that some of your best friends are Jewish. That was revealed long ago as just another euphemism for anti-Semitism. So what else? Remember, I actually praised the contributions of Jews to the 20th century culture; that was seen by more than one correspondent as proof of my sneaky tactics.

You can't even point out the unfairness of it. That's called 'blaming the victim.' So what do you do? You just shut up, is what you do. You can't prove a negative. There it is, on the record: You're an anti-Semite because someone said so."

Sometimes resistance is not all futile. Here are some accounts of individuals (and in one case the U. S. Army) who fought back when they were falsely charged with racism and anti-Semitism.

## Cases

An incident which demonstrates the credulousness of both the news media and politicians whenever "anti-Semitism" is invoked occurred when World War II veteran David Rubitsky, 71, claimed in 1988 that he had single-handedly wiped out up to 600 Japanese soldiers in the battle for New Guinea on 1 December 1942, a transparently fantastic allegation. According to Rubitsky

"[The bodies of the Japanese soldiers] were lying there, on branches, roots, piled like cordwood atop one another. Some were still alive. Some I just hit in the shoulder and couldn't move, some in the legs. So I would just shoot them and bayonet them, shoot them and bayonet them. I was completely an insane man. To think that a human being would do that to another human being, what I did."

Rubitsky, a communications sergeant at the time, said the ordeal took some 21 hours and that he used a .30 caliber heavy machine gun, a Browning automatic rifle and an M1 rifle. He also claimed that he had been denied a Congressional Medal Of Honor for his heroic feat solely because of anti-Semitism. He said that Army Col. John N. Mott had told him that "Ne don't give the medal to Jews."

According to Rubitsky, this wasn't his only brush with anti-Semitism. Victimization has been a recurring theme in his life. He said his family was frequently victimized while he was growing up in Edgerton, Wisconsin:

"Two times we had crosses burned on our lawn by a political organization," he said. My father was beaten up many, many times for no reason at all. While I was in the service, my mother was being harassed." 6

For several years Rubitsky diligently pursued the Medal of Honor issue, largely through a sympathetic and uncritical news media, and the assistance of the Anti-Defamation League. Due to pressure generated on Rubitsky's behalf by the ADL, including a resolution signed by 92 members of congress, the Army undertook a two-year review of his claim in 1987. As newspapers around the nation credulously bought the story. An editorial in the San Francisco Chronicle opined:

"The ugly possibility that discrimination played a significant role in denying the Medal of Honor to heroic American soldiers in both world wars has been raised in the extraordinary case of a Jewish veteran credited with single-handedly killing more than 500 infantrymen."

The Madison, Wisconsin, Capitol Times published an article headlined, "WWII Soldier Started Anti-Semitism Battle Early In Life." Stories dramatizing the anti-Semitism angle appeared in publications ranging from Time magazine to the New York Times. In the meantime, it was learned that Rubitsky had signed a book contract with Warren Kozak, a reporter for National Public Radio, which had heavily publicized Rubitsky's plight. Kozak's sister, Milwaukee attorney Ellen Kozak, is a friend of the Rubitsky family.

On 8 December 1989, following an unprecedented 23-month study of his allegations, the Army concluded that Rubitsky's claim was unfounded. The Army obtained evidence from forensic specialists and took statements from Rubitsky and 20 others who were at the scene. The Anti-Defamation League called the decision "unconscionable." Abraham Foxman said the ADL would urge Army Secretary Michael Stone to reverse the ruling in spite of the evidence. The Army investigation found that a photograph with a message that "six hundred fine soldiers died because of a single American soldier" was spurious and fraudulent. Japanese and American military records were an agreement that no such an attack by the Japanese had ever taken place.

Even members of Rubitsky's old World War II unit disputed his claim and called it a hoax. George Hess, a member of Rubitsky's infantry regiment said, "It is

the biggest fairy tale anybody has ever told the U. S. Army to get a medal." Claire O. Ehle said the claim was "one big hoax" and that Rubitsky was "hiding behind a smokescreen of anti-Semitism to cover up his flimsy, unsubstantiated fairy tale."

On 9 February 1990, two months after the Army report, Jewish Week reported that the Anti-Defamation League had finally conceded the Army's position. With that, the story disappeared. Undaunted, Rubitsky vowed to fight on.

If false charges that an individual is anti-Semitic or racist are damaging, imagine what false charges that he is a Nazi war criminal might be like. A Chicago resident had to go through such an ordeal in 1978. The United States government eventually wound up agreeing that charges should never have been filed in the first place, and paid just over half of his attorney's fees.

Frank Nalus was born in 1922 in Germany. when he was ten years old his family moved to Poland. In September 1939 the Germans invaded that country, and five months later Nalus, who was of small stature, and a group of other Polish youths were taken to Germany to work on farms. This he continued to do throughout the War. Nalus immigrated to the United States in 1963, where he was joined by his wife and three children. He became a naturalized U. S. citizen in 1970.

His nightmare began in January 1977 when he was served with papers by the U. S. Justice Department accusing him of concealing involvement in war crimes and membership in Nazi organizations when he applied for citizenship. A year later Nalus found himself in federal court, listening to testimony that implicated him in the murders of nearly two dozen civilians while acting as a German Gestapo officer during World War II.

The charges were the result of an investigation begun in 1973 by controversial Nazi hunter Simon Wiesenthal. According to Wiesenthal, his own unnamed sources and Israeli police had learned of a former Nazi Gestapo agent who was living in Chicago. That man was allegedly Frank Nalus. During his trial Nalus listened to utterly fantastic accounts from "eyewitnesses" imported from Israel. Moniek Rozanski, 58, for example, said he saw Nalus beat a Jewish man to death with an iron bar next to Gestapo headquarters in Poland in 1940. Joseph Koenigsberg, a resident of Tel Aviv, said he saw Nalus kill a lawyer the day after Yom Kippur in 1942. Meylich Rozenwald, a Tel Aviv shopkeeper, testified through a Yiddish language interpreter that he saw Nalus kill three persons in Kielce on 24 August 1942.<sup>1</sup> Among other allegations were that Nalus shot a mother and her two daughters in Crestochowa; that he shot three Jews who were too weak to work; that he marched 10 to 15 children, ages 4 to 9, into a building in Kielce and killed all of them with his pistol. He was also accused of killing a woman who emerged from a hospital and, when her daughter bent over her body and cried "Mama, Mama," killing her, too. All of the eyewitnesses were absolutely certain that Nalus was the culprit. Newspapers reported that "they pointed to him seated at the defense table and hissed in Polish, "Here is the murderer," or "I will never forget that face."

There was just one small problem with all of this: the Justice Department, Simon Wiesenthal and all the witnesses were wrong. In addition to producing witnesses and documents that corroborated his own account, there were several major discrepancies that should have tipped off government attorneys. Among these were the fact that Nalus was only five feet two inches tall, far too short to be allowed to join the Gestapo in the first place (some witnesses claimed Nalus was over six feet tall), and he would have to have been a Gestapo officer at age 19 or 20, a virtual impossibility. Nevertheless, the civil trial (with rules of evidence far more lenient than in a criminal trial), presided over by judge Julius Hoffman found Nalus guilty and ordered deportation proceedings. Later, an appeals court reversed the conviction and ordered a new trial. By this time,



however, Justice Department officials were beginning to realize that would face a major embarrassment if another trial were to take place. They dismissed the case, apologized and awarded Nalus \$34,000 of the estimated \$60,000 he had spent on his defense.

Frank Halus puzzles to this day how the U. S. Government could have been led by the nose by professional Nazi hunters and their "witnesses." He says:

"Before January 26 (1977), nobody...called me in or nobody came over to see me and maybe ask me: 'Mr. Nalus, listen, we have a complaint against you... What do you want to say about this. Do you have any proof that this is not true?'"

To make matters worse, when Nalus had the temerity to complain of Wiesenthal's tactics, Wiesenthal sued him for slander, claiming that Nalus's comments were "false and slanderous" and that they caused Wiesenthal to fall "into discredit with those persons with whom he has contact and has been held in public contempt, hatred and ridicule." Wiesenthal also charged that the newspaper that printed Nalus' comments had "acted irresponsibly and recklessly...with a reckless disregard for the truth." The suit was eventually dismissed.

Canadian teacher Luba Fedorkiw, running for to the Canadian Parliament in 1984, discovered to her utter amazement that B'nai B'rith Canada, a major Jewish "anti-defamation" organization, had circulated an internal memo which accused her of "Jew-baiting!" The allegation was repeated in the Winnipeg Sun along with the fact that she was being investigated by B'nai B'rith on suspicion of anti-Semitism. The resulting defamation cost her the election and subjected her to malicious harassment. According to Ms. Fedorkiw:

"When the investigation was publicized, she received obscene and harassing telephone calls, a swastika was spraypainted on her campaign office and a number of her political supporters withdrew their support."

Luba Fedorkiw sued B'nai B'rith for libel in 1987. She claimed that the defamatory statements circulated by the organization had destroyed her reputation and ruined her chances for an election victory. During her trial the court heard that she had allegedly charged that her opponent was "controlled by the Jews."

The four-woman, two-man Jury found that this charge against Fedorkiw was false and that B'nai B'rith had acted out of malice in circulating the unfounded charge. The jury found for Ms. Fedorkiw and awarded her a total of \$400,000 in damages on 25 November 1987. Ms. Fedorkiw said:

"I feel I've been vindicated. I feel my name has been cleared in Winnipeg, through the Progressive Conservative Party and throughout Canada. I'd like to go on with my career as a teacher and go on with my personal life. I want to get back to my students. I miss them."

The Jewish press agonized over the decision. The Jewish Post and News editorialized that the jury award was unfair and questioned Fedorkiw's motives in filing the libel suit. The paper complained that she was negligent in not investigating her campaign staff for making allegedly anti-Semitic remarks:

"Instead, she went on, after her election loss to David Orlikow, to sue the League for Human Rights (of B'nai B'rith), implicitly blaming it for her defeat.

If Fedorkiw wanted to dispel the uncertainty that had arisen during her campaign about her attitude toward Jews, taking court action against a Jewish service group was a strange way to do it.

Equally disturbing was the sheer vindictiveness of the Jury in last week's defamation trial.

It is possible that some of them had pre-conceptions about Jews - that, at a subconscious level, they saw last week's trial as a battle for justice by a non-Jewish victim, wronged by the wealthy evil Jews characterized in anti-Semitic folklore."

B'nai B'rith appealed the decision as promised, but when they saw that the original decision was receiving a sympathetic hearing from the Manitoba Court of Appeal, they dropped it and settled with Luba Fedorkiw for an undisclosed sum. Luba Fedorkiw said,

"The money was secondary. The apology was what I wanted. If B'nai B'rith had apologized in the beginning, we could have avoided a costly court case. I am happy thg matter has been laid to rest and I can get on with my life.

In February, 1989, after the matter was finally settled, the Canadian Jewish News editorialized:

"In battling the enemies of Judaism, however, some segments of the Jewish community have permitted an understandable zeal to triumph over common sense -- forgetting that they must be careful to distinguish between legitimate debate and overt expressions of bigotry..."

In Bay Harbor, Florida, Arthur Green had dinner at the La Belle Epoque Restaurant in September 1982. Green, former vice president of Temple Israel of Greater Miami, and an active member of the Greater Miami Jewish Federation, had been sitting at a nearby table and witnessed a complaint by another customer over a veal chop. He wrote owner Dennis Rety about the incident. Rety, who speaks with a heavy French accent, telephoned Green in response to the letter and a heated exchange ensued. Green claimed that Rety called him "a dirty Jew..." and a kike, and that "all Jews are alike, you're all out to get something for nothing." Rety denies this.

Green then wrote a letter accusing Rety of anti-Semitism and threatened to put him out of business. Green never sent the letter to Rety, but posted it on bulletin boards in Jewish condominiums and circulated it to several prominent Jews. Rety's business was soon the subject of a boycott. He was admonished by the South Florida Hotel and Motel Association and lost his Chamber of Commerce membership. He went bankrupt within a year and moved to New Orleans.

Rety sued for libel, and in February 1986 a Miami Circuit Court jury of five women and one man awarded him \$22.5 million for defamation. Green appealed the verdict, and in February 1989 the Third District Court of Appeals in Miami awarded Rety \$5.5 million. The court said that Denis Rety was "entitled to an unprecedented compensatory and punitive damage award so as to fit the vicious arrogance of the defendant's conduct."

The court ruling said the evidence indicated that the alleged antiSemitic statements attributed to Denis Rety by Arthur Green were "completely fabricated.

Often, a false charge of anti-Semitism or racism is made because of values, opinions or beliefs expressed in a public forum. In the case of Thomas Speers of Waterbury, Connecticut, however, his expression of free speech landed him in court -- and at the behest of the very host of the radio talk show he appeared on.

Speers was arrested in January 1986 after radio talk show host Jay Clark, who is Jewish, filed a complaint with police. Clark accused Speers of "Jew baiting"

because he frequently criticized Israel. Clark also admitted that he frequently made personal attacks against Speers on the air. Speers contended that he was not anti-Semitic and that he was merely anti-Zionist and anti-Israel. In ordering the acquittal of Speers Superior Court Judge Anthony V. DeMayo, said,

"His choice of language might be unpleasant, but I heard nothing that might be obscene or that could be categorized as fighting words. All of it falls under the category of political speech.

What upsets me most about the state's position is that the reason we are prosecuting this defendant is that his views differ so vehemently from those of the talk show host."

In 1965, a fire killed 12 people at the Yonkers Jewish Community Center. 18-year-old Thomas Ruppert, although innocent, was convicted of the crime. After serving five years of 24 life sentences and a sentence of 10 to 25 years for arson, Mr. Ruppert was ordered released.

The New York State Court of Appeals ruled that he had been coerced into making a confession. The fire, thought to be motivated by anti-Semitism, produced enormous pressure on police to produce a suspect. Ruppert happened to be in the wrong place at the wrong time. He steadfastly maintained his innocence.. Although released from prison, his life was horribly damaged by the event. Ruppert died in 1984, at the age of 34, of liver disease and other ailments.

Illinois Congressman Paul Findley, a 22-year veteran in the U. S. House Of Representatives, was defeated in his last election bid following an intense and inflammatory campaign against him by various pro-Israel groups. They regarded Findley as highly critical of Israel's policies. Two of Findley's fellow Illinois politicians were also defeated for re-election on the same grounds: Senators Charles Percy and Adlai Stevenson III. Incensed by the power of the forces arrayed against him, Findley wrote a definitive expose' of the Israeli lobby entitled, They Dare To Speak Out The book is in no way hateful or even remotely anti-Semitic, and is considered a definitive study of interest group politics.

This, however, did not keep the Anti-Defamation League, through its Nebraska regional director Robert Wolfson, from defaming the book and its author. A local activist had mailed out several thousand copies to Nebraska professionals, such as "secondary-school teachers, university professors and attorneys." In a statement, the ADL's Wolfson said that Findley's book "is a work of Holocaust revisionism seeking to spread the claim that the Nazi slaughter of Jews was a hoax." Frederick Cassman, chairman of the Omaha ADL chapter, said "Although purporting to criticize the 'sIsrael Lobby,' they are actually distributing plainly anti-Semitic material."

They Dare To Speak Out makes absolutely no such claim. Findley does not support, nor does he even mention any form of "holocaust revisionism" in his book. The ADL claim was an absolute lie, but it certainly produced the desired adverse publicity against the book.

Suffolk County Assistant District Attorney Robert Caccese found himself charged with referring to defense attorney Robert Gottlieb as "a little Jew bastard" in October 1990. The conversation in which he was alleged to have made the remark was with attorney Mauro in a Riverside, New York, restaurant. Gottlieb had been his adversary in a highly publicized murder case.

So great was the outcry against Caccese that his superior, Suffolk County District Attorney James Catterson, conducted a year-long investigation of the affair. The claim against Caccese apparently proved to be a fabrication.

According to Catterson,

"I find not one of many allegations concerning improper remarks or behavior...to be substantiated...I am unable to substantiate one instance of anti-Semitic comment or behavior on the part of Assistant District Attorney Caccese."

The charge of Nazi sympathies is so devastating that it is a convenient device to defame political candidates. In 1986 a campaign flyer circulated to Costa Mesa, California, residents claimed that Doug A. Yates, a two-time City Council candidate, was a member of a secret underground Nazi party. The two-page typewritten flyer, written on the stationery of Mesa Action, a local political action committee, attacked Yates, claiming he was a member of "an underground Nazi party now operating in the Western hemisphere." The flyer advised anyone seeing Yates to contact "Rabbi Stinovitz" at the Jewish Defense League office in Los Angeles. JDL Leader Irv Rubin said he had never heard of Rabbi Stinovitz. Mesa Action board members deny having anything to do with the flyer. Doug Yates, the target of the apparent defamation, said

"I don't know why I'm singled out for this kind of activity. Maybe there are people who think I have a good chance of winning."

Another case of bogus anti-Semitic literature occurred in Yorba Linda, California in 1990. On March 25th residents found hundreds of flyers exhorting them to "Kill Every Jew" and stating that they were "distributed by the Methodist Fellowship." Rev. Kenneth Criswell, pastor at the local United Methodist Church, sent a letter to the community stating that the literature was "falsely and fraudulently" attributed to the Methodist church. The Orange County Register reported

"One side of the flier pictures Jesus Christ, quotes from the New Testament's gospel of Luke and says, 'Kill Every Jew.' The other side lists supposed reasons not to trust Jews".

The literature was apparently an attempt to link a Christian denomination with hatred of Jews. A similar incident had occurred a few months earlier in Fullerton, California, where bogus publications were also placed in mailboxes and on doorsteps.

Oklahoma Department of Human Services Director Benjamin Demps, Jr., might have thought he was being harassed by the Ku Klux Klan when he saw a memo referring to him as a "Flying Coon" and pledging a continuation of the "good old boy ways" in the department. Most puzzling is that the February 1990 memo was supposedly signed by a top DHS official.

Investigators soon determined that the signature was taken from another document sent by the official to an outside group. The memo was not written in the manner of bona fide DHS memos, and everyone involved with it has denied knowledge of it.

Affirmative Action Officer Kim ones-Shelton said the department did not intend to pursue the investigation.

Another faked memo, containing a variety of racial and other epithets, made a similar stir in California. Huston T. Carlyle, Jr., a member of the Public Employment Relations Board, has asked for an investigation after the memo was sent to state union leaders over his signature. According to Carlyle

"Someone is really sick and attempting to discredit me. They xeroxed my signature from another memo and pasted it on this one."

The fake memo, dated 10 December 1991, was written on an official letterhead and mailed through a state postal meter. Carlyle is quoted as referring to his critics in racist, sexist, anti-homosexual and anti-Jewish terms.

1 Eric Breindel, "Public Truth and Racial Politics," New York Post (5 July 1990).

2 David B. Wilson, "When One Is Accused of Racism," Boston Globe (10 February 1990).

3 Jon Carroll, "On Being Called An Anti-Semite," San Francisco Chronicle (2 October 1991).

4 "Jewish Hero May Finally Get His Medal," San Francisco Chronicle, 6 November 1989.

5 Rogers Worthington, "Jewish WW II Veteran Seeks Medal He Says Was Denied Him," Chicago Tribune (12 November 1989).

6 Elizabeth McGowan, "Jew Pursues WWII Medal," Janesville Gazette (27 April 1988).

7 "Medal Deserved," San Francisco Chronicle (7 November 1989).

8 "Rubitsky Won't Give Up Fight For Medal," The Sunday Gazette (17 December 1989).

9 Richard Halloran, "Army Panel Rejects Claim for Medal of Honor," New York Times (8 December 1989).

10 Ibid.

11 John Patrick Hunter, "Three WWII Veterans Call Rubitsky's Hero Claim a Hoax," Madison Capital Times (21 November 1989).

12 "ADL Retreats From Battle to Get Jewish Vet a Medal," Jewish Week (9 February 1990).

13 Bill Grady, "Frank Walus Opened Door and Life Was Never Same," Chicago Tribune (17 April 1978).

14 Bob Olmstead, "Now Nazi-Hunter Helped Find Nalus," Chicago Sun-Times (1 April 1978).

15 Dennis D. Fisher, "Two Testify Seeing Nalus Kill 4 In Wartime Poland," Chicago Sun-Times (23 March 1978); "I Saw Nalus Kill A Man: Witness," Chicago Sun-Times (24 March 1978).

16 Bob Olmstead, "Is Nalus A Perpetrator of Nightmares -- Or Victim?" Chicago Sun Times (17 April 1978).

17 Dick Chapman, "A Life Ruined by Nazi Hunt," Toronto Star (10 April 1983).

18 Bill Grady, Chicago Tribune (17 April 1978).

19 James Warren, "Nazi-Hunter Sues Cleared Chicagoan for Slander" Chicago Sun-Times (14 October 1981).

20 Geoffrey York, "B'nai B'rith Won't Change Despite Judgement," The Globe and

Mail (27 November 1987).

21 Mary Jane MacLennan, "Fedorkiw Wins \$400,000 for Slurs," The Winnipeg Sun (26 November 1987).

22 Editorial Comment, "We May Be More Alone Here Than We Think," Jewish Post and News (2 December 1987).

23 Myron Love, "B'nai B'rith Settles Libel Case," Canadian Jewish News (3 November 1988).

24 "Be Careful," Canadian Jewish News (23 February 1989).

25 United Press International, "Restaurateur Wins Defamation Suit," (22 February 1986).

26 Associated Press, "False Claim of Anti-Semitism Brings a Ruling of \$5.5 million," New York Times (20 February 1989). 27Ibid. Y

28 "Caller is Acquitted of Harassing Talk Show," Associated 0 gross (8 April 1987).

29 "Thomas Ruppert, 35, Cleared of Yonkers Fire," Obituary, New York Times (26 November 1984).

30 "They Dare to Falsify," Associated Press (2 December 1988).

31 "Assistant Never Made Slur: Suffolk DA," Jewish Week (1 November 1991).

32 Mark Higgins, "Fraudulent Flier Claims Costa Mesa Candidate Is Member of Nazi Group," Orange County Register (26 September 1986).

33 Amy Mednick, "Anti-Semitic Fliers Scattered in Yorba Linda," Orange County Register (26 March 1990).

34 "Racist Memo Declared A Fake," Tulsa World (26 February 1990).

35 "Faked Memo Furor: Signature Pasted Onto Racial Slurs," San Jose Mercury Negs (14 December 1991).

## Chapter 9

### Whites

Not all hoaxers are minorities. With whites, however, the motive is usually to implicate someone else in a crime that they committed themselves, and the account seems more credible if, under the circumstances, the offender is Black or some other minority. Several of the cases discovered also involve false rape accusations directed toward anonymous black males. Cases where the motive of the hoax is to falsely implicate minorities in anti-white racism are apparently rare.

### Cases

Benjamin Hull, a lab technician at Sun Ridge Foods in Sunnyside, Washington, reported that a group of Hispanic youths shot off his leg on New Year's Day 1991 when he surprised them outside his place of employment. Hull filed disability claims and collected some \$95,000 in benefits. Nearly two years later Hull plead

guilty to filing false claims and theft. He admitted that he shot himself to end pain in his leg resulting from a 1973 industrial accident. Hull was sentenced to an additional six months of work release because of aggravating circumstances in the case. According to Yakima County Superior Court Judge Susan Hahn,

"The aggravating circumstance is his use of a negative social stereotype, especially here when we fight this every A day. Our quality of life depends on us making significant headway on these problems.

Another case in which a minority was falsely blamed in conjunction with the cover-up of a crime involved the widely-publicized 1989 Boston case in which a murder, committed to collect insurance, was falsely attributed to an anonymous black man.

On the evening of 23 October 1989 Charles Stuart and his pregnant wife, Carol, left a childbirth class at a local hospital and were on their way home when, according to Charles Stuart, a black gunman forced his way into their automobile. The gunman forced them to drive to another location where he demanded cash and jewelry. Then the gunman shot Carol Stuart in the head and wounded Charles Stuart in the abdomen.

Charles Stuart called police on a car telephone to report that his wife had been killed and he had been shot by a black assailant in the Mission Hill district. The gruesome scene, including a dramatic tape of rescue efforts by police and paramedics, stirred a volatile mixture of fear and outrage. As a victim, Stuart became a media hero. In the meantime, Willie Bennett, a black man, was arrested after Stuart identified him as looking "most like" the murderer.

The story began to unravel when skillful police investigation produced evidence that pointed to Stuart as the killer out to collect on a substantial insurance policy. Charles' brother, Matthew Stuart, went to police and confessed to being an accessory after the fact. He had helped Charles dispose of incriminating evidence. with police closing in, Charles Stuart committed A suicide by jumping off a bridge into the Mystic River.

Willie Bennett was, of course, exonerated. What was scary about the a case is how journalists initially bought Charles Stuart's story when there was evidence to doubt it from the beginning. According to news reports,

"Many Boston journalists concede that they were aware of rumors and inconsistencies almost from the start about the husband's account..."

It's important to note that the purpose of Stuart's fabrication was not to commit a "hate crime" hoax, but to divert attention from himself. His designation of the killer as a black man was credible in a community with a high black crime rate. Statistically, the killer was more likely to be black than white.

Occasionally one member of a "victimized" class will perpetrate a hoax or fabrication against a member of another "victimized" class. .The most common example is when a woman claims to have been raped by a member of a minority group.

This happened at George Washington University in the District of Columbia in December 1990 when a student, Mariam Kashani, reported a rape incident which never occurred to the campus paper (appropriately named The Hatchet).

She told of an incident in which two young black men "with particularly bad body odor" had raped a white female student at knifepoint, and The Hatchet reported the incident without sufficiently confirming the authenticity of the various

sources. According to New York Times reporter Felicity Barringer:

"The effect was electric. Students called their parents. University administrators called trustees. The campus police called the District of Columbia police. Then, the day after the newspaper report, a lawyer for Mariam Kashani, the sophomore who said she knew the victim and was the newspaper's main source of information about the attack, called the campus police to say she [Kashani] made up the report."

Ms. Kashani, an active feminist who had been involved in rape crisis counseling at Tulane University, had also said that the rapists had told the victim, "You were pretty good for a white girl." When confronted about the incident, Ms. Kashani used an excuse often invoked in hoaxes. She said that she "had hoped the story, as reported, would highlight the problems of safety for women." Ronnie Thaxton, campus black activist, said, "I was outraged. think it was just another attempt by some white people to discredit young black males in this country."

In December 1993 a 15-year-old Norwood, Massachusetts, white girl falsely claimed that she had been attacked by four black women who shouted racial slurs at her. According to news reports:

"Norwood Police Detective Sgt. William G. Brooks said the girl who reported being attacked December 23 by four strangers...was actually injured in a pre-arranged fight with another young woman. Brooks said that when the victim sustained cuts and scratches, she invented the story about being jumped to explain the injuries to her parents."

Police charged the girl as a juvenile with falsely reporting a crime, a misdemeanor that carries a fine of up to \$500 or one year in jail.

In Hazel Park, Michigan, a 31-year-old white woman

"told police that three bat-wielding black men beat her and kidnapped her friend last November (1989) at an automatic teller machine in Ferndale."

According to police, the whole thing was a hoax devised by the woman, who is married, concocted after her boyfriend beat her up.

In October, 1989, two white women from Sterling Heights falsely reported that two black males robbed and beat them in the Oakland Mall parking lot. The women said that the man fired a shot into their car. According to news reports

"Police investigators said the women, both 18, were indeed robbed, but police said the assault occurred as the women were trying to buy marijuana in a Detroit alley. Police said the women made up the story to explain the damage to the car.

1 "Judge Hands Stiff Sentence To Han Who Shot Off Own Leg," The Oregonian (21 November 1993).

2 Bill Hewitt, et. al., "A Cold Killer's Chilling Charade, People Magazine (27 January 1990).

3 Alex S. Jones, "Bias and Recklessness Are Charged In Boston Report of Stuart Slaying." New York Times (14 January 1990).

4 Felicity Barringer, "False Report of Rape Upsets Washington University Campus." new York Times (12 December 1990).

5 Ibid.



6 Indira A. R. Oakshmanan, "Police Say Norwood Girl Lied About Racial Attack," Boston Globe (30 December 1993).

7 Susan Watson, "Boogeyman of Racial Hysteria Wines, Dines Among Us," Detroit Free Press (7 January 1990).

8 Ibid.

## Chapter 10

### International

Sometimes racist and anti-Semitic hoaxes involve parties we would never consider. Hoaxes have been a common device used by Iron Curtain intelligence services and Communist organizations to discredit their enemies and win support from racial, ethnic and even religious interest groups since before the Russian revolution.

#### Cases

During the Olympic games in Los Angeles in 1984 a number of Asian and African Olympic committee offices found themselves recipients of racist literature. The Zimbabwe committee, for example, received fliers containing some threatening language and illustrated with a drawing of a whitehooded Klansman on a rearing horse and a monkey with a rope around its neck. Other delegations received similar literature.

An investigation followed and the culprit was determined in short order. U. S. Attorney General William French Smith confirmed that the racially defamatory materials were not the work of any Ku Klux Klan but rather the Soviet KGB! The effort was part of a disinformation campaign to mislead public opinion and create the impression of widespread racism. According to Smith:

"Although I cannot detail all of what we know about these documents for fear of helping the authors to refine their techniques, a thorough analysis -- including linguistic and forensic techniques -- reveals that they are classic examples of a Soviet forgery or disinformation operation."

Informed sources close to the F.B.I. report that other such incidents may also be KGB related.

Another case involving the KGB surfaced recently with the defection of East German intelligence agents. The West German newspaper Big Welt reported in 1990 that West German security authorities had determined that the KGB or other Soviet state security services were responsible for numerous desecrations of synagogues in West Germany over the past forty years. The article also noted that the KGB worked in close cooperation with neo-Nazi groups. John Barron, in his book, K.G.B. - Secret work of Soviet Secret Agents discusses Communist complicity in anti-Semitic hoaxes.

"Under KGB guidance the Czech S.T.B. started mailing virulent anti-Semitic traits to French, British and American officials in Europe."

They bore the imprimatur of a non-existent Nazi group.

Additional evidence for the role of the KGB and other Iron Curtain intelligence agencies in bogus neo-Nazi and anti-Semitic activities is Christopher Andrew and

Oleg Gordievsky's detailed 1990 account of the Soviet secret police, KGB: The Inside Story.

The authors cite the case of KGB General Ivan Ivanovich Agayants, who in 1959 created a new disinformation section within the First Chief Directorate of the KGB. One of his first targets was West Germany, which the KGB wanted to portray as riddled with neo-Nazis and anti-Semites. To test one of his techniques, Agayants sent a group of KGB officers to a village near Moscow, where they daubed swastikas, anti-Jewish slogans and kicked over Jewish tombstones. EA small anti-Jewish minority in the village took the bait and performed copy-cat anti-Jewish acts of their own. According to the authors,.

"During the winter of 1959-60 Agayants used the same technique with great success in West Germany. East German agents were dispatched to the West to deface Jewish memorials, synagogues, and shops, and to paint anti-Semitic slogans. Local hooligans and neo-Nazis then spontaneously continued the KGB campaign. Between Christmas Eve 1959 and mid-February 1960, 833 anti-Semitic acts were recorded by the West German authorities. The campaign then suddenly ceased, but not before the Federal Republic's international reputation had been gravely damaged."

There is serious suspicion in intelligence circles that much of the current neo-Nazi activity in the new, united Germany may have the mark of a rogue Communist intelligence operation: "See what happens when Communism falls - the Nazis return!".

Landislav Bittman, an agent for Czechoslovak intelligence service, defected to the United States in 1974. Now a professor at Boston University and living under the name Lawrence Martin-Bittman, he teaches classes on propaganda and disinformation. According to F. Mark Wyatt, a retired CIA official who had dealt with defectors, "Bittman was really one of the great experts of the Communist bloc, the Soviet bloc, on disinformation." Bittman's reputation was built largely on one of the most effective disinformation campaigns of post-war Europe, i.e., keeping the Nazi menace alive for propaganda purposes, not unlike some hoaxes in the United States.

According to news reports

"His greatest success...was Operation Neptune, a 1964 ruse intended to damage West Germany's relationship with its European neighbors. Professor Martin-Bittman secretly placed what he said were four boxes of Nazi archives on the murky bottom of a lake in Czechoslovakia. Then he helped a television crew discover the boxes, which contained lists of purported Nazi spies and collaborators.

A documentary about the apparent discovery of a cadre of previously undisclosed Nazi spies raised anew the issue of prosecutions for war crimes, and the West German government extended the statute of limitations for such crimes." 6

Fake documents published by Eastern bloc intelligence agencies surfaced in the scandal involving Austrian President and former U. N. Secretary General Kurt Waldheim. He was accused of war crime complicity during World War II. In February, 1988, the Yugoslav press agency reported that a document linking Waldheim to Nazi war crimes was a fake.

"The document was purported to be a 1942 telegram advising that a Lieut. Kurt Waldheim requested the deportation of more than 4,000 Yugoslav civilians during World War II. The West German magazine Der Spiegel published the document Feb. 1 and said it had been provided by a Yugoslav historian."

A typewriting expert concluded that the machine used to type the faked telegram was not available before 1948.

A year earlier, in April 1987, the Jerusalem Post admitted that it had published a forged letter purportedly from Austrian Prime Minister Alois Mock to British Prime Minister Margaret Thatcher suggesting that Austrian President Kurt Waldheim should resign in the wake of a scandal involving his alleged wartime activities in the German Army. Mr. Mock denied ever writing the letter. The Post said a lengthy inquiry had determined that the letter, which it had published in February, was a fabrication.

The Anti-Nazi League is a major British anti-fascist group. It works closely with Jewish and other minority interests, as well as the British communist party and other radical groups. However, to the consternation of representatives of the Brighton and Hove Hebrew Congregation, in March 1993, the ANL organized a march in protest against an anti-Semitic cemetery desecration that never occurred! Some 300 people took part in the march.

A security officer at the cemetery became suspicious when he was told that the graves in the congregation's Florence Road cemetery had been daubed with swastikas and that they had been removed by the gardener. The cemetery, however, does not employ a gardener. The officer noted that "the cemetery has no record of daubings for at least 30 years." 9 The incident, in fact, had never occurred.

Jules Croiset, the Dutch actor whose father was Jewish, reported being abducted by neo-Nazis in the city of Charleroi, Belgium, in December, 1987. According to Croiset, he was seized by two men and a woman, who forced him into a sewer, tied him up, took his Star of David chain from his neck and daubed a swastika on his chest, among other violent humiliations. A The news electrified the Netherlands. Croiset was known for his anti-Nazi views. He was prominent in a theater sit-in preventing staging of a play that critics had denounced as anti-Semitic. On December 12 a large demonstration was held in an Amsterdam church in support of Croiset. The speaker of the Dutch parliament said that neo-Nazi rats were "coming out of their holes." On 6 January 1988, however, Belgian police announced that Jules Croiset had admitting to having staged the kidnapping. He had also sent anti-Semitic letters to prominent Dutch Jews.

In February 1993 in the Netherlands, citizens were fooled for five days into thinking that violent neo-Nazis were active in the community. A monument to victims of the Auschwitz concentration camp had been smashed - one of the worst recent acts of anti-Semitic violence in the small nation. However, according to news reports

"...the nation seemed placated after hearing that a glasscutter identified as Ruud S. had confessed to shattering the monument. He claimed he was under orders to remove all evidence of a construction flaw that would have been a "terrific embarrassment" to the company."

In Haifa, Israel, two Jewish men, David Goldner, 41, and Gershon Tennenbaum, 32, were arrested in May 1990 following the desecration of two Jewish graveyards, an event which received worldwide attention. Slogans in perfect Hebrew calling for the destruction of Judaism and for the founding of a Palestinian state were found on more than 250 headstones. One inscription read, "Arabs will kill the Jews." Israeli Religious Affairs Minister Ze'evon Hammer, said that there may have been a connection with this incident and the desecration of 3 Jewish graves in France which were widely blamed on right-wing hate groups. Goldman and Tennenbaum reported that their motive was to unite the Jewish people against the Arab states.

In Israel eight Jewish settlers were charged in the September 1989 firebombing

of Israeli property and stoning of other Jewish settlers to stir up anti-Arab sentiment. In one instance, Israeli radio said, settlers hurled a firebomb at an Israeli-owned car near Ginot Shomron settlement in the West Bank. In response, settlers from the Jewish enclave of Ariel raided a nearby Arab village and vandalized property. Ariel had earlier required Arab workers to wear tags identifying themselves as "alien workers." There have been numerous instances of Israeli extremists staging hoaxes to implicate Arabs in terrorism.

A black swastika was painted on the grave of former Israeli Prime Minister Menachem Begin in Jerusalem in November 1992. After the vandalism, Israeli newspapers and the state-run radio received phone calls from men who said the attack was in response to "the desecration of the graves of the righteous." Police said the vandalism seemed to be the work of fanatic religious Jews.

The British daily, The guardian, reported in April 1992 that a Berlin woman who reported her infant son had been kidnapped by neo-Nazi skinheads later admitted she killed the baby, police reported. The body of the three-month-old boy was found in a pond.

In Berlin, a group of "neo-Nazi raiders" set fire to the home of a Jewish restaurant owner in August, 1979 and scrawled swastikas and anti-Semitic slogans on the walls ("Juden Raus" - Jew Get Out). The attack in Berlin's elegant Grunewald residential district fanned fears of a Nazi revival and was widely reported as evidence for such. Following an investigation, however, the police determined that the incident was an arson plot to collect insurance on the building. The businessman, Gunter Allon, whose house was burned, was in on the plot. One of the hired arsonists was badly burned when gasoline blew up in his face.

In Halle, Germany, 10,000 people demonstrated in January 1994 to protest a neo-Nazi attack on a teen-age girl confined to a wheelchair. The 17-year-old girl had told police that three neo-Nazis had carved a swastika on her left cheek after she refused to repeat slogans such as "Heil Hitler" and "Gas the Cripples." For five days the incident in this eastern German city captured headlines around the world. Police reported that they had no clues.

Two days later it became apparent why there had been no clues -- the Saxony-Anhalt prosecutor's office reported the girl had apparently inflicted the wound herself. Interrogation had produced discrepancies and inconsistencies in her story. The faked attack had unpleasant consequences for bona fide and "suspected" neo-Nazis, however, as is so often the case. According to news reports,

"Word of the attack stunned Germans. Leading politicians demanded quick police action, and President Richard von Weizsaecker condemned the assault. Hundreds tried to track down the alleged attackers, and authorities searched the homes of dozens of suspected neo-Nazis."

An item in the January 15, 1994 International Herald-Tribune noted that doctors who examined the wound "also suspect that it was self-inflicted. The article also noted that "Several recent attacks by neo-Nazis have been exposed as fraud."

Two weeks after the hoax in Halle, another German girl committed a copycat hoax in Munich. According to news reports

"A 14-year-old Bavarian schoolgirl sliced herself with a razor and claimed she had been attacked by neo-Nazis in what appeared to be an imitation of a wheelchair-bound girl's hoax that caused national outrage, Munich police said.

"A spokesman said 20 schoolchildren had dared each other to fake attacks to see whether their parents would believe them after hearing about a case in the eastern city of Halle."

Switzerland's Jewish community was shocked when a 1983 rash of anti-Semitic graffiti appeared on walls at local synagogues, the Jewish cemetery and other buildings. Death threats and anonymous telephone calls to Jewish parents stated that "your son has been killed." At the medical school in Basel, Jewish students reported receiving an anonymous letter saying, "Death to the Jews" and "No more Jewish doctors in Switzerland."

Swiss police soon had their culprit, but he was not the neo-Nazi many had expected. According to news reports,

"A 23-year-old Jewish medical student arrested in Basel was described by police as the perpetrator of a campaign of virulent anti-Semitic graffiti, harassment and death threats in that city last month."

The disclosure by police that Philip Gotchel, son of a prominent Jewish family, was solely responsible for the acts called unprecedented in Switzerland, stunned Jews and non-Jews alike.

The anti-Semitic campaign aroused such concern that Swiss Army units were sent to help local police protect Jewish students. Apparently obsessed with persecution fantasies, Gotchel claimed that right-wing students had broken into his family's home. Police said that it was Gotchel himself who broke the window. Gotchel was placed under psychiatric care.

1 "KGB Made Up Olympic Threats Linked to KKK, U. S. Asserts," Kansas City Times (7 August 1984).

2 "KGB Responsible For Desecration of Synagogues," Die Welt (13 August 1990).

3 John Barron, KGB - Secret Work of Soviet Agents (New York: Reader's Digest Press, 1974).

4 Christopher Andrew and Oleg Gordievsky, KGB: The Inside Story (New York: Harper, Collins, 1990).

5 "The Spy Who Came Into The Classroom Teaches At Boston U.," New York Times (27 April 1994).

6 Ibid.

7 "Waldheim Telegram Called Fake," New York Times (11 February 1988).

8 Reuters, "Waldheim Letter Fake, Paper Admits," Globe and Mail (4 April 1987).  
I

9 Cecily Woolf, "ANL Daubing Protest," London Jewish Chronicle (13 March 1992).

10 James M. Markham, "Dutch Actor's 'Abduction' Recalls Painful Past," International Herald Tribune (1 February 1988).

11 "Man Confesses to Shattering Monument to Camp Survivors," The Oregonian (7 February 1993).

12 Daniel Williams, "250 Jewish Graves Desecrated Near Haifa," Los Angeles Times (15 May 1990).

13 David Rudge, "Jew Arrested In Cemetery Vandalism," The Jewish Week (18 May 1990)

14 Reuters, "Two Jews Are Said To Admit Desecrating Graves In Israel," New York Times (17 May 1990).

15 Associated Press, "Jewish Settlers Questioned In Firebombing of Israeli Car," Asbury Park Press (26 September 1989).

16 "Vandals Paint a Swastika on Begin's Tomb in Israel," New York Times (19 November 1992).

17 "Mother Confesses," The Guardian (28 April 1992).

18 "Nazis Cleared In Berlin Fire," Kansas City Times (August 18, 1979).

19 "Thousands March to Protest Attack on Handicapped Girl," The Oregonian (14 January 1994).

20 "Girl Apparently Faked Attack by Neo-Nazis, Official Says," Seattle Times (15 January 1994).

21 "Fraud Seen In Claim of Neo-Nazi Attack," International Herald-Tribune (15 January 1994).

22 "German Schoolgirl Slashes Self in Copycat 'Nazi' Incident," Seattle Times (January 28, 1994).

23 "Graffiti In Basel Traced To Jewish Student," Jewish Week. (17 March 1983).

24 Tamar Levy, "Jew Behind Swiss Anti-Semitic Acts," Jewish 1 Sentinel (18 March 1983).

#### TRAITS THAT SUGGEST THE COMMISSION OF A HOAX

What, if anything, distinguishes hoaxes and fabrications from real racist and anti-Semitic incidents? Police, federal, state and local agencies, and college officials have observed certain "patterns" that tend to suggest a hoax might be afoot.

1. An incident that can't be corroborated with reasonable evidence or disinterested witnesses, or is accompanied by an account which contains inconsistencies, or when the alleged victim suddenly refuses to talk to police.

Often, alleged hate crimes are insufficiently supported by evidence or reliable witnesses. Upon examination, the statements of the victim may contain inconsistent or contradictory elements. When confronted with a lack of evidence to support their claims, or with problems with their story, the victim may become angry or frightened and cease cooperating with authorities.

2. An incident that occurs just when it's "needed" to promote awareness or sensitivity to racism or anti-Semitism, to disarm critics and make them reluctant to "talk back."

Be particularly alert for hoaxes during appropriate holidays, birthdays, or on anniversaries of important events. Hoaxes may also occur following speeches by minority spokespersons, or at times when the the issue of prejudice and discrimination is in the news. Also, hoaxes are more likely when claims by

minorities are being questioned, as in controversies concerning black slavery or holocaust revisionism. The conveniently occurring incident should be carefully investigated.

3. Repeat incidents, especially with "difficult," resentful and easily offended individuals who frequently complain of disrespect, slights, insults or harassment.

Incidents directed at specific individuals are unusual. In some cases hoaxers have been "followed" from one place or residence to another by hate crime perpetrators. Disturbed individuals or attention seekers are frequently found among hoaxers. Bear in mind, however, that these individuals often create a "self-fulfilling prophecy" with their behavior and actually antagonize others to the point where they will retaliate in some manner.

4. An incident that is particularly skillfully exploited by the alleged victim to attain victim status, manipulate institutions, obtain concessions, special privileges, or money.

When the victims response to a hate crime is particularly skillful and articulate, or when supporters seem very well-organized and appear on the scene very quickly, it suggests some planning was afoot. Bona fide hate crimes are sometimes not reported for days after they occur. Hoaxes are almost always reported immediately.

Because of the possibility of civil damages in hate crime cases, it is likely that hoaxes of this nature will be increasing. Be alert in the event

5. Incidents which occur in improbable circumstances, such as racist graffiti in a mostly black dormitory or neighborhood, assaults that occurred in normally crowded areas with no witnesses, graffiti or vandalism in a room occupied only by the victim, and so on. Some hoaxes are surprisingly poorly planned. In several cases hoaxers had failed to dispose of incriminating evidence. The highly improbable case, where an actual hate crime would have been very difficult to pull off, is usually a hoax.

6. In the case of graffiti, carefully drawn symbols or slurs suggest that the author really wants to get a point across -- precisely what is meant and the repulsive character of the persons behind it and this suggests a hoax.

Most bona fide incidents represent impulsive striking out, not careful planning. Generally speaking, the more elaborate the circumstances, the greater likelihood of a hoax. Cases where the damage is deliberate, meticulous and extensive should be cause for suspicion.

7. Another trait that suggests a hoax surfaced in several of the cases mentioned here. Here authorities suspect a hoax and this fact becomes known, the likelihood is enhanced somewhat when local antiracist and radical special interest groups defame and vilify doubters.

In fact, they may suspect it themselves.

Often the perpetrator will confide in others or even brag about the hoax. Persistent rumors of a hoax are often initially ignored because of "sensitivity" concerns, or because the principle players downplay the issue with threats and pleading.

8. Finally, several hoaxers have reported marking or symbols painted on their bodies by their alleged assailants. This rarely occurs in bona fide cases.

For reasons that are not clear, body markings on the victim by the alleged perpetrators are apparently a cause for suspicion. One theory is that the markings are intended to represent wounds. Another is that hoaxers are often self-absorbed individuals and the markings are narcissistic attention-getting devices.

9. Copycat hoaxes are likely to occur after an earlier, perhaps bona fide, incident has taken place that has aroused great publicity. A large number of similar incidents in a relatively short time very likely include some hoaxes. Often, some of the same people will be involved and the same symbols used for cases where the issue of lawsuits and damage amounts emerge early.

## CONCLUSION

The information I have pulled together in this report is, in my opinion, merely the tip of the iceberg. The hoaxes I have recounted are, with a few exceptions, publicly discovered and publicly reported hoaxes. Countless more hoaxes, undiscovered and unreported, have undoubtedly also occurred.

I see no hard evidence of an organized conspiracy to commit racial and anti-Semitic hoaxes. Everything points to individuals, or small groups of individuals, as the perpetrators of hoaxes. The usefulness of hoaxes is so obvious to potential hoaxers that a conspiracy is not required to explain the large number of hoaxes or their similarities.

On the other hand, there appears to be an effort to discourage media attention to hoaxes, although this is often not successful. It appears that some hoaxes are "spiked" at the outset and others are soft-peddled once their nature is established.

Why do people commit hoaxes? There are three main reasons. The first has to do with the personal payoff for victimization, i.e., attention, sympathy, a sense of importance, feeding persecution fantasies, and material payoffs. The second has to do with advancing a political or social agenda, as in the case of hoaxes intending to create support for regulations or legislation, or to help create a climate sympathetic to specific interest groups. The third has to do with insurance fraud, with the racial or anti-Semitic element almost an afterthought. Most hoaxes are combinations of the first two types.

Carefully done, the risk of discovery of a hoax is minimal. Most hoaxes simply remain "unsolved" hate crimes. Those that are discovered may not result in criminal action against the hoaxers. When criminal charges are filed they can have wide ranging consequences, from long prison terms in some cases to a slap on the wrist on others, with most cases tending toward the latter.

What can be done about hoaxes? Probably very little as long as victimization claims are so uncritically accepted, and the payoff for alleged victimization is sufficiently tempting and rewarding. "Hate crime" legislation, although well-intentioned, has created a powerful market for the side benefits of alleged hate crimes. When these crimes are not naturally occurring, or are not occurring in sufficient numbers, a motive to commit hoaxes is created. Provisions in hate crime legislation for civil damages also creates a powerful motive to commit hoaxes.

Vigilance in discovering hoaxes and appropriate publicity may discourage some potential hoaxers. Punishment for hoaxes equal to bona fide hate crimes, including sentence enhancement, would probably have a greater deterrent effect, but would also perpetuate the injustices inherent in the hate crime concept itself.



Probably the most effective thing would be for universities, police agencies and the media to entertain a healthy skepticism about hate crime claims, and to establish a category of "not proven" in cases where no perpetrator is identified and charged. Any unsolved case may be a hoax, including those intuitively thought to be bonas fide.

Finally, on a personal note, I think it's important to bear in mind that human beings are fallible creatures who make mistakes, often not realizing the consequences of their actions. The older I get the more forgiving I become, and the more aware I am of the harm done by "righteous indignation," fanaticism and vengefulness in the pursuit of "justice." A little slack and a little forgiveness all the way around wouldn't hurt, either. It's going to take that if we're all going to get along in this world together.

Laird Wilcox

July 1994

THE UNITED STATES COMMISSION ON CIVIL RIGHTS

WASHINGTON D.C. 20425

Date: March 8, 1982

Reply to attn of: OGC

Subject: The ADL Report

To: John Hope, III Acting Staff Director

Attached is Ms. Gerebenics' memorandum concerning the most recent step in the review process of the ADL report. I concur in her views.

I would also like to raise several policy considerations. The ADL report does not in any way resemble a standard USCCR report. It is not a dispassionate attempt to present a K balanced accounting of facts. This Commission previously has had no difficulty in publishing reports containing defamatory information when it was verifiable and necessary to the report. Our Voting Rights Report is the most recent example. In that report, however, we did not find it necessary to mix-epithets and emotionally-laden labels with the facts. .The ADL report is rank with epithets and labels that only serve to distort the factual accountings of the activities of the KKK and similar organizations.

The liberal use of hyperbolic epithets throughout the ADL draft sets a tone that probably precludes correction through simple, adjectival laundering. The alleged inaccuracies and misrepresentations noted by the respondents present very serious problems. Of fifty-one potential defamees, we received responses from only ten, all of whom disputed the versions of events reported in the ADL draft. Most likely, references to the remaining forty-one would require additional verification. Although +hose who chose not to respond have been afforded the required opportunity, there are still more than a dozen people and organizations that have not been reached. If the ten respondents are at all representative, the report probably contains many inaccuracies. It is doubtful that the report could survive the normal process of a source-check as there does not appear to be sufficient data to support the allegations.

For the most part, the sources are secondary, relying heavily on newspaper accounts that the ten respondents either refute outright or raise serious

questions about. The remaining support for the report is mostly drawn from "ADL files," which could include hearsay, unverified interview notes, analyses of incidents based on newspapers, information provided by confidential sources, and so on. The basic journalistic approach of the ADL report, which borders on jingoism, requires the USCCR either to publish an unverified report that could seriously undermine the agency's reputation for fairness and objectivity or to refrain from publishing a report whose underlying thrust we believe to be true. This belief, by the way, is buttressed by the respondents' own letters, which are described in the attached memorandum.

Finally, because the Commission was established as a fact-finding body, through the years the tone of our reports has been one of objective restraint. This report varies considerably from other Commission reports in its tone, its sources or lack thereof, and its unrestrained language. A factual, objective chronology of the Klan and similar organizations and their activities over the past century would meet intended goals of this project without jeopardizing the reputation of this agency.

PAUL ALEXANDER Acting General Counsel

What Is "Political Extremism"?

Laird Wilcox

If it's a despot you would dethrone, see first that his throne of dogmatic thinking, prejudgment, and authoritarianism, has erected within you is destroyed. - Kahlil Gibran, 1923

Roger Scruton, in the Dictionary of Political Thought defines "extremism" as:

1. Taking a political idea "to its limits, regardless of unfortunate repercussions, impracticalities, arguments, and feelings to the contrary, and with the intention not only to confront, but to eliminate opposition."
2. Intolerance toward all views other than one's own.
3. Adoption of means to political ends which show disregard for the life, liberty, and human rights of others. This definition basically reflects my own experience, that extremism is more an issue of style than of content. In the twenty-five years that I have been investigating political groups of the left and right, I have found that most people can hold radical or unorthodox views and still entertain them in a more or less reasonable, rational, and non-dogmatic manner. On the other hand, I have met people whose views were fairly close to the political mainstream but were presented in a shrill, uncompromising, bullying, and distinctly authoritarian manner. The latter demonstrated a starkly extremist mentality while the former demonstrated only ideological unorthodoxy, which is hardly to be feared in a relatively free society such as ours.

This view of extremism, which may seem novel to many people since in today's climate the term is usually used as an epithet, is held by many writers and authorities, especially those who approach the issue from a relatively even-handed and non-ideological point of view. Milton Rokeach, whose book *The Open and Closed Mind* is a classic in the field.

To study the organization of belief systems, we find it necessary to concern ourselves with the structure rather than content of beliefs. The relative openness or closedness of a mind cuts across specific content; that is, it is

not uniquely restricted to any particular ideology, or religion, or philosophy, or scientific viewpoint. A person may adhere to communism, existentialism, Freudianism, or the "new conservatism" in a relatively open or relatively closed manner. Thus, a basic requirement is that the concepts to be employed in the description of belief systems must not be tied to a particular belief system; they must be constructed to apply equally to all belief systems.

Rokeach goes on to say "authoritarianism and intolerance in belief and interpersonal relations are surely not a monopoly of Fascists, Anti-Semites, Ku Klux Klanners, or conservatives." I agree, and would add that the same behaviors merely take different forms and utilize different vocabulary on the "left" side of the political spectrum. The essential characteristics remain quite similar. The choice of adjectives used to describe the behavior in question often derives far more from the biases and interests of the observer than from the objective facts of the situation. Daniel Bell, the eminent sociologist and author of *The Radical Right*, tends to support this view. He says,

"The way you hold beliefs is more important than what you hold. If somebody's been a rigid Communist, he becomes a rigid anti-Communist--the rigidity being constant."

In my opinion, most strident opponents of right-wing or left-wing "extremism" exhibit significant ideological bias, and many are actually representatives of the opposing extreme. The fact that an extremist hates and agitates against other extremists doesn't mitigate his or her own character in this regard. In fact, opposing extremists often form a vague bond or symbolic relationship with one another, each justifying the others' existence.

In focusing on the style rather than the content of a belief system, I don't mean to imply that content is entirely irrelevant. People who tend to adopt the extremist style most often champion causes and adopt ideologies that are essentially "fringe" positions. But, mere advocacy of "fringe" positions gives our society the variety and vitality it needs to function as an open democracy, to discuss and debate all aspects of an issue, and to deal with problems that otherwise have been ignored. The extremist style is another issue altogether, however, in that it hampers our understanding of important issues, it muddies the waters of discourse with invective, defamation, self-righteousness, fanaticism, and hatred, and it impairs our ability to make intelligent, well-informed choices. Another point is that the extremist style is not only found at the fringes of the political or religious spectrum, but sometimes in the "middle" as well. An individual who is uncompromisingly and intolerantly "centrist" may be far more dogmatic and prejudiced than someone who adopts more radical views but does so in a open and tolerant manner.

Consequently, a guarded middle-of-the-road position doesn't necessarily provide a solution to extremism, and in some cases can only serve as a mask to conceal it. In fact, it could be argued that those beliefs that are accorded legitimacy by consensus, which is to say that everyone unthinkingly accepts them, may even be more prone to appear on the extremist agenda and more difficult to challenge or effectively debate. When the word "extremist" is used as an epithet it usually represents points of view with which we disagree, advocated by someone we dislike (but usually don't know) and whose interests are contrary to our own. Political ideologues and special interests often attempt definitions of "extremism" that specifically condemn the views of their critics and opponents while leaving their own equally strident and intolerant behavior untouched. In the debate over abortion, for example, one side or the other will condemn opponents as "extremists" while describing themselves as valiant defenders of human life or champions of freedom. In fact, bona fide extremist elements exist on both sides of this controversy, as do relatively calm, fairminded, honest, even-handed, and rational advocates. It is not the position they take, but how

they take it that matters. It has been said that "whoever defines the terms wins the argument." The use of loaded terms and selective vocabulary that are biased toward certain forms of authoritarianism, bigotry, and prejudice but not others, is another example of the pervasive double standards one encounters in this area.

The traits of "extremists"

Robert F. Kennedy wrote:

What is objectionable, what is dangerous about extremists is not that they are extreme, but that they are intolerant. The evil is not what they say about their cause, but what they say about their opponents.

In analyzing the rhetoric and propaganda of several hundred militant "fringe" political and social groups across the political spectrum, I have identified a number of specific traits or behaviors that tend to represent the extremist "style." Other writers have delineated various extremist traits and where their criteria have been objective I have included them.

I am especially indebted to professors John George and Gordon" Hall for their suggestions. Please let me caution you with the admonition, that we are all fallible human beings and anyone, without bad intentions, may resort to some of these behaviors from time to time. With bona fide extremists, however, these lapses are not occasional. Rather, they are a habitual and strongly established part of their repertoire, so much so that in some cases their entire belief system is expressed in these terms, including a polemical style that is fairly easy to identify.

1. Character assassination. Extremists often attack the character of an opponent rather than deal with the facts or issues raised. They will question motives, qualifications, past associations, alleged values, personality, looks, mental health, and so on as a diversion from the issues under consideration. Some of these matters are not entirely irrelevant, but they should not serve to avoid the real issues. Extremists object strenuously when this is done to them, of course!

2. Name calling and labeling. Extremists are quick to resort to epithets (racist, subversive, pervert, hatemonger, nut, crackpot, degenerate, un-American, anti-semitic, red, commie, nazi, kook, crank, liar, bigot, and so on) to label and condemn opponents in order to divert attention from their arguments and to discourage others from hearing them out. These epithets don't have to be proved to be effective; the mere fact that they have been said is often enough.

3. Irresponsible sweeping generalizations. Extremists tend to make sweeping claims or judgments on little or no evidence, and they have a tendency to confuse similarity with sameness. That is, they assume that because two (or more) things, events, or persons are alike in some respects, they must be alike in most respects. The sloppy use of analogy is a treacherous form of logic and has a high potential for false conclusions.

4. Inadequate proof for assertions. Extremists tend to be very fuzzy about what constitutes proof, and they also tend to get caught up in logical fallacies, such as post hoc ergo propter hoc (assuming that a prior event explains a subsequent occurrence simply because of their before-and-after relationship). They tend to project wished-for conclusions and to exaggerate the significance of information that confirms their beliefs while derogating or ignoring information that contradicts them. They tend to be motivated by feelings more than facts, by what they want to exist rather than what actually does exist.

"Extremists do a lot of wishful and fearful thinking.

5. Advocacy of double standards. Extremists generally tend to judge themselves or their interest group in terms of their intentions, which they tend to view generously, and others by their acts, which they tend to view very critically. They would like you to accept their assertions on faith, but they demand proof for yours. They tend to engage in special pleading on behalf of themselves or their interests, usually because of some alleged special status, past circumstances, or present disadvantage.

6. Tendency to view their opponents and critics as essentially evil. To the extremist, opponents hold opposing positions because they are bad people, immoral, dishonest, unscrupulous, mean-spirited, hateful, cruel, or whatever, not merely because they simply disagree, see the matter differently, have competing interests, or are perhaps even mistaken.

7. Manichean worldview. Extremists have a tendency to see the world in terms of absolutes of good and evil, for them or against them, with no middle ground or intermediate positions. All issues are ultimately moral issues of right and wrong, with the "right" position coinciding with their interests. Their slogan is often "those who are not with me are against me "

8. Advocacy of some degree of censorship or repression of their opponents and critics. This may include a very active campaign to keep opponents from media access and a public hearing, as in the case of blacklisting, banning, or "quarantining" dissident spokespersons. They may actually lobby for legislation against speaking, writing, teaching, or instructing "subversive" or forbidden information or opinions. They may even attempt to keep offending books out of stores or off of library shelves, discourage advertising with threats of reprisals, and keep spokespersons for "offensive" views off the airwaves or certain columnists out of newspapers. In each example the goal is some kind of information control. Extremists would prefer that you listen only to them. They feel threatened when someone talks back or challenges their views.

9. Tend to identify themselves in terms of who their enemies are: whom they hate and who hates them. Accordingly, extremists may become emotionally bound to their opponents, who are often competing extremists themselves. Because they tend to view their enemies as evil and powerful, they tend, perhaps subconsciously, to emulate them, adopting the same tactics to a certain degree. For example, anti-Communist ,and anti-Nazi groups often behave surprisingly like their opponents. Anti-Klan rallies often take on much of the character of the stereotype of Klan rallies themselves, 'including the orgy of emotion, bullying, screaming epithets, and even acts of violence. To behave the opposite of someone is to actually surrender your will to them, and "opposites" are often more like mirror images that, although they have "left" and "right" reversed, look and behave amazingly alike.

10. Tendency toward argument by intimidation. Extremists tend to frame their arguments in such a way as to intimidate others into accepting. their premises and conclusions. To disagree with them is to "ally oneself with the devil," or to give aid and comfort to the enemy. They use a lot of moralizing and pontificating, and tend to be very judgmental. This shrill, harsh rhetorical style allows them to keep their opponents and critics on the defensive, cuts off troublesome lines of argument, and allows them to define the perimeters of debate.

11. Use of slogans, buzzwords, and thought-stopping cliches. For many extremists shortcuts in thinking and in reasoning matters out seem to be necessary in order to avoid or evade awareness of troublesome facts and compelling counter-arguments. Extremists generally behave in ways that reinforce their

prejudices and alter their own consciousness in a manner that bolsters their false confidence and sense of self-righteousness.

12. Assumption of moral or other superiority over others. Most obvious would be claims of general racial or ethnic superiority â ^ a master race, for example. Less obvious are claims of ennoblement because of alleged victimhood, a special relationship with God, membership in a special "elite" or "class," and a kind of aloof "highminded" snobbishness that accrues because of the weightiness of their preoccupations, their altruism, and their willingness to sacrifice themselves (and others) to their cause. After all, who can bear to deal with common people when one is trying to save the world! Extremists can show great indignation when one is "insensitive" enough to challenge these claims.

13. Doomsday thinking. Extremists often predict dire or catastrophic consequences from a situation or from failure to follow a specific course, and they tend to exhibit a kind of "crisis-mindedness." It can be a Communist takeover, a Nazi revival, nuclear war, earthquakes, floods, or the wrath of God. Whatever it is, it's just around the corner unless we follow their program and listen to the special insight and wisdom, to which only the truly enlightened have access. For extremists, any setback or defeat is the "beginning of the end!"

14. Belief that it's okay to do bad things in the service of a "good" cause. Extremists may deliberately lie, distort, misquote, slander, defame; or libel their opponents and/or critics, engage in censorship or repression, or undertake violence in "special cases." This is done with little or no remorse as long as it's in the service of defeating the Communists or Fascists or whomever. Defeating an "enemy" becomes an all-encompassing goal to which other values are subordinate.

With extremists, the end justifies the means.

15. Emphasis on emotional responses and, correspondingly, less importance attached to reasoning and logical analysis. Extremists have an unspoken reverence for propaganda, which they may call "education" or "consciousness-raising." Symbolism plays an exaggerated role in their thinking, and they tend to think imprecisely and metaphorically. Harold D. Lasswell, in book *Psychopathology and Politics*, says, "The essential mark of the agitator is the high value he places on the emotional response of the public." Effective extremists tend to be effective propagandists.

Propaganda differs from education in that the former teaches one what to think, and the latter teaches one how to think.

16. Hypersensitivity and vigilance. Extremists perceive hostile innuendo in even casual comments; imagine rejection and antagonism concealed in honest disagreement and dissent; see "latent" subversion, anti-semitism, perversion, racism, disloyalty, and so on in innocent gestures and ambiguous behaviors. Although few extremists are clinically paranoid, many of them adopt a paranoid style with its attendant hostility and distrust.

17. Use of supernatural rationale for belief and actions. Some extremists, particularly those involved in "cults" or extreme religious movements, such as fundamentalist Christians, militant Zionist extremists, and members of mystical and metaphysical organizations, claim some kind of supernatural rationale for their beliefs and actions, and that their movement or cause is ordained by God. In this ease, stark extremism may become reframed in a "religious" context, which can have a legitimizing effect for some people. It's surprising how many people are reluctant to challenge religiously motivated extremism because it represents "religious belief" or because of the sacred-cow status of some

religions in our culture.

18. Problems tolerating ambiguity and uncertainty, Indeed, the ideologies and belief systems to which extremists tend to attach themselves often represent grasping for certainty in an uncertain world, or an attempt to achieve absolute security in an environment that is naturally unpredictable or perhaps populated by people with interests opposed to their own. Extremists exhibit a kind of risk-aversiveness that compels them to engage in controlling and manipulative behavior, both on a personal level and in a political context, to protect themselves from the unforeseen and unknown. The more laws or "rules" there are that regulate the behavior of others - particular their "enemies" - the more secure extremists feel.

19. Inclination toward "groupthink." Extremists, their organizations, and their subcultures are prone to a kind of inward-looking group cohesiveness that leads to what Irving Janis discussed in his excellent book Victims of Groupthink. "Groupthink" involves a tendency to conform to group norms and to preserve solidarity and concurrence at the expense of distorting members' observations of facts, conflicting evidence, and disquieting observations that would call into question the shared assumptions and beliefs of the group. Right-wingers (or left-wingers), for example, talk only with one another, read material that reflects their own views, and can be almost phobic about the "propaganda" of the "other side." The result is a deterioration of reality-testing, rationality, and moral judgment. With groupthink, shared illusions of righteousness, superior morality, persecution, and so on remain intact, and those who challenge them are viewed with skepticism and hostility.

20. Tendency to personalize hostility. Extremists often wish for the personal bad fortune of their "enemies," and celebrate when it occurs. When a critic or an adversary dies or has a serious illness, a bad accident, or personal legal problems, extremists often rejoice and chortle about how they "deserved" it. I recall seeing right-wing extremists celebrate the assassination of Martin Luther King and leftists agonizing because George Wallace survived an assassination attempt. In each instance their hatred was not only directed against ideas, but also against individual human beings.

21. Extremists often feel that the system is no good unless they win. For example, if they lose an election, then it was "rigged." If public opinion turns against them, it was because of "brainwashing." If their followers become disillusioned, it's because of "sabotage." The test of the rightness or wrongness of the system is how it upon them;

Thus, extremists tend to have these things in common:

1. They represent some attempt to distort reality for themselves and others. Extremism tends to be "feelings-based" rather than "evidence-based," although the selective use of evidence may obscure that fact.

2. They try to discourage critical examination of their beliefs by a variety of means, usually by false logic, rhetorical trickery, or some kind of censorship, repression, or intimidation.

3. Extremism usually represents some attempt to act out private personal grudges or to rationalize the pursuit of special interests in the name of public welfare, morality, duty, or social consciousness. Extremists often have motives they themselves do not recognize. Human beings are imperfect and fallible. Even an honest, rational, and well-intentioned person may resort to some of these traits from time to time. Everyone has strong feelings about some issues and anyone can become excited and "blow up" once in awhile. Most of us still retain our basic common sense, good will, and sense of humor. My purpose is not

to-establish some impossible standard that almost no one can meet, but simply to suggest a better direction. The difference between bona p de extremists and others is that this general kind of behavior is the extremists' normal and usual way of relating their values and feelings, and they usually feel no guilt or sense that anything is wrong when they behave this way. The extremist subculture rewards and reinforces these behaviors, while the society of thoughtful and fair-minded people discourages it.

One final note

The truth of a proposition cannot be inferred merely from the manner in which arguments in its behalf are presented, from the fact that its adherents may censor or harass their opponents, or because they practice any other behavior or combination of behaviors suggested in this article. Ultimately, the truth of any proposition or claim must rest upon the evidence for it. Moreover, the intensity of a conviction has nothing whatsoever to do with whether or not it is true. To dismiss a proposition out of hand merely because it is advocated by obvious extremists is to dismiss it ad hominem, that is, because of who advocates it. In point of fact, extremists are sometimes correct. They often deal with the "hot" issues, the controversial issues many people choose to avoid. Before you write people off as extremists, take a look at their evidence. It might be that they're actually on to something important.

Laird Wilcox is founder of the Wilcox Collection on Contemporary Political Movements in the Spencer Library at the University of Kansas. He publishes a series of research guides on the American Left, the American Right, and the American Occult.

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