

USCCR

A SUMMARY REPORT DECEMBER 1988

*Incidents
of
Bigotry
and Violence
in Essex County*

*New Jersey Advisory Committee
to the U.S. Commission on
Civil Rights*

This summary report of the New Jersey Advisory Committee to the U.S. Commission on Civil Rights was prepared for the information and consideration of the Commission.

Statements and viewpoints in the report should not be attributed to the Commission or to the Advisory Committee, but only to individual participants in the community

forum where the information was gathered.

THE UNITED STATES COMMISSION ON CIVIL RIGHTS

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

THE STATE ADVISORY COMMITTEES

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

*Incidents
of
Bigotry
and Violence
in Essex County*

*New Jersey Advisory Committee
to the U.S. Commission on
Civil Rights*

This summary report of the New Jersey Advisory Committee to the U.S. Commission on Civil Rights was prepared for the information and consideration of the Commission.

Statements and viewpoints in the report should not be attributed to the Commission or to the Advisory Committee, but only to individual participants in the community

forum where the information was gathered.

DATE: December 9, 1988

FROM: New Jersey Advisory Committee

RE: Incidents of Bigotry and Violence in Essex County

TO: William B. Allen, Chairman
Murray Friedman, Vice Chairman
Mary Frances Berry
Esther G. Buckley
Melvin L. Jenkins, Acting Staff Director

Sherwin T.S. Chan
Robert A. Destro
Francis S. Guess
Blandina C. Ramirez

The New Jersey Advisory Committee, following a vote of 6-0 by the members present, submits this summary report for the purpose of briefing the Commission on incidents of bigotry and violence they reviewed in Essex County. Affirmative responses from all absent members and recently appointed members confirmed the unanimous vote.

The report summarizes information received at a community forum convened by the Advisory Committee in Newark on June 6, 1986. It is not an intensive or exhaustive review of this important subject. Every effort was made to include a diversity of viewpoints on the issues by inviting participation from the victims of the incidents, locally elected officials, law enforcement officers, the clergy, community groups, and educators with opposing views on strategies for combating hate crimes.

The report also describes two recent directives from the Attorney General of New Jersey to law enforcement chief executives in the State which established a new statewide system for reporting bias incidents and new investigation standards.

The information in this report provides the basis for further Committee monitoring of State laws pertaining to bigotry and violence and for further program planning. The Committee hopes this report will be useful as well to the Commission in its monitoring of this issue.

Stephen H. Balch, Chairperson
Roland A. Alum, Jr., Vice Chairperson

Clyde C. Allen	Salvatore A. Farino, Jr.	Adam F. Scrupski
Jose M. Alvarez	Alvin J. Rockoff	Irene Hill-Smith
Zulima F. Farber	Angel L. Roman	Ruth W. Waddington

NEW JERSEY ADVISORY COMMITTEE

STEPHEN H. BALCH, Chairperson
Princeton

BARBARA LEARNER*
Princeton

CLYDE C. ALLEN
Plainfield

ALVIN J. ROCKOFF
North Brunswick

ROLAND A. ALUM, Jr.
West New York

ANGEL L. ROMAN
Paterson

JOSE MANUEL ALVAREZ
Perth Amboy

ADAM F. SCRUPSKI
Highstown

JEROME CULP*
Newark

IRENE HILL-SMITH
Wenonah

ZULIMA F. FARBER
North Bergen

RUTH W. WADDINGTON
Morristown

SALVATORE A. FARINO, Jr.
Passaic

EDWARD ZAZZARINO*
Rumson

* No longer a member of the Committee

Acknowledgements

The New Jersey State Advisory Committee wishes to thank the staff of the Commission's Eastern Regional Division for its help in the preparation of this summary report. The Committee wishes to thank also Ruth Cubero, Director, and Celeste Wiseblood, staff member, of the former Eastern Regional Office for their help with the forum. The summary report was the principal assignment of Edward Darden with support from Linda Raufu and Tina Louise Martin. The project was carried out under the overall supervision of John I. Binkley, Director, Eastern Regional Division.

TABLE OF CONTENTS

Letter of Transmittal

Introduction.....1

The Outbreak of Hate Crimes.....1

The Community Forum.....3

 Panel I--Community Leaders and Advocates.....4

 Panel II--Law Enforcement.....6

 Panel III--Local Government.....12

 Panel IV--Educational Institutions.....14

New Law Enforcement Initiatives.....17

Summary.....20

APPENDICES

Appendix A

New Jersey Ethnic Terrorism Statutes.....26

Appendix B

State of New Jersey, Department of Law and Public Safety
Supplementary Bias Incident Offense Report, Form
UCR#1.....27

Appendix C

Bias Incident Offense Report Guide.....28

INTRODUCTION

This report summarizes the New Jersey Advisory Committee community forum on bigotry and violence, held in Newark on June 6, 1986, and background information on the developments, aftermath, and significance of an outbreak of hate crimes in Maplewood and South Orange, New Jersey, in 1985. The report also includes fresh information on the statewide system for reporting bias incidents and newly issued policies and standards for bias incident investigations recently promulgated by the Attorney General of New Jersey.

THE OUTBREAK OF HATE CRIMES

In 1986, the population of Maplewood Township totaled 22,760, declining from its 1980 total of 22,950; neighboring South Orange Village totaled 15,710, also declining from its 1980 population of 15,864. Both communities are affluent areas of Essex County, which includes Newark, the State's largest city. County population declined in 1986 to 841,900, down from its 1980 total of 851,304. Over a two and one-half year period, from mid-1983 through 1986, the Maplewood and South Orange communities experienced a total of 78¹ racially motivated acts. The earliest series of hate crimes plagued a black household in Maplewood in 1983.² These victims were the first in a sporadic string of incidents which lasted until early 1986. The other victims, in Maplewood and South Orange, were mostly black families,³ although white families in Maplewood were also victimized in 1984.⁴

The trend of hate incidents in Maplewood turned upward in 1984 and involved South Orange; a reported total of seven incidents occurred in South Orange on two days in 1984, three incidents occurred on the 1st of August, and four incidents occurred on the 12th of September. A rash of 15⁵ incidents struck Maplewood, three against white families, between June 2 and June 30, 1984. This ethnic terrorism peaked⁶ with a particularly malicious spate of incidents in November 1985.⁷ The 1985 outbreak of hate violence was very troubling for the communities. Despite lengthy police investigations, there were no immediate results.⁸

Several community leaders and hate crime victims in both communities expressed disillusionment with the ability of the local police to solve the crimes.⁹ Black residents of Maplewood and South Orange, during a community meeting in November 1985, complained that the local police placed low priority on hate crimes and handled the victims of hate crimes insensitively.¹⁰ Such concerns rallied civil rights and community groups.¹¹ Their support included these efforts: 1) a letter writing campaign to broaden participation in the victim support groups, 2) community meetings to gain support for the groups, and 3) broadcast appearances to attract public attention to the problem.¹² More formally, numerous victims and residents complained about the incidents to the Federal Bureau of Investigation (FBI) in Newark, New Jersey.¹³

The black victims and the larger community¹⁴ hoped for the end of the violence and a swift and satisfactory conclusion of the local investigations into the rash of incidents. In support of the victims,

groups of concerned citizens developed an informal victim support network. A black awareness group, involved in the support efforts, pledged to repair or replace damaged, uninsured property for hate crime victims.¹⁵ A civic association in Maplewood established a reward fund with \$1,500¹⁶ for information leading to the arrest and conviction of the perpetrator(s). Later, local government added to the reward effort by establishing the Maplewood Township Committee Pledge Fund¹⁷ which eventually increased the reward offer to \$7,000¹⁸ in 1985. The Anti-Defamation League of the B'nai B'rith (ADL) provided literature for the victims and counseling for victims and others who were coping with the personal trauma of hate violence.¹⁹ These activities and similar efforts coalesced feelings among white and black concerned citizens.

On July 10, 1986, a suspect was indicted²⁰ and subsequently convicted and sentenced²¹ under the New Jersey ethnic terrorism laws enacted in 1981.²² The Essex County Prosecutor recently reiterated that this case was the first to result in successful prosecution for violating the ethnic terrorism statutes.²³

THE COMMUNITY FORUM

The Maplewood and South Orange incidents were formally brought to the attention of the New Jersey State Advisory Committee to the Commission in 1985.²⁴ The Advisory Committee convened its community forum in response to the complaint that black residents were targets of numerous, unsolved crimes of hate violence in the Maplewood and South Orange communities. The

Advisory Committee was concerned that the problem was a source of growing tensions.

The community forum brought together 19 participants from different perspectives to share their perceptions on hate crimes in Maplewood and South Orange. The Committee invited participation from four segments of the community: 1) community leaders and advocacy organizations, 2) law enforcement, 3) local government, and 4) educational institutions. The forum featured the presentations of the FBI Special Agent in Charge of the office in Newark, New Jersey, the mayors of the affected communities, and several of the victims, who happened also to be community leaders.

Opening the forum, Dr. Stephen Balch, Advisory Committee Chairperson, commented:

The purpose of this forum is to assess the dimensions of the problem in Essex County...and to try to find out what can be done...for the welfare of their communities at large.²⁵

The forum generally achieved its purpose of advising the Committee of the scope and nature of the problem by presenting community views on the issues and the crimes. The Committee also believed the forum achieved its broader purpose of contributing to the welfare of the communities by providing a neutral ground for public dialogue among persons with divergent views.

Panel I--Community Leaders and Advocates

The panel of community leaders and advocates was comprised of eight speakers, each of whom addressed the question, "What can be done?" Their comments reiterated proposals for community and government actions developed over the course of several years.

The panelists were Albert Calloway, a black victim and community activist and president of the South Orange-Maplewood Awareness Council; Sabarah Sabin, a black victim and member of the South Orange-Maplewood Board of Education; Ellen Greenfield, a white victim and president of Maplewood Friends, a civic organization; and Catherine Sullivan, a black victim and president of the South Orange Community Relations Committee; Rabbi Jehiel Orenstein and the Reverend Charles Thompson representing the Clergy Association; Estelle David representing the South Orange Civic Association; and Reginald Jeffries, president of the South Orange-Maplewood NAACP.

The civic association presidents and the clergy all underscored the need for community dialogue as a method for dealing with the trauma the communities suffered and for improving intergroup relations. The Reverend Thompson of the Clergy Association outlined a comprehensive plan for achieving this community-wide dialogue on intergroup relations which included a call for government and private sector support for the establishment of a local human relations commission. The proposed body would consist of a cross section of business, religious, and community

representatives to investigate discrimination complaints and conduct programs to educate the community in human relations.

Mr. Calloway of the Awareness Council recommended human relations training for police and local officials to raise their level of sensitivity in dealing with minority groups, especially black males. Ms. Sabin, a black victim and Maplewood school board member, and Ms. Sullivan, a black victim and president of the South Orange Community Relations Council, said that minority residents should work to become more visible in the daily life of the communities, e.g., shopping in downtown stores, enjoying local social events, and participating in civic gatherings.

Mr. Jeffries, president of the South Orange-Maplewood NAACP, said that the NAACP was concerned about racial tensions at Seton Hall University in South Orange. He reported that each year since 1969 the NAACP has received complaints from black students attending the university, alleging racial insensitivity. He mentioned reported incidents in which black students alleged that white students were openly hostile to them. He cited an incident involving the campus newspaper. He said that an advertisement appeared that included a photograph of a black person who had been lynched. The black students on campus were offended by the use of the photograph and complained of racial insensitivity. Mr. Jeffries reported that the NAACP arranged meetings with the university administration, faculty, and students to mediate the complaints. The racial problems were persisting, he said, and the NAACP was concerned that new incidents would worsen the situation.

Panel II--Law Enforcement

The panelists were John C. McGinley, Special Agent in Charge, Newark Office, Federal Bureau of Investigation; Lewis I. Becker, investigator, Division of Criminal Justice of the New Jersey Department of Public Law and Safety; Lieutenant John Reynolds, New Jersey Division of State Police; and Chief Edward M. Palardy, director and Chief of Police of West Orange, New Jersey.

The wave of incidents in Maplewood and South Orange came to a sudden halt after the crest in 1985.²⁶ Subsequently, the mayors of Maplewood and South Orange and the Essex County Executive requested direct involvement of FBI agents in the investigations. The FBI established a joint task force with the local police and provided technical assistance and training²⁷ for the local law enforcement agencies which upgraded the quality of the local investigative work into the incidents. John C. McGinley, FBI agent, appearing before the community forum as spokesperson for the Maplewood and South Orange police task force, revealed new information about the probe. He told the Committee of an impending indictment in the cases, a first sign of closure in the investigations. FBI Agent McGinley said:

as of February 18, 1986, the Newark Division of the FBI established and is coordinating joint task force with the Maplewood and South Orange, New Jersey, police departments, aimed at investigating the numerous racially motivated acts of malicious vandalism and terrorism in these bordering communities over the past number of years....It is anticipated that the results of the combined investigative effort will be presented to a grand jury in the near future.²⁸

Agent McGinley's announcement at the forum and the resulting news coverage of his statement helped to relieve community tensions, according to Ruth Cubero, then-Director of the Commission's Eastern Regional Office.²⁹

Mr. Becker, State investigator, assured the Committee that the Attorney General of New Jersey was fully committed to combating bigotry and violence in the State. He pointed to the Attorney General's 1980 monitoring program for assessing the extent of bias incidents in the State. The program consisted of data collection on incident reports and comparison of the data with ADL reports. The program lasted from October 1980 until December 1981, he said, and constituted the only set of information on bias incidents collected by a State agency. During the 14-month reporting period, 102 cases of bias incidents were identified, according to State investigator Becker. Describing the analysis of the data, Mr. Becker said:

[A]n initial finding was projected that these acts were not perpetrated by organized hate groups...we find for the most part that it is juveniles, and from my personal experience, it is juveniles who have a limited understanding of what they're doing. Again we go back to the need to educate.³⁰

Mr. Becker, representing the New Jersey Department of Public Law and Safety, expressed the view that education in human relations is the major ingredient for changing the attitudes which lead to racial, ethnic, and religious bigotry and violence. He said that the attitudes of many perpetrators will change with proper guidance through education, and the local police departments are the most appropriate place to initiate the approach. This view of the role of local police, he said, underscores the need to train officers at the local level in techniques for handling bias incidents.

Lieutenant Reynolds explained that the New Jersey State Police are primarily involved with hate crimes perpetrated by organized hate groups. In this regard, they were engaged in an ongoing task force with the FBI to monitor hate groups. The local police usually take responsibility for the other types of incidents, he said. The dimensions of the problem in New Jersey, he pointed out, are difficult to determine using available data. As an example, he said:

New Jersey is still third in the nation in the number of bias incidents, and I'm somewhat relying on the ADL's statistics for this. They seem to be the only ones that are able to supply us with statistics.³¹

Lieutenant Reynolds felt the State's third place national ranking for bias incidents, following California and New York, was misleading because the ADL listing of incidents and the State police listings showed the same incidents only 20 percent of the time. He pointed out also that the nature of the problem in New Jersey is not the same as the other high-ranking States. A majority of the incidents in New Jersey are not the work of organized groups but juveniles, he said. He held a different view than Mr. Becker of the State Department of Public Law and Safety on the role of police in shaping attitudes about prejudice. He said:

The solution to the problem, I guess, is multi-faceted, especially if 90 percent...[of the perpetrators are]... juveniles...[when they]...are arrested for these particular offenses. Educational institutions must sensitize our youth. We keep talking about sensitivity training with police departments. We [police officers] are not going to sensitize our youth. We don't get first crack at them.³²

Lieutenant Reynolds said racial and ethnic graffiti and vandalism are the types of incidents most often reported to the State police. He said that the State police were unable to track bias incidents through the State's uniform crime reporting (UCR) system because the UCR has no category for these crimes. To find these reports in the system would require sifting through all the arrest reports to determine how many were hate crimes, and there were a total of 68,000 arrests that year, he said.

Mr. Cartwright represented the Essex County Prosecutor. He said the office could not discuss the specifics of an ongoing investigation and therefore his comments would be limited regarding the incidents investigated by the task force. As for the law enforcement role of the county prosecutor with regard to pursuing indictments, he explained:

In the normal course of events with law enforcement in this county, the prosecutor's office does not ordinarily get involved until an arrest has been made on an indictable offense. In that case, the complaints have been signed in the municipal court and the case comes down to the prosecutor's office for consideration and presentation before a grand jury and an ultimate prosecution, whether it be through plea bargain or through trial....Nobody's been arrested; therefore nobody's doing anything. Arresting someone if there's no proof for the charges is merely finding a scapegoat to make people feel better.³³

He went on to point out the difficulty involved in gathering evidence in hate crimes. He said that often there is little physical evidence linking the crime to the perpetrator and no witnesses. He pointed out further that in many bias-related cases it is necessary to rely on leads provided by persons who know the perpetrator and are willing to come forward with information. He said he hoped leads of this sort would develop which would assist the Maplewood and South Orange police investigations.

Chief Palardy profiled the West Orange police bias incident investigation unit, the first of its kind in the State, he said. The chief said he created the unit in May 1981, using information he gathered at a conference on combating bigotry and violence. He enlisted the involvement of the mayor of West Orange, the State division of criminal justice, and the ADL in developing the structure for the unit. The mission of the unit, comprised of one officer, one detective, and a sergeant, is to deter acts of ethnic, racial, and religious violence before they occur, according to the chief. He added that the unit reports directly to him and emphasized that he placed the unit high in the organizational structure to demonstrate his commitment to its mission and to give it credibility. He said that any department planning to create a similar unit should consider this first because the bias incident unit needs this level of commitment from the chief to succeed.

Describing the functions of the bias unit, Chief Palardy said:

Besides handling in full the investigations into all ethnic incidents, the bias unit also collects necessary information on all aspects of these crimes. Information is collected from criminal suspects, other police agencies, and religious and community organizations. This information, including data on any ethnic terrorist group in this area, is supplied to my office and other members of the police force to keep the entire police department abreast of any developments in trends of ethnic violence around the region.³⁴

The chief said the unit mediates between perpetrators and victims in an attempt to rectify the bias incident through education and sensitivity. The unit arranges and supervises "ventilation" sessions or face-to-face

meetings. These sessions help the parties to understand one another and to assess the pain and anguish which the incident caused for the victim. As an example, the chief recalled an incident involving a 16-year-old youth who was charged with daubing a swastika in front of a Jewish person's business in West Orange. The youth was brought to the police station where he faced his victim in a bias unit ventilation session. The youth and the victim talked about the incident and the resulting pain which the anti-Semitic act inflicted on the Jewish business person. The chief said the youth's previously bigoted attitude was transformed by the experience, and he was very remorseful. The youth apologized tearfully, later composed a written apology, and apparently reformed, the chief said. Another important outcome of the session, the chief said, was the relief which the victim felt by confronting the perpetrator personally and moving him to realize his mistake. This sort of work won warm praise for the bias unit, including the 1986 ADL community relations achievement award.³⁵

Panel III--Local Government

The participants on this panel were the Honorable Robert Grasmere, mayor of Maplewood, the Honorable Bertrand Spiotta, village president of South Orange, and the Honorable Shari Weiner, mayor of Livingston.

The mayors of Maplewood and South Orange, as an example of the forum's importance, took the opportunity to address a sensitive point: Whether local government had been fully committed to investigating the incidents thoroughly and said that each had observed a voluntary ban on public

statements about the investigations for several months. They did this to permit the FBI and local police an opportunity to conduct the investigation unencumbered by publicity, they said. The resulting gap in public information about the status of the probe gave a public impression that little was being done to solve the crimes, they said. These perceptions helped to fuel complaints against the local governments that each needed to do more to address the problems of bias incidents, the mayors concluded.

The mayors spoke candidly about their common view that the Essex County Prosecutor was initially reluctant to seek indictments based on the evidence gathered by local police.³⁶ The mayors revealed that they and the Essex County Executive held a confidential deliberation on how they might convince the county prosecutor to pursue the problem more aggressively.³⁷ Their discussion ended with their decision to go beyond the local law enforcement agencies, including the county, and to seek help from the FBI with the investigations. Their request precipitated establishment of the joint task force and led ultimately to the successful conviction of the perpetrator, they felt.

The mayors also provided information on minority employment in local government and information on the Village of Livingston.

Mayor Grasmere reported there is one black patrolman on the 50-person Maplewood police force. Similarly, one black fireman was the only black person in the Maplewood fire department. He said that blacks constitute three to four percent of the appointees serving on city boards, and that black population in Maplewood is five percent.

Mayor Spiotta reported that blacks make up 10 percent of the municipal work force in South Orange. He said these employees are part of the police force, sanitation, and other departments. The fire department has no black firefighters because blacks have not applied for such positions, the mayor said.³⁸ South Orange has a total population of 15,864 and a black population of 1,593, he said.

Mayor Weiner presented a brief statement, depicting Livingston as a highly stable community with an accommodating attitude toward its minority families. She reported that, according to the ADL area office in Livingston, there were eight bias incidents in the community between 1984 and 1986; two of the eight incidents involved the ADL office. Livingston has a black population of 200 and a total population of 28,000, she said. The larger minority groups in Livingston are Asian-Indian Americans who number 1,000 persons, and Asian Americans also numbering 1,000 persons, she said. The Livingston fire department is an all-volunteer unit, but none of the firefighters is black. The Livingston police force is part of the city government, but there are no black police officers, according to the mayor.

Panel IV--Educational Institutions

This panel included the Reverend Dennis Mahon, Director of Planning and Institutional Research, Seton Hall University; Dr. Richard Willet, principal of Columbia High School in Maplewood; and Dr. Joseph Duchesneau,

principal of South Orange Middle School. Racist graffiti appeared on the exterior of public schools and racial tension developed on the university's campus between groups of white and black students. These incidents, while they were few in number, prompted the educational institutions to action.

Reverend Mahon represented Monsignor John Fortillo, chancellor of Seton Hall University. He reported that racial tensions developed on campus in April 1986, apparently as an outgrowth of a dispute between white fraternities and some black students. He said concerned students gave the university information warning of a racial confrontation and possible fighting on campus but nothing specific on the cause of the problem. The situation was contained quickly by the university, he said, and was an isolated problem. The racial atmosphere on campus is usually good, Reverend Mahon said, adding:

[O]ur churches [Roman Catholic] teach us that short of the end of the world, we're not going to be blissful and Edenic here. Racism and bigotry are sins and our task is to...get our students to cease and desist where it applies to them in particular. But the recognition at the end is that finally it's not going to completely go away.³⁹

Dr. Willet reported that a mostly white group of 13 Columbia High School students initiated a school dialogue about the bias incidents in Maplewood in 1985. He encouraged the group and noted that the school grounds had been free of incidents but the students were concerned about what was happening in their community. The school administration started a peer counseling program intended to help students examine racial and ethnic stereotypes and ways to improve intergroup relations. The school offered

its faculty a voluntary workshop in teaching in a multicultural classroom. Dr. Willet reported that 20 percent of the faculty participated. He said he was gradually overcoming teacher resistance to the program as the school embarked on:

a three-prong approach for the future, one that involves the kids in the school to help them, i.e., the peer counseling program and some special education programs for black students; an educational program for parents; and an educational program for teachers to improve instructional strategies and to learn more about how to teach in a multicultural classroom.⁴⁰

Dr. Willet reported that the school has five to seven black professionals among a staff of 120 teachers and eight counselors. He reported that the student population is 21 percent black. He said that black students are suspended and are also placed in low ability classes at a disproportionately high rate. He concluded:

I think that has an effect on their image of themselves and the role they feel they can fulfill in a public high school. I think that that's something that we as a school need to continue to work on. But, in assessing the overall school climate, I would say it's pretty good for most kids.⁴¹

Dr. Duchesneau described an imaginative human relations program that uses role playing to raise student sensitivity to racial, ethnic, and religious prejudice. The group consisted of 25 students and was conducted in the fall of 1985. A second phase of this program involved leadership training. In this program, students with a talent for leadership were prepared for greater roles with their peers in a three-day leadership workshop at a local college. The program was intended to lift the barriers of race and culture between key students and to return those students as role models to the school environment.

NEW LAW ENFORCEMENT INITIATIVES

Since the Committee's forum in 1986, New Jersey government under the leadership of the attorney general has undertaken a new program to upgrade enforcement of the State's ethnic terrorism statutes and to improve the quality of investigations into all reports of hate crimes. In the first of two major initiatives, the State attorney general formally directed all police departments in the State to report all incidents of racial and ethnic bias that take place within their municipalities.⁴² The information compiled under the new system will be the first such comprehensive data collected by a public agency in New Jersey.

At the news conference announcing the new reporting system on September 9, 1987, the State attorney general said:

By Executive Directive, I am now formally directing municipal police to report on a monthly basis through the State Police uniform crime reporting system all incidents of racial or religious terrorism or any other crime that may have a racial, religious or ethnic motive or connection. With this information, we will be able to determine whether we have a problem in New Jersey and if so where the problem might be. Only when we can identify a problem can we analyze it and deal with it.⁴³

The impetus for the executive directive⁴⁴ started in late 1985, following the attorney general's attempt to verify statistics on bias incidents compiled by the ADL. He found, however, that no State agency had complete figures and that an accurate comparison was impossible. As a result, the attorney general said he created in March 1986 a 14-member, broadly based, ad hoc committee on reporting bias incidents. The committee's task was to

develop a comprehensive, efficient statewide bias incident reporting system. The attorney general accepted the committee's recommendations for creating a reporting system and in August 1987 ordered law enforcement chief executives to commence reporting under the new procedures on January 1, 1988. The directive instructs the State police to collect monthly reports of all bias incidents from local police departments, using the Supplementary Bias Incident Offense Report.⁴⁵

The second step of the attorney general's law enforcement initiative came in January 1988. The attorney general issued new bias incident investigation standards in a memorandum⁴⁶ distributed to all law enforcement chief executives in the State.⁴⁷ Among the chief items in the 51-page memorandum are requirements for local law enforcement agencies to provide all officers with written orders and directives based on the standards, to announce publicly the agency's bias incident investigation policy, to train all officers in bias incident response and investigation, and to visit personally the victim of a bias incident and reassure the victim that appropriate investigative and enforcement methods will be used by the law enforcement agency to properly address the incident.

The attorney general's memorandum further mandates eleven standards for handling bias incidents. Among the procedures, law enforcement agencies are instructed to approach victims in a sensitive and supportive manner and to calm the victim and reduce the victim's fear and alienation through direct ongoing official communication regarding the bias incident. The agencies must respond to every reported incident, complete a followup

investigation, and ensure that security is increased in the affected area. The agencies must also enlist the aid of religious, community, business, and educational groups as well as other community agencies in an effort to moderate the impact of the bias incident. They are also to reduce the potential for counter-violence and promote good police-community relations.

Another key feature of the attorney general's standards links the criminal investigations with the New Jersey Victim-Witness Advocacy Program, already established in each county prosecutor's office. The program entitles victims and witnesses to support services during criminal investigations, such as information on the workings of the criminal justice process, claims for victim compensation, the status of the investigation, and pretrial release of suspects. The New Jersey Violent Crimes Compensation Board handles victims' claims for medical and other expenses.

The State's 21 county prosecutors are responsible for supervising the implementation⁴⁸ of the new standards. At an April 1988 monthly meeting of the county prosecutors, the State provided each prosecutor with a model certification letter of compliance to indicate that the standards were received, read, understood, and implemented.⁴⁹ In the following weeks, the county prosecutors instructed all the chief law enforcement executives to prepare letters of certification of compliance, using the model letter, and to return their letters to the county prosecutors by July 15, 1988.⁵⁰ The chiefs were also to certify by the July deadline that bias incident reports, received since January 1, 1988, have been investigated on a case-by-case basis and reports shared with State police within 48 hours of

the incident.⁵¹ At this writing, the attorney general has instructed the county prosecutors to collect all these letters of certification of compliance and to forward them to the State by August 1, 1988⁵².

SUMMARY

The Committee learned that aggressive enforcement of New Jersey's ethnic terrorism statutes by law enforcement agencies trained in handling bias incidents, once invoked, provided a significant deterrent in Maplewood and South Orange. As a result of local police actions, assisted by the FBI, one perpetrator was apprehended and convicted and there have been no further reports of hate crimes in Maplewood and South Orange from January 1986 to May 1988. This success against racial, religious, and ethnic vandalism and intimidation was made possible through the concerted efforts of religious and civic groups, local and State government, and law enforcement agencies, all demonstrating their determination to combat bigotry and violence in their midst.

The Committee concludes that the significance of the Maplewood and South Orange experiences demonstrates the need for quick, thorough, and compassionate police responses to every bias incident report for an effective law enforcement policy against hate crimes. Fully implementing this aspect of local police investigations and community relations appears to contribute substantially to comforting the victims, avoiding community

tensions, preventing further incidents, and maintaining credibility for local government and law enforcement officials.

FOOTNOTES

1. Norman C. Hope, Chief, Civil Rights Unit, Criminal Investigative Division, Federal Bureau of Investigation, letter to Clarence M. Pendleton, Jr., Chairman, U.S. Commission on Civil Rights, Apr. 3, 1986 (copy of letter on file at Eastern Regional Division Office) (hereafter cited as Hope Letter).
2. Jonathan Tchack, Assistant Prosecutor/Director, Office of Corruption and Economic Crime Section, Office of the County Prosecutor, Essex County, telephone interview, May 20, 1988 (hereafter cited as Tchack Telephone Interview).
3. Memorandum entitled "Report on Racially Motivated Vandalism in Maplewood and South Orange" from Charles Jones, Jr., Chairman, Subcommittee on Acts of Violence, The Black/Jewish Dialogue, to the members of the Black/Jewish Dialogue, p. 2 (Nov. 7, 1984) (copy of memorandum on file at Eastern Regional Division Office) (hereafter cited as Jones Memorandum).
4. Jones Memorandum, supra, at 2.
5. "U.S. Joins Maplewood in Racial Terrorist Probe," Newark Star Ledger, July 18, 1984, at 1.
6. The Honorable Robert Grasmere, Mayor of Maplewood, N.J., reported in "Transcript of Community Forum on Racial, Religious, and Ethnic Vandalism in Affected Communities in Essex County," held by the New Jersey State Advisory Committee to the U.S. Commission on Civil Rights at Newark, N.J. (June 5, 1986) (copy available at Eastern Regional Division Office) (hereafter cited as Transcript).
7. "Terrorist Targets Homes with Threat, Vandalism, Maplewood and South Orange," News Record, Nov. 14, 1985, at 1.
8. "Bomb Scare Disrupts Meeting on Anti-Racial Acts," Newark Star Ledger, Nov. 19, 1985, at 1.
9. "Victims of Racial Attacks Join Forces," Maplewood and South Orange News-Record, Nov. 14, 1985, at 1.
10. Ibid.
11. Prominent among the groups were the South Orange-Maplewood Awareness Council, the regional office of the Anti-Defamation League of B'nai B'rith in Livingston, N.J., the South Orange-Maplewood Branch of the NAACP, the Maplewood Friends civic association, the Clergy Association, and the South

Orange Civil Association. All were represented at the forum.

12. Letter from Albert Calloway, president, South Orange-Maplewood Awareness Council, to the citizens of South Orange and Maplewood (Nov. 18, 1985) (copy of letter on file at Eastern Regional Division Office) (hereafter cited as Calloway Letter).

13. Hope Letter, supra, at 1.

14. Letter from Beverly A. Goldrosen, Assistant Director, New Jersey Regional Office, Anti-Defamation League of B'nai B'rith, to the victims of bias-crime incidents of South Orange and Maplewood (Nov. 15, 1985) (copy of letter on file at the Eastern Regional Division Office) (hereafter cited as Goldrosen Letter).

15. Calloway Letter, supra, at 1.

16. Ellen Greenfield, President, Maplewood Friends, Transcript, supra, at 23.

17. "Racial Incidents Upset Maplewood Residents," Newark Star-Ledger, Nov. 17, 1985, at 1.

18. "Maplewood Boosts Bounty on Vandals," Newark Star-Ledger, Nov. 27, 1985, at 3.

19. Goldrosen Letter, supra, at 1.

20. Blake Lewis, Special Agent, Newark Office, Federal Bureau of Investigation, telephone interview, Oct. 13, 1987.

21. Davidson was tried and convicted for violations of the New Jersey ethnic terrorism statutes in Essex County Court in January 1987. Davidson was sentenced in Essex County Court on March 6, 1987, on three counts: 1) criminal mischief, 2) ethnic terrorism by putting another in fear of bodily violence, and 3) ethnic terrorism by defacement of private property or premises by such acts. He was sentenced to serve 364 days in county jail, to serve five years' probation, to pay \$1,200 restitution to Jean and Marie Pierre of Maplewood, N.J., to pay \$1,050 in fines, and upon completion of jail time, to serve 200 hours of community service to include removal of graffiti from public places in Maplewood, N.J.

At this writing, Davidson is seeking an appeal in the State supreme court. His appeal in the State court of appeals failed in early May 1988. Tchack Telephone Interview, supra.

22. N.J. Stat. Ann. subsection 2C:33-10 (West 198X). Note that all three statutes are in subchapter 33. The relevant statutes are appended to this report at app. A.

23. Memorandum entitled "Bias Incident Investigation Standards for Essex County Law Enforcement" from Herbert H. Tate, Jr., Essex County Prosecutor, to all chiefs of police in Essex County, p. 2 (Apr. 6, 1988) (copy of

memorandum on file at the Eastern Regional Division Office) (hereafter cited as Tate Memorandum).

24. Memorandum entitled "Official Request for FBI Assistance" from Ruth J. Cubero, Director, Eastern Regional Office, U.S. Commission on Civil Rights, to J. Al Latham, Jr., Staff Director, U.S. Commission on Civil Rights, p. 1 (Jan. 28, 1986) (copy of memorandum on file at Eastern Regional Division Office).

25. Transcript, supra, at 2.

26. Robert Grasmere, mayor, Maplewood, N.J., Transcript, supra, at 150.

27. Hope Letter, supra, at 1.

28. John C. McGinley, Special Agent in Charge, Newark Division, Federal Bureau of Investigation, Transcript, supra at 89.

29. Ruth Cubero, Director, Eastern Regional Office, U.S. Commission on Civil Rights, telephone interview, Aug. 6, 1986.

30. Transcript, supra, at 93-97.

31. Transcript, supra at 99.

32. Transcript, supra at 102.

33. Transcript, supra, at 110-13.

34. Transcript, supra, at 132.

35. Transcript, supra, at 134-35.

36. Bertrand Spiotta, village president, South Orange, N.J., Transcript, supra, at 158-59.

37. Ibid.

38. Transcript, supra, at 160.

39. Transcript, supra, at 194.

40. Transcript, supra, at 182.

41. Transcript, supra, at 203.

42. News Statement, W. Cary Edwards, Attorney General of the State of New Jersey (Sept. 9, 1987) (copy on file at Eastern Regional Division Office).

43. Ibid.

44. Exec. Dir. No. 1987-3, W. Cary Edwards, Attorney General of the State of New Jersey (effective Aug. 20, 1987).

45. See app. B, State of New Jersey, Department of Law and Public Safety Supplementary Bias Incident Offense Report, Form UCR - #1 (7/87), and app. C, Bias Incident Offense Report Guide.

46. Memorandum entitled "Bias Incident Investigation Standards- -Policy and Procedures for New Jersey Law Enforcement" from W. Cary Edwards, Attorney General of the State of New Jersey, to all law enforcement chief executives (Jan. 28, 1988).

47. Alvin Schpen, Deputy Attorney General, Police Bureau of the New Jersey Department of Law and Public Safety, Newark, New Jersey, telephone interview, July 26, 1988.

48. Ibid.

49. Ibid.

50. Ibid.

51. Ibid.

52. Ibid.