

**MINUTES**

**MONTANA SENATE  
53rd LEGISLATURE - REGULAR SESSION**

**COMMITTEE ON JUDICIARY**

**Call to Order:** By Senator Bill Yellowtail, on March 16, 1993, at 10:10 a.m.

**ROLL CALL**

**Members Present:**

Sen. Bill Yellowtail, Chair (D)  
Sen. Sue Bartlett (D)  
Sen. Chet Blaylock (D)  
Sen. Bob Brown (R)  
Sen. Bruce Crippen (R)  
Sen. Eve Franklin (D)  
Sen. Lorents Grosfield (R)  
Sen. Mike Halligan (D)  
Sen. David Rye (R)  
Sen. Tom Towe (D)

**Members Excused:** Sen. Doherty, Sen. Harp

**Members Absent:** NONE

**Staff Present:** Valencia Lane, Legislative Council  
Rebecca Court, Committee Secretary

**Please Note:** These are summary minutes. Testimony and discussion are paraphrased and condensed.

**Committee Business Summary:**

Hearing: HB 191  
          HB 416  
          HB 506  
          HB 633  
Executive Action: NONE

**HEARING ON HB 416**

**Opening Statement by Sponsor:**

Representative Strizich, District 41, told the Committee that HB 416 deals with enhancement of uniform crime reporting in Montana. In the 1930's, under the guidance of J. Edgar Hoover, the FBI established a system to show how crime is occurring and to get an indication as to what should be done. The system, over the years, has become more sophisticated, and the collection of crime statistics has improved. The technical support for this activity in Montana rests with the Montana Board of Crime Control. The

Montana Board of Crime Control conducts audits of data collection and insures that the data collected is objective and accurate. Law enforcement administrators rely on the information in conjunction with what they collect locally to provide an effective response to criminal activity. Rep. Strizich told the Committee that there is a rise in crime motivated by prejudice, bias, and hate. There has been evidence of Ku Klux Klan and Skin Head activities in Montana. Federal public law, 101-275, was signed into law in 1990. That law acknowledged a need to provide the publication of data about crimes which manifest prejudice based on certain group characteristics. Montana responded to that federal public law and is now collecting data on murder, manslaughter, forcible rape, aggravated assault, simple assault, arson, intimidation, and vandalism. The collection of crime data helps make a determination of how many of those crimes were motivated by hate and prejudice. Rep. Strizich told the Committee that the current collection of crime data is voluntary, therefore it is not very reliable. HB 416 would determine, with some reliability, the level of criminal activity which is occurring so Montana can adequately respond. HB 416 seeks to raise the reliability of the state collection to the standards of the Federal Bureau of Investigations (FBI) under federal law by continuing to provide proper training. HB 416 would mandate that the data be collected so the Montana Board of Crime Control could determine how great or little the threat of crime is in Montana. Rep. Strizich told the Committee that the House removed "sexual orientation" from the bill and asked for the reinsertion of that language.

**Proponents' Testimony:**

Ed Hall, Administrator for the Board of Crime Control, submitted a hate crime report booklet. (Exhibit #1) Mr. Hall read from prepared testimony. (Exhibit #2) Mr. Hall submitted a hate crime incident report, (Exhibit #3) and Mr. Hall submitted a Training Guide for Hate Crime Data Collection. (Exhibit #4)

Beth Baker, Department of Justice, told the Committee that the training aspect of HB 416 is contained in section 3. Ms. Baker said currently new officers receive between two and four hours of training on hate crime reporting in their basic instructional course. HB 416 would continue providing the training for approximately 112 new officers a year. The training is based on FBI guidelines. The Department of Justice provides two annual training seminars for Montana County Attorneys. The Department of Justice intends to incorporate hate crime training into one of those seminars. Ms. Baker said there would be no fiscal impact on the Department of Justice if the Department provides the training required within their current programs.

Linda Graison read from a letter prepared by Anne MacIntyre. (Exhibit #5) Ms. Graison submitted information on hate crimes. (Exhibit #6-#13)

Christine Kaufman, Executive Director of the Montana Human Rights Network, told the Committee that the Network was formed to counter the growing presence of hate filled activities of white supremacists in Montana. Ms. Kaufman said some groups are singled out because of certain characteristics for random violence more often than the general population. The bill should be passed to provide a tool for local prosecutors to respond forcefully to bigoted violence and to send a message that Montana will not tolerate bigoted violence. Hate crimes are actions or words intended to harm or intimidate an individual because of their membership in a particular group. The crimes include assaults, murders, rapes, and property crimes which are motivated by prejudice. They also include threats of violence or other acts of intimidation. HB 416 does not create any new crime, but would keep track of those kinds of crimes that are already recorded. Hate crimes are unique because a single act terrorizes an entire group of people. Ms. Kaufman told the Committee that hate crimes do occur in Montana. Ms. Kaufman submitted articles from the Billings Gazette. (Exhibit #14 and #15) Ms. Kaufman said that HB 416 would keep track of how often these hate crimes occur. She said the training component of HB 416 is critical for accurate reporting. Officers need to know how to recognize hate crimes. The passage of HB 416 would help in providing information on the prevalence of the crimes and we would then know if they are increasing so law enforcement could design an appropriate response to the activity. Ms. Kaufman submitted a flyer which has been handed out in Billings. (Exhibit #16) Ms. Kaufman said the Ku Klux Klan has been encouraging people to begin violent activity, particularly against homosexuals. The Montana Human Rights Networks encourages support for HB 416 and to amend "sexual orientation" back into the bill.

Lorene read from prepared testimony. (Exhibit #17)

Bryan Spellman read from prepared testimony. (Exhibit #18)

Diane Sands, Executive Director of the Montana's Women Lobby, supports HB 416 with the amendment to include "sexual orientation."

Sharron Hoff, Montana Catholic Conference, told the Committee that hatred is destructive. Ms. Hoff encourages the Committee to pass HB 416 and to ensure that the law is strong enough to protect all Montana citizens.

Steve White urged the Committee to pass HB 416 without the amendments. Mr. White told the Committee that he is favor of HB 416 because there is no room for individuals who want to hurt other people based on certain characteristics. Mr. White also felt the fiscal note was not accurate and that the study would not be cheap.

Opponents' Testimony:

Laurie Koutnik, Executive Director of the Christian Coalition, told the Committee that she is not in opposition for reporting hate crimes, but opposes the amendment to include "sexual orientation." Ms. Koutnik told the Committee that sexual orientation would include gays, lesbians, pedophiles, and bestiality, therefore the wording should not be included in HB 416. Citizens of this state have made known their strong opposition for legislation based on sexual orientation. Ms. Koutnik said rather than keeping a record of hate crimes in Montana, the people should be putting their efforts towards loving one another.

Questions From Committee Members and Responses:

Senator Towe asked Ms. Koutnik about hate crimes against homosexuals. Ms. Koutnik does not feel homosexuals are the most prominent ones in society that are subject to hate crimes. Ms. Koutnik feels there are more racial crimes occurring, rather than hate crimes against homosexuals.

Senator Towe asked Ms. Koutnik about the prevention of hate crimes against homosexuals. Ms. Koutnik said reporting of this is not going to prevent it. She thinks good prevention comes on the street when once a crime is committed, no matter who it is perpetrated against, it is prosecuted and followed through.

Senator Towe asked Ms. Koutnik about her opposition to HB 416. Ms. Koutnik said she does not oppose HB 416 as it stands, but opposes the amendment to include "sexual orientation."

Senator Towe asked Ms. Koutnik why sexual orientation should not be included in HB 416. Ms. Koutnik said homosexuals do not need more protection than any other person.

Senator Towe asked Mr. Hall about how the collected data would fit into the current criminal justice system. Mr. Hall said the information collected would be statistical information. The statistical information is public information that is not under the limitations of the Criminal Justice Information Act. Mr. Hall said names of offenders would not be given with the statistical information.

Senator Towe asked Mr. Hall if HB 416 would conflict with the Criminal Justice Information Act. Mr. Hall said no.

Senator Grosfield asked Rep. Strizich about the striking of the language on page 3, lines 4 through 8. Rep. Strizich told the Committee the language was struck on request of the Department of Justice.

Senator Grosfield asked Mr. Hall how hate crimes would be determined. Mr. Hall said the determination would relate directly to training. For example, if two people of different races got into a fist fight over a parking space it would not be

bias motivated. To make a determination on a bias motivated crime, the motivation would need to be determined. In order to make sure statistics are accurate the FBI recommends a two tier reporting system. After an officer determines if a crime was bias motivated then they would report the crime. The crime would then be reviewed to further determine if the case was bias motivated.

Senator Grosfield asked Mr. Hall about the fiscal note. Mr. Hall said the Montana Board of Crime Control receives a grant of \$50,000 from the Bureau of Justice Statistics that allows the MBCC to do statistical analysis of criminal justice information. The money, mentioned in the fiscal note, is extra money used to print reports and for additional training documentation to distribute to agencies.

Senator Rye asked Rep. Strizich about the striking of the words "actual or perceived." Rep. Strizich did not know why the words were struck from HB 416.

Senator Rye said if "sexual orientation" is reinserted back into HB 416, "actual or perceived" should also be reinserted. Senator Rye said that would be an important part of HB 416 because some people are perceived to be homosexuals when in truth they are not. Rep. Strizich agreed that the language should be reinserted into HB 416.

Senator Bartlett asked Rep. Strizich about restoring the language on page 3, lines 19 and 20. Rep. Strizich said the language should be restored.

Senator Blaylock asked Rep. Strizich about the reinsertion of "sexual orientation." Rep. Strizich said he would like "sexual orientation" to be reinserted in HB 416.

Senator Bartlett asked Rep. Strizich if he thought the House would approve of the reinsertion of "sexual orientation." Rep. Strizich told the Committee that the vote in the House was very close, but would hope that some members would change their votes if HB 416 was amended.

Senator Grosfield asked Rep. Strizich about page 2, line 11. Rep. Strizich said the line was struck on the recommendation of the Department of Justice.

**Closing by Sponsor:**

Rep. Strizich told the Committee that HB 416 is not a political bill. HB 416 does not expand the definition of homosexuality or heterosexuality when talking about sexual orientation. The \$50,000 grant that the State receives from the Board of Justice Statistics is more than sufficient to cover the cost of the Hate Crimes Reporting System. HB 416 would be converting a voluntary system which is unreliable, to something that is mandatory and

reliable. Montana needs to receive good data and understanding of the crimes that are occurring in order to deal with those crimes. Rep. Strizich said he would provide some language for the amendments. Rep. Strizich asked that "sexual orientation" be restored into HB 416.

### HEARING ON HB 633

#### Opening Statement by Sponsor:

Representative Russell, District 99, told the Committee that the 1991 session of the legislature enacted HB 103 which protects the mentally ill from incarceration for minor offenses. HB 103 had a delayed effective date of July 1, 1993 and required sheriffs and jail administrators to screen and divert from jail persons who appeared to be mentally ill when they were charged with a minor misdemeanor offense. HB 633 clarifies the term mental disorder so a person is not automatically deemed to have a mental disorder just because a person is under the influence of drugs or alcohol. Clarifications in the definitions are on page 2 and page 6. When persons are intoxicated from drugs or alcohol it is not possible to immediately evaluate them for mental illness. HB 633 would allow the jail to hold individuals until such time as a mental evaluation can be made.

#### Proponents' Testimony:

Beverly Gibson, Montana Association of Counties, read from prepared testimony. (Exhibit #19)

Mike Kauffman, Mental Health Division of the Department of Corrections and Human Services, supports HB 633. HB 633 provides necessary clarification of the law and would assist counties in understanding the requirements of the law.

Joanne McGraph, Director of the Mental Health Association of Montana, supports HB 633.

Kathy McGowen, Chemical Dependency Programs of Montana, supports HB 633.

#### Opponents' Testimony:

NONE

#### Questions From Committee Members and Responses:

NONE

#### Closing by Sponsor:

Rep. Russell closes.

**HEARING ON HB 506****Opening Statement by Sponsor:**

Senator Brown opened for Representative Tash. Senator Brown read from the title of HB 506. "An act allowing a religious group or nonprofit organization to hold a raffle for which the prize is real property certified in writing by a licensed appraiser to be worth more than \$5,000."

**Proponents' Testimony:**

Jim Ahrens, Montana Hospital Association, said someone offered to donate land to a hospital outside of Dillon which is in excess of \$5,000. The hospital in turn would like to hold a raffle on the land and the money would be contributed to the hospital which is a nonprofit entity. Currently, the statute prohibits that type of donation if it is in excess of \$5,000 and then donated to a nonprofit facility and used for a raffle. The Montana Hospital Association supports HB 506.

**Opponents' Testimony:**

NONE

**Questions From Committee Members and Responses:**

Senator Blaylock asked Rep. Tash about the misuse of HB 506, if passed. Rep. Tash does not believe there will be abuse of the law if HB 506 is passed. Rep. Tash said HB 506 could give communities more opportunities to recruit money while relieving the need on the state funding for local projects.

**Closing by Sponsor:**

Rep. Tash said HB 506 would encourage other communities to use this as a method of reinventing government a little bit. HB 506 is an opportunity for real estate to be incorporated into fund raising programs for nonprofit or charity entities by holding a raffle. HB 506 optimizes the amount of money that is returned to the beneficiary and allows the benefactor to take the advantage of an appraised value of the gift. HB 506 would help relieve the state by allowing local funding for community services that otherwise may be demanded of the state.

**HEARING ON HB 191****Opening Statement by Sponsor:**

Representative Strizich, District 41, told the Committee that amusement games were incorporated into the gambling statute. Rep. Strizich said it is important to distinguish amusement games from gambling. The Department of Justice and the Gaming Advisory Council recognizes that amusement games are not a form of gambling, but rather games of skill. Rep. Strizich said the

original language includes a list of amusement games that are authorized in the statute. The list creates a problem in that games of chance, that are not listed in the statute, are not authorized. The Gaming Advisory Council had long discussions on that issue, therefore HB 191 was drafted. The statutes need to be more flexible to allow legitimate businesses, based on amusement games, to continue to operate and to stay current with technology. The Gaming Advisory Council also discussed the awards from the amusement games. HB 191 is trying to be responsive to a market that deals in amusement games. The awards section allows the collection of awards from amusement parlors to be collected over a long period of time and then turned in for a prize.

**Proponents' Testimony:**

Joe McKenney, Fun Factory in Great Falls, told the Committee that the Fun Factory is a family entertainment center. The Fun Factory specializes in video games, pinball machines, and redemption games. Redemption games are games of skill in which a person can win tickets based on their skill level and then redeem the tickets for merchandise. The Fun Factory is supported by families and the Great Falls Elementary Schools. In 1991 a list was added in the statute that included certain games of chance. Unfortunately, if a person won a prize or tickets were redeemed as prizes, the game was declared illegal if it was not on the list. HB 191 defines a game of skill. The definition would allow businesses to update their amusement games as defined in the statute. Another problem with the current statute is the limit on the value of the merchandise that can be sold in an amusement center. There is a limit of \$50 on wholesale items. Mr. McKenney told the Committee that families would like to have the merchandise updated.

Larry Akey, Montana Coin Machine Operators Association, reiterated Mr. McKenney's statement.

Janet Jessup, Gambling Control Division, supports HB 191.

**Opponents' Testimony:**

NONE

**Questions From Committee Members and Responses:**

Senator Brown asked Mr. Akey about cash prizes. Mr. Akey said an award of cash would be illegal. The definition of prize is on the bottom on page 2. A prize is defined as tangible personal property or nontransferable tokens or tickets that may be accumulated or redeemed for tangible personal property.

Senator Brown asked Mr. Akey about the \$50.00 minimum. Mr. Akey said the \$50.00 value affects only the tangible personal property that someone would be awarded at a fair. If tickets or tokens



are awarded they can be accumulated and redeemed for prizes in excess of the \$50.00 wholesale value.

Senator Blaylock asked Rep. Strizich about converting a game of skill to a game of chance. Rep. Strizich said the penalties for illegal gambling are very stiff in Montana, so the chance of someone converting a game would be very slim.

Senator Towe asked Rep. Strizich about the \$.05 limit on the tickets. Rep. Strizich said the award for playing a game of skill is clearly defined in that it is something other than gambling.

Senator Towe asked Rep. Strizich if the limit would cause a problem in the future. Rep. Strizich said no.

Senator Towe asked Mr. McKenney about the most valuable prize in the Fun Factory. Mr. McKenney told the Committee that he had two bicycles. Mr. McKenney told the Committee that it would take 6,000 tickets to be awarded a bicycle.

Senator Brown asked Mr. McKenney about the cost of playing an amusement game. Mr. McKenney told the Committee that all the games at the Fun Factory operate on tokens. The tokens cost \$.25. Approximately six to eight tickets are awarded per play depending on the individual's skill.

**Closing by Sponsor:**

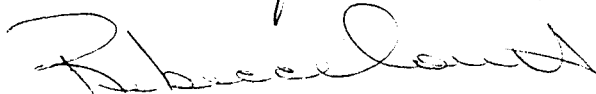
Representative Strizich urged support for HB 191.

**ADJOURNMENT**

**Adjournment:** 11:49 a.m.



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BILL YELLOWTAIL, Chair



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REBECCA COURT, Secretary

BY/rc

# ROLL CALL

SENATE COMMITTEE Judiciary DATE 3-16-93

NAME	PRESENT	ABSENT	EXCUSED
Senator Yellowtail	X		
Senator Doherty			X
Senator Brown	X		
Senator Crippen	X		
Senator Grosfield	X		
Senator Halligan	X		
Senator Harp			X
Senator Towe	X		
Senator Bartlett	X		
Senator Franklin	X		
Senator Blaylock	X		
Senator Rye	X		

FC8

Attach to each day's minutes

SENATE JUDICIARY  
EXHIBIT NO. 1  
DATE 3-16-93  
BILL NO. HB410

# HATE CRIMES IN MONTANA 1992

by  
Bob Liffing  
Director  
Montana Criminal Justice  
Statistical Analysis Center

FEBRUARY 1993

This report was prepared  
with financial assistance from  
the Bureau of Justice Statistics  
Grant 91-BJ-CX-K024

**M** BCC  
Montana Board of Crime Control

The original is stored at the Historical Society, 225 North Roberts Street, Helena, MT 59620-1201. The phone number is 444-2694.

STATE OF MONTANA  
DEPARTMENT OF JUSTICE  
BOARD OF CRIME CONTROL

303 North Roberts - PO Box 201408 - Helena, MT 59620

Joseph P. Mazurek  
Attorney General



Phone (406) 444-3604

FAX (406) 444-4722

SENATE JUDICIARY

EXHIBIT NO. 2

DATE 3-16-93

BILL NO. HB416

**MEMORANDUM**

TO: Senator Yellowtail  
Members of the Senate Judiciary Committee

FROM: Edwin L. Hall  
Executive Director

DATE: March 11, 1993

SUBJECT: HB 416 - Hate Crime Reporting

*In addition to my oral testimony supporting HB 416, I am submitting to you and the Senate Judiciary Committee an outline of the pertinent points as well as copies of material you will find useful. These materials include a copy of the report Hate Crimes in Montana 1992 produced by the Statistical Analysis Center of the Board of Crime Control, and extracts from the documents produced by the FBI related to the Federal Hate Crime Statistics Act (1990) which include the data forms used and a copy of the federal act.*

*As amended by the House, HB 416 differs from the federal hate crime act signed by President Bush in 1990. Regardless, I think that it is very important for the state to make a clear policy statement regarding crimes motivated by bias while at the same time adopting mandatory hate crime reporting. To ignore the possibility of bias motivated crime and to avoid at least measuring the extent of such crime is to hide our heads in the sand. I will be sadly disappointed if, as a state, we choose to ignore the topic. Justice is said to be the rendering to each their due. One preliminary step towards that goal is to be able to quantify the problem as best we can.*

*Testimony to the US House of Representatives revealed that hate crime reporting is supported by the International Association of Chiefs of Police, the National Sheriffs' Association, the UCR (uniform crime reporting) Data Provider's Advisory Policy Board, the International Association of Directors of Law Enforcement Standards and Training. Montana needs to join the ranks of those who require the reporting of hate crimes.*

*Although I think that crime reporting ought to be mandatory for all crimes, starting with hate crime is a good policy statement and a good action.*

*HB 416 (Senate Hearing)  
Outline of Crime Control points*

- ☛ *The federal Hate Crime Statistics Act was signed by President Bush in early 1990*
  - *Data collection and implementation of the Act was delegated to the FBI*
  - *The FBI provided two manuals on hate crime reporting: 1. a data collection guide and format and, 2. a training manual for agencies*
  - *The FBI used their existing uniform crime reporting system (called UCR and/or NIBRS which stands for National Incident Based Reporting System) to collect statistics.*
  
- ☛ *Uniform crime reporting is voluntary in Montana in either UCR or NIBRS*
  - *There are about 130 law enforcement agencies which would be required to report hate crimes under HB 416*
  - *Currently about 88 agencies voluntarily participate in UCR or NIBRS which cover 80-90% of the state's population*
  
- ☛ *MBCC implemented the federal version of hate crime reporting by using the FBI forms, definitions and training in 1992.*
  - *A copy of the 1992 report is available but assuredly under estimates the crime due to training needs*
  - *Training is a major issue in hate crime reporting*
  - *Two tier reporting is needed to assure proper classification of crimes. Officer/records clerks and a supervisor ("Expert") to confirm the classification*
  - *The current system is a paper system using the FBI forms*
  
- ☛ *Hate Crime in both the federal act and in HB 416 does not create a new offense*
  - *Hate crimes are existing crimes (eg, assault, vandalism, intimidation) which are motivated by bias or hate*
  - *BIAS MOTIVATION is the key issue. Evidence about motive is needed to properly classify a crime as a hate crime*
  
- ☛ *Hate crimes, that is bias motivated crimes, clearly exist in Montana.*
  - *a forthcoming but not yet released report of the US Commission on Civil Rights, Rocky Mountain Region will document further examples not reported to MBCC*
  
- ☛ *A some point we, as a state, need to consider mandatory reporting of all crimes.*

HATE CRIME INCIDENT REPORT

Initial  Adjustment  ORI  Date of Incident  /  /

Incident No.  Page  of  of Same Incident

UCR Offense

UCR Code # of victims #1 #2 #3 #4 #5 #6

Offense Code

- 01 Murder 07 Motor Vehicle Theft
02 Forcible Rape 08 Arson
03 Robbery 09 Simple Assault
04 Aggravated Assault 10 Intimidation
05 Burglary 11 Destruction (Damage)
06 Larceny-Theft Vandalism

SENATE JUDICIARY EXHIBIT NO. 3

Location (Check one for Offense #1)

DATE 3-16-93

- 01 Air / Bus / Train Terminal 14 Hotel / Motel / etc.
02 Bank / Savings and Loan 15 Jail / Prison
03 Bar / Night Club 16 Lake / Waterway
04 Church / Synagogue / Temple 17 Liquor Store
05 Commercial / Office Building 18 Parking Lot / Garage
06 Construction Site 19 Rental Storage Facility
07 Convenience Store 20 Residence / Home
08 Department / Discount Store 21 Restaurant
09 Drug Store / Dr.'s Office / Hospital 22 School / College
10 Field / Woods 23 Service / Gas Station
11 Government / Public Building 24 Specialty Store (TV, Fur, etc.)
12 Grocery / Supermarket 25 Other / Unknown
13 Highway / Road / Alley / Street

BILL NO. HB416

Enter Location Code if Different from Offense #1

#2 #3 #4 #5 #6

Bias Motivation (Check one for Offense #1)

Racial

- 11 Anti - White
12 Anti - Black
13 Anti - American Indian / Alaskan Native
14 Anti - Asian / Pacific Islander
15 Anti - Multi - Racial Group

Religious

- 21 Anti - Jewish
22 Anti - Catholic
23 Anti - Protestant
24 Anti - Islamic (Moslem)
25 Anti - Other Religion
26 Anti - Multi - Religious Group
27 Anti - Atheism / Agnosticism / etc.

Enter Bias Motivation Code if Different from Offense #1

#2 #3 #4 #5 #6

Ethnicity / National Origin

- 31 Anti - Arab
32 Anti - Hispanic
33 Anti - Other Ethnicity / National Origin

Sexual

- 41 Anti - Male Homosexual (Gay)
42 Anti - Female Homosexual (Lesbian)
43 Anti - Homosexual (Gay and Lesbian)
44 Anti - Heterosexual
45 Anti - Bisexual

Victim Type: For each offense code listed above, check all applicable victim types.

Victim Type:

Table with columns for Offense Code #1-6 and Victim Type 1-8 (Individual, Business, Financial Institution, Government, Religious Organization, Society / Public, Other, Unknown).

Total # of Victims

\*Indicate the total number of individual victims involved in the incident.

Number of Offenders  (Use "00" for "Unknown")

Suspected Offenders' Race as a Group (Check one)

- 1 White 3 American Indian / Alaskan Native 5 Multi - Racial Group
2 Black 4 Asian / Pacific Islander 6 Unknown

SENATE JUDICIARY  
EXHIBIT NO. 4  
DATE 3-16-93  
BILL NO. HB416



U.S. Department of Justice  
Federal Bureau of Investigation

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## Summary Reporting System

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## National Incident-Based Reporting System

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*Training Guide  
for  
Hate Crime Data Collection*

Uniform Crime Reporting

## TRAINING GUIDE FOR HATE CRIME DATA COLLECTION

### Purpose and Scope

The material provided in this "training guide" is intended to assist law enforcement agencies in the task of establishing a hate crime training program for their personnel. It provides suggested "model" reporting procedures, as well as training aids for sensitizing street officers to the hate crime problem. Further training material can be obtained from the organizations listed in Appendix A, captioned "Organizations Offering Information Concerning Anti-Bias Education." Assistance in these matters may also be requested from the nearest regional office of the Community Relations Service (CRS) of the Department of Justice (DOJ). (See Appendix D for list of regional offices.)

The FBI's Uniform Crime Reports (UCR) Section is grateful to all who have assisted in gathering the enclosed materials. A special note of thanks is given to the New York City Police Department, the Boston Police Department, and the Baltimore County Police Department for their guidance, suggestions, and assistance in matters that relate specifically to law enforcement concerns.

Gratitude is also expressed to the DOJ Civil Rights Division, Criminal Section, and to CRS for their assistance and resources.

### The Nature of Hate Crime

Ronald Dworkin, Ph.D, in his work entitled Taking Rights Seriously, stated that "justice as fairness rests on the assumption of a natural right of all men and women to equality of concern and respect, a right they possess not by virtue of birth or characteristics or merit or excellence but simply as human beings." Dr. Dworkin's words reflect the Constitutional protections which are guaranteed to all Americans. And yet, there are those who are victimized, sometimes subtly and other times very overtly, for no reason other than the color of their skin, the religion they profess, the heritage of their parents, or their sexual orientation. It is most unsettling to the victims because there is nothing they can do to alter the situation, nor is there anything that they should be expected to change. Not only is the individual who is personally touched by these offenses victimized, but the entire class of individuals residing in the community is affected.

For these reasons, law enforcement officers must be particularly skillful in responding in such a way that the trauma of the victim and the community is not exacerbated by a lack of sensitivity in the law enforcement response. Like rape victims, victims of hate crimes suffer possible serious and long-lasting traumatic stress which could be increased by an inappropriate law enforcement response.

### Federal Hate Crime Legislation

In response to a growing concern about such crimes, the President, on April 23, 1990, signed into law the "Hate Crime Statistics Act of 1990" (see Appendix B). The Act requires the Attorney General to establish guidelines and collect, as part of the UCR Program, data "about crimes that manifest evidence of prejudice based on race, religion, sexual orientation, or ethnicity, including where appropriate the crimes of murder, non negligent manslaughter; forcible rape; aggravated assault, simple assault, intimidation; arson; and destruction, damage or vandalism of property." The Attorney General is required to begin acquiring hate crime data in calendar year 1990.



Another reason this approach is attractive is the fact that the FBI is in the process of upgrading the UCR Program from a "tally" system, known as the "Summary Reporting System (SRS)," to a "unit-record" system, known as the "National Incident-Based Reporting System (NIBRS)." NIBRS will collect and publish much more comprehensive data on the victims, offenders, and the circumstances of crime. It only requires the addition of a single new data element to NIBRS to provide the capability for flagging criminal incidents as bias motivated.

Agencies not yet participating in NIBRS and those participating but not ready to implement the data element will submit their data on Quarterly Hate Crime Reports. A sample of the Quarterly Report is enclosed as Appendix C. The form will require the entry of a limited amount of information, i.e., the incident number, type of offense, type of bias motivation, type of victim, location type, number of offenders, and the offender's race. The Quarterly Report is to be submitted in addition to the regular reporting procedures.

See the publication, "Hate Crime Data Collection Guidelines," for additional information regarding the procedures to be used in reporting hate crime data to the national UCR Program.

### Use of the Enclosed Training Modules

Three learning modules are included in this training guide for use in instructing law enforcement personnel on hate crime matters. The modules are in no way exhaustive or exclusive of either what can be taught or the way the material should be taught. Rather, they are intended merely as a suggested approach to such instruction. In order to obtain the most benefit from the materials, they should be tailored to meet your agency's unique needs. The reader may also be interested in the model training programs produced by the International Association of Chiefs of Police (IACP) and the National Organization of Black Law Enforcement Executives (NOBLE). This training information is available by contacting these organizations directly.

### Learning Module One

"Learning Module One: The Social Psychology of Prejudice" is directed at the very heart of bias-related criminal behavior, namely, motivation. As an introduction to the social psychology of prejudice, it will direct the student to look at the relationship of bias to stereotypical beliefs, prejudicial attitudes, and discriminatory behavior. It will encourage the student to examine some of the major psychological motivations underlying prejudice, as well as various social contexts which encourage or impede particular behaviors. The purpose of this module is two-fold. First, it will give the student some understanding of how and why prejudice develops. Second, it will increase the sensitivity of the student to the impact of hate crimes on the victim and the community.

### Learning Module Two

"Learning Module Two: Bias-Motivated Crimes--Definitions & Procedures" provides definitions of terms law enforcement officers need to know in dealing with hate crime. Also included is a suggested law enforcement "model" hate crime reporting system that can be adapted for use in large, medium, or small law enforcement agencies.

EXHIBIT 4  
DATE 3-16-93  
HB 416

Another reason this approach is attractive is the fact that the FBI is in the process of upgrading the UCR Program from a "tally" system, known as the "Summary Reporting System (SRS)," to a "unit-record" system, known as the "National Incident-Based Reporting System (NIBRS)." NIBRS will collect and publish much more comprehensive data on the victims, offenders, and the circumstances of crime. It only requires the addition of a single new data element to NIBRS to provide the capability for flagging criminal incidents as bias motivated.

Agencies not yet participating in NIBRS and those participating but not ready to implement the data element will submit their data on Quarterly Hate Crime Reports. A sample of the Quarterly Report is enclosed as Appendix C. The form will require the entry of a limited amount of information, i.e., the incident number, type of offense, type of bias motivation, type of victim, location type, number of offenders, and the offender's race. The Quarterly Report is to be submitted in addition to the regular reporting procedures.

See the publication, "Hate Crime Data Collection Guidelines," for additional information regarding the procedures to be used in reporting hate crime data to the national UCR Program.

### Use of the Enclosed Training Modules

Three learning modules are included in this training guide for use in instructing law enforcement personnel on hate crime matters. The modules are in no way exhaustive or exclusive of either what can be taught or the way the material should be taught. Rather, they are intended merely as a suggested approach to such instruction. In order to obtain the most benefit from the materials, they should be tailored to meet your agency's unique needs. The reader may also be interested in the model training programs produced by the International Association of Chiefs of Police (IACP) and the National Organization of Black Law Enforcement Executives (NOBLE). This training information is available by contacting these organizations directly.

### Learning Module One

"Learning Module One: The Social Psychology of Prejudice" is directed at the very heart of bias-related criminal behavior, namely, motivation. As an introduction to the social psychology of prejudice, it will direct the student to look at the relationship of bias to stereotypical beliefs, prejudicial attitudes, and discriminatory behavior. It will encourage the student to examine some of the major psychological motivations underlying prejudice, as well as various social contexts which encourage or impede particular behaviors. The purpose of this module is two-fold. First, it will give the student some understanding of how and why prejudice develops. Second, it will increase the sensitivity of the student to the impact of hate crimes on the victim and the community.

### Learning Module Two

"Learning Module Two: Bias-Motivated Crimes--Definitions & Procedures" provides definitions of terms law enforcement officers need to know in dealing with hate crime. Also included is a suggested law enforcement "model" hate crime reporting system that can be adapted for use in large, medium, or small law enforcement agencies.

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The most important aspect of the model concerns the two-tier reviewing process. The purpose of the two-tier procedure is to ensure that suspected bias-motivated incidents undergo two levels of review within the reporting agency. Under the model system, the officer who responds to the incident is responsible for determining whether there is any indication that the offender was motivated by bias. If so, the responding officer should designate the incident as a "Suspected Bias Crime" and pass it on for review by a second officer (or unit) possessing greater expertise in hate crime matters. This latter officer or unit has the responsibility for making the final decision as to whether the incident constitutes a hate crime. It is only after the incident has undergone the second review and is determined to be a hate crime that it is ready to be reported as such to the national UCR Program.

### **Learning Module Three**

The third learning module, "Learning Module Three: Case Study Exercises of Possible Bias-Related Crimes," gives the student officer the opportunity to apply his/her newly gained knowledge of hate crime matters to hypothetical cases. The student is to read each case scenario and: (1) classify the type of offense(s) involved in the incident; (2) classify the incident as either an "Unbiased Incident" or a "Suspected Bias Incident"; and (3) provide reasons for his/her decisions.

### **Conclusion**

The enactment of Federal legislation requiring the collection and publication of nationwide hate crime statistics underscores the emphasis now being placed on hate crime. National statistics will result in greater awareness and understanding of the true dimensions of the problem nationwide; and that, in turn, will result in further benefits. Those charged with the enforcement of the law will be better able to quantify their resource needs and do a better job of directing available resources to the areas where they will have the most effectiveness. Likewise, community service organizations and groups will be better able to respond to the needs of the victims.

As hate crime offenders are brought to justice and the victims regain their sense of personal safety and respect, justice will be served because it can then be truly said that the rights of individuals under the Constitution will be theirs "not by virtue of birth or characteristics or merit or excellence, but simply as human beings."

Public Law 101-275  
101st Congress

An Act

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

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

Hate Crime  
Statistics Act.  
28 USC 534 note.

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

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

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

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

Research and  
development.

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

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

Appropriation  
authorization.

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

28 USC 534 note.

SEC. 2. (a) Congress finds that—

EXHIBIT 4  
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(1) the American family life is the foundation of American Society,

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

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

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

Approved April 23, 1990.

**TESTIMONY OF ANNE L. MACINTYRE, BOARD MEMBER  
NORTHWEST COALITION AGAINST MALICIOUS HARASSMENT  
HOUSE BILL 416  
SENATE JUDICIARY COMMITTEE  
MARCH 16, 1993**

I serve on the board of directors of the Northwest Coalition against Malicious Harassment (NWCAMH). The NWCAMH encourages the development of bias crime reporting mechanisms in each of the 5 states in its geographic region, which includes Washington, Oregon, Idaho, Montana, and Wyoming. NWCAMH is a group of over 200 organizations in this 5-state area which formed in 1987 to address the growing threat of the racist right in our region. We attempt to counter this threat through education and promotion of tolerance. Bias motivated crime is a serious and growing problem in Montana as well as the rest of the nation. An important element of responding to this problem is having an accurate picture of the dimensions of the problem and HB416 would help achieve the goal of having accurate information.

Of the 5 states in our region, three, Washington, Oregon and Idaho, have adopted state bias crime reporting laws. Oregon has been in the forefront on this issue. Attached is a copy of the portion of the December 1992 State of Oregon report on bias crimes showing the 1990-91 statistics for your information. Pages 2-10 and 2-11 also provide a sampling of the 488 incidents reported in Oregon during 1991. Training in the recognition of bias motivated crime, as contemplated in Sec. 4 of this bill has been key to Oregon's successful reporting system. We would be pleased to see a comparable system developed in Montana.

We also hope HB416 will be amended to include tracking for crimes motivated by bias against persons because of their sexual orientation. This would make the state law consistent with the federal law in this respect.

Thank you for your consideration and I hope you will recommend that HB416 be concurred in.

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**SENATE JUDICIARY**  
**EXHIBIT NO. 5**  
**DATE 3-16-93**  
**FILE NO. HB416**

## OREGON BIAS CRIME STATISTICS SUMMARY January through December 1991

The 1989 Oregon legislature passed Senate Bill 606 requiring law enforcement agencies to report crimes motivated by prejudice to the State Executive Department. The Law Enforcement Data System (LEDS) in the Criminal Justice Services Division is the collecting agency. Law Enforcement agencies report these Bias Crime incidents by sending a copy of the police report to LEDS.

The number of bias crimes reported for the year of 1991 is considerably higher than the year of 1990.

There are several possible reasons for this apparent increase:

- An actual increase in the number of crimes committed where prejudice is the primary contributing factor.
- Media publicity, social awareness, and increasing willingness of victims to report to the local police agencies.
- Increased local police agency training and sensitivity regarding the identification, handling, and reporting of bias motivated crimes.

**SENATE JUDICIARY**

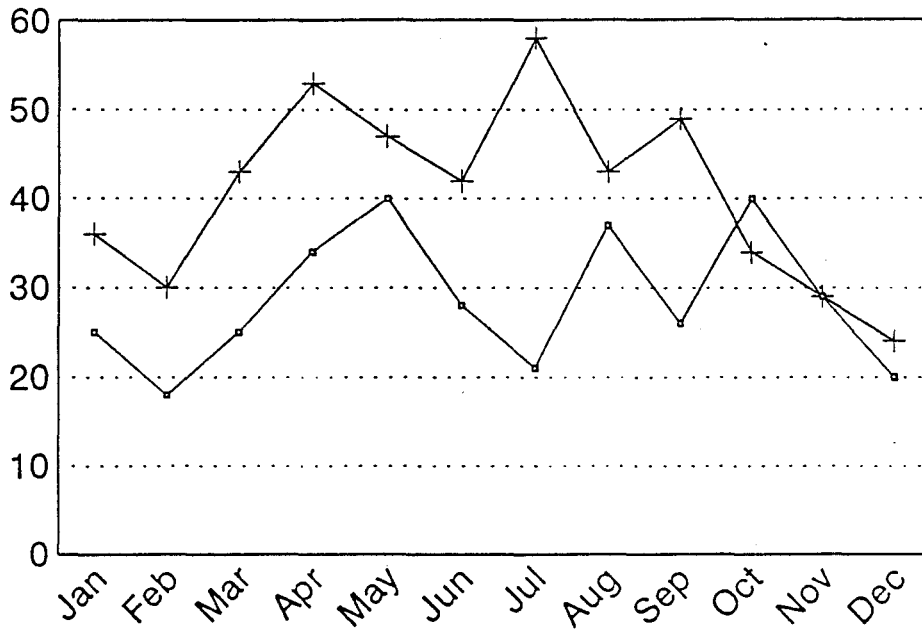
EXHIBIT NO. 6

DATE 3-16-93

BILL NO. HB416

# Bias Crime

## Total By Month

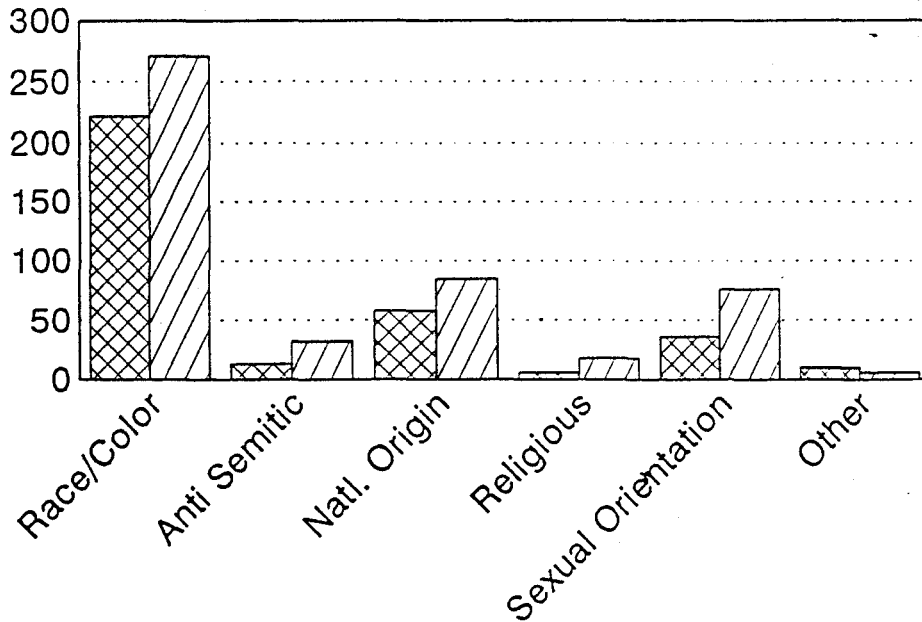


1990	25	18	25	34	40	28	21	37	26	40	29	20
1991	36	30	43	53	47	42	58	43	49	34	29	24

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## By Type of Prejudice

### Jan-Dec 1990 Compared to Jan-Dec 1991



1990	222	13	58	6	36	10
1991	271	32	85	18	76	6



A. Reported incidents per month:	January through December	January through December
	1990	1991
January	25	36
February	18	30
March	25	43
April	34	53
May	40	47
June	28	42
July	21	58
August	37	43
September	26	49
October	40	34
November	29	29
December	20	24

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Total 343 488

B. Reported incidents by type of crime:

Forcible Rape		2
Aggravated Assault	64	87
Simple Assault	68	89
Robbery	10	19
Theft	3	4
Vandalism	65	97
Intimidation	49	65
Other	84	122
Burglary		3
Total	343	488

C. Reported Property Loss Values: \$15,739 \$8,512

D. Reported incidents by type of prejudice:

Race/Color	222	271
Anti-Semitic (Jewish)	13	32
National Origin *	56	85
Religious	6	18
Political/Beliefs	10	6
Sexual Orientation	35	76
Labor Union	1	
Total	343	488

\* Includes 13 incidents related to Arab/Middle East prejudice.

E. Number and description of victims:

	January through December 1990	January through December 1991
Asian Male	8	36
Asian Female	12	15
Total	20	51
Black Male	90	134
Black Female	35	52
Total	125	186
Hispanic Male	51	82
Hispanic Female	4	15
Total	55	97
Indian Male	3	4
Indian Female	1	1
Total	4	5
White Male	148	175
White Female	39	98
Total	187	273
Schools	4	9
Churches	5	16
Parks & other sites	25	32
Total	34	57
Victim Total	425	669

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 EXHIBIT NO. 9  
 DATE 3-16-93  
 BILL NO. HB 416

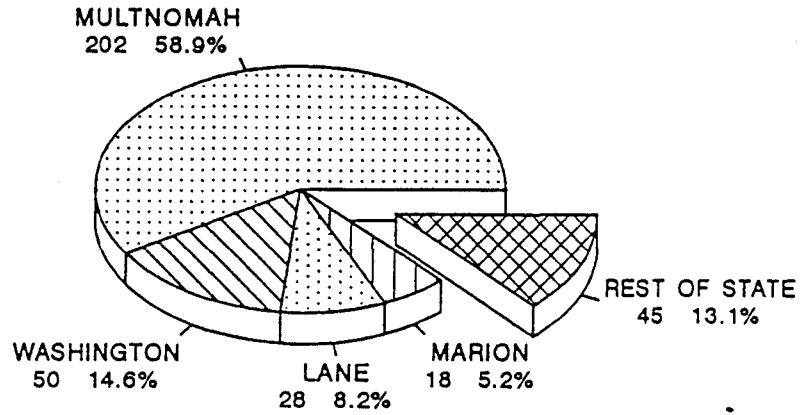
F. Number and description of offenders:

		January through December 1990	January through December 1991
Asian Male		2	11
Asian Female			1
	Total	<u>2</u>	<u>12</u>
Black Male		136	109
Black Female		11	37
	Total	<u>147</u>	<u>146</u>
Hispanic Male		10	24
Hispanic Female			4
	Total	<u>10</u>	<u>28</u>
Indian Male		1	4
	Total	<u>1</u>	<u>4</u>
White Male		461	480
White Female		161	42
	Total	<u>622</u>	<u>522</u>
	Offender Total	<u>782</u>	<u>712</u>

SENATE JUDICIARY  
 EXHIBIT NO. 10  
 DATE 3-16-93  
 FILE NO. HB4116

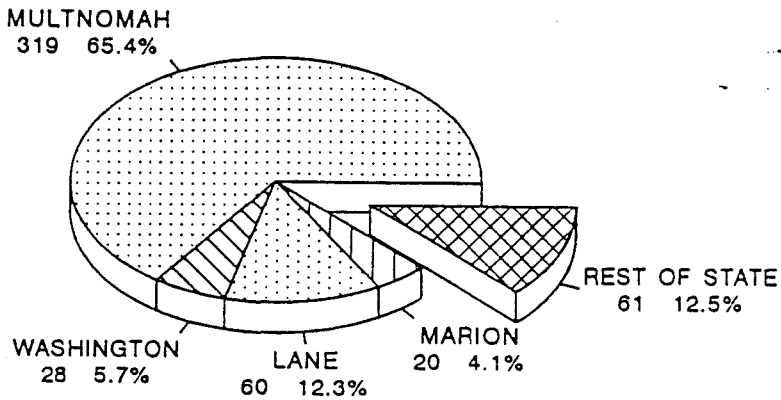
# CRIMES MOTIVATED BY PREJUDICE by AREA 1990 and 1991

1990



1990 Total = 343

1991



1991 Total = 488

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EXHIBIT NO. 11  
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G. REPORTED OFFENSES BY COUNTY OF OCCURRENCE

County	January through December 1990	January through December 1991	January through December 1991 - by Type					
			Race	National Origin	Anti-Semitic	Sexual Orientation	Religion	Other
Baker								
Benton	5	9	4	3	1		1	
Clackamas	5	3	3					
Clatsop	3	2	1		1			
Columbia	2	2	2					
Coos	2	1	1					
Crook		2		1		1		
Curry		1	1					
Deschutes	2							
Douglas	6	9	6	2		1		
Gilliam								
Grant		1	1					
Harney								
Hood River								
Jackson	5	11	6	3	1	1		
Jefferson	1							
Jospehine								
Klamath	1	6	5	1				
Lake								
Lane	28	60	29	8	2	16	4	1
Lincoln	3	2	2					
Linn	4	6	3	3				
Malheur								
Marion	18	20	12	5	1	2		
Morrow								
Multnomah	202	319	185	43	26	50	10	5
Polk	1	2	2					
Sherman								
Tillamook		1				1		
Umatilla								
Union	1	1		1				
Wallowa								
Wasco	2	1		1				
Washington	50	28	10	12		3	3	
Wheeler								
Yamhill	2	1		1				
<b>TOTAL</b>	<b>343</b>	<b>488</b>	<b>273</b>	<b>84</b>	<b>32</b>	<b>75</b>	<b>18</b>	<b>6</b>

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**A SAMPLING OF THE 488**  
**BIAS CRIME INCIDENTS FOR 1991**  
**BY OFFENSE DESCRIPTIONS**

Rape: A White female adult was forcibly raped by two young White male adult offenders who said they did it because they knew she was a lesbian.

Harassment: A sticker bearing the words "WE ARE THE KNIGHTS OF THE KU KLUX KLAN, WE ARE WATCHING YOU AND WE DON'T LIKE WHAT WE SEE" was left on the door of a local health club with obvious multi-racial membership.

Simple Assault: A young Asian female juvenile was pushed to the ground, kicked in the head, called a "gook" and told to go back to her own country, by a young Black male adult.

Harassment: Several White youths and one Black youth were confronted by a group of White Supremacists. There were racial slurs and other insults yelled by the supremacist group. A fight started and several people were reportedly injured in the altercation which broke up before the police arrived.

Aggravated Assault: During a Party at a private residence, a young Black male adult was struck in the head with a beer bottle by one of a large group of Skinheads that crashed the party. The assault escalated into a fight between 30 to 50 persons fighting with sticks, clubs and bottles.

Harassment: A Jewish Commission office received a phone call where the caller identified himself as a member of the "Anti-Jewish-League" and went on to advise that all members of the organization would be killed the next Saturday.

Harassment: After publicly stating his political and social views on a television talk show a White male adult homosexual was verbally threatened by another White male adult talk show participant.

Simple Assault: An adult Hispanic male was verbally harassed and then assaulted by another Hispanic adult male for being gay.

Harassment: Messages were left on the answering machine of a Jewish synagogue including obscenities, anti-Jewish statements and threats to blow up the synagogue.

Aggravated Assault: Three male adult Laotians were standing in their driveway when a car that had been following them returned. One of the passengers opened fire with an automatic or semi-automatic weapon and sprayed the immediate area with about eight shots which struck the garage door and two automobiles. The victims stated that the offenders were Vietnamese and the only plausible reason for the attack was that there was no love lost between the two cultures.

Harassment: Two Hispanic male juveniles in a city park were confronted by five White male juveniles. The victims were physically assaulted and called anti-Hispanic names and told not to return to the park.

Aggravated Assault: A White male adult was kicked and struck in the face by five Asian males upon leaving a night club. The offenders yelled anti-white slurs and threats towards the victim.

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BILL. NO. H.B. 4116  
2-10

Robbery: A young White male adult was approached by six young Black males, told that this was a "CRIP" block and that his kind was not wanted around there. They demanded money and then beat him badly before taking his pocket change. They then grabbed his White female companion and searched her purse, clothing and underclothing for money.

Robbery: A Black female adult was approached by two young White male (Skinhead Appearing) adults who called her anti-racial slurs and put what felt like a knife to her back while they took her purse and ran off.

Harassment: A White male adult received a phone call where the caller advised that he had been hired to kill him for being a "Prejudiced White Boy" who made life miserable for lots of people.

Aggravated Assault: A young Hispanic male juvenile, on his way to school, was called racial slurs, struck with fists, knocked to the ground, and then repeatedly kicked by four older White males with shaved heads and wearing black combat boots and bomber jackets.

Aggravated Assault: Two Black male adults were assaulted and injured by three White males swinging clubs and using anti-racial slurs and yelling "White Power".

Vandalism: A Black male adult, who had been racially harassed by a White male adult neighbor, had a swastika, the words "White Power", and a strange symbol chalked onto his driveway.

SENATE JUDICIARY

EXHIBIT NO. 14

DATE 3-16-93

FILE NO. HB410

# Racist thugs beat youth with bat, city police say

By NICK EHLI  
Of the Gazette Staff

A gang of five youths, including at least one skinhead, beat a Billings teenager with a baseball bat in a racially motivated attack early Monday morning, Police Chief Wayne Inman said.

"This makes me believe we have entered a new era in this city," Inman said Tuesday. "We have crime based on race. I really didn't want to see this happen, but I can't say that I'm totally surprised."

The 14-year-old was walking near Calhoun Lane and Stone Street at about 2:30 a.m. Monday when he was attacked without provocation, Inman said.

During the assault, the gang yelled racial slurs at the victim, whose race Inman declined to identify. The youth was knocked unconscious when one of the attackers hit him across the face with a baseball bat, Inman said.

When the victim awoke, he walked to a nearby friend's house and was taken to Deaconess Medical Center. He was treated for his injuries, including a severe cut on his nose, and was released later Monday.

Inman said police don't have suspects in the assault, but he did say that detectives would be questioning members of the Northwest United Skinheads, whose known activities have been limited to posting fliers. Police

are also aware of other "hate" organizations operating in Billings.

"Of course we have people of interest that we will be talking to, but they are not to be classified as suspects yet," Inman said. "I can promise the community that this will be a very aggressive investigation."

The victim was able to describe three of the five attackers. All were white males in their teens. One had a shaved head and was identified by the victim as a skinhead, Inman said. The second had long brown hair, and the third had short red hair and glasses.

James Pace, a spokesman for the Billings skinhead organization, denied any involvement by himself or his group.

"They're trying to blame it on someone, but it wasn't us," Pace said Tuesday. "It's a bad thing. It happened, but it wasn't me, and it wasn't my friends."

Inman said those responsible for the crime will be arrested for malicious intimidation, a felony, rather than a simple assault. Federal authorities have also pledged to investigate hate crimes as possible civil rights violations, U.S. Attorney Doris Poppler said.

In larger cities, Inman said, hate groups that begin peacefully often turn violent. He said he suspected that such a progression would eventually occur in Billings.

"I've been saying all along that hate activity equals hate crime," Inman said.

Organizers of the Community Coalition to Oppose Hate Groups reacted with grief and concern Tuesday when they learned of the attack.

"I'm sorry for this young man," said the Rev. Robert Freeman. "But I'm not about to let these types of actions stop me from seeking unity amongst all people in Billings or anywhere else."

Margie MacDonald, executive director of the Montana Association of Churches, agreed.

"This just underscores the need for the community to come together against hate groups and groups who preach violence," MacDonald said. "The more of us who speak out, the better off this community will be."

## New display features Custer mementos

By LORNA THACKERAY  
Of the Gazette Staff

LITTLE BIGHORN BATTLEFIELD — A major new exhibit featuring mementos that once belonged to Lt. Col. George Custer has recently been completed at Little Bighorn Battlefield National Monument.

Most of the mementos, some being publicly exhibited for the first time, were part of the extensive collection donated by Custer's widow, Elizabeth, who died at the age of 91 in 1933. Mrs.

The battlefield has the premier Custer collection in the world," McChristian said. "We want to impress upon visitors that the objects they see here are the real thing, not just period look-alikes or reproductions."

The purpose of the exhibit is to give a human dimension to a man who has attained legendary proportions as both a hero and a villain.



## Tax-benefit deadline set

By JUNE RAMBO  
For the Gazette

LEWISTOWN — The deadline for applying for retroactive tax benefits for improvements to property is 5 p.m. Thursday, says City Alderman Sam Rodriguez.

It was decided to set deadline on the applications so all of the retroactive requests could be considered at one time and treated equally.

The Lewistown City Council

Tax relief is granted on a graduated basis over five years on property improvements to existing structures.

The city has received \$2 applications to date. Seventeen applications are for retroactive benefits, with several coming from condominium owners at Fountain Terrace. Fifteen are for regular benefits for improvements. Improvements made prior to the resolution passed in 1989 will not be considered.



STATE JUDICIARY

EXHIBIT NO. 13

DATE 3-16-93

BILL NO. HB416

Sunday, October 11, 1992

108th year, No. 165

Billings, Mont.

**'This country is for white people.'**  
— James Pace of Northwest United Skinheads



James Pace, foreground, and Luke Stalder are founders of the Northwest United Skinheads, a Montana "white power" group.

SILENCE IS ACCEPTANCE

## Skinheads organize in Billings

Language in this article may be offensive to some readers.

Story by NICK EHLE  
Of the Gazette Staff

**W**EARING steel-toed boots and an Iron Cross on his chest, James Pace proudly declares he is a racist.

The 18-year-old Billings construction worker believes in slavery, calls Nazism "the greatest movement ever" and refers to Martin Luther King as "Martin Luther Coon."

Pace has a letter tattooed on each knuckle. When he puts his fists side by side, the letters spell "skinhead." To appease his landlord, he painted over the swastikas on the living room wall of his apartment in central Billings.

Pace is proud of being a skinhead — proud of the "white power" that the white supremacy movement is striving for. Police say he carries a small knife in his boot.

Pace seems even prouder, however, that state and national human rights activists believe his group — the Northwest United Skinheads — is the first of its kind in

# HATE

"This country is for white people," Pace said recently in an interview laced with racial slurs and obscenities. "The (expletive) niggers and the (expletive) Jews, they just don't belong."

According to Ken Toole, president of the Montana Human Rights Network, skinheads have previously passed through the state, but Pace's is the first such group known to have settled in Montana.

The small faction's activities have so far been mostly limited to handing out fliers in Billings, including at Logan International Airport when Vice President Dan Quayle recently visited. Still, human rights activists say the group poses a threat to the city's minority population.

"I have no doubt that where there are hard-core racists like this for any period of time, there will be cases of malicious harassment," said Bill Wassmuth, director of the Seattle-based Northwest Coalition Against Malicious Harassment. "In time, they will act on their beliefs in some fashion."

Skinheads originated in England in the 1960s when a group of low-income laborers protested the number of immigrants being

## Leaders call racist ideas intolerable

**H**UMAN RIGHTS activists and local minority leaders warn that the racist views of a fledgling group of Billings skinheads should not be ignored by the community.

"It's intolerable and merits the greatest resistance," said Uri Barnea, a Jewish representative on the Montana Human Rights Network.

"They do not have a place in civilized society," said Barnea, conductor of the Billings Symphony Orchestra. "Certainly not in American society."

Although Bobby Lake, a professor of Native American Studies at Eastern Montana College, believes in any group's right to free speech, he called such supremacist groups "a sickness of society."

it this is an actual threat, I don't think it can be tolerated by the community. The bottom line is, this is a multicultural society.

Ken Toole, president of the Montana Human Rights Movement, said that if a community wants to discourage groups like the Northwest United Skinheads from remaining in Montana, "the time to speak out about it is now, while they're still small."

"Community after community has found that if you are not vocal, if you accept a movement, it will grow," Toole said. He said, however, that Billings' white population, and not just its minorities, should step forward.

"Those of us who aren't the traditional targets of these people don't realize how spooky they are," Toole said. "We don't have to fear the immediate attacks that the traditional targets do. The community must rally and support those traditional target groups and support them being here."

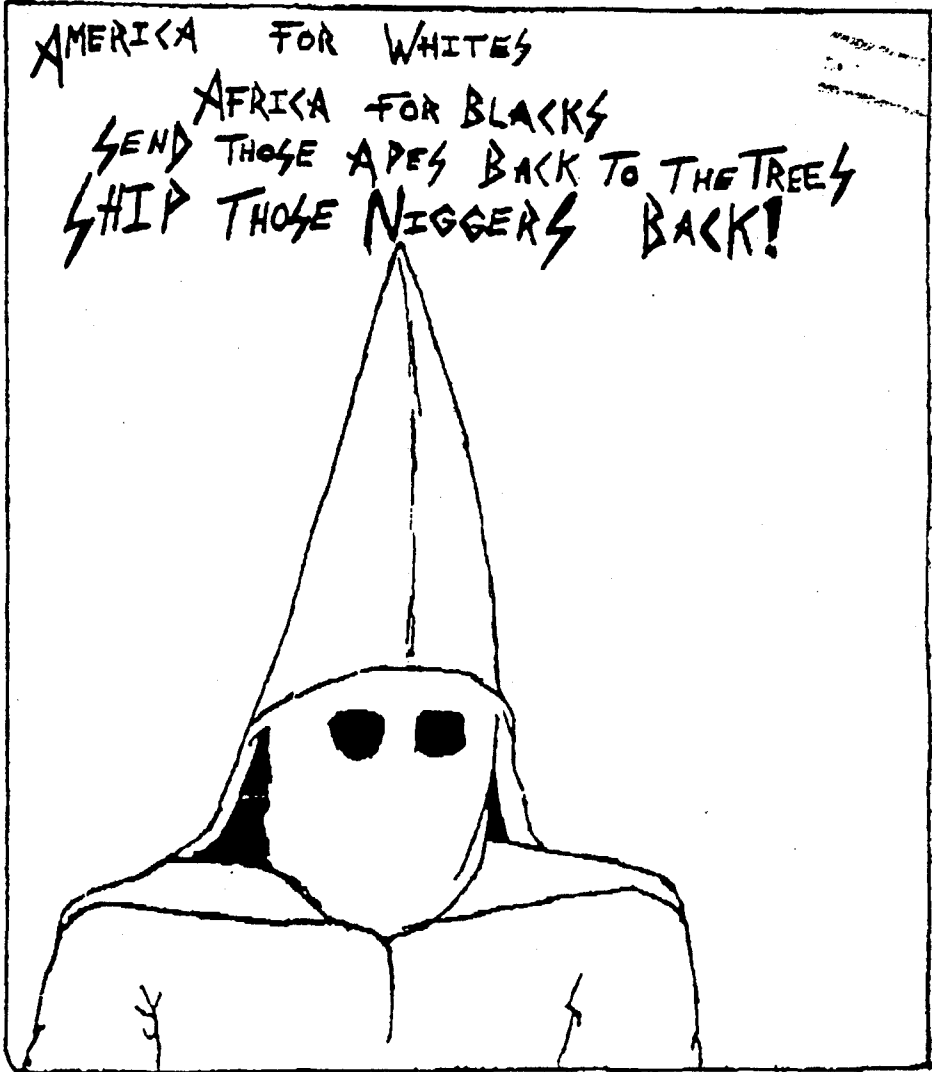
The first step toward doing that, said Russ Brown, a volunteer for a newly formed human rights group in Billings, is believing that racist groups exist in the city.

"There is a lot of denial that this kind of group could ever form in Billings," Brown said.

Dr. Brian Schnitzer, a Billings representative to the Montana Association of Jewish Communities, agreed, and added that other white supremacist groups — "monsters in different clothing" — already exist in Billings as well.

"We are aware of it," Schnitzer said. "It's hard to forestall. We're

BET



FOR MORE INFO CONTACT

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

P.O. BOX 101  
BILLINGS, MT 59103



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

SENATE JUDICIARY

EXHIBIT NO. 16

DATE 3-16-93

PH. NO. HB416

Post-It™ brand fax transmittal memo 7671 # of pages 2

To	LINDA GRYCFEN	From	KURT NELSON
Co.		Co.	

# DOES GOD SUPPORT HOMOSEXUALITY?

## WHAT DOES THE BIBLE SAY?

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

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

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

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

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

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

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

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

Ever since prayer has been outlawed in schools the moral fiber of America has been under constant attack from all sides. The influence of ANTI CHRISTIAN RAP LYRICS of such modern

bands such as As Nasty AS We Wanna Be, and Public Enemy are having a devastating affect on our children.

Please be aware of what is going on in your own community. The very future of our nation depends on us being aware.

THIS PUBLIC SERVICE BULLETIN WAS BROUGHT TO YOU BY YOUR LOCAL CHAPTER OF THE KNIGHTS OF THE KU KLUX KLAN.

THE CHRISTIAN SECRET SERVICE  
WE ARE HERE TO SERVE YOU  
GOD BLESS YOU ALL  
OUR PRAYERS ARE WITH YOU

If you would like to stay informed on what the EXTREME LEFT is doing. Write to the EXTREME RIGHT. WE KNOW what the liberal media won't tell you.

Having trouble finding that forgotten quote? That real good article on PRO-LIFE but you can't remember what issue it was in and would like a copy? Or you may have a question pertaining to an issue of your concern.

PLEASE WRITE

Our research staff the K B I (Klan Bureau of Investigation) is available to you.  
FREE OF CHARGE

MONTANA QUEST  
1517 14TH ST. WEST, SUITE # 239  
BILLINGS, MT 59102

Mr. Chair and Members of the Committee,

My name is Lorene. I have lived in Montana for 13 years and I lived and worked in Basin for 5 of those years.

I want to talk to you today about what it feels like to be threatened with a hate crime because of my sexual orientation.

The experience I wish to share took place 10 years ago in Basin - it was not an isolated incident- many other lesbians were faced with other threats of violence at that time.

I was out for my usual walk from my house to downtown Basin when I was accosted by one of the most aggressively antagonistic men in Basin.

I filed a police report immediately after the incident and kept a record of exactly what was said to me.

He said, and I quote "time is running short." I asked him what he meant by that, and he said, quote "the sisterhood is gonna end. It's about time the vigilantes got started up around here again. I hear tar and feathers are hard to get off, and I hear bullets are hard to get out." He went on to say "I hope you like tar and feathers... well, enjoy it while it lasts, your time is running out."

For me this encounter added a great deal to the fear I had already experienced. Up to that point I was mainly concerned with my house being burned down, now I began to fear for my life.

I want all of you to know how hard it is for me to talk here today knowing that others who have come before you have been subjected to death threats and vandalism... and knowing there are some among you who will once again judge me by my sexual preference, without ever having seen me as anything other than an object of hate and misunderstanding.

SENATE JUDICIARY

EXHIBIT NO. 17

DATE 3-16-93

BILL NO. HB4116

Senator Yelloutai, Members of the Judiciary Committee, Ladies and Gentlemen,

My name is Bryan D. Spellman. I am the Administrative Officer of the School of Fine Arts at The University of Montana. I am also the Vice-President of the Montana Human Rights Network, a member of the Board of Directors of the Northwest Coalition Against Malicious Harassment, the Treasurer of Wesley Foundation at The University of Montana, and a member of the Board of Higher Education and Campus Ministries of the Yellowstone Annual Conference, United Methodist Church. I am also a victim of hate crimes based on sexual orientation.

Bill Wassmuth, Executive Director of the Northwest Coalition Against Malicious Harassment, toured Montana last spring. He met with local officials and human rights groups in seven Montana communities. He learned that there was little knowledge, even among law enforcement officials, of Public Law 101-275, the federal Hate Crimes Statistics Act. I find this particularly worrisome, because hate crimes are happening in Montana and are not being reported. It is worth noting that the model Hate Crimes act passed by the Montana legislature a few sessions back does not give hate crime status to crimes against gay and lesbian people. I would like now to share with you some of the violence that gay men and lesbians have faced in Montana.

I would include the slashed tires at the bar in Billings which caters to gay people. I would include the violence experienced by the women of Basin who had their homes vandalized and their animals killed. I would include the continual harassment faced by a friend in Great Falls. He has had a brick thrown through his front window, and a rock through his screen door. He has had fecal matter smeared inside the cab of his truck, and has had the experience of having a tire fall off because someone loosened the lug nuts holding it onto the wheel. He has been assaulted physically and verbally. And last year someone threw a rock through his truck window while he was driving across town.

In Missoula,

Approximately 12 years ago I witnessed a friend beaten and sent to the hospital with a concussion, solely because he was gay. Although there were three witnesses to the attack, the police showed no interest in prosecuting the case, and we fought the city attorney for almost a year before he would issue a warrant for the arrest of the attacker.

Approximately six years ago the manager of the Orchard Homes Country Life Club was called and threatened by a man who promised to firebomb the clubhouse if she allowed a gay dance to be held there. She refused to be intimidated and the dance was held without incident.

Approximately two years ago, a young man left the one downtown bar

that caters to gay people and was assaulted on the street by another man. While police watched from across the street, the young man defended himself and when his attacker fled, the victim was arrested by the police for causing a disturbance. Even though the attack was witnessed by several other people who verified the young man's claim that he was defending himself, the victim ultimately had to choose between paying a fine and going to court where, he was told, it would be his word against that of the police.

Approximately a year ago, a young woman was walking down Missoula's main street, Higgins Avenue, when a car drove up next to her and several young men in the car called out "Dyke" and threw bottles at her.

Also last year, two men witnessed what they thought was a beating in a downtown alley. When they went to investigate, and see if they could be of help, they were themselves assaulted by a group of teenage boys who taunted them and threatened to beat them with a club. When the police arrived in response to a 911 call, they told the men that there was really nothing that could be done, and the men should just go home and forget about the attack. The men refused to do this, and ultimately were given the option of issuing a citizen's arrest. They did so and their attackers were taken away by the police. The men were told that they would be informed of the outcome of the juvenile court proceedings, but have heard nothing to date, and their calls are not returned by the authorities. They now believe that the judicial system has lied to them and failed them.

These isolated instances are only that, isolated instances. Other recent incidents include:

a student who is routinely hassled in the hallways of his dorm;  
another student whose house windows were shot out;  
yet another student whose car was bashed after he received a call warning him that his car would be damaged;  
a student who received a phone call threatening to set fire to his home. He also received a letter threatening his life.  
a faculty member who was threatened by a man downtown who told him he had a gun;  
a lesbian student who has been followed around town by young men who yell at her telling her she needs "a real man;"  
my own home was vandalized by someone who spray painted obscenities on the side of the house in day-glo orange paint. The police dispatcher laughed when I called to report the incident.

And last month, on Friday, February 26, I returned home from work to find a death threat left on my answering machine.

I wish I could tell you that these incidents are the result of hate group activity in our state. They are not. Rather they are the result of a situation where gay and lesbian people are seen as less than human, not deserving of the rights and privileges expected and

enjoyed by other Montanans. A situation where gay and lesbian people, unconvicted felons under Montana law, face continual assault, intimidation, damage and vandalism, while society looks away. A situation where law enforcement agencies apparently believe it is not a crime to assault lesbian and gay people, and certainly under current Montana law, whatever else these incidents may be, they are not Hate Crimes.

My father was a minister in the United Methodist Church. He served churches in Montana from 1946 until 1959 when my family moved to California. I can assure you that I was raised with strong family values. Those family values did not include prejudice, hatred, fear, or bigotry. Rather they included love, loyalty, tolerance, understanding, truth, and the deeply seated belief that we must always stand up for the rights and safety of others, even if we do not agree with them. It is in the spirit of those family values that I urge you to support ~~this bill~~. *House Bill 416 with the Amendment.*

Thank you.

EXHIBIT 18  
DATE 3-16-93  
HB 416



**MONTANA  
ASSOCIATION OF  
COUNTIES**

SENATE JUDICIARY

EXHIBIT NO. 19

DATE 3-16-93

BILL NO. HB633

2711 Airport Road  
Helena, Montana 59601  
(406) 442-5209  
FAX (406) 442-5238

March 15, 1993

In 1991 legislation was enacted to protect mentally ill persons from being incarcerated for minor offenses. HB 103 had a delayed effective date of July 1, 1993, and requires sheriffs and jail administrators to screen and divert from jail persons who appear to be seriously mentally ill when they are charged with a minor misdemeanor offense.

During the interim, the Department of Corrections and Human Services brought together representatives of mental health providers, clients, and state and local government officials to find out how the new legislation could be made to work. A major concern was a lack of funding for training and facilities to carry out the requirements of the law. During this time, counties were assisted in preparing plans for implementation of the legislation. After a year and a half of work, MACo, together with the Montana Sheriffs and Peace Officers Association, agreed that the new law needed to be in place at least a year to see the actual impacts and to define any problems in implementation, including new costs to local governments.

Therefore, we have asked the law to be only minimally amended at this time. When persons are intoxicated from drugs or alcohol, it is not possible to immediately evaluate them for mental illness. Our amendment would allow a person to be held until an evaluation can be made, and also clarifies the term "mental disorder" so that a person is not automatically deemed to have a mental disorder just because that person is intoxicated or is addicted to drugs or alcohol.

We think HB 633 addresses these concerns, and we look forward to implementing the major requirements of this law as we work together with the Mental Health community in the coming year.

**MACo**

DATE 3/16/93

SENATE COMMITTEE ON JUDICIARY

BILLS BEING HEARD TODAY: HB 191, HB 416, HB 506, HB 633

Name	Representing	Bill No.	Check One	
			Support	Oppose
<del>June Koutnik</del>	Christian Coalition Mt	HB 416		
Beverly Gibson	MA Co	HB 633	✓	
MAXINE HOMER	<sup>CWF</sup> Christian Church [DOC]	HB 416	✓	
MIREK HUFFMAN	MENTAL HEALTH DN. DEPT. OF CORRECTIONS	HB 633	✓	
Sandra Hale	Voter	HB 416	✓	
LARRY AKET	COMM OPERATORS ASSOC	HB 191	✓	
Joe McKenny	Ten Factory Great Falls	HB 191	X	
Gloria Hermanson	Doit Shells of the Future	HB 191	Neutral	
Sharon Day	MT Arch. Cong	HB 416	✓	
Frank Garcia	Met Union Lobby	HB 416	✓	
Ed Hale	MBCC	HB 416	✓	

VISITOR REGISTER

PLEASE LEAVE PREPARED STATEMENT WITH COMMITTEE SECRETARY