

BLAUSTEIN
LIBRARY

FEB 22 '82

American Jewish
Committee

1981 AUDIT OF ANTI-SEMITIC INCIDENTS



Anti-Defamation League of B'nai B'rith

823 United Nations Plaza, New York, NY 10017

291.73
A67
1981

THE UNIVERSITY OF CHICAGO
LIBRARY

1981 A.D.L. AUDIT OF
ANTI-SEMITIC INCIDENTS

Introduction

The Anti-Defamation League Annual Audit of reported anti-Semitic incidents in the United States shows that the number of episodes of vandalism against Jewish institutions, private Jewish property such as homes and stores, and anti-Semitic vandalism of public property, increased substantially in 1981 -- an increase for the third straight year.

The Audit also shows a substantial increase in bodily assaults against Jews, in mail or phone threats to Jews and Jewish institutions, and in the harassment of such targets. (This latter category of offenses was reported for the first time in 1980.)

At the same time, there were signs that American society is reacting with growing determination against vandals motivated by bigotry and religious prejudice.

The Statistics for 1981

The 1981 ADL Audit records 974 episodes of anti-Semitic vandalism reported to ADL's 27 regional offices around the country. These took place in 31 states and the District of Columbia. The 1981 total is more than two-and-a-half times that of 1980 when 377 episodes were reported in 28 states and the District of Columbia. In 1978 there were 49 episodes, and 120 in 1979.

The number of assaults, mail and phone threats, and harassments of Jews and Jewish institutions reported in 1981 was more than triple the 1980 figure. There were 350 in 1981 compared with 112 in 1980.

The 1981 pattern of reported incidents of anti-Semitic vandalism conforms to the pattern of 1980 in some important respects. The

states of New York (326), California (150), New Jersey (94) and Massachusetts (59) again reported the most incidents -- roughly 65% of the total nationwide.

The reports from California, Maryland (51) and Pennsylvania (50) show noticeable increases over 1980.

Michigan (29), Illinois (28), Minnesota (26), Virginia (25) and Florida (24) constitute a second tier of states reporting 20 or more incidents of vandalism in 1981.

The Northeast, with roughly half of the reported incidents was once again the geographic area reporting the greatest number of episodes.

While the reports from California show a marked increase over 1980, the other Pacific Coast states reported only scattered episodes. None was reported from Oregon and only four from the State of Washington.

The more serious offenses -- arson, attempted arson, bombings and attempted bombings -- number less than 3% of the total incidents reported in 1981. The other 97% consist of swastika daubings, anti-Jewish graffiti, and similar types of vandalism.

Desecrations of Jewish cemeteries increased from five in 1980 to 15 in 1981.

Arrests

As in 1980, the overwhelming majority of those arrested in connection with the 1981 episodes of overt anti-Semitic vandalism, assaults, threats and harassments were 20 years of age or under.

During 1981, ADL received reports that 73 individuals had been arrested in connection with 39 episodes of anti-Semitic vandalism and that 62 -- 85% were 20 or under. The remaining 11 were adults, of whom six were arrested in connection with a single episode in Nashville, Tennessee. This involved an abortive plot to bomb a synagogue, allegedly

hatched by persons having Ku Klux Klan or neo-Nazi affiliations. In only one other episode was there evidence of activity by organized hate groups -- an episode in Indiana in which two adult males were arrested, one of them affiliated with a Klan group. In the remaining 972 incidents, there was no evidence of activity by such organizations.

With respect to individuals arrested in connection with episodes of assault, threat, or harassment against Jews or Jewish institutions, 41 persons -- 35 of them, or 85%, youths under 20 -- were arrested in connection with 30 of the 350 episodes reported.

In the Nashville synagogue bomb plot, three of the six persons arrested were convicted by a Tennessee jury late in November, 1981. The other three are waiting trial.

Reactions

There are signs that American society is reacting to the proliferation of what might be termed "bias crimes." There is evidence of stepped-up activity by law enforcement authorities to combat offenses motivated by religious, racial and ethnic prejudice. This has been seen, for example, in the tri-state area of New York, New Jersey and Connecticut, scene of 44% of anti-Semitic incidents of vandalism reported in 1981, and in other states which have embarked on closer monitoring of bias crimes.

In the last year, moreover, there have been indications of greater concern for the victims and targets of these crimes. In New York City, for example, borough police commanders are now mandated to make personal visits to all victims and targets of offenses motivated by bigotry.

During 1981, ADL sponsored "security conferences" in communities from coast to coast, designed to bring officials of Jewish institutions

together with law enforcement experts to discuss and plan proper security procedures.

During 1981, eight states enacted statutes aimed at dealing with the problem of religiously-motivated vandalism. These states -- the locus of almost two-thirds of the reported anti-Semitic episodes -- were: Arizona, California, Maryland, New Jersey, New York, Oregon, Rhode Island and Washington.

Generally, the statutes can be divided into two categories. In the first group are laws providing increased criminal penalties for those found guilty of vandalizing cemeteries and houses of worship. Since these statutes make such conduct punishable whether or not the perpetrator had an anti-Semitic motivation or "intent," enforcement is a reasonably simple matter. Examples of this type of new law are the measures enacted in Arizona and California.

The second groups of statutes require a showing of specific criminal intent to harass, intimidate or terrorize an individual on the basis of the individual's race, religion or national origin before a conviction can be obtained. These statutes are more ambitious in scope than the first group; however, since they require proof of the actor's anti-Semitic motivation "beyond a reasonable doubt," these laws will likely be harder to enforce and may result in fewer convictions than the first group. Examples of this type of law are the measures adopted in New Jersey, New York, Oregon, Rhode Island and Washington.

Other statutes adopted in 1981 provide for: the creation of a state commission to study religious, racial and ethnic harassment (Rhode Island); the collection of data relating to incidents directed

against racial, religious or ethnic groups (Maryland); civil remedies for victims of certain forms of religious vandalism (New York, Oregon and Washington); and increased penalties for cross burning (Maryland).

Additionally, in conjunction with the issuance of this report, ADL is introducing a "model" religious vandalism law which hopefully can be the basis for legislation in those states where there is now no direct statutory authority for dealing with anti-Semitic vandalism.

The need for such "model" legislation is obvious. The eight states which to date have enacted legislation each address the problem from a different perspective. Some have opted only for increased penalties; others have developed new categories of offenses to punish those who "terrorize or intimidate" individuals because of their ethnic, religious or racial background. Our "model" bill, therefore, seeks to provide state legislators with a single comprehensive, yet constitutionally sound approach to this growing problem.

Section 1 of our "model" statute provides for increased penalties for vandalism aimed at houses of worship, cemeteries, schools and community centers. As with section (2) of the statute, the severity of the penalties is left for individual state legislatures to determine on their own. Where two or more persons agree to engage in this crime, this, assumedly, would constitute criminal conduct under the state's general conspiracy law.

Section (2) is aimed at combatting swastika daubings, cross burnings and other conduct manifesting a similar intent. It increases the penalties for committing certain enumerated crimes "by reason of the race, color, religion or national origin of another person." Again, an agreement by persons to commit such acts should be punishable under a state's

general conspiracy laws.

Section (3) of our bill creates a civil action for victims of the crimes described in the first two sections of the statute. While these activities might presently be actionable in a common law tort suit, section (3) makes it explicit that there is such a cause of action. Additionally, and probably more significantly, this section provides for certain forms of relief, to wit, recovery of punitive damages and attorney fees and parental liability for their children's actions, which are not permitted in tort actions in many states. These additional forms of relief should have a significant deterrent value and should also provide additional incentive for victims to bring civil suits.

Evaluation

The 1981 Audit records 974 episodes taking place in a nation of 220 million persons. However, the real significance of the phenomenon cannot be reduced to a ratio. Each episode of anti-Semitic vandalism, each assault, threat or harassment against an individual or institution, causes serious anguish in the Jewish community. Many law enforcement officials have come to view each of these crimes as an assault in which that community, and in a broader sense society at large, is victimized.

Professor Melvin Tumin, the Princeton University sociologist, was chairman of an ADL-sponsored task force of educators, law enforcement officials, social scientists and psychiatrists that met in New York in early January, 1981, shortly after ADL's 1980 Annual Audit was released. Professor Tumin observed at that time that while, in some cases, youthful vandals may be seeking to release personal frustrations common to adolescence, the anti-Semitic nature of many of their actions can be attributed to "the transmission belts coming from families and

other institutions where resentment of Jews is expressed." He added that the rise of anti-Semitic incidents may be just the "tip of an iceberg" and the overt expression of "a pervasive and deep-rooted anti-Semitism which has lain dormant" for years.

Many dangers to Jewish security, springing from these deep roots, are perceived in the present milieu in American society. A disturbingly high percentage of Americans all too readily accept anti-Semitic stereotypes about alleged control by Jews of the media or banking institutions, for example. There has been an injection of anti-Semitism into debates on U.S. foreign policy. A world-wide campaign of anti-Semitic propaganda has been conducted by the Soviet Union, various Arab regimes, and some Third World countries, exemplified in a number of United Nations resolutions including that equating "Zionism" and racism. And a continuing peril confronts the State of Israel with whose destiny the fate of Jews everywhere is inextricably linked.

Episodes of anti-Semitic vandalism or harassment against Jews are not, in short, the only measure of anti-Semitism in our society. But as ADL noted in the 1980 Annual Audit, they are an indication of a disturbing quotient of anti-Jewish hostility just beneath the surface of American life.

Society is beginning to respond to those manifestations of anti-Semitism which take the form of vandalism, assaults and harassment. Stricter laws are being enacted and law enforcement stepped up. Greater concern for the targets and victims of "bias crimes" is being shown. These are all essential first steps.

In the long run, however, the deeper answers and the more relevant responses lie in the home, in the school, and in the church. Much

more can be done in these crucial institutions of American life to educate and to train our youth about the evils of anti-Semitism and other forms of religious, racial and ethnic prejudice, about contributions that Jews and other groups have made to the richness of American society, and about the decent respect for others without which American democracy cannot thrive -- or survive.

#

1981 A.D.L. ANNUAL AUDIT OF ANTI-SEMITIC EPISODES

1981 ANTI-SEMITIC VANDALISMS

STATE	1981 TOTAL	1980 TOTAL	Location- - - -including- - - - - Jewish					Cem. Des.	1981 HARASSMENTS THREATS ASSAULTS		
			Ins.	Pvt.	Pub.	Ars/att.	Bmb/att.		Total	Inst.	Ind.
1-NEW YORK.....	326	120	104	146	76	5/3	1	4	108	15	93
Long Island.....	183	39	17	111	55	2	0	0	88		
Brooklyn.....	41	29	32	8	1	1/3	0	2	3		
Queens.....	39	23	21	9	9	0	0	1	12		
Staten Island....	14	5	7	6	1	0	0	1	2		
Manhattan.....	10	6	6	2	2	0	0	0	1		
Bronx.....	9	6	9	0	0	0	0	0	1		
Upstate.....	30	12	12	10	8	2	1	0	1		
2-CALIFORNIA.....	150	27	40	58	52	3/1	1	2	17	7	10
3-NEW JERSEY.....	94	69	27	45	22	0	1/1	1	16	1	15
4-MASSACHUSETTS.....	59	34	7	21	31	0	0	0	14	2	12
5-MARYLAND.....	51	1	18	20	13	0	1	4	8	1	7
6-PENNSYLVANIA.....	50	1	15	23	12	0/1	0	2	9	0	9
7-MICHIGAN.....	29	21	2	17	10	0	0	0	23	0	23
8-ILLINOIS.....	28	12	3	18	7	0	0	0	9	0	9
9-MINNESOTA.....	26	10	1	9	16	0	0	0	48	9	39
10-VIRGINIA.....	25	8	3	11	11	0	0	0	7	4	3
11-FLORIDA.....	24	2	6	5	13	0	0	0	8	3	5
12-RHODE ISLAND.....	15	12	1	6	8	0	0	0	9	0	9
13-GEORGIA.....	14	1	2	8	4	0	0	0	14	2	12
14-CONNECTICUT.....	12	8	0	8	4	0	0	0	6	1	5
15-MISSOURI.....	11	8	2	8	1	0	0	0	3	1	2
16-INDIANA.....	10	0	6	3	1	0	0	2	1	0	1
17-NORTH CAROLINA....	9	9	3	3	3	0	0	0	8	2	6
18-NEBRASKA.....	7	2	0	2	5	0	0	0	2	0	2
19-ARIZONA.....	5	6	3	1	1	1	0	0	16	3	13
20-OHIO.....	5	2	1	3	1	0	0	0	5	4	1
21-COLORADO.....	4	4	0	1	3	0	0	0	6	1	5
22-WASHINGTON state..	4	2	2	2	0	0/1	0	0	5	4	1
23-NEVADA.....	3	1	3	0	0	0	0	0	0	0	0
24-TEXAS.....	3	1	2	1	0	0	0	0	2	1	1
25-WISCONSIN.....	3	4	0	3	0	0	0	0	2	0	2
26-ALABAMA.....	2	1	0	1	1	0	0	0	0	0	0
27-SOUTH CAROLINA....	2	0	2	0	0	1	0	0	1	0	1
28-LOUISIANA.....	1	0	1	0	0	0	0	0	0	0	0
29-OKLAHOMA.....	1	0	0	0	1	0	0	0	0	0	0
30-TENNESSEE.....	1	3	1	0	0	0	0/1	0	0	0	0
31-IOWA.....	0	0	0	0	0	0	0	0	1	0	1
32-DIST.COLUMBIA.....	0	1	0	0	0	0	0	0	2	2	0
TOTALS 1981	974		255	423	296	10/6	4/2	15	350	63	287
TOTALS 1980		377	157	160	60	10/2	4/2	5	112		

ADL "Model" Statute

1. Institutional Vandalism

A. A person commits the crime of institutional vandalism by knowingly vandalizing, defacing or otherwise damaging:

- i. Any church, synagogue or other building, structure or place used for religious worship or other religious purpose;
- ii. Any cemetery, mortuary or other facility used for the purpose of burial or memorializing the dead;
- iii. Any school, educational facility or community center;
- iv. The grounds adjacent to, and owned or rented by, any institution, facility, building, structure or place described in subsections (i), (ii) or (iii) above; or
- v. Any personal property contained in any institution, facility, building, structure or place described in subsections (i), (ii) or (iii) above.

B. Institutional vandalism is punishable as follows:

- i. Institutional vandalism is a _____ misdemeanor if the person does any act described in Subsection A which causes damage to, or loss of, the property of another.
- ii. Institutional vandalism is a _____ felony if the person does any act described in Subsection A which causes damage to, or loss of, the property of another in an amount in excess of five hundred dollars.
- iii. Institutional vandalism is a _____ felony if the person does any act described in Subsection A which causes damage to, or loss of, the property of another in an amount in excess of one thousand five hundred dollars.
- iv. Institutional vandalism is a _____ felony if the person does any act described in Subsection A which causes damage to, or loss of, the property of another in excess of five thousand dollars.

C. In determining the amount of damage to, or loss of, property, damage includes the cost of repair or replacement of the property that was damaged or lost.

2. Ethnic Intimidation

- A. A person commits the crime of ethnic intimidation if, by reason of the race, color, religion or national origin of another individual or group of individuals, he violates Section _____ of the Penal Code (insert code provisions for criminal trespass, criminal mischief, harassment, menacing, assault and/or any other appropriate statutorily proscribed criminal conduct).
- B. Ethnic intimidation is a _____ misdemeanor/felony (the degree of criminal liability should be made contingent upon the severity of the injury incurred or property lost or damaged).

3. Civil Action for Institutional Vandalism and Ethnic Intimidation

- A. Irrespective of any criminal prosecution or the result thereof, any person incurring injury to his person or damage or loss to his property as a result of conduct in violation of Sections 1 or 2 of this Act shall have a civil action to secure an injunction, damages or other appropriate relief in law or in equity against any and all persons who have violated sections 1 or 2 of this Act.
- B. In any such action, whether a violation of Section 1 or 2 of this Act has occurred shall be determined according to the burden of proof used in other civil actions for similar relief.
- C. Upon prevailing in such civil action, the plaintiff may recover:
 - (i) Both special and general damages, including damages for emotional distress;
 - (ii) Punitive damages; and/or
 - (iii) Reasonable attorney fees and costs.
- D. Notwithstanding any other provision of the law to the contrary, the parent(s) or legal guardian(s) of an unemancipated minor shall be liable for any judgment rendered against such minor under this section.