

Thornburgh, ADL 'thought crimes' legislation threatens Constitution

by Joseph Brewda

U.S. Attorney General Richard Thornburgh, with the aid of the Anti-Defamation League (ADL) of B'nai B'rith, is leading efforts to impose a new category of criminality on the U.S. legal code known as "hate crimes." The category is the same as that called "thought crime" in George Orwell's famous novel, *1984*, which celebrated the techniques of a totalitarian state.

The first phase of the effort by the Bush administration and the ADL was completed on April 4, when the Congress passed a new act mandating compilation of statistics on crimes motivated by hate. The second phase, imposing added penalties against those convicted of any crime if hatred is judged to be a factor, is now being pushed in the New York State legislature. The third phase, which has not yet begun, is to enact legislation modeled on two amendments to the Canadian criminal code which make the expression of hatred, *per se*, a criminal offense.

What is being planned is a creeping assault on the U.S. Constitution, particularly those provisions allowing freedom of speech and assembly. Since any rational person is repelled by racist hatred, the administration has slyly decided on imposing police state decrees under the pretext of combatting such hatred. Measures which are dangerously unconstitutional are often acceptable in many quarters when the legal targets chosen are correctly or incorrectly considered reprehensible.

Birth of the hate crime

On April 4, the House of Representatives passed the Hate Crimes Statistics Act, which requires that the Justice Department collect and publish data on so-called hate crimes based on race, religion, ethnic background, or sexual orientation. The bill, which passed the Senate in February, had as its primary sponsor Sen. Paul Simon (D-Ill.), whose office has long worked with the ADL on various legislation. Rep. Charles Schumer (D) of Brooklyn, New York, a chief sponsor of the House bill, asserted to the *New York Times* on April 4 that "It is important to understand that cross burnings are more than arson and that swastikas painted on synagogues are more than vandalism."

Representative Schumer's rhetoric shows that mere statistical compilation is far from the ultimate objective of the

legislation. Already, the bill before the New York State legislature would make "bias related violence and intimidation a distinct criminal offense." That is, assaults allegedly motivated by hatred could be separately and selectively prosecuted, judged, and penalized in distinction from assaults *per se*. Congressional efforts are also already under way to make Ku Klux Klan cross-burnings a five-year felony offense solely on the basis that cross-burnings express hate. The offense would be stripped of the only legitimate reason that such acts should ever be outlawed—that they incite violence.

U.S. Justice Department spokesmen immediately hailed passage of the Hate Statistics bill, and said that its provisions would be quickly implemented. A few weeks later, Attorney General Thornburgh appeared on the ABC News program "This week with David Brinkley" on May 20 to state that "I will concentrate on hate crimes." Since that time, Thornburgh has repeatedly said that "hate crimes" will be the "top priority" of the Bush administration. But what are these crimes?

The Justice Department has now installed an "800" toll-free "hate hot-line" to assist its statistical compilation effort. The Justice Department has included homosexuals and lesbians in with the category of "oppressed minorities." One of the first complaints to the Justice Department, was that the chairman of the Federal Deposit Insurance Corporation said that he would get so tough on thrifts that he would make "Attila the Hun look like a faggot."

For its part, the ADL is enthusiastic about the bill's passage. "It will give us a confirmed, authoritative base to judge what direction these crimes are going in, and I suspect it will help in knowing what remedies would apply," the ADL's Washington, D.C. regional director David Lehrer reported. Among the "remedies" being pushed by the ADL is the creation of new divisions within the FBI and Justice Department devoted to monitoring and prosecuting those whom they have targeted as "bigots."

Michael Lieberman, the ADL's Washington counsel, told the *New York Times* on April 5 that he now envisages the ADL becoming more involved in training local law enforcement. "We call it a trickle-up effect. It starts with reporting by local law enforcement, but in order to report a hate crime you have to have training in how to identify a hate crime." The ADL has already begun training law enforce-

ment on such issues. For example, the ADL has participated in several seminars for law enforcement agencies where it has claimed that when bankrupt farmers denounce grain cartels and banks they are expressing anti-Semitism.

A typical Big Lie

The Hate Crime Statistics Act was originally proposed in 1984 by Rep. Barbara Kennelly (D-Conn.). After the passage of the bill, she proudly told the press that "When I first proposed this, people were not convinced there was a need. Now we have all kinds of groups telling us how much prejudice there is." Spokesmen for Representative Kennelly's office report that they have worked closely with the ADL in enacting the legislation and want the "government to do what the ADL has been doing privately" in monitoring hate crimes.

Kennelly's bill was introduced shortly after a series of mysterious arsons began in her district in 1984. These arsons included the burning of Young Israel Synagogue and Emmanuel Synagogue of Hartford, Connecticut, as well as the homes of Rabbi Solomon Krupka and State Representative Joan Kemler, who is Jewish. The incidents were immediately the subject of nationwide media attention, fanned by the ADL. Kennelly's bill was one result of the incidents. The Congresswoman claimed that such "hatred" necessitated a whole new legal approach.

Unfortunately for the ADL, Barry Don Schuss, a 17-year-old Jewish student, soon confessed to all four arsons. The media campaign was abruptly buried, Schuss received a suspended sentence, and the Kennelly bill was quietly postponed.

This is not the only case of alleged anti-Semitic or other racist "hate crimes" hoaxes, as researcher Laird Wilcox has determined. Such hoaxes prepare the climate for hate crimes legislation.

For example, the president of the Jewish Student Union at the State University of New York at Binghamton, James Oppenheim, led demonstrations against anti-Semitism after the group's building was defaced with anti-Semitic graffiti in 1988. Oppenheim was later arrested for painting the graffiti himself. Similarly, a massive housing co-operative in the Bronx was defaced with anti-Semitic graffiti daubed on 51 apartment doors and walls during the same period. The incident received wide publicity and a reward was offered for the perpetrators, who were presumed to be "neo-Nazis" or "skinheads." Later, two Jewish teenagers were arrested for the incident.

The most significant and sensational publicized hoax recently, was the alleged defacement of a Jewish cemetery in the small town of Carpentras, France, on May 10. According to the international media and the French justice minister, 30 Jewish gravestones were desecrated with swastikas that day. The grave of a freshly buried 81-year-old Jew had been exhumed, and the corpse impaled with a shaft of an umbrella,

it was said. This horrifying—as reported—incident, led to mass demonstrations in France condemning anti-Semitism, and massive publicity in the United States. It has since been determined by the local coroner's office that the body had not been impaled, there was no desecration of gravestones with swastikas, and the exhumation of the corpse probably had a mere criminal motive, local law enforcement officials now report.

The Canadian model

If Orwell's 1984 is the model for making hate, *per se*, an offense, a pair of amendments to the Canadian legal code, adopted back in 1971, is the more recent model adopted by the Bush administration. The amendments, 181, pertaining to "spreading false news," and 319, pertaining to "hate propaganda," throw freedom of speech and assembly out the window.

The two amendments make the expression of hate, *per se*, an indictable offense subject to two years imprisonment. The amendments had been suggested by the Royal Commission on Hate Propaganda which had been convened in 1964 and chaired by Maxwell Cohen, a long-time operative of the Bronfman family. The ADL, with which Cohen and the Bronfmans are closely allied, lobbied for the amendments. They were adopted through the efforts of Prime Minister Pierre Elliott Trudeau, who had sat on the commission, and who was first brought into politics by the Bronfman family.

The ADL also ran the publicity campaigns surrounding the three test cases brought forward under the Orwellian amendments.

In 1985, an Alberta High school teacher, James Keegstra, was found guilty of promoting hatred merely by stating in his class that "Jews were out to destroy Christianity." That same year, two neo-Nazis in Toronto, Don Andrews and Robert Smith, were convicted for writing that non-whites are responsible for violent crimes. Similarly, another neo-Nazi, Ernst Zundel, was convicted of "spreading false news" for saying that the Holocaust was a hoax. Representatives of the ADL, and their allies at the Simon Wiesenthal Center, were brought forward to testify in the sensationalist court trial.

The contrived debate surrounding the trials is shown by the fact that Andrews and Zundel, at least, are well-known Canadian intelligence operatives tied to the ADL and to several other international intelligence agencies. In 1971, Andrews worked with the U.S. Bureau of Alcohol, Tobacco and Firearms, the U.S. National Security Council, and the Central Intelligence Agency, in establishing a purportedly Arab terrorist organization in Toronto, according to sworn reports. He has since been implicated in an FBI and Royal Canadian Mounted Police "sting" effort to launch a KKK invasion of the Caribbean island of Dominica in 1981. Likewise, Zundel is known to be associated with the Mexican National Action Party, a party funded by the National Endowment for Democracy, among other U.S. agencies.