

1986-03-20, Police Conference, Peabody, Mass., Holocaust Center & ADL, Mar. 20, 1986, Tape 1 (A)

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0:22

I'm Sally Greenberg.

0:23

I'm with the Anti Defamation League of an April and before I tell you what we do at the ADL, as we call it, let me give some thanks to people who work to set this up.

0:37

First and foremost, of course, the Peabody Police Department, which is the which is acting as host today.

0:42

Louis Edelstein over here.

0:44

Thanks for your help.

0:47

We are Co sponsoring the ADL is Co sponsoring this session today with the Holocaust center.

0:52

So I want to thank very profusely Harriet Wax, who I've worked with over the past month or so to, to put the program that we have together.

1:03

And I think it's a very good program and one that we can use again to get the videotape comes out as we hope it will.

1:09

And of course, Tonya Waits, who is known to us as the ADL very, very well.

1:14

We gave her an award a couple months ago.

1:17

Sonya is the original originators of the Holocaust Center and she's going to be talking to us, as is Harriet, about the the issue of the Holocaust and how it affects the Jewish community and how it comes to us today in a, in a sort of sensitivity kind of thing with understanding what the Jewish community is all about.

1:44

Understanding also taking, taking whatever lessons come out of that and transferring them to other minority communities.

1:51

I also want to thank Kevin Burke's office and of course we've got Joe Green here from the District Attorney's office and happy to have you and your support.

2:04

Let me tell you what the ADL is all about and why we're in existence and how long we've been around.

2:10

We were formed in 1913, which is 73 years ago, as an organization to fight anti-Semitism and bigotry of all kinds.

2:18

One of the things our original mandate said was that we would fight to secure justice and fair treatment for all people.

2:25

So while we were formed really to be a Jewish organization, a Jewish defense, I mean, we're, we're defending the rights of of the Jewish community in the United States.

2:34

We also recognized even in 1913, as we do today, that any kind of bigotry that affects the Jewish community affects the entire community.

2:43

And any kind of bigotry that affects the black community or the Asian community or what have you, effects all of us and, and poisons the, the, the way that we all think and the way that we all act and we relate to each other.

2:56

So you can't just focus.

2:58

This is the lesson.

3:00

It's our very strong feeling.

3:01

You can't just focus on one community and expect everybody to be affected equally.

3:08

You have you have to have a very broad outlook and make sure that that that output carries over into into all sorts of community relations.

3:19

One of the things that we found is that whenever there are questions or incidents of anti-Semitism or racism or whatever in the community, that coordination between various community bodies that that includes the synagogues and includes the churches and includes the police departments, includes local officials, etcetera, etcetera.

3:42

That really is the key to preventing the continuation of incidents, to preventing to to dealing with them effectively, to getting at the root of the problem.

3:53

And that's really why we're here today, is to try to set up a better network of coordination.

3:59

Now, one of the things that that's always comes to people's mind is why are we doing this now?

4:04

Why are we doing this here?

4:05

Has there been an incident?

4:06

The reporters who's here asked that question.

4:09

We have done police workshops and meetings after incidents have occurred for one reason or another.

4:17

Maybe the incident was handled in a way that we thought was not the most effective or not the most professional.

4:23

What we'd like to think of as today's program, the focus of today's program is to prepare police officers in a better way to deal with incidents when they occur.

4:36

I myself, I understand.

4:39

I think I understand or I at least I try to understand how difficult your jobs are.

4:43

Those of you who are police officers.

4:45

I think one of the most trying situations is a community relations problem between neighbors who, who relationships have deteriorated.

4:54

They they're throwing either anti-Semitic or racial epithets at each other.

4:59

Very difficult to know what to do.

5:02

It's not your typical law enforcement kind of practice and and it's not something that I think much training is given for.

5:11

I think one of the things that we can get out of today, hopefully, is that we can all share ideas and learn how better to deal with those kinds of situations because they are difficult and police officers are asked to deal with them all the time.

5:26

Why the ADL, why should, why should the law enforcement people work with the ADL?

5:31

One of the things that I think it's most important to stress, and I want to not leave here today without making sure that people understand this, is that victims of the of these kinds of incidents, oftentimes, especially in the in the anti-Semitic category, they'll will the ADL will be the first people they'll call.

5:51

They'll call us up because why?

5:52

They probably call us up because they're afraid it could be intimidated by the police.

5:57

They don't know if the police are going to be interested in doing anything about it.

5:59

They don't know that there are any laws involved that might protect them.

6:04

There's a whole variety of reasons that people don't want to deal with the police or they don't want to deal with community leaders.

6:09

They'll call the ADL first, which is how we developed our community relations expertise in this area.

6:16

Because people call us up, Jews feel that we are there for them and they'll call us up to talk to us about about an incident.

6:24

And then we in turn will get in touch with the police and we will also do something else, which is very important to us and I think important to the community.

6:32

And in the community, you know, when I say that, I mean across the United States, we have an anti-Semitic incidents audit that we report on every year.

6:40

So that when an incident comes in to us, we put it down on a piece of paper, we log it in and we know at the end of the year, there's a trend here in this area.

6:49

There's a, there was a series of incidents in Marblehead a couple years ago.

6:53

There's a series of incidents in Revere.

6:55

These are all things that we document that we know about.

6:58

And once and once we've got that down on a piece of paper, we've got evidence of information that can be useful to the community, can be used to the place.

7:07

And that's why we want to know about it if something happens.

7:10

So if I mean, I started off by saying sometimes we're the first people who know if we're not, if we're here, if the police here first, we appreciate knowing about it.

7:18

I think we could be helpful.

7:19

I think we have a track record.

7:21

The ADL nationally has a track record of working very well with law enforcement.

7:27

We have 31 offices around the country.

7:29

All of them take complaints.

7:30

And I, if not a day goes by when I, as civil rights director and I cover the East Coast.

7:36

There's four civil rights directors in the in the country for ADL.

7:39

I'm one of them.

7:40

And I do East Coast work.

7:41

Not a day goes by that I don't get a local, and I mean New England or Massachusetts, even more local.

7:47

Then I don't get a call about an incident, either a letter or vandalism or a swastika appearing somewhere.

7:55

Which brings up another interesting point.

8:01

Some people, you know, I've heard it said, and I've been in this, I've been working for the ADL for four years.

8:06

I've been, I'm a lawyer.

8:07

I've been out of law school for five years.

8:09

I've been working for ADL for those years.

8:11

I often hear it said that perhaps the Jewish community is too thin skinned.

8:18

What's a swastika?

8:19

What's a prank?

8:21

It's about a bunch of kids screwing around.

8:23

They put a swastika in a mailbox, they put a swastika in a house, etcetera.

8:28

One thing that's really important to know about the Jewish community is that swastika to most members of the Jewish community is a symbol of extermination.

8:37

The Holocaust happened only 40 years ago and swastika may be a prank to somebody who's not, who doesn't feel, who doesn't have a sense of their own family being threatened or their own history being called in the question of their own history being called into question.

9:00

It's a symbol that is a very frightening one for most Jews.

9:04

It's the ones who call me up and it to them, it's not a prank to them, it's very serious and it can be a devastating experience, even something as minor as a swastika on a mailbox or as something that they get in the mail, etcetera.

9:18

So I, you know, I think it's important to appreciate what that means and to, I don't like to hear from people and I don't like to hear from police officer or anybody that it's a prank.

9:28

And, and, and I hope that that kind of understanding about what it really means.

9:35

And, and this is important for, for kids to understand as well as police officers that that it is, it's a, it's a very, it can be a very devastating experience.

9:44

And also the fact that it's the symbol of extermination of many Jews makes it rise to the level of of being threatening, very threatening.

9:54

One of the things I do want to say that we have held police training or meeting seminars in the past in Belmont and in Swampscott and in Marblehead.

10:04

And I wonder if I'm leaving anything out.

10:06

We made a presentation before the Governor's Anti Crime Council.

10:11

We did.

10:11

We were invited into the Newton.

10:12

We were invited into all those police departments.

10:15

By the way, we were invited into the Newton Police Department Center to do programs all which is to try to demonstrate that we do have a track record and we have built up very good relations around the country.

10:26

One of the things that we're particularly proud of is our our close ties to law enforcement nationally.

10:35

One of the things that has happened recently is this whole the the order groups like incredible mushrooming of these groups like the right the order of the Aryan Nations, who are extraordinarily right wing, very anti-Semitic, violent and dangerous.

10:53

They were tried in Seattle.

10:54

I'm sure all of you read about it and there there were convictions gotten.

10:59

They they tried 22 of them.

11:01

Ten of them plea bargained convictions came out.

11:03

They they convicted 11 members of this group.

11:06

The order.

11:06

One of the things the order was accused of and found and and convicted on was killing a Denver talk show host.

11:12

It was Jewish.

11:13

He used to go on the air and he'd say, you know, these, these weaklings and wimps and things like that about the plan, the Nazis and groups like the order.

11:23

Well, they gunned him down in front of his house.

11:25

And if anybody thinks that anti-Semitism isn't around today, that's enough to I think, convince you that it is.

11:32

But one of the things that the prosecutor in that case said is that he owed a specific debt of gratitude to the ADL for the intelligence work that they had done over the years.

11:42

We're out there all the time.

11:44

All of our offices are out there all the time getting information about these groups, going to their meetings, hearing, you know, picking up their literature, making notes of what they're doing, sending reports to our national office, which coordinates things.

11:57

And because of that work that we do, we are able to enjoy very good relationships with law enforcement people.

12:05

Let me let me talk a little bit about what we're going to do here today, what we've got on the schedule, give a new schedule out because we've changed it.

12:18

We're going to hear from, as I said, Harriet Wax, who's here from the Holocaust Center and Sonia Wade from the Holocaust Center.

12:26

Then we're going to have take a little bit of a break.

12:30

And after we will have a small vignette from the World of Difference campaign.

12:35

Has anybody heard of the World of Difference campaign here?

12:38

Know what it is?

12:38

It's a campaign that was initiated.

12:40

You don't count hearing.

12:42

It's a campaign that was initiated by by the ADL, New England Regional Office.

12:46

Leonard Zaykum, who was the director of the office, got Channel 5 and Shawmut Banks to put ads on.

12:51

If you watch Channel 5, you you, I don't know how many people here do, but you see the World of Difference campaign ads.

12:58

It's about prejudice reduction.

12:59

We've gone and trained over 1000 teachers in dealing with incidents of race, religion, ethnic bigotry.

13:09

And the program is intended to try to help teachers and to help students and to help other members of the community deal with the question of racial, religious and ethnic violence and, and vandalism and, and hatred and bigotry and things like that.

13:24

In any case, the police vignette that we're going to show, it's a it's a very short spot and hopefully we can talk about whether the police, it's a situation where police acted in a certain way in a certain set of circumstances.

13:37

And the question is, is that the best way you would handle it?

13:40

I mean, was that, is that the way you would handle it?

13:41

Is that was that the best way to handle it, et cetera.

13:45

We're going to also hear from Joe Green or Kevin Burke, who the District Attorney, if Kevin can actually, if I shouldn't be calling you, Kevin, I've never met the man, but I've talked to on the phone on a number of occasions in the office.

14:01

I feel closed.

14:04

We're going to be hearing from the District Attorney when he arrives, if he does arrive.

14:07

Otherwise, we have Joe Green representing his office.

14:10

We also asked Sergeant Johnston from the Boston Community Disorders Unit to come and talk about how they investigate cases, how they deal with cases made to Semitism, bigotry, racism, etcetera.

14:24

He's got a lot of experience of Boston.

14:27

CDU is a very good one and and has done a lot of work in this area, much experience.

14:33

Joan Antmacher is going to be coming a little later.

14:36

She's from the, she is from the Attorney General's office and she is the head of the civil rights for the Attorney General.

14:47

She will talk about civil injunctions and things like that.

14:50

One of the things that I didn't mention yet is, is the fact that there are a couple of laws on the books and using those laws appropriately and effectively, et cetera.

15:01

If we learn nothing else today, I hope we can go over that and, and Joe's going to be helpful in that area.

15:09

And Joe will also, because there are, I had an experience about two months ago where I called the police chief and said, you know, there was an incident in your in your area and there was no investigation of it.

15:21

I said, well, I don't think there's anything we can do about it.

15:24

It was a Swatch County guys store.

15:26

And I said, you know, there's a couple laws that you might be interested in and I said, do you have a sights on those?

15:31

I gave him the sights and he said, oh, OK, I didn't even realize we had those laws here.

15:36

I said, well, there's state of Massachusetts laws anyway.

15:40

That kind of thing.

15:42

When it happens, of course, I'm glad it happened because now and now he knows what the laws are.

15:47

But I fear that it's probably the case in a number of areas that perhaps people aren't aware that there are laws to protect against racial, religious and ethnic violence, bigotry and vandalism.

15:58

And he can hopefully use that.

16:01

Now, Rob Sherman is also going to be here, and he is here somewhere around here floating.

16:08

He's from the Boston Lawyers Committee on Civil Rights, going to talk about victim assistance and things like that.

16:15

He's an expert in that area.

16:16

And then we'll talk about we have a case study we can hope to distribute and lays out some anti-Semitic scenario of swastika on a house, etcetera and how how best to handle something like that.

16:34

And then we're going to we're going to have something to eat lunch wise, I hope, when the time comes.

16:39

And that should that should do it.

16:46

Without further ado, I think I'll I'll ask Harriet if she wants to succeed me up here.

16:53

Do you have any questions about this program?

17:02

I too, thank you for coming today.

17:10

And as Sally told you and Jag just tells you, I am Co director of the Holocaust at the North Shore and I'm here to take today to tell you a little bit about our center and what our services are and what we can do for the community at large.

17:23

Sally referred to the neo Nazis of today to the order, to Ellen Berg who was assassinated by the order, etcetera.

17:31

And the Nazis are very much in the news who probably recently read to about the Nazis from the Nazi Holocaust of 41 years ago that are coming into the limelight again.

17:44

41 years passed and we still read about them.

17:48

An undetermined number of Nazis will live most of their lives in relative freedom in the United States under the protection of our Constitution, are finally being brought to trial for falsifying their applications for both entertainment to the United States and for the citizenship after a long, very long, I'm told it's up to 10 years denaturalization process.

18:08

Many of them are now being shipped back to the countries where their crimes were committed to West Germany or to Israel to stand trial and face charges of crimes against humanity, which is a term

that came out of the merger trials after the Holocaust in 1945 because of the nature and the extent of the crimes that were committed.

18:30

Unfortunately anti-Semitism neither began or died with Adolf Hitler or the non face.

18:35

It has and does still exist in communities where there are many Jews living and in communities where there are no Jews living at all.

18:42

Though it has been said that much is too much has been made out of the incidents of the Midwest and the farmers blaming their bankruptcy on Jews.

18:49

The fact does exist that there are farmers out there who perhaps never even have met a Jew that feel that many of their problems that do with the fact that the Jews I see a question in the audience will face.

19:01

Very recently the IT was quite a bit on 60 Minutes etcetera about farmers in the Midwest lost all their land, etcetera, because of bankruptcy.

19:10

They couldn't pay the bills and the banks refinanced or took over their mortgages.

19:15

And we're told that there were preachers going into the community who started liable study courses and eventually started indoctrinating these people.

19:23

The fact that the Jews were behind the banks and the Jews were the ones that were standing in the lines waiting to take over their farms.

19:31

And they believe them.

19:32

And we are told, and again, when I'm not sure the numbers are how much it was blown out of proportion, but these people were getting together armed groups to go out and fight the Jews to get back.

19:40

This is 1986 in our country today.

19:43

So the those groups are there.

19:47

Unfortunately, it seems that whenever economic conditions are bad or gas prices are high, the anti Semites come out of hiding to join the other anti Semites and don't keep secrets of their feelings.

19:59

We know there's a man of Salem, Salem that very regularly disseminates literature that's very very Semitic and mean to Israel.

20:07

We at our Holocaust Center received our first hate mail.

20:12

It was addressed to Sonya and it said it's only a question of time and had a Nazi and sinew on it and Sonya being a survivor, we took it even more personally.

20:21

I think that it had come to us.

20:23

After talking to several people, we found out that our hate mail is not unique.

20:28

That many organizations need some private people whom we can't really, we don't really know why they were chosen.

20:33

They need similar pieces of mail or the same nature and they, we don't know why it came or where it came from.

20:39

Well, I'm here to tell you about our Holocaust center.

20:42

I would like to feel that all of you know all about it.

20:43

And I don't have to talk to you because we've got an awful lot of publicity.

20:46

But I guess that's not fact.

20:49

We were created five years ago, very small brand from the Jewish Federation after unsuccessfully trying to get a federal brand purpose.

20:57

We were formed to provide community awareness, information, audio, visual support and education about the Nazi Holocaust and hopes of trying to prevent history from repeating itself.

21:08

Adolf Hitler once when speaking to a group of his people and explaining what his plans were for the Jews was asked how do you expect to get away with such a fantastic plan of exterminating so many millions of people.

21:21

They looked at them without any any response.

21:24

And he said who today still remembers the Armenians?

21:27

And he was referring to the Armenian tragedy of the 1915 to 1918 whereby 1,000,000 1/2 plus Armenians were systematically killed by the Turks.

21:36

And the world knew about it and looked and said Gee, that's really too bad and went about their business as if nothing were happening.

21:43

And Hitler was right.

21:43

If people didn't care about a million and half Armenians, why should they care about the Jews?

21:48

We didn't learn from our history, and we can't afford to repeat our mistake.

21:52

And so we hope that by teaching about the Holocaust and learning about it, perhaps we can learn from this very important piece of literature.

21:59

Our Holocaust center is interfaith.

22:02

We have an interfaith committee that oversees our spending and our goals for the year.

22:07

We meet three times a year on this committee.

22:09

We have ministers, priests, none rabbis and educators, as well as anybody in the community who is interested and concerned with the goals of the Holocaust Center.

22:22

We received an allocation yearly from the Jewish Federation and at least a third of our budget must be raised by, we don't by membership to the Holocaust Center.

22:34

Last September, we were very excited when the Holocaust Center moved PP to larger facilities.

22:40

At our center, which is located at the McCarthy School on Lake Street.

22:43

We have films, film strips, video cassette, and a growing library of resources in almost every aspect of a Holocaust.

22:51

In addition, we have current events files.

22:53

We tried to cut out as many articles as we can from any newspaper or magazine you see, duplicate these and file them in hopes that history in the making.

23:03

Should students or adults need materials on relative to current issues, we will have material available for them.

23:09

Whether it's on Joseph Mengala, it was in the news very recently, or on close Barbie, the butcher Lyon, who's been in the papers for a year and a half.

23:17

Also we caught our incidents of the anti-Semitism.

23:20

Any place that we see there.

23:22

I'd like to tell you something about just briefly about our films and our books and the nature of it.

23:26

Some people hear the word Holocaust and they hear about our center and they feel that we're here to shock you and to show you all the gore, etcetera.

23:33

Most of our films deal with lesson that you can learn from the Holocaust.

23:37

For example, we have a film called Hangman, 12 Minutes, very brief cartoon for both children and adults and it deals with the role of the bystander.

23:48

We have a film called Obedience, which is when you look at it, you don't realize the relationship to the Holocaust.

23:55

It deals with an experiment that was done at Yale University whereby the professor was trying to find out how far a person will go and hurting another person if they are relieved of responsibility for their actions.

24:09

This is the kind of material we show.

24:10

We do have films of course on the Holocaust per SE, but also an almost more important on the lessons that we all can learn from this period of history.

24:19

In addition to our our Resource Center, we offer speakers and programs for both schools, churches, civil and other organizations and we try to meet the individual needs of the group that come to us.

24:33

For example, if someone who wants to speak for the Holocaust, we try to send something appropriate for the community.

24:39

Very recently my daughter came home from school and told me that when she went up to bat in baseball, someone said to her go for it June.

24:46

It was last year in 6th grade, the same two young men in her class at recess put SWAT stickers on their arm and went up to her and went bang, bang.

24:56

Well, many parents would say, Gee, that's too bad it's happening.

24:59

It bothers me very much, my involvement in the Holocaust Center.

25:03

I contacted the principal, Sonya, and I went down and put in a program for the school.

25:07

The emphasis that Sonya made was the fact that, as Sally told you, the squad sticker is not just a prank.

25:13

It's not just something funny to be laughed at.

25:15

Sonya told the students what the SWAT sticker meant to her as a five of the Holocaust.

25:20

And to my knowledge, the incident has not been repeated from these two men.

25:25

And I didn't feel it came from the home because I knew their family.

25:28

We hope that we stopped where it should have been stopped.

25:31

In addition, again to the resource centers and the speakers, each year we sponsor conferences with survivors to help them.

25:39

We hope someday to speak before groups because they are the link to the past, the eyewitnesses to this.

25:46

We last year piloted a Christian Jewish teen workshop on the Holocaust with Bishop Fenwick High School in Peabody and students from Temple near Tamiya Confirmation.

25:57

The biggest complaint after 4 1/2 hours of students that did not want to be there was that it was not long enough and the relationship between Jews and Christians was just wonderful.

26:06

How the kids were sharing their emotions and their feelings by studying together about the Holocaust and learning about it.

26:13

Four years ago one of our first conferences was for Christian clergy on the North Shore area.

26:18

We hope this way.

26:19

Originally our goal was to find ministers and priests who would be willing to go out to speak about the anti-Semitism to their to the community and to their congregations.

26:28

For something very special developed out of these workshops over the years, a bond formed amongst the different ministers and priests and even men from the same and women from the same denomination found that they were relating to each other not as clergy but as people.

26:43

And this year we're proud to take a lot of our clergy workshop.

26:47

The North Shore Clergy Task Force was formed a Christian clergy who were there to combat anti-Semitism before and after should incidents occur.

26:58

For example, the quote at the recent press conference said that the task force proclaimed that anti-Semitism and racism are their business and that figotree will no longer be tolerated.

27:10

And I want you to know that they're there.

27:12

And should you be their help in any way, as a Christian community, they hope to react to show that they will not put up with us anymore.

27:20

Perhaps our biggest project of the whole year is our annual commemoration of the Holocaust, which again features an interfaith service.

27:27

We have a priest or we're going to have a nun this year.

27:30

She can't come last year.

27:32

We have Cardinal Lawrence, our speaker, a rabbi and a minister to participate in the interfaith service.

27:39

We have a very moving candlelighting ceremony of survivors and their children and this year we would like to welcome you all to come to her Viet class belt who is the Nazi hunter, non Jewish Nazi hunter responsible for the capture and hopefully bring you to trial of Klaus Barbie, the butcher of Lyon, who is now in a French jail waiting for his court in this case to come back to court, which probably won't be until next year.

28:04

The event this year will be on May 8th at 8:00 at the PV High School and it is open to the public and I hope you all make enough to come there.

28:14

Keep in mind now that our Holocaust Center's major goal is not for a museum, it's not for a building, it's for education.

28:21

We feel that education is a tool and the only tool that we can use to make the world around us a better place and our underlying goal.

28:31

And I've been asked this why am I involved in the Holocaust Center other than the job and my personal commitment?

28:36

It's because I feel that I'm this way, in my own little way, I can make my North Shore community a little bit of better place for the people that live here and from my children.

28:48

We at the Holocaust Center are very much aware that prejudice could not easily be wiped out.

28:52

We cannot get rid of prejudice.

28:53

We all have it.

28:55

But we've also learned that by studying the Holocaust, people are encouraged to face their own prejudices and at least try to deal with them.

29:02

By examining the unimaginable circumstances of the Nazi Holocaust and the implications, people are encouraged to think and relate the lessons of the past to the present worldwide violations of human rights.

29:14

People that have taken our course say, Gee, you know, they bring in articles from the newspaper about what goes on in different parts of the world.

29:20

And they said, Gee, I didn't realize this was going on.

29:22

What are we going to do about it?

29:24

Because of the exposure and the sensitivity that they have found in our course, they're not much more aware of what's going on in the world around them and that perhaps they too can do something about it.

29:35

The big lies that the Jews were racially inferior and not fit to live helped rally the nation of Germany behind Ada, Hitler and the Nazi Party, culminating with the systematic extermination of countless innocent Jewish lives.

29:48

The Nazis refer to the Jews as surplus people, people that were expendable, that nobody needed.

29:54

And unfortunately this term is not unique.

29:57

Many people refer to the Indians and to the blacks as surplus people, and more recently to devote people that nobody really wanted when they were trying to flee from their own country.

30:08

So we're very sensitive this term, surplus people, no matter who it is referring to, we will not tolerate that use and we are trying to help anybody out there that needs help.

30:18

Genocide is the end result of hatred, prejudice, ignorance and indifference.

30:23

As long as anyone or any group of people are deprived of their civil rights and their human rights, none of us can be truly free unless we do something about it.

30:34

We invite you all to come to our center and to visit with us to see the facilities that we have to borrow any rock films.

30:40

And we hope someday, maybe not to be the same as ADL, but we're already finding that people are coming to us with real personal things with anti-Semitism and problems in their own community.

30:50

Whether a child is involved in a fight or they have seen something written on the desk, etcetera in school and with ADL, we hope to help them learn how to deal with it.

30:59

As we would like to card this information to you, if you have any questions about the Holocaust Center, please feel free to ask.

31:07

We have distributed some literature about our center, what our resources are and are there any questions right now.

31:15

We hope you all know that we're here and you'll go around to tell everybody that we are there and have visit our center.

31:21

I'm not going to make a long introduction to Sonya, but she does that fine herself.

31:25

But as I tell the kids when I introduce Sonya, what a privilege they have appearing.

31:30

Sonya White speak as a survivor because she is an eyewitness to something that you can read about, a textbook you can study about for years and years, but until you hear someone who is there, the whole thing doesn't seem real and come to life looks different from here.

32:02

Survivors are supposed to be the credible link between this world and the other place.

32:10

And what I'm trying really to say is that we know what can happen when bigotry and racism go unchallenged.

32:21

And that's why I am here.

32:23

And I'm hoping that perhaps together we can make some of the connections today as the day progresses, some of the connections that Terry already mentioned, the bystander, the the boat people who were in my day considered surplus population.

32:41

And things have not really changed that much.

32:44

There are so many other parallels and lessons that we can draw from this, this piece of evil history.

32:53

The best thing I can do is speak about my own experience and not pontificate, which is always very, very tempting to do when you're at a podium.

33:03

I think I would like to start with a poem, which is the way I sometimes express my feelings.

33:10

This poem may give you an idea where I'll be taking you.

33:16

Come take this giant leap with me into the other world, the other place, where language fails and imagery defies, denies man's consciousness and dies upon the altar of insanity.

33:35

Come take this giant leap with me into the other world, the other place, and trace the eclipse of humanity where children burn while mankind's mood by and the universe has yet to learn why.

33:55

What I am really saying is that normal standards really don't apply to the Holocaust.

34:03

That it is a whole other world, that the word that we in fact don't have a language to express that other world.

34:11

Words like cold or hunger don't have the same meaning in that other world.

34:18

Very often.

34:19

You know, even I am having a problem coming to terms with some of the things that I had to do with some of the things that I had lived through.

34:27

And if you have a problem with it, I can understand.

34:32

I can't take all that time that I would like to for a presentation because we have so many other things to discuss today.

34:39

But I do want to give you some feeling of my own experience.

34:43

I was born in Krakow, in Poland.

34:46

I had a very normal, wonderful, loving childhood.

34:50

I live with my parents, my only older sister, and one of the miracles of that period to me is that both my sister and I survived.

35:00

Of course, the tragedy for me is that out of 84 members of my family, only my sister and I survived.

35:09

My early childhood, as I said, was wonderful and loving and very uneventful.

35:13

I had a wonderful grandmother who was a farmer.

35:15

I went to public school.

35:17

I don't even remember any great anti-Semitic events.

35:23

I do remember 1 little moment that stands out in my mind because as a very young child it would when my father came running into the school to Get Me Out of class because he heard that they were picking up Jews in the area of my school.

35:40

Why I remember it is because he was on his lunch hour and he was in a Barber shop and half of his space was still levered.

35:48

And so he ran out of the barbershop, came into my class, got me out of there.

35:53

So this is just the one moment that I can relate to.

35:56

The other thing that I remember as a very young child, 6-7 years old, is my parents speaking about trying to get out of Europe, that the danger signals that Jews were truly in mortal danger.

36:11

For the problem we had is that there was really no place for us to go.

36:16

the United States had some very strict immigration laws and the rest of the civilized world, for all good purposes, was not that anxious to take on this quote UN quote surplus population.

36:30

And so people like my family and I were really trapped.

36:34

Usually Holocaust years are referred to as 1933 to 1945.

36:40

For me it starts in 1939 with the invasion of Poland.

36:47

The Nazi troops just marched right into Poland and within six days they occupied my city of Krakow.

36:55

And for us it really it immediately there will be early persecution, the early devaluations that the crease the for forced labor schools were closed, my father's business was taken away.

37:09

All these early, early persecutions that you could perhaps live with.

37:14

And what I'm trying to tell you is that things were happening rather gradually.

37:19

You can live without your fur coat or your jewelry or even a radio, even a telephone if you had one.

37:27

That is not such a terrific hardship.

37:30

But gradually these things progressed into a pattern that was the beginning of extermination.

37:40

And so as a survivor, you know, I'm always very conscious of making waves.

37:45

Yes, a swastika is perhaps only vandalism, of course, as was mentioned here, since I received one just the other day, this little hate letter, And I tried to make light of it.

37:58

When I came home, I said to my husband, I thought everybody loved me, and I found out they didn't.

38:03

But a swastika or a Nazi stand or a piece of hate mail is something that must not be ignored.

38:11

I really, truly know what can happen if you allow things like that to go unchallenged.

38:17

And not that there there is no bit of hatred that has been significant.

38:23

They all have a very special meaning.

38:28

My family was still together until we were put into the ghetto.

38:32

Now the ghetto was a small section of the town built for the Jews.

38:38

A high wall came around the section of the town, and all the Jews in my particular area were hurting behind the walls very briefly.

38:47

Once more, the conditions were very bad.

38:49

There was hunger, there was disease.

38:54

I lived with my parents in a room probably the size of an average bedroom.

38:59

There was three or four families in each room and so conditions were bad.

39:03

However, I always remember my family saying we're still together and things are not so bad they will blow away.

39:11

This madness is not going to last forever.

39:14

The ghetto was so terribly crowded until they started taking away the young, the old and the sick.

39:22

Old, anything, maybe 55, sick, anyone who was mentally or physically handicapped, and young, under 14.

39:32

Apparently the very first plan was to use us for slave labor, and somehow under 14, it did not qualify, which presented a tremendous problem to me because I wasn't 14 and I started cheating.

39:46

And very often when I speak for young people, I tell them that I cheated an awful lot with age, with name, with all kinds of things that we devised just to stay alive.

39:56

At that point I managed to get the proper papers that proved that I was 14.

40:03

I was about the same size I am today so it wasn't difficult to get away with it.

40:09

The transports were constantly increasing.

40:12

As soon as the old and the young and the sick were removed, the transports kept continuing and we never knew who would be next.

40:23

And one day, my mother was on one of those lists for so-called resettlement again.

40:31

The resettlement was, of course, a myth.

40:33

We had no way of knowing.

40:37

Your mind has no way of absorbing that kind of information.

40:41

Extermination camps were never heard of.

40:43

And the Germans were a civilized nation.

40:46

And rumors were there, but no one believed them.

40:49

In fact, we're just learning now with a lot of research, that the outside world knew much more what was happening to us than we did.

41:00

In fact, the civilized world by 1942 really knew about these termination camps, about the final solution, about the camps.

41:10

One day my mother was on a list for resettlement, and I find it difficult to speak about it.

41:17

So I think I'll read just part of the poem that I wrote that night when my mother was taken away.

41:24

Originally it was written in my diary in Polish.

41:27

And eventually I had to destroy the diary because we're not allowed to have anything personal, a photograph or anything valuable.

41:35

Something that would make us feel human was taken away from us and my diary had to be destroyed.

41:43

I suffered, but I didn't cry.

41:46

The pains of fears so deep it pierced my heart and squeezed the dry.

41:53

And then I fell asleep as sleeping agony and dreams and nightmare.

41:59

That was true.

42:00

I heard the shots, the screams that came from us, from me, and I promised I would tell the world.

42:09

But where to find the words to speak of innocence and love and tell how much it hurts about those faces, weak and pale, those dizzy eyes around 6,000,000 lips that whispered hell but never made a sound?

42:29

To tell about the loss, the grief, the dread of death and cold, of wickedness and misery.

42:37

Oh no, My mother was taken to Belgium, one of the six extermination camps, the camps that were built for no other purpose but to kill people.

42:53

And of course I never saw her after the ghetto.

42:58

My very first camp and I survived 5 concentration camps.

43:02

My very first camp was Flashup.

43:06

Flashup was not an extermination camp, it was a slave labor camp.

43:10

Very few people realized that there were about 1600 sub camps, smaller places where people were used for slave labour, Jews and non Jews, the legipsies and Jehovah's Witnesses and homosexuals and wards and all the other subhumans.

43:27

The Jews were always very bottom, not even human.

43:32

A Jew was condemned to die.

43:34

Even the unborn child was destined for extermination.

43:43

Clash of, as I said, was not an extermination camp.

43:46

Of course, there was much killing and much suffering.

43:49

We had a hill where people were shot and they were being, they were burned and buried.

43:53

We had all kinds of executions hanging.

43:56

We had laboratories and all kind of public punishment.

43:59

Also something that they devised, the Nazis devised for torment.

44:05

And that was the kind of punishment, collective punishment, where if I committed some kind of a crime called uncle, if I reacted in some human way to a situation of didn't stand perfectly straight during the upheld floods on the roll call, if I committed some crime, perhaps everybody in my barrack would have been shot.

44:30

So you realize what was happening.

44:32

We were watching each other.

44:33

When my sister heard that I still had my diary, she made me burn it because had I been discovered, other people would have been punished.

44:42

Just another step in the dehumanization.

44:48

I want to read just one little poem that makes me feel better, and it's a poem about my father.

44:54

My father and I became very close after my mother was taken away.

44:57

And I'm not sure that you realize that the camps were always separately for men and separately for women.

45:04

And my father was in the men part of the camp together with my sister's husband.

45:08

I didn't.

45:09

I failed to mention that my sister was married in hiding to her childhood sweetheart, which is a whole other beautiful chapter.

45:17

And someday, I hope you invite me for a weekend, I'll tell you all this story.

45:24

I managed to sneak into my father's barrack one day and I just visit him, and I still could.

45:32

As I said, this was not an extermination camp.

45:34

This was a slave labor camp.

45:37

And there was a boy breaking the rules and playing the harmonica, had even discovered he would have been hanged, as was another young man, about 14, who sang a Russian song.

45:48

This boy was sitting on his bum playing a harmonica.

45:51

And my father looked at me and said, you and I never had a chance to dance together.

45:57

And he picked me up like a little girl and put his arms around, and he danced.

46:03

And I called this poem victory.

46:06

I danced with you that one time on how sad you were, how tired, lonely.

46:15

You knew that they would take you soon.

46:18

So when your bank might play a tune, you whispered, little one, let us dance.

46:24

We may not have another chance to grasp this moment, sense the mood.

46:31

Your arms around me felt so cool.

46:34

The ugly barracks disappeared.

46:36

There was no hunger and no fever.

46:40

Oh, what a sight.

46:41

Just you and I, my lovely father, once big and strong, and me, a child condemned to die.

46:51

I thought, how long before the song must end?

46:56

There are no tools to measure love, and only fools would fail to scale your victor.

47:07

Thank you.

47:14

This my book of poetry is now used as a teaching companion to the Facing History program.

47:21

And one young man said recently that somehow, even in the darkness, we want to see some light.

47:29

And that's exactly what I'm doing when I read that poem.

47:32

Because I would much rather tell you about dancing with my father than waiting for my best friend to die so I could take her shoes or her blanket or her piece of bread.

47:43

It was a we were completely dehumanized.

47:47

It is nothing but a piece of evil history that hopefully we can learn from.

47:55

From Plashoff, my father was taken to my cousin with Norbert with my brother-in-law.

48:00

Because I never saw my father again.

48:03

Norbert can survive, which is the other part of our miracle.

48:08

He and she spent Norbert and my sister were reunited after the war.

48:13

Still, my sister and I were always together and I feel that perhaps that helped me survive because she was a little older, a little more sensible.

48:21

She always that was a terrible brat and she always managed to keep me lying and watched over me and she always made sure that there wasn't there was no bread or anything else to be had.

48:31

She managed to find it and so she kept me alive all these years and from plush of we were taken to Auschwitz.

48:40

I think most of you have heard of Auschwitz, the selections, Dr.

48:44

Mengele who pointed to the right and to the left.

48:49

Then, of course, there was a Father Colby there who took the place of another prisoner because he felt that he was a priest and that he did not have that much to lose.

49:00

So there were great moments of humaneness, but very rare.

49:08

Of course, the smell of Auschwitz is something that survivors will never forget.

49:13

And I must tell you that every time I hear or read of another book that claims that the Holocaust never happened.

49:20

And there are many, many books now sent to libraries and schools and young people that have never heard of the Holocaust.

49:30

Some areas of the middle W perhaps now there's more awareness and I think more people know about it, but they're still denying that it's still supposed to be a Zionist plot and the hoax.

49:41

And I can't tell you what it does for me.

49:44

And that the smell of Auschwitz is so vivid and so real to me.

49:49

Every time I hear about that from Auschwitz again, my sister and I, always together, we were taken on the death March.

49:59

Now, the death March is something that's become almost mythical now.

50:04

It took place in January.

50:06

It was very cold.

50:07

It was snowing.

50:08

We had no food, wooden shoes.

50:10

We're not dressed for a hike in the winter.

50:13

We were evacuated from Auschwitz because the Russians were nearing.

50:18

You see, the war was almost over.

50:20

This is 1945.

50:22

But for us, it seems like the Nazis had just been one last compulsion to kill every Jew before the war ended.

50:31

Even though they were already losing the war on every front, they founded the priority to move us deeper into Germany, up to the extermination centers, to some other death factory where they could kill us.

50:44

And so the Russians liberated Auschwitz 10 days after we were sent on this death March.

50:53

Again, I this lack of words, lack of language to describe what it was like for days on end, only resting when the guards were tired.

51:05

And of course, sleeping in the snow is a very easy way to die.

51:08

And my sister, always determined to keep me alive, would poke me and pinch me and I hate her.

51:14

And she kept me alive and awake and wouldn't let me rest.

51:18

Somehow we made it through the death March.

51:21

Finally, we ended up in Bergen Bells and you've all heard about Bergen Bells in last year and I must get that in because I every time I do a presentation, I really feel it's so important.

51:33

President Reagan decided to go to Pittsburgh German Cemetery that had s s people buried there.

51:43

And I was ready to really have a nervous breakdown and I thought I'd never forgive him for it.

51:50

Somehow, as you've noticed, I'm a very optimistic person.

51:54

I don't stay angry very long.

51:56

Maybe it wasn't his fault or other people who went ahead of him to make the plans.

52:00

Perhaps it's our fault.

52:02

Perhaps we're failing to teach the difference.

52:05

And that's why I make it my point to bring it up.

52:08

The difference between Nazis and assess people, The assess were chosen, elite, chosen for nothing but killing, El Mizell said to the president.

52:19

Only the killers of European.

52:21

The s s people were as an elite group chosen.

52:27

They mostly volunteered.

52:29

I think 90% of them volunteer.

52:31

They were chosen for killing.

52:33

And so there is a big difference between a guard, between a soldier, between even a Nazi and an assessor.

52:42

After the President went to Bitsburg, he decided to Marion Bells and which really we could be even handed.

52:48

Which really ruined my wonderful 40th anniversary of liberation because it reminded me of what Bergen Belsen was doing.

52:58

Like Bergen Belsen was a dumping place for The Walking Dead, for the half dead.

53:05

This was not even a labour camp, it was a place where they dumped 300 of us into a room much smaller than that.

53:13

There were no bunks, no blankets, no food, only titles.

53:18

And so every day people were dying, dying of titles and they were being dreading out.

53:24

And we just waited and waited to die.

53:28

The only other thing there was no work and no food.

53:31

The only food we managed to get is taking a chance we would.

53:34

Some of us would go behind the German kitchens and we would steal rotten vegetables, whatever we could find.

53:43

The only thing besides lying there in that barrack waiting to die, we would be herded out onto the Appel plants.

53:51

The roll call.

53:52

Every day and sometimes for 16 or 18 hours.

53:56

They made us stand in the cold.

53:59

We were sick and cold and hungry and thirsty.

54:02

And I have a poem I want to share with you.

54:05

I call it icicles.

54:06

In Bergen Belsen, I had my own secret weapon when things got really, really bad.

54:12

I still do it today.

54:14

I would fantasize, I would sort of.

54:17

My imagination would take over and I would detach myself from my surroundings.

54:22

And this is one of those moments.

54:26

The wind is brutal, the rain icy cold.

54:29

I shiver and hold out my empty fists.

54:33

My stomach twists with hollow cramps, the hunger not unbearable.

54:39

It dulls my wits and sets my mind to swim.

54:44

My vision dims most pleasantly.

54:47

I tremble, I weep, and quite detached, I watch myself.

54:52

Am I asleep, or do I now belong among the dead?

54:58

And yet I know I am alive.

55:01

I know because alone my Bony cheek and tear escapes.

55:07

It quickly turns to ice.

55:09

How nice.

55:10

How nice to remember to see.

55:13

I see icicles and me, a little girl, a windowsill and frost upon the pane and down the lane, a friend, My mother's voice, the smell of food, My father's laughter fills the air.

55:30

I sigh.

55:32

I stare.

55:33

The wind has chased my dream away and left but emptiness.

55:39

The icicles now burn my lips, they turn to salt.

55:44

It's true, there are no bitter tears cause tears and blood sweat too.

55:51

They all taste salty part and bitterness, ah bitterness that dwells within my heart.

56:01

I am cold, hungry, I hurt.

56:05

Does anyone know I does anyone?

56:12

I think this poem, more than anything I can say, illustrates the point that if we have to at all come to terms with bigotry, with anti-Semitism, with racism, with with genocide, then we will have to consider not just the victim and the victimizer, but the bystander.

56:36

It's such an important component of this.

56:43

We managed to somehow get out of Bergen Bells and one of the very few people, everybody who remained in Bergen Bells and just died of Type A sooner or later.

56:53

And some of you might have seen the Frontline documentary film last year on television on Channel 2 that showed when Bergen Belsen was liberated and just the bodies piled up one on top of the other and they just were bulldozed into the ground.

57:10

And that probably would have been us, except that my sister and I got out with a group, 30 of us out of the 300, with a group to go to work in a very small labor camp.

57:21

And, and I won't tell you very much about that camp except that we worked for Messerschmidt, the airplane factory.

57:29

And sometimes I say that just to prove we survived with a sense of humor.

57:35

My sister thinks that the Nazis lost the war because we were building planes and we worked very difficult hours, 12 hours, 14 hour shifts.

57:48

Typhus was the biggest enemy.

57:50

We had also the assess women.

57:53

There were assess women in the camp rather than men, and they were even more cruel than the man.

58:01

My sister was very sick, she was dying.

58:04

I seem to have grown up suddenly.

58:06

I had to.

58:07

Then of course, I became always typhus and I was in the Infirmary when the orders came to evacuate that camp.

58:14

So now this is just about the end of the war almost all over, but for us, we were still commenting us and they decide to evacuate that camp because the British were nearing and we might have been liberated.

58:27

My sister got me out of the Infirmary because we learned that people who are were sick were usually just shot or left behind to die.

58:36

And of course she wouldn't have got separated.

58:38

So we got on the cattle cars on the trains again.

58:41

And I will not leave this point much too long if you can possibly stretch your imagination to somehow visualize 16 days in a sealed cattle car.

58:56

100 and 2000 and 40 women all sick with titles.

59:00

The only time they opened the cars was to remove the corpses.

59:04

And my sister would prop me up, you know, against the back of the car.

59:08

And she pinched my cheeks and tried to make me look alive so I wouldn't be thrown out.

59:13

Because very often, if you had no one watching that for me, they were just taking by the legs and out.

59:21

Eventually we made it into Mad Thousand, which by some coincidence was the same camp where Norbert and his father were taken.

59:31

And I remember very little about this camp because I was really unconscious most of the time.

59:39

We're terribly crowded.

59:40

We were just too late for them to kill us.

59:43

There were too many of us down there at the last moment.

59:47

And on May 5th, 1945, we were liberated by the American armies.

59:54

And I think I'm going to end with my little poem that I wrote last year because, as I said, we celebrated 4 years of liberation.

1:00:03

And I thought it was time, you know, to put some of these, this moment on paper.

1:00:09

What's happened with that poem is very interesting because I remember my one black GI, a black American with a Red Cross arm band.

1:00:18

And whenever I speak to young people, especially in their city and black kids, they seem to suddenly connect with this piece of history where they didn't before because suddenly they see a black person as part of it.

1:00:32

There's a very good reason why most survivors remember a black GI, because the blacks were given The Dirty job of burying the dead.

1:00:41

The, you know, engineering units.

1:00:43

And so many of us survivors remember black GI Liberation Day.

1:00:49

A black GI stood by the door.

1:00:53

I never saw a black before.

1:00:55

He'll set me free before I die.

1:00:58

I thought.

1:00:59

He must be on the side.

1:01:02

A black Messiah came for me.

1:01:05

He stared with eyes that didn't see.

1:01:09

He never heard a single word which hung absurd.

1:01:16

And then he simply froze in place.

1:01:19

The shock, the horror on his face.

1:01:22

He didn't weep, he didn't cry, but deep within his gentle eyes, a flood of devastating pain, his innocence forever For me.

1:01:35

With yet another dawn, I found my black Messiah gone.

1:01:41

And on we went, our separate ways for 40 years with other troops.

1:01:48

But there's a special bond we share which has grown strong because we dare to live, to hope, to smile.

1:01:58

And yet we vow not ever.

1:02:07

If there are any questions, if we, we have a moment, perhaps going to take 5 minutes, yeah.

1:02:42

Program, we're going to be talking.

1:02:46

Well, first of all, let me direct you to your schedule or agenda for the day.

1:02:51

We're lucky to have District Attorney for Essex County here, Kevin Burke and I'd like to ask him to to speak first and then we're going to hear from the other people on the panel.

1:03:04

I already told you a little bit about that this morning in my opening remarks.

1:03:10

This is the previous session was the theoretical part.

1:03:15

This is the practical part.

1:03:17

This is the part where we hope you really come away with some tools to go about investigating and going after racial, religious and ethnic crimes, bigotry, vandalism, things like that.

1:03:31

So no further ado.

1:03:32

Let me introduce Kevin Burke and thank you for coming.

1:03:36

I really appreciate it.

1:03:37

Well, it's my pleasure to be here if you can use that word, pleasure.

1:03:43

My reason in coming today is to make sure all you people and let me first compliment you folks who showed up this morning.

1:03:52

I'll be honest with you, I'm disappointed with the turn out.

1:03:55

Maybe I can do something about this and we can do it again, but that doesn't mean that you folks who are here this morning, police officers, shouldn't be complimented by your interest and your concern in this whole area.

1:04:07

I should say that I had my awakening in the civil rights area a few years ago.

1:04:15

Not that I wasn't generally aware of of the Massachusetts civil rights statute, its implementation or attempts at implementation, and that it should be applied.

1:04:24

But I can remember reading a report without prior notification regarding the implementation of the Massachusetts Civil Rights Act coming to Essex County and finding out there were no prosecutions in Essex County.

1:04:38

Now, we had it already at that time, a liaison, someone who had been given the responsibility for making sure our staff was educated as regards to civil rights violations.

1:04:51

But it was clear that we weren't intensifying that enough.

1:04:56

And as a result of that report that occurred 3 years ago, the main responsibility for educating our people, assistant DAS and subsequently then police officers wherever we could, fell on Joe Green's shoulders.

1:05:09

And I think he's done a good job since that original report, 1983 indicated to me that this was a much more complicated area than we could imagine.

1:05:23

It wasn't just simply good enough to send out a copy of the statute to our assistant DA's and ask them to deal with the police liaisons in the various district courts where we'd originally get those complaints.

1:05:34

And we had to be a little more proactive in in both educating our people and having assistant DA's assist police in understanding the violation of the law.

1:05:44

We'll get into the elements of the law with Jones and others later on, but the idea is that with these civil rights violations, and I know it's a two way sword, when you guys read civil rights statutes and see that one of the areas of violation is excessive use by police force.

1:06:04

And I know that for some reason I think that affects the involvement and use of that civil rights statute.

1:06:12

But we found it to be a very effective tool.

1:06:15

Where we've used it in Essex County is in general in the area of enforcing the statutes to as a result of incidents of anti-Semitism.

1:06:25

And we have sent letters to all the police departments.

1:06:30

I think the last letter went out about a year ago indicating that to be aware of these acts that we would assist in investigating and we would prosecute people who were involved in acts of anti-Semitism.

1:06:42

And in fact, we did bring a felony action against two individuals who did violate the rights of of an individual by beating them and and got a conviction.

1:06:53

So it's been our concern that we use this statute effectively.

1:07:00

What we're trying to do and why I'm participating here today is to continue the education process.

1:07:06

And it's obvious that I've got to put more of my authority and influence to the extent it exists with police departments on the line.

1:07:18

I've got to get more people here.

1:07:20

I mean, it's just and we're going to do it again.

1:07:22

I can tell you that Joe and I had an inkling that the turn out wouldn't be great this morning.

1:07:28

And we've already talked about putting something together under my sponsorship with the help of all the people here, where we'll get a full turn out.

1:07:37

Like, it's particularly critically important when you look at the development of the Civil Rights Act and the use of this law over the last couple of years.

1:07:46

Public accommodation area, the conviction that they had in Aqua County in a situation where someone was impeded, threatened in the use of restaurants.

1:07:57

There has been effective use of the ACT with an increasing number of Asian immigrants in Essex County, a large Hispanic population, especially in the greater Lawrence area, we are going to come across a greater need.

1:08:13

One of the the concerns I have in Essex is that with that Hispanic population, Lawrence, we've been able to uncover very few uses and incidents where the report really lays out a violation of civil rights.

1:08:28

And I know that just can't be that way factually knowing the atmosphere that exists in Greater Lawrence among the the people in and around the core of the city alliance.

1:08:42

So we're going to be using the statute in my presence here today is nice to tell you that I may be necessary the input, the expert in implementation of the statute, but I'm going to tell you that I support its implementation.

1:08:53

It's a valuable tool.

1:08:55

And I think that not to belabor a point, all of us should realize that this is a statute that's protecting us individuals.

1:09:07

It's not a a statute that really protects someone else or some other class.

1:09:12

It is essentially a statute of a group of statutes that are an act that protects all of us.

1:09:18

And it's critical that we understand that and educate ourselves and our colleagues, fellow officers, assistant DAS, to realize that point.

1:09:28

Once you come to that realization, then there will be generally more of an application of the statutes and more enthusiasm to to apply the statute.

1:09:38

It just isn't something to that exists to protect someone else.

1:09:41

It's here to protect all of us.

1:09:43

With that, I guess we can go into a more complete discussion.

1:09:47

But I, you know, I appreciate the folks that turned out here this morning.

1:09:52

I know you're busy.

1:09:53

I know there's money problems, staffing problems, every Police Department.

1:09:56

It isn't easy to let people go, but there isn't a city or town in Essex County where the statute can't be applied, can't be applied fairly, and can't have an overall positive effect on our society.

1:10:11

Thank you.

1:10:14

We, I wanted to find out, Joe, about somebody talking about the elements of various statutes.

1:10:27

Just very briefly, there's a handout that has the actual statute on it.

1:10:31

And this is a breakdown.

1:10:33

I think it was originally done by either Boston police or or Joan.

1:10:38

It'll be in by oh, so you have them up on the board and you'll be talking about if you want to use the transparencies, go right ahead.

1:10:48

So that'll be in the police presentation anyway.

1:10:52

The other thing that in Kevin's handout is the about 15 different incidents and it says is this a violation?

1:11:01

Some of those are difficult decisions.

1:11:03

So I would suggest that they may be subjects for questions for the police and the DA and the lawyers, AG and Bob Sherman, any of those incidents strike your fancy with questions about it.

1:11:16

Don't be embarrassed.

1:11:17

I think some of the difficult decisions to make, whether they are violations of the Civil Rights Act or not.

1:11:43

We should have been we, Yeah, we just no, I thought the police presentations, no.

1:11:58

Three major statutes that we have copied here just so you have an awareness of it.

1:12:04

Most of as Sally said earlier in the day, most people aren't even aware that the statutes exist and they do overlap with other statutes.

1:12:11

And we suggest they're using them wherever the facts apply.

1:12:16

And if they're duplicate of, of other charges, salts or whatever, we'll we'll deal with that also.

1:12:22

And they give you multiple charges.

1:12:25

But it's an effective tool.

1:12:26

It's also an effective message that goes out when a civil rights charge is brought.

1:12:33

The first statute, Section 37 and 265, and they're all fairly some of the more recent than others.

1:12:41

A person by force or threat of force, injures, intimidates or interferes with attempts to interfere with a person in the free exercise of any right or privilege secure by the Constitution to file the injury.

1:12:54

It's a felony.

1:12:55

That's a general statute and then they get.

1:12:57

There are some that are more specific where for assault or battery or damage to person or property for the purpose of intimidation, which of course is going to be your difficult proof element.

1:13:22

And but in some of the factual situations in the hypotheticals given to you, it's either more or less difficult and you can look at them.

1:13:29

Some of them are obvious, some of them are not that the intimidation was because of race, color, religion or national origin.

1:13:37

Many people as you said, many police and DAS are hopefully not in our office are unaware that that that statute exists, a criminal statute.

1:13:49

And then finally a prop specifically a property crime in you'll recognize 260-6127 is the general willful and malicious destruction statute.

1:14:02

And there's been an addition to that statute in subsection A, capital A, which specifically deals with destruction of church, synagogue or other building cemeteries for religious or burial purposes.

1:14:18

This is a recent felony over \$5000.

1:14:25

So that's in the statute books along with the willful and malicious specifically intended for churches, synagogues and burial places.

1:14:36

That's basically the elements of the crime.

1:14:38

The interesting part is, of course, applying those elements to the situations that we gave out.

1:14:45

And I think that we can leave for some of the panel discussion.

1:14:51

OK, Yeah, somebody add to that if you want.

1:14:56

Can we just about there's a couple things on on 26537.

1:15:01

The first one, I think I'll put it right back and I'll know where it is.

1:15:04

OK.

1:15:05

By the way, this is Rob Sherman.

1:15:07

Rob.

1:15:12

Just that people should know the first thing in terms of the last element for bodily, profoundly bodily injury results, that's not, but that's been interpreted to go anywhere from a scratch obviously to death cases.

1:15:24

So there's been, it's not a question where there has to be a very, very serious injury to which that applies for the statute to apply.

1:15:32

I think you should know that there have been a number of cases in which the injuries been relatively minor in terms of the kinds of cases you're going to see day-to-day.

1:15:39

But that still falls within the statute and I think that that's important.

1:15:42

And the other thing is that I think the other element that would strike your attention probably with two others, One is willfully, you know, exactly what does that mean?

1:15:50

It's the kind of word you see in statutes a lot.

1:15:53

It's got different meanings and variety of different statutes in this.

1:15:56

It's really been interpreted to mean intentionally in the broad and in a relatively broad sense.

1:16:04

There are a number of jury instructions that are had that in a number of cases using the statute that had over time come to kind of focus on that, on the use of the word willfully meaning intentionally.

1:16:20

So it's not as heightened the standard as one might expect.

1:16:25

And the last thing is number 4 that occurred the free exercise enjoyment of rights secure.

1:16:32

That sounds like it's not the kind of thing that you see element you see in most statutes.

1:16:37

So it's a little bit new, I think, for a lot of police officers to deal with that.

1:16:42

Basically that's, you know, all the rights that we generally think we have.

1:16:44

The right to walk down the street freely, the walk to the right to live in your house without fearing, without somebody throwing a rock through your window, the right to go to school in peace, the right to go to work in peace.

1:16:56

Those kinds of rights are the rights that they're talking about there.

1:16:59

And where those are interfered with, that falls within the statute.

1:17:02

Those are just a couple quick comments to clarify from beyond.

1:17:07

Yeah, I think that all you should understand.

1:17:09

There's no listing of specific rights any place, not even listing a caseload.

1:17:14

I think that would allow you to say, OK, this has been violated.

1:17:18

But it is in one sense it's, it's vague because we're not just talking about a listing of the rights under the Bill of Rights either, but an expansion of all those things that have occurred under the Bill of Rights.

1:17:29

But it's housing 10 school, all of the things where I've just talked about going to work, use of public transportation, access to all kinds of public buildings and properties, especially religious freedoms and freedoms of assembly if that is interfered with.

1:17:45

And I think the key is to use it in situations.

1:17:50

Make a comparison racial situations.

1:17:53

For example, if the potential defendant does something hurts someone interferes with someone and his intent is that he chooses that person because that person is a a member of a certain racial group, for example, then you get a violation of that statute prevents that person from entering public transportation because that person is a a member of minority.

1:18:21

And that's can't be a tough element to prove of the crime.

1:18:25

And it doesn't just automatically exist because there is a black on white situation or Hispanic white.

1:18:37

It it doesn't automatically exist.

1:18:39

It has to do with motivate how the motivation relates to the interference.

1:18:43

And that's where we have to work together on.

1:18:45

I can't give you a magic answer, but that that intention is a hard as we all well know a difficult element to prove in any criminal statute.

1:18:55

We really have to work on it in that area.

1:18:58

I wish I could give you a magic answer.

1:18:59

This violation of the statute.

1:19:01

It's it's difficult if you guys have any just keep going on this if you won't have any questions about 37 special.

1:19:11

But I think if I may say, I kind of get the picture here that we the police will be running across incidences where we're going to be falling short of what each element is going to be.

1:19:26

And and I think basically that's probably what what the police will run across probably on a on a practically almost daily basis of incidences occurring, but yet being shot of of enough to to bring somebody in on the three 6557.

1:19:44

Is there any mechanism for the police to do anything in those kinds of cases?

1:19:51

You anticipated that the the person that I'd like to hear, I'd like us to hear from next who has practical experience in using the the statutes.

1:20:01

And that's Bill Johnston was sitting on my left.

1:20:05

He is commander of the Community Community Disorders Unit in Boston Police.

1:20:10

And he's got the the practical experience that we we can share with you.

1:20:16

As Sally just said, I'm the commander of the unit and just give you a little history.

1:20:23

The last commander of the unit wasn't working out too well.

1:20:25

So I spoke to the the mayor and asked if he could find him another slot so I could take over.

1:20:32

Made him the police commissioner from beyond days in the community.

1:20:38

I love 26537 because it's the law there that doesn't mention any race, religion or anything.

1:20:43

It's it's a law for everybody.

1:20:45

As far as the rights there, constitutional rights as a police officer is what I deal with.

1:20:53

They're not special rights.

1:20:54

And oftentimes people out there, they perceive civil rights or special rights for other people.

1:20:59

Not that it's a special law for other people, when in fact it's a law for all of us.

1:21:04

And what are the special rights these people are asking for?

1:21:07

Or if in fact they are special rights as Rod just mentioned?

1:21:11

Are they asking for a special right to send their child out to walk to school, as in some case in the city of Boston, without being verbally assaulted, without some clown exposing himself to the child?

1:21:23

Is it a special right for the guy to go to work without his his windows being smashed out?

1:21:30

Is it a special right for him to sit and his family sit around the television without fearing the front windows to come?

1:21:36

I mean, that's what we deal.

1:21:37

It's day-to-day living and just live in quality of life issues really that I deal with in the community disorders human as far as weighing it when is there a civil rights violation?

1:21:49

One of the things I use, could this have happened with the same race there?

1:21:53

I mean this was white on white.

1:21:55

Could this have happened or if this was black and black, could this have happened?

1:21:58

And oftentimes you say, no, it wouldn't have happened, intensified because of the race, intensified because of the person, the color of the skin of their religion.

1:22:07

That's how I weigh an awful lot of these issues.

1:22:10

But who determines whether it's a civil rights?

1:22:12

I certainly don't.

1:22:14

The investigation determines whether it's a civil rights judge.

1:22:18

As police officers out there, if you do not investigate, then somebody else will determine whether in fact you have a civil rights judge.

1:22:27

I think when you go out there, whether it's whether as far as the old police thinking they were minor charges, they were at the broken window, not must pays attention to that, but they were the usual vandalisms are hanging on a building not must pays attention given to that.

1:22:44

But we learned in the city of Boston that either you pay now in the investigation or you pay much later when the lawyers committee show you didn't do your job.

1:22:55

So if you go out there and you can show one way or the other whether in fact the civil rights violation should be brought and the investigation will prove that perceptions of people oftentimes in the arrival of the victim, it happened because of my race.

1:23:08

But as you go through the investigation, it didn't happen.

1:23:11

They weren't picking on them because of their race.

1:23:14

One incident recently we had and it turned out to be a full investigation.

1:23:20

Vietnamese gentleman noise upstairs, no hot water and you can say it went crazy.

1:23:25

Please can't get involved in it.

1:23:26

But we did get involved because we know that if we don't get there in the very beginning, it could escalate to an incident to an incident that would turn out to be a major story in the newspaper.

1:23:37

What happened was they were both using the same hot water heater really not the whole thing was remedy by talking to the landlord and they went from a 30 gallon to 100 gallon.

1:23:46

But that was the type of incident that could have escalated into a into a major.

1:23:49

Well, I think that it and as in the city of Boston, if we don't investigate, let me civil rights.

1:23:56

And again, oftentimes officers look at them as minor offenses.

1:23:59

When we had the stoning of a ban in Charlestown where there were two whites and a black and that ban that was front page.

1:24:07

The same night there was a homicide in Charlestown, that was page 13.

1:24:11

So as far as the press, as far as the media is concerned, these are #1 incidents.

1:24:16

And as police officers were obligated to get out there and investigate, oftentimes victims and and the response to the police officer oftentimes being victims of crimes, they just had all their windows broken in and the police response can really make a difference.

1:24:29

It really can.

1:24:31

And I'm not asking you to change if if you have you have certain prejudices, don't carry them as extra baggage when you're out there As far as investigating these cases as they sensitive.

1:24:42

All I ask police officers when they go out there, do it be a professional, say you'll do your best and sit in and show that you at least care and take the report down.

1:24:51

I don't know if you have boxes within your departments that investigate these type things.

1:24:57

I think every department should have let me say that the two departments that have the greatest minority population out here in Essex County and that's too bad.

1:25:06

One of the things is I found out, I think the worst thing you can do to a person who's suffering these type crimes is to send a song and dance.

1:25:14

And I know the department has sent song and dancement out to these people.

1:25:17

And we had a seminar up long ago with swastika where the gentleman explained it was a swastika Penguin on the temple.

1:25:24

And he's talking to me and he's looking at me and it's a good old Irish, good old white boy and telling us the regular police terminologies.

1:25:31

The chief sent me down to dance with the rabbi for a while, pacify and make them happy to go away.

1:25:37

And they didn't see that swastika.

1:25:38

That's a major incident.

1:25:40

That is a major incident.

1:25:41

And they should be treated as such.

1:25:43

Boston Police Department and again, not for their goodness realizing they were major incidents.

1:25:48

Once they got sued, it was somebody said it might be a good idea if we formed a unit really to cover our own Bureau.

1:25:55

Jordan made the but I have a special order in 78 to to form the unit again.

1:26:01

I I believe it was going to be a song of things or hoping it would be a song where they can launch us out from the media and say here the guys that investigate it.

1:26:08

Well, he made the special order.

1:26:10

The guys who commenced the unit made made the unit special and it just went along the vendors.

1:26:14

Finally, there was nothing they can do as far as investigating these type incidents.

1:26:19

And it sounds like you got a great DA here and I have a good DA in Suffolk County.

1:26:24

Even those who don't want to touch it, if you do a good job in your investigation and you go up there, they got it.

1:26:30

They got to go with the civil rights.

1:26:31

They have to there absolutely no way to go.

1:26:34

So it depends on you as far as your investigations, how far these things are going to go with the case is going to go as far as the prosecution.

1:26:42

One of the things I do when I'm out there investigating these kind of instances is notify the DA right away to notify the attorney general, let them know from round one what I got and then we work together as the information comes in.

1:26:56

The District Attorney or the attorney general says at this point, I think we have enough on message.

1:27:02

If you can get me this, this bit of information, I could open the injunction or I could cross.

1:27:08

But again, as far as the civil rights thing, the investigation determines that it can go one way to the other.

1:27:15

Because again, as I said before, if you don't do your job, if you can't come up with the facts that prove one way or the other, then it's going to be the global determine or outside agencies or whatever the fact you have a problem.

1:27:29

I'd like to say a few words because in the Attorney General's office, we work very closely with the community disorders unit as cases are being novella.

1:27:41

And if you investigate, it is possible to get the kind of proof that you need to satisfy the District Attorney and bring the charges and to satisfy a judge or a jury.

1:27:55

And the bill hasn't talked about some of his investigative successes, but I've seen it work.

1:28:02

How do you get proof?

1:28:03

By working at it?

1:28:04

By interviewing a lot of people, by getting names, calling them down, talking to them, interviewing them.

1:28:11

A lot of incidents involved groups of of kids and kids talk and a lot of them boast about the things they do.

1:28:19

So there are a lot of people out there with some information if you're willing to spend the time interviewing.

1:28:24

One of the cases that we brought is a case that's on the back of one of your handouts, Commonwealth versus Hathaway at all.

1:28:34

That was a case, typical kind of unsolvable case.

1:28:38

The knight of family moved in.

1:28:40

The Gomes family moved into Dorchester.

1:28:43

Black Portuguese family.

1:28:47

Kids sitting around drinking 1130 start drinking early, talk about how they've got to do something about.

1:28:56

Well, anyway, the objective facts are At 11:30 at night, rock goes through the windshield of a car belonging to Daniel Gomes.

1:29:07

He comes down, somebody comes from across the street, punches him in the face.

1:29:12

How do you know that it's a civil rights violation?

1:29:14

Some cases it's easy.

1:29:15

This guy announces I'm a ***** racist from South Boston before hitting him in the face.

1:29:22

Sometimes all you have to do is ask whether anything was said to you then or beforehand and put it in the report and just write it down, Ask the question, put it in the report, and you got very simple.

1:29:34

And a group of them chasing back into the house.

1:29:37

The guy has just moved into the neighborhood.

1:29:38

He doesn't know who these people are able to recognize, perhaps the one guy who punched him in the face.

1:29:45

But there was a whole group of people sort of standing around cheering young, you know, shouting things at him.

1:29:51

But hey, he doesn't know any of them.

1:29:53

You know, no other witnesses.

1:29:56

What?

1:29:56

What are you going to do with that situation?

1:29:58

Well, interviewing, I mean, obviously a few people had some ideas who hung out in that immediate area, who to start talking to.

1:30:10

The interviewing started.

1:30:12

A couple of the kids who didn't break the window and who didn't punch the guy out said, well, yeah, I was there, but I left before.

1:30:19

I know something came down later, but I left by then.

1:30:21

Well, OK, He was there when you were when you were there, What were they saying?

1:30:26

Well, they acknowledged that.

1:30:28

Yeah.

1:30:28

Earlier in the evening, as they were drinking, they were talking about we've got to do something about the blacks and ***** moving into the neighborhood.

1:30:37

How did we prove it?

1:30:38

Because people, defendants themselves acknowledged that's why they were doing it.

1:30:45

Rock solid proof.

1:30:46

So that even without, you know, this idiot who comes across the street announcing what he's doing, the interviews established what their motive was.

1:30:55

In another case, there was vandalism to cars in a housing project.

1:31:00

Big surprise, right?

1:31:01

Vandalism to cars in the housing project?

1:31:02

That's not civil rights.

1:31:04

No way.

1:31:04

Everybody writes down vandalism and it doesn't get reported.

1:31:07

Well, people were alert to it.

1:31:09

They started looking for patterns and discovered an interesting thing, that despite the high rate of car stealing things out of cars and whatnot, that there was just straight outright damage and that the cars that were being damaged belong to Vietnamese residents.

1:31:26

That there was a pattern there and someone was watching for that pattern.

1:31:31

Any witnesses to people doing the car vandalism?

1:31:34

No.

1:31:35

Did the victims themselves, the Vietnamese want to talk about it?

1:31:40

No way.

1:31:40

They were scared.

1:31:42

They were frightened.

1:31:42

They had to live there.

1:31:43

So they didn't particularly want to give any hints that they had about who might have said anything to them or bothered them in the past.

1:31:52

But again, the Housing Authority police, Boston police, you know, knew probably who was, who was involved in this, started asking questions and again, a series of interviews.

1:32:04

Yeah, you know, I didn't do it.

1:32:05

Of course, someone said did it or I was just watching out or whatever.

1:32:11

Why were you doing it?

1:32:12

Because they're taking over here.

1:32:14

You know, the ***** are taking over.

1:32:16

The ***** are moving in.

1:32:18

You can obviously not every case is solved, but we've seen some cases where cops have initially said, hey, you know, window was broken.

1:32:31

No one saw it.

1:32:32

Why?

1:32:33

You know, why even bother?

1:32:34

Well, if you go out and start asking neighbors, you know, start asking cops who are in that area recently, well, what you know what's going on?

1:32:43

Sometimes you can get not only the identity of the people doing it, but the extra proof that you need for civil rights.

1:32:49

And boy, when you've got that extra proof and you know, Kevin and, and, and Joe have both said it, suddenly you, you've got a serious case in a case of the judges are going to deal seriously both and say bail and sentence it all the way through.

1:33:05

But just as a, as a practical matter of procedure around here, I guess what we're part of what we're saying today is you could come across a case that you think have the elements.

1:33:15

What can happen here is in the District Court, you can go to the assistant DEA with whom you deal regularly and he in turn will notify Joe and we'll all sit down and discuss how we can apply further investigative resources to come up with the necessary proof.

1:33:31

Or if, if you choose, you can call Joe directly so that there is a method where we can deal with these cases directly, professionally and, and hopefully quickly.

1:33:45

I mean, there's just no, it's as quick as picking up the phone if you think you have the elements of that kind of crime sometimes.

1:33:52

And I think part of the education process, our people don't pick them up because it's not made out of the police.

1:34:01

And frankly, sometimes it's it's a suspicion rather than a known fact.

1:34:05

You don't, you're not aware of the threat, but you should sense it if it's a racial minority and get a feeling for those kinds of things where there may not be clear evidence, there may not be the spoken words apparent after the first investigation of the incident, but you have a sense that something's wrong.

1:34:28

We'll help you discuss it, even go to your superiors for enforcement in this area.

1:34:34

What I'm curious about and I'd like to talk to Bill about because there you guys are ahead of it, ahead of us out here on a lot of it.

1:34:40

A lot of this area is where it falls short of what we consider where John would apply injunctively, where there's no physical damage to property and no one's been beaten up to go through that process where you think the how.

1:34:56

You've already discussed how you got involved in the hot water situation, but I think it's important for everybody to understand how we can use the statute and what their role is in that particular area and the effect of injunctive relief.

1:35:10

Maybe I'll speak to that.

1:35:11

If you could put 26537 back up on the screen and among your handouts there's a 2 sided handout.

1:35:21

One side is Commonwealth versus Hathaway, which is an example of an injunction that you can get under the Civil Rights Act.

1:35:32

And if you look at the Commonwealth versus Hathaway injunction quickly, you'll see that it not only says don't assault people, don't bother the Gomes family or other black residents, but it also down paragraph 5 and 6, tells them to stay away from the Gomes house so that the injunction can be very helpful in keeping people out of contact with each other.

1:36:00

It can say, don't approach them, don't go near their house.

1:36:02

You don't have to wait for another incident of rock throwing or assault and battery before you can say, hey, the injunction said stay away from their house.

1:36:10

You're on their front steps, even though you're not doing anything, you're in violation of the order and you can be prosecuted for contempt.

1:36:19

Let me talk just highlight some of the differences so you can see that it's possible to get this kind of

relief and some protection for victims even when some of the elements that you need for the crime fall short.

1:36:33

The really major difference is element one up there you see 26537.

1:36:40

You need force or threat of force.

1:36:44

If you look at the flip side of that injunction handout that says civil actions under the Massachusetts Civil Rights Act, bottom of the page, the elements are broken down.

1:36:55

To get an injunction, all you have to show is that the defendant used threats, intimidation or coercion.

1:37:04

Threats, intimidation, coercion is less than force, a threat of force.

1:37:09

It doesn't have to be a threat of actual force.

1:37:14

Intimidation can be from all of the circumstances.

1:37:17

If you've got a bunch of white teenagers yelling, you know, we don't want any Jews going to school here.

1:37:25

Hey, you know, kid, go back in your house.

1:37:28

You know you can't.

1:37:30

You know you don't belong here.

1:37:33

They haven't said, you know, we're going to kill you.

1:37:36

We're going to break your legs.

1:37:37

They haven't picked up a rock and threatened to throw it.

1:37:42

They may not have made a threat of force.

1:37:44

They may not have used actual force, but they've intimidated that child out of walking down the street or going to school or using the corner store or going into a park or whatever it is.

1:37:55

They've scared that child away.

1:37:58

That's intimidation.

1:38:00

That's something that you can deal with under the injunctive part of the Civil Rights Act.

1:38:09

And that's why the legislature did both things, because it realized that there were certain kinds of interferences that were so serious that used force and threat of force that, you know, additional criminal penalties beyond those that already existed.

1:38:24

And absolutely true, you can have, because there are some different elements from the regular, from the substantive crimes, assault and battery or malicious destruction of property.

1:38:37

You can get the extra penalties where there's civil rights violation as well.

1:38:41

Then in addition to those criminal penalties, it was important to protect people from other kinds of activities that interfered with their rights.

1:38:48

And again, the threshold here is a lot lower.

1:38:52

It's also easier to get an injunction because you don't have to prove things beyond a reasonable doubt in a civil case.

1:39:00

More likely than not, more probable than not is the standard of proof.

1:39:04

And finally, the injunctive action is terrific in situations of group activity where knowing who did what exactly is very hard because of this word intimidation.

1:39:17

Suppose you can't prove who throw through the rock.

1:39:19

Well, of course in the criminal side you can try to go joint venture, but again, you're still proving a crime beyond a reasonable doubt.

1:39:26

Have to prove joint, joint venture, concerted activity on the civil side.

1:39:31

Hey, if you've got a group of people, they're all standing, you know, shoulder to shoulder and rocks and shouts come out of the group, you know, by joining with remaining with that group, well, at least some members of the group are throwing rocks and shouting that's intimidating you personally.

1:39:49

Just by joining with them, even if you didn't throw the rock, even if you didn't shout yourself, you are participating in intimidation.

1:39:58

And therefore one of these injunctions shall be obtained, can be obtained.

1:40:03

So I should say in a lot of cases there are both injunctive actions and criminal prosecutions, sometimes against all of the defendants, sometimes only a few of the defendants are prosecuted criminally.

1:40:18

In the Hathaway case, the people who the guy who broke the windshield, the guy who punched Hathaway, the guy the.

1:40:26

And members of the group have tried to break down the door when Gomes tried to escape back into his house to get at him.

1:40:32

They were all criminally prosecuted.

1:40:35

But all those other kids who sat around through the night saying, yeah, yeah, we should do this, yeah, Hooray, yeah, go get them.

1:40:42

But didn't actually lay a hand on anybody.

1:40:44

Hey, that was that was pretty damn scare.

1:40:47

That was intimidation.

1:40:49

So all of them were enjoined.

1:40:50

And.

1:40:51

And you can you can do both.

1:40:53

It's critical and I think one of the the points that Kevin was hinting at critical to deal with incidents when they start to document.

1:41:08

Even if you know that a particular complaint not only doesn't involve force, a threat, of course, but may not even rise to the level of threats, intimidation or coercion.

1:41:18

It's some nasty remark.

1:41:20

Well, you know, back to the question of how do you prove what somebody's intent was?

1:41:24

If there's a history of making, you know, some some statements to people about their race or national origin and the people are disturbed enough to complain to the police, write up a report on it.

1:41:37

Have it there in the file.

1:41:38

Then when something more serious happens, you're just way ahead of the game.

1:41:43

And it's also very helpful and it's helpful improving the criminal case if it does rise to the level of force later and helpful in in proving that you need an injunction to to protect the victim in the future.

1:41:55

Just one other point that I should leave you with.

1:41:57

I mean, in these kinds of violations and violations of 37, we're not treating this act as we would.

1:42:03

Maybe you sit in the simple assault and battery or malicious destruction.

1:42:07

We have and will ask for committed time.

1:42:10

So know that it's more serious than those acts.

1:42:15

I mean they're assault batteries.

1:42:16

We don't ask for committed time, a lot of and malicious destruction almost never.

1:42:21

But in these situations we will ask for committed time.

1:42:25

So if you if you take that further investigative step and come up with that other element that intend to press and deprive the a suit of a person of a civil right, then we'll go after one thing.

1:42:40

Can I say always go for the two prong attack?

1:42:42

I think it's the best thing in the whole world.

1:42:43

If you got the criminal violation fine.

1:42:46

What happened before the he had the civil injunction?

1:42:49

We arrested two and there was 10s to take their place.

1:42:52

So at least we can go now and get the whole group and get him in there.

1:42:55

And believe it or not, I've been thanked by parents on this injunction.

1:42:59

I think John has too that the kid was hanging around with the wrong group, not even actively involved, but there so now he finally has you know, some of these kids he can not long.

1:43:09

I can't go up there.

1:43:10

I have an injunction against me.

1:43:12

I think I'll be remiss without bringing out a couple of other facts as far as investigating civil rights and how police and their attitude how it affects the victims of civil rights violation.

1:43:23

And I hope the ladies and gentlemen have sensitive as excuse me, but the biggest one of the biggest hurts to the victim is language.

1:43:32

We talk about the window.

1:43:33

We talk about the windows, we talk about the cars, but oftentimes I'm sure it's police officer people over here.

1:43:38

The word, the ***** goo, the ***** the no good honking the ***** Jew, right?

1:43:43

It was a terrible words by themselves, but an unfortunate thing as as a police officer on the job, I've heard police officers use those words amongst themselves.

1:43:51

Now, if they're already using those words and those type attitudes when they go out in the street, we have a problem.

1:43:57

I think as a supervisor out there, if you're a captain or a Bob or even a patrolman, you hear those languages by brother officers or even officers above you.

1:44:06

I think it at that point you said I don't like that you shouldn't be using because eventually it's going to come on the wrong place in the wrong time, responsive police officers situations.

1:44:16

And again, we're looking at these civil rights and broken windows when I deal with it.

1:44:20

You did you end up dealing with families?

1:44:22

I was born and grew up in Roxby, 1 of 12 kids.

1:44:25

I moved out of Roxby for the same reason of the black or the Hispanic moved out of Roxby because he wanted a nicer neighborhood, right.

1:44:31

I bought in West Rocks because I I wanted my dream house.

1:44:34

They bought in West Rocks because they wanted their dream house.

1:44:37

Oftentimes that the minorities had turned into a ***** nightmare and what happens to them during the course of one incident where the family movie was a controller, aircraft controller.

1:44:48

She worked for the bank that that two small children and he related this story to me and again, not as a police officer.

1:44:56

It affected me as a father of five children.

1:45:00

He was in the living room while his wife was in the kitchen.

1:45:02

He had a young One of his young children was in the bathtub and another child upstairs simultaneously.

1:45:08

18 windows in his house were broken.

1:45:10

18 So don't say there was a random act.

1:45:13

The kids are outside playing.

1:45:14

18 windows are broken.

1:45:17

His wife screamed from his child in the bathroom, screamed from his child upstairs stairs.

1:45:22

As he told me the story had tears in his eyes.

1:45:24

He said the worst thing that happened is I couldn't help.

1:45:27

I had no, didn't know which way to go, could not move my wife crying and screaming.

1:45:33

I called the police.

1:45:35

When the police arrived, it was pouring rain.

1:45:38

They beat them and I had to walk out into the rain.

1:45:42

Tell them about that.

1:45:45

We investigated that case, right?

1:45:47

And let me tell you about civil rights crimes and what you're dealing with.

1:45:50

You're dealing with probably the lowest form of human being, guerrillas.

1:45:54

It's a cowards act anyway.

1:45:55

It's usually done on the big the cover of doctors so no one can find what they do.

1:46:00

But let me tell you, 90% of the case in the Boston Police Department Community Disorders unit have been, we've gotten convictions through confessions and, and the old theory, you know, I never get a selfie guy to talk about another selfie guy or a Charlestown guy or Oxford guy.

1:46:14

Forget it.

1:46:15

Because once you're involved in civil rights violations, they get petrified.

1:46:19

I've seen them give up their brothers, their sisters, their girlfriends and their fathers.

1:46:25

So gentlemen, they have absolutely no problem giving up a police officer, absolutely none whatsoever.

1:46:31

So when you're dealing with these kids, whatever your attitude is between the prejudices, don't tell them because a couple of these incidents with Al talk to these kids.

1:46:41

They go, why did they break the windows?

1:46:44

Because they call the police.

1:46:46

I says, how do you know they call the police?

1:46:49

Because the police officer told me that blacks call the police and the police officer drove away then.

1:46:55

And what was the message he was giving to those kids?

1:46:57

OK, it's all right.

1:47:00

I'm telling you out there, it's civil rights under the color of law.

1:47:03

It affects you and all.

1:47:05

I'm asking all I have ever asked any police officer, do your job, that's all.

1:47:11

Just do your job.

1:47:12

Take the report.

1:47:13

I don't know if you have missile systems and, and, and you off these departments, but once you see that it's a possibility of a civil rights violation, the reports, there's nothing worse.

1:47:25

I think on my job to have somebody call a reporter or somebody say, what about the incident of IPAC or West Roxbury or Roxbury?

1:47:32

And I have to say, don't, I don't know anything about it.

1:47:35

And then going back, sure enough, the police respond.

1:47:37

They gave us civil rights charges.

1:47:40

When you're out there, you have to investigate it.

1:47:43

I think it takes a while.

1:47:44

I think in most cases.

1:47:46

I wouldn't apply to civil rights charge, by the way.

1:47:49

I'd, I'd go with the charge, whether it's assault and battery A and BW, and then investigate it to see whether he should apply to the civil rights charge.

1:47:58

I've seen in other towns in my my department guilty too.

1:48:02

I think it was in Sharon where the, the cross burning on a black person trunk.

1:48:05

Yeah.

1:48:06

And unfortunately, I got to meet the guy later was a super guy.

1:48:09

But all of a sudden that camera's in his face and he's got the microphone in his mouth.

1:48:14

What do you think happened?

1:48:15

And I always say it's still under investigation.

1:48:17

That's what I'd say.

1:48:19

He goes and again, he's as you talked about, he goes.

1:48:23

Well, I think it was just kids, you know, and they were just sort of a spur of the moment type of thing.

1:48:28

Life found it extremely hard to believe that there were, you know, 28 foot 2 by fours already.

1:48:34

There was nails there and the hammer there and there's Sullivan there and there was a hole there and it was just all there and the kids had to have to go by and like on point.

1:48:41

That was a cross burning and the cross burning into a black, I'm sure as a swastika Jewish prison and how it affects them.

1:48:51

And again, not applying your own standards when you're out there.

1:48:55

And I oftentimes hear about police officers, their civil rights, the things that happen to us.

1:49:00

And I almost want to even say that because we are a minority too, and civil rights violations as far as we can, we enforce them.

1:49:08

But just one fraction of that take.

1:49:10

We're just regular citizens for the other the other time.

1:49:13

So I really believe that as far as civil rights, we should be 100% our investigations.

1:49:24

Thank you, Bill.

1:49:26

First of all, I wanted to and Joe never got a proper introduction, but she is the the chief of civil rights for the attorney general's office, state attorney general's office.

1:49:36

And I'd like to ask Rob Sherman, he's with the Boston Lawyers Committee for Civil Rights.

1:49:41

He's got a long title.

1:49:43

He tells about more what he does.

1:49:45

He's head of the project to combat racial violence of the Lawyers Committee.

1:49:50

And maybe you can tell us a little bit about what the Lawyers committee is.

1:49:53

Robin, and do your bit.

1:49:56

OK, let me just I'm going to take this off, but let me just say two more words about this while we still have that up.

1:50:02

First is, you know, I think it's everyone is basically said it although not directly in in element 1 when it says force to threat of force that's either physical or to property, the force can be directed that profit doesn't have to be directed at the person.

1:50:19

That's another issue.

1:50:20

I mean it at first blood can be seen that it has to be somebody punch somebody directly.

1:50:24

That's not the case.

1:50:26

We've talked about and clarified a little bit about the other elements in terms of what bodily injury means, what kind of rights we're talking about and willfully.

1:50:37

I think that one of the reasons we do that and try to clarify a little bit about the elements is that they are slightly different than ones we typically see every day in other states.

1:50:48

But I think when you break it down, you see that it's basic.

1:50:50

It's, it's the basic kind of case that we've been talking about.

1:50:55

And I think that Kevin was right.

1:50:57

There's no magic to what makes a case.

1:51:00

Sometimes words aren't enough words and an act on enough.

1:51:04

Sometimes words alone, given the context should be enough.

1:51:08

Sometimes there are no words, but it's the context that informs your decision about whether or not there's a civil rights charge.

1:51:17

The last thing about these that I want to say is that that if you look at this one, what you, what you can see is that what we're talking about is a 10 year felony.

1:51:25

If there's bodily injury, this is Section 37, Section 39, which is one we saw before.

1:51:35

It doesn't say what the, the punishment is, but it's a 2 1/2 year misdemeanor.

1:51:39

It's the top of the misdemeanor line.

1:51:41

So what we would suggest is if there's a, if there's an incident that involves bodily injury, what we would suggest is that you use Section 37 because you're talking about now the possibility of a 10 year felony, even though realistically somebody's not going to get a 10 year sentence.

1:51:57

Probably for a first offender, the, the, the, the high limit is higher.

1:52:04

Section 37, Section 39, I think would be more appropriate where you have a very serious, let's say, assault that doesn't consummate into a battery.

1:52:14

Give me an example.

1:52:15

Somebody chases somebody, it's yelling at them and chasing them.

1:52:20

The person that's faster gets into their house before it is, before they're able to attack them.

1:52:24

What you have now is a very serious assault, which would have been a serious battery had they been able to consummate it, but they weren't.

1:52:31

So you have now potential for a 2 1/2 year misdemeanor with an assault where under section 37, if it's a misdemeanor, if there's no bodily injury, it's a one year misdemeanor.

1:52:42

The misdemeanor section of section 37 is a one year misdemeanor.

1:52:45

That is there's no bodily injury.

1:52:47

This misdemeanor is a 2 1/2 year 1.

1:52:50

So it would be appropriate to use this in a situation where you have a pretty serious assault that doesn't result in a battery.

1:52:56

That's just clear about that.

1:52:58

Well, it's up there.

1:52:59

Let me make I think prosecutors may differ on the 3739 choice and clearly the Essex County DA's office, you know, may have its own views on on the choice where there's an assault without bodily injury.

1:53:14

But there's one kind of case that is absolutely designed for this statute, and that is the case where the swastika is painted on the House.

1:53:27

Painting a swastika isn't force against property, Rob said.

1:53:32

And I absolutely agree that, you know, force against property, breaking a window, smashing out the windshield of a car, that's force against property.

1:53:39

You can use 37, but painting a a swastika or writing Dons do on someone's house doesn't involve the use of force.

1:53:51

But here you've got damage to real or personal property because of the words or the symbols, purpose of intimidation intended because of race or national origin.

1:54:02

What's done does it for you.

1:54:04

And in that kind of a case, you know, you use this statute, all of a sudden you've moved it out of the writing, scrawling and obscenity on the fence category into what it is, you know, a very serious and threatening act against people.

1:54:19

And in that kind of case, this is the absolutely the statute that that you should think about and again, realize that it says and it means you're dealing with a different crime than the other kind of acts of vandalism that you're so sorry.

1:54:37

Just let me make one other point.

1:54:38

I want to re emphasize what Bill said.

1:54:40

If you think you have a civil rights violation, you can charge, you can charge malicious destruction 1st and then come to us.

1:54:47

Let's discuss it and find out what the appropriate statute is.

1:54:50

I, you know, with putting our heads together and, and looking at the elements we come to, we can come to an agreement as to what the appropriate statute to charge under is.

1:54:59

You can get an original violation arrest in the rain if it's arrest is allowable under the particular violation you're dealing with.

1:55:07

And then we can do further investigation.

1:55:10

But know the statute so you're aware of its application in case you have an opportunity to make that on scene initial investigation more complete.

1:55:20

But don't worry at this stage that you are able to clearly distinguish 39 from 37 because as Joan mentioned, I'm not sure that all of us can do it well immediately.

1:55:33

Let's just talk about it and investigate further.

1:55:37

Before we go on, are the questions about to anyone about the relationship between the two statutes.

1:55:41

We you explain once more the application of the property 37.

1:55:49

You said we could apply 37 to property.

1:55:51

For example, if the the element, the 1st element under 37, it says force or threat of force.

1:55:58

All I was trying to say about that is that the force doesn't have to be directed at the individual.

1:56:03

In other words, it doesn't have to be a battery or an assault.

1:56:06

It can be directed somebody who breaks the windshield of a car or breaks somebody's window in their house.

1:56:12

That establishes that element of force or threat of force so that the force can be directed either at a person or at property to satisfy that element versus the simple damage distinction that job damage.

1:56:29

Any defacing of property is a damage to the property that does constitute the threat by the intimidation.

1:56:36

Damage of the property would constitute the intimidation of the person under that application.

1:56:42

139 still have to prove that it was for the intimidation.

1:56:47

But it's you know where you we're talking about a swastika or you know, somebody burns across, for example, in a park across from somebody's house.

1:56:56

Those symbols themselves are because of their history or intimidation.

1:57:00

I think other questions before I I'm going to talk a little bit about good things.

1:57:07

No, OK, just turn this off.

1:57:18

Let me just give tell you one minute about what it is I do besides watch over what build those the I work for the Lawyers Committee for Civil Rights and I direct the project on racial violence.

1:57:33

We've been around since 1982.

1:57:35

The project specifically the Lawyers Committee has been to Boston since 68 and basically what I do is represent victims of racial violence.

1:57:44

The representation is in in all forms.

1:57:47

I sometimes work with police and district attorneys and the prosecution of perpetrators.

1:57:54

I have done over the last several years a number of cases of criminal defense of victims.

1:58:00

It's not in a typical situation as I know you, you can imagine that somebody there's a there's a racial violence incident or a religious violence incident and then the perpetrator falls across applications.

1:58:11

No, that's not the way it happened.

1:58:12

The way it really happened was this way and I end up doing a lot of criminal defense of the victims in those cases also.

1:58:24

So I represent work with the A's and with police and represent victims in a variety by the ways also to bring civil actions on their behalf.

1:58:35

That just sets a context, I guess.

1:58:37

I'm an advocate for victims in many ways and an advocate for the use of the, the state Civil Rights Act, I guess particularly.

1:58:45

But what I want to focus really on is you've heard a fair amount about the state Civil Rights Act and, and the use of the those acts and racial and religious violence cases.

1:58:53

And the question really is, is does it make a difference?

1:58:57

Is it effective?

1:58:59

Does it make a difference to victims?

1:59:01

And does it make a difference in communities and in neighborhoods?

1:59:03

Because we can talk a lot about it, but if it's not effective, it doesn't ease tensions, if it doesn't help victims, all the good talk in the world doesn't really mean very much.

1:59:15

And I really want to separate out a little bit about those two questions.

1:59:18

1 is about victims and 1 is about communities and neighborhoods.

1:59:21

With respect to the victim, a number of the people have already spoken about what it means to a victim to have the kind of response by the police and District Attorney.

1:59:32

It really understands and appreciates what they've been through.

1:59:36

A number of situations have been described today, incidents that are obviously very serious.

1:59:44

The Cambodian family that moves into a that fate has faced, you know, years of moving throughout their own country into refugee camps and comes to the United States, moves into community and faces harassment from the from the day they walk in, a white woman who's driving through a mixed neighborhood and gets a car get stopped.

2:00:04

I grew young blacks and they robbed her and they yell at her the the black family that that Bill described.

2:00:12

Clients of mine from from Hyde Park section of Boston who were harassed from 1978 to 1982, if you can picture what it is for them, they're tort lawyers have this this mechanism that they use in the accident case.

2:00:27

It's called a day in the life.

2:00:28

You may have heard about it.

2:00:30

Somebody gets injured and they made a videotape of what that person's life is like after the the injury to show to a jury when they're talking about what it is that that somebody should get us compensation basis.

2:00:45

If you can just sort of mentally picture a day in the life of a family.

2:00:47

But to watch their kids all the time can't let them out of the yard, can't let them play in the neighborhood when they walk to the bus, they have to be aware of who's around, who's behind them, who's in front of them, who's at the bus stop.

2:01:00

Can't come home after dark.

2:01:01

Afraid to come home after dark.

2:01:03

Always worried about the sounds around their house.

2:01:05

I mean, clients in in the people who we all work with in Hyde Park live across from a nice park and a nice area of Hyde Park where you think there'd be all kinds of sounds all the time.

2:01:16

The sounds of kids running around, the sounds of cars back and forth.

2:01:20

Each of those sounds became for them a nightly experience.

2:01:24

Staying up on the weekends, the entire night to watch the house, to make sure windows weren't broken.

2:01:29

If you picture that over the period of time, and then you begin to try to understand what for them is a police response that's appropriate or not appropriate, it becomes a very significant thing.

2:01:42

And for them, a police officer, as Bill described, who comes up and honks the horn and as his raining and 18 windows have just been broken, it trivializes in a really fundamental sense what's happened to them.

2:01:54

What it says to them is it's not really a, you know, a serious incident.

2:01:58

And what they're feeling is being found with fundamentally, really fundamentally harassed, either a serious incident or a series of incidents is really trivialized for them.

2:02:11

And I think that when you begin to understand that it's, I mean, the response simply begins to change.

2:02:18

And I think you become more sympathetic with what they're going through and the kind of response that you would give to it.

2:02:24

It does obviously make a tremendous difference to the victims, the kind of response they get.

2:02:29

And importantly, when the Civil Rights Act is used in an appropriate case, it validates for them what's actually happened to them.

2:02:38

What says to them is, yes, we understand what's been happening to you and why it's happened to you.

2:02:42

And we're not saying it's simply a case of kids running through a neighborhood throwing rocks through your windows the same way they threw rocks through everybody's windows.

2:02:49

Because while maybe it's true that rocks have been thrown through other.