

Supreme Court weighs 'hate crimes' law of Anti-Defamation League

by Leo Scanlon and Steve Meyer

On Dec. 11, 1991, the Supreme Court of the United States heard arguments on the case of *R.A.V. v. City of St. Paul* (Minnesota), the first national challenge to a "hate crimes" statute. At issue is a fundamental question in First Amendment jurisprudence: whether the state may suppress speech which is offensive to one political constituency or another. The Court is reviewing the portions of a St. Paul city ordinance, one of a number of so-called "hate crime" statutes. It provides that a person who displays "symbols . . . which arouse anger, alarm, or resentment in others"—a purely subjective determination—is prosecutable under law.

Forty-four states have passed such hate crime laws, but in most cases they are simple enhancements to existing criminal offenses, such that if a law is broken, there is an added penalty if it can be determined that the crime was motivated by bias. The St. Paul law goes further, making the speech itself a crime. The broad and sweeping powers of the statute strike at historic protections of the right to free speech, and, if legitimized, would stifle open debate and publishing.

The issues before the Supreme Court are weighty, but of equal concern is the fact that the "hate crime" statutes were invented by the Anti-Defamation League, a semi-secret, private organization which nevertheless controls the *official* enforcement bureaucracy set up to administer such laws. The ADL has a documented record of using its powers to induce law enforcement agencies to carry out corrupt prosecutions of its political rivals. The ADL is notorious for smearing its opponents with the "anti-Semite" label. The hate crimes laws would give it the power to criminalize, as well as slander its opponents.

According to the ADL's own publication, *ADL on the Frontline*, November 1991, the ADL has been asked by the FBI to play a leading role in its training and outreach programs. ADL participated in FBI-sponsored regional hate crime training conferences for law enforcement officials from more than 300 of the nation's largest cities and counties. The ADL has exploited its special relationship to the Bush administration's prosecutorial apparatus by dominating the "diversity" training racket. According to complaints brought against the ADL programs for educators, these seminars are

85-90% devoted to eradicating alleged "anti-Semitism" among black students and teachers.

The fox has been asked to dinner in the henhouse: Through the efforts of the FBI, local law enforcement has established working relations with an organization, the ADL, which is financed by organized crime and is a major, public defender of the international illegal-drug cartel, as previous *EIR* articles have documented in detail.

The case of 'R.A.V. v. St. Paul'

Early in the morning of June 21, 1990, a group of youths burned a cross on the lawn of a black family living in St. Paul, Minnesota. The youths were initially charged with "assault" under separate state and city statutes. The office of Attorney General Skip Humphrey dismissed the latter charge and replaced it with St. Paul City Ordinance Section 292.02 charging that the youths had committed an act of bias-motivated disorderly conduct.

At a subsequent hearing, a Minnesota circuit court ruled that the bias-motivated disorderly conduct charge was, in fact, unconstitutional and dismissed that charge. But Humphrey's office appealed to the Minnesota Supreme Court, which overturned the lower court. Under petition by the defendant, the case was heard by the U.S. Supreme Court.

Political collusion between Humphrey and the organized crime-linked ADL is not new: Official documents filed with the Federal Election Commission and State of Minnesota show that Humphrey is funded by top national and local ADL moneybags. The national ADL has filed an *amicus curiae* brief in this case using the Minneapolis law firm of Leonard, Street and Deinard, whose political action committee also funds Humphrey. The firm's founder, George B. Leonard, was a public apologist for Isadore Bloomenfeld (a.k.a. Kid Cann), who ran the Twin Cities mob for Meyer Lansky. Associates of Cann became the modern ADL, as was documented in a recent series by Richard Magraw in the weekly newspaper *New Federalist*, titled, "Are Minnesota Democrats the Most Corrupt?"

The counsel-of-record for the *amicus curiae* brief filed with the U.S. Supreme Court on behalf of the national ADL,

is Allen I. Saeks and three other associates from Leonard, Street and Deinard.

Strange bedfellows

While the cross-burning could clearly be prosecuted under regular criminal statutes, the ADL prefers to use the incident for its own ugly agendas. So far it has succeeded in roping in the civil rights groups.

Supporters of the ADL legislation, who have filed *amicus curiae* briefs on behalf of the City of St. Paul, include People for the American Way, a "Hollywood mafia" creation started by ADL financier Norman Lear, and the National Association for the Advancement of Colored People (NAACP).

A brief was filed by the Center for Constitutional Rights (CCR), whose petitioners included, among others, the National Lawyers Guild (NLG) and the National Conference of Black Lawyers (NCBL), the National Organization of Black Law Enforcement Executives (NOBLE), the United Auto Workers (UAW), and the National Coalition of Black Lesbians and Gays. During the 1970s and 1980s, CCR, NLG, and NCBL provided the legal defense and political support for U.S.-based terrorist groups including the Black Liberation Army and Weather Underground network, which targeted policemen for execution. For NOBLE and the UAW to associate with these extremist petitioners is bizarre, to say the least.

Political muscle for upholding the St. Paul statute comes from a brief submitted by 17 state attorneys general including Mary Sue Terry, Virginia's rabid death penalty enforcer, and filed by Skip Humphrey. Many of these petitioners have been involved in the flagrantly political abuse of the legal system to persecute Lyndon LaRouche and his associates. Briefs were also filed by the National League of Cities, National Association of Counties, National Governors Association, and the U.S. Conference of Mayors.

ADL promotes racist theories

While the coalition rests on the presumption of a common "civil rights" interest, the ADL has admitted that bigotry is not their enemy. On Nov. 3-4, 1991, the ADL and the League for Human Rights of B'nai B'rith Canada held a two-day conference on anti-Semitism at the Le Centre Sheraton AOA hotel in Montreal, where Leonard Dinnerstein of the University of Arizona spewed his own bigotry. In a major address, he claimed to discern "organic anti-Semitism" in the black community. He asked participants if the Jewish community should not reconsider its years-long alliance with American blacks, and begin a confrontation with that most disadvantaged segment of the American population.

There are further ironies in the alliance which has backed the ADL's power play. Are the NAACP and the leftist lawyers walking down the primrose path to fascism with the ADL unaware of documents released under the Freedom of Information Act (FOIA), which show that the ADL has play-

ed a prominent role supplying informants against the "left" and the civil rights movement for the FBI since at least the early 1960s? The FBI was then under the directorship of J. Edgar Hoover, no civil libertarian in anyone's book. ADL Fact-Finding Division spokesman Mira Lansky Boland herself came to the ADL from the Central Intelligence Agency, which the "left" accuses of fostering right-wing plots.

Suppression of all ideas

Those opposing the St. Paul ordinance include the American Jewish Congress and the American Civil Liberties Union. Both organizations did so only after bitter internal dissension. Other defenders of the First Amendment are the Association of American Publishers and the Freedom to Read Foundation.

These organizations point out that First Amendment jurisprudence in the United States has clearly limited what types of speech can be prohibited, and has defined threatening language as only those "fighting words" which would be understood to provoke a "reasonable person" to violent response. The subjective feelings of a particular individual, or group of individuals, cannot be allowed to control what type of speech is permitted, and the provocation of vague and arbitrary reactions, such as "anxiety" (which can trigger the criminal penalties of the St. Paul statute) has never been allowed as grounds for legal action.

The *amicus* brief filed by the Association of American Publishers and the Freedom to Read Foundation addresses the hidden effects of overbroad statutes, typified by the St. Paul ordinance, which can make libraries and publishers the targets of legal actions:

"For the vast majority of publishers and librarians, the only practical response to an overbroad criminal statute is compliance with the literal terms of the statute. Most publishers and librarians will not risk violation of a criminal statute and should not be expected to take that risk. Instead, they are compelled by overbroad statutes to forgo First Amendment rights." That is to say, once an idea is made controversial enough to fit the terms of the hate crimes law, it will be in the self-interest of librarians and publishers to voluntarily suppress the idea, in order to avoid debilitating legal consequences.

This law will work like the most effective Gestapo machine, compelling its victims to anticipate, and "conform" to the consensus the ADL and its allies in the media can create.

It is not enough for the Supreme Court to rule against the ADL in the current case, although that is urgently required. There needs to be a national investigation conducted by civil rights and human rights organizations, of the ADL and its role in fostering racial confrontation. Such an investigation would rapidly bring to light the police-state essence of the "hate crimes" laws. It ought to bring the alliance between civil rights groups and the ADL to a well-deserved, long-overdue end.