

**Governor's
Task Force
on**

**HUMAN
RIGHTS**

Report



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SUBMITTED DECEMBER 1968

TO HIS EXCELLENCY,
THE HONORABLE KENNETH M. CURTIS
Governor of the State of Maine
State House
Augusta, Maine 04330

Dear Governor Curtis:

Responding to your personal charge of July 10, 1968, the Task Force on Human Rights worked for more than five months on the problems in this area of mutual concern.

You asked "that we search our statutes and our conscience to see that our society at least imposes no legal impediments to each citizen's full exercise of the rights of all citizens."

"Where we find legal roadblocks," you said, "we must remove them; where we see violations of rights we must provide remedies and sanctions."

We have sought to do so, and we submit herewith our report.

Respectfully submitted,

STANLEY J. EVANS, M.D., Chairman
Governor's Task Force on Human Rights

“Treat all men alike. Give them all the same law. Give them all an even chance to live and grow. All men were made by the same Great Spirit Chief. They are all brothers. The earth is the mother of all people, and all people should have equal rights upon it Let me be a free man – free to travel, free to stop, free to work, free to trade, where I choose, free to choose my own teachers, free to follow the religion of my fathers, free to think and talk and act for myself.”

Chief Joseph 1879

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INTRODUCTION

TO BE AN INDIAN in the State of Maine means:

If you are on a reservation, you live in substandard housing, with inadequate sanitary facilities,

Your children are likely to receive such a poor elementary education that they will be almost certain to drop out of high school; but, no matter how bright they are, they are likely to be "counselled" away from a college education;

White men can commit crimes of violence against you and your family with almost complete impunity, while you are likely to be arrested for the slightest infraction of the law, and prosecuted to the hilt;

Most of all, that you can be certain your problems will be studied, the study filed and forgotten until the next study; but that nothing will change very much.

TO BE BLACK in the State of Maine means:

Being subjected to all of the discrimination in, for example, housing, employment, and social and civic groups which Negroes are subjected to throughout the rest of the North;

Having to face this discrimination alone or as a small family group, without even having the moral support of a substantial black community with which to exchange ideas, or which can be organized to exert political pressure;

Even where you do not meet overt hostility, you will be the object of the curious stares which are customarily reserved for freaks;

As a result, you feel almost totally isolated in a basically hostile community, subjected to pressures which your white neighbors cannot understand even when, occasionally, they try.

TO BE POOR in the State of Maine means:

Obviously, that you and your children will be deprived of almost all of the goods and services which have price tags attached to them;

Being treated as an immoral person, because "it must be your fault" that you are poor;

If you seek governmental assistance, your private life will be invaded in a manner which would be intolerable to any middle-class person;

Your children, through a combination of pressures including "helpful counselling", are almost sure to be frustrated in any effort to have a better life.

In the pages that follow, your Task Force presents, to the extent possible, data in support of these and other major problems in what are called "human rights" in the State of Maine. We present also, for your consideration, certain recommendations, including a recommendation for the creation of a Human Rights Commission.

The Task Force was reluctant to present this report at this time, believing that your mandate has not been fulfilled. We have not investigated fully all of the problem situations of which we are aware, and have therefore recommended specific solutions only for the most obvious and the most simple soluble problems. We would have preferred to complete the work assigned to the Task Force; but, working without any financial appropriation, it became apparent that the job was too large for this group.

In submitting this report, therefore, we wish to emphasize that it is in no sense complete. An enormous job remains to be done in documenting the human rights problem which each member of the Task Force knows exists, and in developing solutions for those problems. Effective solution of these problems must involve the participation - - the experience, and the imagination, and the support - - of the groups intimately concerned with each problem.

With humility, therefore, we defer to the proposed Human Rights Commission the completion of the task assigned to us.

AREAS OF INVESTIGATION

A. INDIAN AFFAIRS

To a striking extent, the history and problems of Indians in Maine parallel the history and problems of Negroes in the South:

- the black man was deprived of his freedom and brought to an alien land;
- the red man was deprived of his normal way of life, and his own land made alien to him;
- after emancipation, the black man was guaranteed rights by federal laws which were ignored or misinterpreted so as to be meaningless;
- after accepting the white man, the Indian was given treaty promises of protection which, if not violated, have been ineffective to protect him.
- both were long denied the right to vote.
- both have been a source of cheap, usually unskilled, labor.

- both have systematically, if not deliberately, been denied the educational opportunities white men have assured for their own children.

The parallel is not, of course, perfect. In particular, Maine's Indians have preserved their own languages, and much of their own cultures; they never lost their sense of identity; but, lacking the numbers to become a significant political force, they remain unable to control their own destinies.

The rights of Indians are logically part of human rights generally; but, their problems are, in a sense, unique: the problems have been largely created by the State itself through treaties, special laws, and a claim of "wardship" in which the state has proven itself a singularly inept "guardian".

The principal problems which the Task Force has considered include:

- (a) The so-called trust funds
- (b) Problems of land titles
- (c) Encroachment of Indian lands through flooding caused by probably illegal damming
- (d) Confusion caused by uncodified and ill-organized statutes
- (e) Lack of full Indian representation in the Legislature
- (f) Police harassment and abuse of Indians' constitutional rights
- (g) Oppressive and discriminatory prosecution of Indians, and relative immunity of whites from prosecution for offenses against Indians
- (h) Inadequate training and job protection for Indian police personnel
- (i) Unequal educational and recreational opportunities, and channeling of Indian students away from higher education.

The Task Force submits the following facts and recommendations pertaining to these problems:

(a) Trust Funds

There have been repeated allegations that the so-called trust funds have not been properly administered. The State's reputation is at stake.

Recommendation

These allegations should be finally laid to rest. Independent certified public accountants having no other connection with the State should audit and publicly report on these funds, from their inception.

(b) Land Titles

Individual titles among the Penobscots are, in many instances, clouded, and further difficulties arise from the tribal ownership of the Passamaquoddys.

Recommendation

Special legal assistance should be provided to clear these titles.

(c) Flooding

In particular, it is claimed that private interests have erected "flash boards" in the Penobscot in excess of the legal height, thereby flooding islands and causing a loss of riparian values.

Recommendation

Investigation of this allegation, and legal action, if appropriate, should be entrusted to the Human Rights Commission recommended elsewhere in this report.

(d) Statutory Confusion

Laws relating to Indians are a salmagundi of archaic, amended and inapplicable statutes which have never been codified. Questions of validity and interpretation of Indian treaties add to this confusion. Even experienced counsel have the greatest difficulty in ascertaining the law applicable to a given problem.

Recommendation

The Department of Indian Affairs and the proposed Human Rights Commission should develop a complete revision of the Indian laws.

(e) Representation in the Legislature

Our nation and State are governed by democratic political processes; political power commands its own respect. At present, the Indian representatives in the Legislature have no vote -- hence, no power.

Recommendation

Each Indian tribe should be given full voting representation in the Legislature.

(f) Police Harassment and Abuse

The Task Force was shocked to conclude that there is evidence of systematic police harassment and abuse of Indian citizens:

1. Police in certain towns consistently stop cars driven by Indians, and subject them to safety and driver's license inspections, under circumstances where

no "white" car would be stopped. Tickets are issued for minor infractions, when a white man would merely be given a warning.

Note that the incident which led to the so-called fracas and raid on the Pleasant Point Passamaquoddy Reservation in September 1967 originated with such a stopping, and that the unpleasantness in that incident began when, according to the testimony of Trooper Lund (Press Herald of October 3, 1967) Daniel Bassett jumped out of his car, and shouted "Bobby (Newell), I am sick and tired of you and the State Police always stopping me and my brothers."

QUERY: Are harassment tickets given to "keep them on the reservation"?

2. In the pre-dawn hours of September 3, 1967, a raid was made -- without warrants -- on the Pleasant Point Passamaquoddy Reservation. Private homes were invaded by the Police and searched -- still without warrants. The raiding party consisted of 10 to 12 officers, in at least four police cars. It is alleged that at least one home was invaded by the officers and searched over the express objections of the residents; but few persons, faced with a large body of armed police officers, will ever insist on the niceties of a warrant -- the "knock on the door" past midnight by such a force is inherently intimidating.

The number of officers involved in the raid, the hour of the raid, and the conduct of the officers all suggest an intention of intimidating residents of the reservation.

As a result of complaints about the conduct of the officers, the Governor ordered the head of the State Police to investigate the raid mentioned above. The results of that investigation have been made available to certain members of this Task Force. Based on their brief examination of it, the Task Force makes the following comments:

- (1) The Task Force commends the Governor on his decision not to publicize this report. It is incomplete, due to the eminently correct decision not to seek statements from persons charged with crimes while their cases are still pending; and it suffers from other deficiencies, a few of which are mentioned below. Given the deficiencies in the investigation, its general publication would serve to confuse rather than clarify the events of September 3, 1967.
- (2) It is the opinion of the Task Force that it would be unfair to make a detailed public criticism of a document which is itself not public. Moreover, the circumstances of the examination of this report did not lend themselves to the preparation of a detailed critical analysis.
- (3) The Task Force condemns the use of the State Police to investigate alleged violations of human rights (illegal search and beating prisoners) by a State Police officer. It is undoubtedly true that there are certain

matters as to which police departments can investigate their own personnel; an example would be claims of graft or other dishonesty by individual officers. But, where the accusation is that a police officer acted -- perhaps honestly, but with excess of zeal to make an arrest or secure evidence -- in violation of the constitutional rights of others, it is doubtful that his own department can make a meaningful investigation.

Civilians, particularly those who are relatively poor, are unlikely to give frank answers about the conduct of an officer when questioned by another member of the same department.

Since no improper motive is claimed, the investigating officer is very likely (perhaps subconsciously) to be more interested in exonerating the member of his department rather than in getting the truth. There are indications on the face of the report submitted to the Governor that the investigating officer suffered from such a bias.

(g) Discriminatory Prosecution Practices

1. In the series of trials which followed the so-called fracas and Pleasant Point raid, we witnessed an astounding effort on the part of the State to secure -- not merely convictions -- but convictions of the most serious (felony) nature. Some of the strange aspects of the prosecution in these cases are pointed up in the newspaper articles which appear as Exhibits 8b through 8g hereto. In brief, these peculiarities include:
 - (1) Repeated pressing of an obviously untenable charge of conspiracy, in order to magnify the apparent seriousness of this incident.
 - (2) Prosecution by a special prosecutor from the Attorney General's Office.
 - (3) The special prosecutor causing secret, instead of open, indictments to be returned, and causing arrests to be made when he himself had said no arrests were necessary. Both the secrecy and the arrests appear explicable only in terms of harassment.

A review of the history of this case indicated a singleminded dedication to "get" the defendants; yet the incident did not involve the use of weapons and, according to the testimony of Trooper Lund (Press Herald, October 3, 1967) hardly any of the defendants committed any act of violence whatsoever -- and one of the acts he testified to was committed, if at all, by a slightly built young woman.

2. The almost incredible efforts of the State to secure felony convictions against the seven Indians involved in the "fracas" are to be contrasted with a notorious incident in which five white men participated in the beating of two Indians -- resulting in the death of one -- where the prosecution was lackadaisical at best. See Exhibit 8a, Telegram of December 19, 1965. Murder warrants were issued in that case, but none of the 5 warrants

were served. No one was prosecuted for murder. The only prosecution in the case was of one person, for manslaughter.

According to disinterested observers, the only person prosecuted for manslaughter was the only one of the five who could not possibly have been convicted, because he was in his automobile most of the time the beatings occurred.

NOTE the statement contained in the newspaper article:

“Indians on the Pleasant Point Reservation claim that Francis’ death is merely another in the list of violent deaths on or near the reservation. They claim that little effort is made by law enforcement officials to investigate crimes against Indians.”

(h) Indian Police

Indian police are inadequately trained, and have only temporary appointments.

Recommendation

Indian constables should receive the same training given members of the State Police, and should receive civil service job security.

(i) Education and Recreation

The deplorable state of Indian education is, in part, a result of years of complete neglect by the State. This neglect has been remedied recently by transferring responsibility for Indian schools to the Department of Education. Bringing Indian schools up to at least the State average is further complicated by the fact that Indians have a legitimate interest in preserving their own languages — English, therefore, is a foreign language to many students, but it is impossible to secure teachers in specialized courses (science, math) who can teach in the Indian languages. Further, English itself may be inadequately taught.

As a result of past neglect, inadequate training in science and math, and a language barrier, most Indian students are unable to compete in high school, and are virtually forced to drop out.

But even the exceptionally bright and exceptionally ambitious Indian youngster finds it almost impossible to secure a higher education: some high school guidance counselors routinely assign Indian students to the non-academic curricula; when the student discovers what has happened, it may be too late to take college preparatory courses. However, even if a curriculum change could be made, the student is vigorously counseled to “be realistic” and take a business or shop curriculum instead of college preparatory courses.

Recommendation

1. Modern methods of teaching foreign languages, including well equipped language laboratories, should be applied to the teaching of English in Indian schools where English is a second language. By the end of the fourth grade, every student in these schools should be completely fluent in English as well as in his native language.
2. The ability of students in Indian schools to compete in high school should be identified and measured. The Department of Education should take vigorous steps to correct any situations in Indian schools which make it more difficult for Indian students to compete effectively in high school.
3. During the year before high school, Indian students should be intensively counselled on possibilities for higher education; educational deficiencies of each child should be surveyed, and arrangements made for intensive summer courses, or other remedial action taken so as to assure maximum chances for success and proper course selection in high school. Enrollment in college preparatory curricula should be encouraged, and the students fully informed of the scholarship funds and other programs especially designed for Indians and members of other disadvantaged groups.

Many Indian problems are identical to those of other groups discussed elsewhere in this report: e.g., the problems of the poor are Indian problems, because poverty is a fact of Indian life in Maine. But, many of the Indian problems are unique, because the State has imposed a unique status upon him. The State therefore has a special obligation to do whatever is necessary to give Indians the same opportunities as enjoyed by those of us who are descended from immigrants.

Indian cultures should be preserved and encouraged as part of the State's heritage; but, we cannot compel Indians to conform to a stereotype of unlettered weavers of baskets. Only when they have the equal opportunity most of us enjoy, can Indians freely choose their way of life.

B. PROBLEMS OF THE POOR

There are many common, accepted human rights that are taken for granted by the majority, which are, for the victims of poverty, seriously infringed upon, or are entirely non-existent for them.

A partial list of the areas of infringement would include the lack of the following (in all cases the word "available" refers to both geography, and cost in relation to the individual situation both geographically and financially):

- (a) Adequate and available housing at reasonable cost
- (b) Adequate and available educational opportunities

- (c) Adequate, available and sympathetic health care
- (d) Adequate and available employment, training and counselling
- (e) Adequate legal services
- (f) Full and free participation in political processes
- (g) Equal treatment by federal, state and municipal agencies
- (h) Communication - information on the services that are available
- (i) Liberty - denied by Maine's practice of jailing debtors

The Task Force therefore recommends:

(a) Housing

A great expansion of low-cost public housing throughout the State.

(b) Education

1. That all school districts be required to furnish free school bus service for all high school students beyond walking distance of the school;
2. That scholarship and living expense funds be made liberally available, on the basis of need, for attendance at Maine's colleges and vocational institutes.

(c) Health Care

Emergency medical care should be available to all regardless of financial circumstances or proof of insurance. Health facilities should be expanded in Maine, extending to the provision of mobile units where necessary, to reach isolated communities.

(d) Employment, Training and Counselling

The Maine Employment Security Commission should become more employee oriented. A more extensive use of the outreach concept should be developed, actively seeking out and recruiting under and unemployed. Intensified programs of employment, counselling and training should be initiated.

(e) Legal Services

Legal services, such as those provided by Pine Tree Legal Assistance, Inc., should be greatly expanded.

(f) Participation in Political Processes

The poor should be encouraged to make their voice heard in decision-making processes, and should be included on public planning bodies, organizations, etc.

(g) Equal Treatment by Governmental Agencies

Federal, State and Municipal agencies should afford equal treatment to all regardless of financial circumstances. Such equal treatment will be encouraged by assuring proper representation of disadvantaged persons on governing boards, advisory councils, etc., in areas affecting the poor. An obvious example would be the proposed Human Rights Commission.

(h) Communication

A single agency should be established to serve as an information and referral agency for all services available to persons of limited means, with the specific responsibility of actively disseminating knowledge of such services.

(i) Imprisonment of Debtors

By a variety of statutory provisions, the State of Maine – almost alone among the states – virtually permits imprisonment for debt. The evils of such a system are numerous; but, to mention only a few:

- the debtor's family is deprived of his income
- imprisonment forces him to default on still more debts
- welfare rolls are increased.

Ours is a credit society; built into the credit system is the understanding that there will be some losses, and that the interests or carrying charge compensates for those losses. No one should be permitted to conceal assets or refuse payment of his just debts when he has the means to pay; but, when he lacks the means, imprisonment is mere vengeance.

The Task Force therefore urges abolition of imprisonment for debt, by adoption of legislation which has already been submitted to the legislature.

Public Transportation: Many of the problems mentioned above, especially education, health care, and employment, would be alleviated by the development of low-cost public transportation, making existing opportunities available on a wider geographic basis.

Other Problems: The welfare program area has been well covered by the Citizen's Task Force on Intergovernmental Welfare Programs. We agree with their conclusions and recommendations, particularly with those concerning the needs to put the program fully under State control, and to expand Medicaid to cover the medically indigent as well as those on categorical aid, to cover medications and dental work, and to bring the assistance grants up to the level of actual need.

There are many "minor" infringements of rights of the poor which the general public is not aware of, or never thinks about. For example: in recreation, parks and other facilities are most scarce where they are most needed. Poor children are kept out of Little League; overcharging of those who can least afford it is commonplace -- in housing, in food stores (which tend to raise prices around the 1st and 15th, when welfare checks arrive); rubbish collection schedules are less frequent in "slum" areas; a statute still on the Maine books forbids the issuance of a marriage license to a person on categorical aid; the archaic settlement laws enable an unsympathetic overseer of the poor to delay aid interminably; you don't get trading stamps on food orders on the food stamp plan, even though the market gets its full mark-up; obtaining surplus food is a gruesome and degrading process. Perhaps these "minor" indignities are too small, taken individually, to complain about, but these abrasive policies and irritations are extremely destructive, and the cumulative effect is to produce a defeatist (and anti-social) attitude.

These policies and laws appear to stem from the basic attitude "You're poor because you are lazy." Working from that premise, we refuse to adequately fund our aid programs. This results in the restrictive regulations, including ironically, the incentive-destroying policy of matching any earned income with corresponding reductions in categorical aid payments.

Documentation

Please refer to Exhibit 4 for partial documentation on the reality of the problems of the poor in our State. Other sources of documentation include Poverty in Maine, Third Edition, and the Citizen's Task Force on Intergovernmental Welfare Programs, September 1968.

IN SUMMARY

We have just uncovered the edge of a vast and complex area of problems. In order adequately and justly to investigate it, the proposed Human Rights Commission must be sufficiently funded to provide ample staff for extensive research.

C. COMMUNITY ATTITUDES

It would be unfair to our State to suggest that it is in some way worse, in its attitude toward minority and disadvantaged groups, than the rest of the country. But honesty compels us to conclude that it is not distinctly better; that is, there are deeply ingrained attitudes of prejudice against these groups. These attitudes periodically break out in overt conduct:

Exhibit 7 describes attacks on a black family in South Berwick; are white tourists treated this way in Maine?

Exhibit 6 describes threats on the life of a black radio announcer in Farmington, and the general indifference of the community to those threats.

In Portland, a Model Cities proposal for an experimental "family allowance" was defeated; the City Council debate indicated that the basic reason for the defeat was that "it isn't right to give 'them' something 'they' haven't worked for."

In brief, despite our limited investigation, it is clear that many people in Maine:

- hate black people
- consider poor people immoral, and inherently inferior
- treat Indians differently than white people.

These attitudes have more effects than simply acts of discrimination -- vile as discrimination may be. They set up a vicious circle in which the "outsider" group distrusts the general community. For example, it appears that former anti-French attitudes and discrimination are truly a thing of the past in most of the State; but some Franco-Americans still feel that the Anglo community is not to be trusted, will not give them a fair deal.

The Task Force is convinced that there are several crucial areas contributing to ignorance and misinformation concerning minority groups in the State of Maine. These areas include:

- (a) Community Attitudes
- (b) Education
- (c) Community Leaders
- (d) Economic Development

We do not conclude that these are the only areas of difficulty, and of concern, but rather that these are the most glaringly inadequate. We submit the following recommendations, some of which are long-range, and some of which can be implemented immediately.

(a) Community Attitudes

1. The Task Force recommends that the State of Maine undertake in cooperation with its educational institutions, two major studies:
 - (a) A study of community attitudes in two parts:
 - 1) A survey of attitudes of dominant and minority groups in selected areas of the State including rural and urban areas.
 - 2) A survey of attitudes of community leaders, elected officials, administrators, police and teachers.
 - (b) A study of the State's educational facilities as they pertain to the treatment of minority groups and also, as they pertain to the introduction of the contributions of minority groups to the development of American history and culture. These studies should analyze in addition to other minority groups the community attitudes toward the Franco-Americans among us.

Only through studies of this type can the State adequately gather information for the development of comprehensive programs for the protection and guarantee of basic human rights to all citizens.

(b) Education

There is no question but what misinformation, or, in fact, lack of information lies behind most of the negative attitudes in the community at large toward minority and disadvantaged groups. Many of these attitudes spring from a rather crude Social Darwinism and are reinforced in the school rooms by those who are victim to the same sort of stereotypes which cause the basic attitudes. To lessen, or eliminate, these negative and harmful attitudes the following recommendations are made:

1. The establishment of courses in the State colleges and other branches of the University which treat of the contributions of minority groups to American history, development and culture to be required of all prospective teachers. Efforts must be made to secure the most competent instruction in these courses.
2. The establishment of a comprehensive program of education in the public schools of the State, which deals fairly and honestly with the place of minority groups in our society.
3. The introduction, through state requirement from the State Board of Education, of good integrated, textbooks in all subjects. If these are not available, then the State Board of Education should contract to have them prepared.

The United States has a great minority heritage as a country. It is also true that our greatest strength as a nation is in our diversity rather than our similarities. Consequently the proposed Human Rights Commission has a clear educational responsibility to those not covered by the above recommendations -- those in the State not enrolled in schools: Thus,

4. Programs should be instituted in the same mass media concerning our minority heritage and the deprivation of human rights of all kinds. Both educational and commercial television should be utilized.
5. Programs relating directly to the State of Maine should be developed, again, in cooperation with the State Institutions already in existence. Such programs should emphasize:
 - (a) Maine and its problems with disadvantaged and minority groups
 - (b) The great heritage of the State of Maine and its marvelous Constitution which in the field of human rights is one of the strongest in the country.

(c) Community Leaders

We call upon community leaders, both elected and appointed, to lead in creating the

atmosphere in which opinion can be educated through change. Those in positions of social, economic and political power in this State should use the locus of their power to help create this favorable atmosphere. Those in business should use their power to aid in creative change in their own area of free enterprise. Those in private clubs, -- social, fraternal, service, and country -- should act to eliminate racial and religious discrimination in their membership policies, and become not "their brother's keeper", but "their brother's brother."

(d) Economic Development

Finally, we suggest that this State move rapidly and forcefully into the van of public opinion by encouraging and fostering in-migration and training of members of minority groups. This State is one of the final "new frontiers" of this country and should be first in incorporating lessons learned from our neighbors to the South and West.

1. We should look to the future expansion into our State and encourage the in-migration of minorities through provision of training opportunity, and a positive attitude toward their presence.
2. We must encourage our own youth, those in the 20 to 35 year bracket, to stay and help build the State to its potential.

D. DISCRIMINATION IN HOUSING, EMPLOYMENT AND PUBLIC ACCOMODATIONS

Maine law now makes it a crime to discriminate, on such grounds as race or religion, in employment, public accomodations, or rental housing. The Task Force found the following deficiencies in the existing anti-discrimination laws:

- there is no state agency with continuing responsibility for investigating human rights problems generally, and no single agency responsible for enforcing existing anti-discrimination laws
- it is unfair to treat those who discriminate as conventional criminals
- criminal prosecutions are unlikely to solve problems of discrimination, and do nothing for the individual who is a victim of illegal discrimination
- anti-discrimination efforts should be unified under a group of specialists
- anti-discrimination laws should cover sales, as well as rentals, of housing
- it should be possible to avoid all legal actions, and solve problems of discrimination by conciliation; but, where that fails, legal remedies should be provided which will be effective and fair to all concerned.

A draft of proposed legislation to remedy these deficiencies is submitted herewith as Exhibit 2 to this report.

The major provisions of this proposed legislation are:

(a) Creation of a Human Rights Commission

Every committee of the Task Force urged creation of a body to have continuing responsibility for investigating human rights problems in the State, and recommending solutions. In the Introduction to this report, we point out that our work is incomplete -- but the work begun by the Task Force must go forward. The proposed Human Rights Commission would investigate the serious human rights problems mentioned elsewhere in this report, and others coming to its attention, and propose solutions for those problems. Preservation of human rights is too important -- to the State as well as its citizens -- to be left to ad hoc task forces.

(b) Elimination of all criminal penalties for acts of discrimination

Much as we condemn discrimination, we recognize that most persons who discriminate are not "criminals."

(c) Criminal penalties for acts of coercion related to discrimination

There have been numerous incidents, in other states, of threats, violence, and economic attacks by those determined to preserve patterns of discrimination. (See Exhibit 9). Such conduct is usually already criminal, e.g., under the law of assault; we emphasize that such conduct is different from merely discriminating, by proposing additional criminal penalties for such gross infringements on the rights of others.

(d) Creation of a Division Against Discrimination

The proposed division would have primary responsibility for enforcement of all Maine laws against discrimination. It would normally proceed by conciliation and mediation, where investigation indicated a violation, but would have the power (subject to court review) to issue enforcement orders, or to bring civil actions against violators.

(e) Civil remedies for victims of illegal discrimination

The proposed law is designed not only to deter further violations, but, where someone has been injured by the discrimination, to give him relief (e.g., compensation for excess rent paid because of illegal housing discrimination). This relief would normally be part of the division's enforcement order; in rare instances it might be secured by the injured party himself bringing suit in the Superior Court.

(f) State funds not to be used to further discriminatory employment practices

We propose the equivalent of the Federal law prohibiting government contractors discriminating in employment, to prevent state funds being used to further

illegal discrimination.

(g) Sales as well as rentals of housing covered

Recognizing both the inequity of discrimination in any housing, and the fact that Federal law already prohibits discrimination in housing sales, we propose expanding the coverage of Maine law, primarily by including housing sales as well as rentals.

The Task Force has deliberately refrained from proposing anti-discrimination legislation in new areas. But in the three areas covered -- employment, housing, and public accommodations -- the State has already expressed its public policy against discrimination. We propose only the minimum legislation needed to convert that policy into a reality.

CONCLUSION

Historically the State of Maine has always been a leader in matters of social conscience. From John Holmes' speech in Brunswick in 1819 defending the right of Negroes to vote, through such private crusaders as Dorothea Dix and Oliver Otis Howard, to Maine's leadership in such areas as modern penology, through abolition of the death penalty, this State has always been willing to be in the forefront of the struggle for human rights. Our motto is still DIRIGO, "I Lead".

In these strategic matters of human concern, this State still has an obligation to lead. We need to stimulate constructive change in the public educational system. We should lay the groundwork so that the biased attitudes of today will be changed in the future. We should stress the diversity of human life, not its homogeneity. We should be proud of those original Americans who still live among us, and should bend every effort to make their opportunities equal in every way to those of people in the surrounding white communities. We should take the lead not only in solving our own problems, whether of social conscience or of political history, but also we should take the lead in the nation by showing the way in these areas. We should open up this great State of ours to those who, with their diversity, can make us stronger and so that in time to come we can still say that the State of Maine continues to deserve its motto.

The cost of these changes will not be nearly so great as the resultant disturbance and waste which will be the result of our failure to pay the necessary price. Thus, to cavil at these costs is to be penny-wise and pound-foolish. We must accept the social costs of the necessary programs. This State cannot do otherwise.

Respectfully submitted,

Governor's Task Force on Human Rights

APPENDIX

EXHIBIT 1

REMARKS BY

GOVERNOR KENNETH M. CURTIS

Delivered at the First Meeting of the

TASK FORCE ON HUMAN RIGHTS

Holiday Inn, Augusta, Maine
July 10, 1968, 10:00 a.m.

First, let me thank you for accepting the responsibility of serving as members of this Task Force on Human Rights.

It is most appropriate that in this year, 1968, which the General Assembly of the United Nations has designated as International Year for Human Rights, that we search our statutes and our conscience to see that our society at least imposes no legal impediments to each citizen's full exercise of the rights of all citizens.

Where we find legal roadblocks, we must remove them; where we see violations of rights we must provide remedies and sanctions.

I ask you to review Maine's 1959 law prohibiting discrimination in public accommodations for its adequacy of enforcement procedures, penalties and coverage.

I ask you to review Maine's fair rental housing legislation of 1965 by the same criteria and recommend appropriate amendments, if required.

This group should examine closely the recent U. S. Supreme Court decision on open housing to see whether state legislation is needed.

You should also consider what possibilities exist for state law to supplement federal legislation or extend its coverage in the area of fair employment practices.

I ask you to examine the government structure of Maine to see how we might improve our ability to assist citizens whose rights are violated or threatened.

I would suggest that you would want to review the experience of other states, especially those who have set up special agencies for this purpose.

It appears to many observers that it took the tragic assassination of Reverend Martin Luther King, Jr. to generate the pressure needed for Congress to pass the 1968 Civil Rights Bill.

I would like to think that we, in Maine, need no more than a compassionate concern for our fellow men to motivate us.

Your deliberations will be important and I assure you that your recommendations will be carefully considered by both myself and, in turn, by the 104th Legislature.

EXHIBIT 2 -- PROPOSED HUMAN RIGHTS ACT FOR MAINE

An act to create a Maine Human Rights Commission and its Division Against Discrimination and define their powers, and to protect equal rights to employment, housing, and access to public accommodations.

Be it enacted by the People of the State of Maine as follows:

Title I

§ 1.1 This Act may be known and cited as the Maine Human Rights Act

§ 1.2 The people of the State of Maine recognize that the inherent dignity and the equal inalienable rights of all members of the human family are the foundation of freedom, justice and peace in our State. Disregard and contempt for human rights in our time resulted in barbarous and violent acts which have outraged the conscience of mankind; and the advent of a world in which human rights and dignity are protected is a major aspiration of our people.

The practice or policy of discrimination against individuals or groups by reason of their race, color, religion, ancestry or national origin, is contrary to the history and traditions of the State of Maine. When it occurs, such discrimination foments domestic strife and unrest, threatens the rights and privileges of the inhabitants of the State and undermines the foundation upon which a free democratic state rests. The denial of equal opportunity for housing because of such discrimination compels many individuals to live in dwellings which are substandard, unhealthful and overcrowded, tending to result in racial segregation in public schools and other community facilities, juvenile delinquency and other evils, thereby threatening the peace, health, safety and general welfare of the State. The denial of equal access to public accommodations, by reason of such discrimination, is contrary to the tradition of public accommodations, implies the superiority of some groups and the inferiority of others, thus setting group against group and fomenting domestic unrest and strife, thereby threatening the peace, health and welfare of the State. The denial of equal opportunities for employment, because of such discrimination and because of age discrimination, and the consequent failure to use the productive capacities of individuals to the fullest extent, deprives the victims of such discrimination of the earnings necessary to maintain a decent standard of living, necessitates their resort to public relief, and intensifies group conflicts, thereby resulting in grave injury to the public health and welfare.

The experience of our sister states also establishes that once patterns of discrimination in employment, housing or public accommodations become established in a community, they are difficult to reverse and break down. Legislation is required to prevent the establishment of such patterns of discrimination and to eliminate such discrimination where it now exists.

It is also apparent that there are numerous practices which infringe on the basic human right to a life with dignity, but which do not take the form of overt acts of discrimination. Such practices similarly threaten the peace and welfare of the State. It is essential that all people in our State know that human rights are protected by the rule of law, so that no persons or groups may feel called upon to resort to violence for the protection of such rights.

§ 1.3 To protect the public health, safety and welfare, it is therefore declared to be the policy of this State,

(A) to keep continually in review all practices infringing on the basic human rights to a life with dignity, and the causes of such practices so that corrective measures may, where possible, be promptly recommended and implemented.

(B) to prevent discrimination in employment, housing, or access to public accommodations, on account of race, color, religion, ancestry or national origin, and in employment, discrimination on account of age.

§ 1.4 Definition of terms – When used in any Title of this Act:

(A) The term “commission” means the Maine Human Rights Commission established by § 2.1 (a) of this Act.

(B) The term “division” means the commission’s Division Against Discrimination established by § 2.1 (b) of this Act.

(C) The term “person” includes one or more individuals, partnerships, associations, organizations, corporations, municipal corporations, legal representatives, trustees, trustees in bankruptcy, receivers, and other legal representatives, and includes the state and all agencies thereof.

(D) The term “employer” includes any person in this State employing any number of employees, whatever the place of employment of such employees, and any person outside this state employing any number of employees whose usual place of employment is in this state, and includes any person acting in the interest of an employer directly or indirectly; but does not include a religious, fraternal, or sectarian corporation or association, other than a labor organization, which is not organized for private profit and is in fact not conducted for private profit, with its respect to employment of members of the same religion, sect or fraternity membership.

(E) The term “employee” does not include any individual employed by his parents, spouse, or child.

(F) The term “labor organization” includes any organization, group or association, which exists for the purpose, in whole or in part, of collective bargaining or of dealing with employers concerning grievances, terms or conditions of employment or of other mutual aid or protection in relation to employment; and includes any agent of such organization, group or association.

(G) The term “employment agency” includes any person undertaking with or without compensation to procure opportunities to work, or to procure, recruit, refer, or place employees; it includes, without limitation, placement services, training schools and centers, and labor organizations, to the extent that they act as employee referral sources; and it includes any agent of such person.

(H) The term “discriminate” includes, without limitation, segregate or separate.

(I) The term “housing accommodation” includes any building or structure or portion thereof, or any parcel of land, developed or undeveloped, which is occupied, or is intended to be occupied or to be developed for occupancy, for residential purposes.

(J) The terms “real estate broker” and “real estate salesman” have the same definitions as are given in paragraphs 2 and 3, respectively, of Title 32, Maine Revised Statutes Annotated, section 4001; but include all persons meeting those definitions, whether or not they are licensed or required to be licensed in this state, and whether or not they are exempted from the operation of Chapter 59 of Title 32, Maine Revised Statutes Annotated, by the last paragraph of section 4001 thereof.

(K) The term “place of public accommodation” means any establishment which in fact caters to, or offers its goods, facilities, or public services to, or solicits or accepts patronage from, the general public; and it includes, but is not limited to: inns, taverns, road houses, hotels, whether conducted for the entertainment or accommodation of transient guests or of those seeking health, recreation or rest, restaurants, eating houses or any place where food is sold for consumption on the premises; buffets, saloons, bar rooms, or any store, park or enclosure where spirituous or malt liquors are sold; ice cream parlors, confectioneries, soda fountains, and all stores where beverages of any kind are retailed for consumption on the premises; retail stores and establishments; dispensaries, clinics, hospitals, rest rooms, bath houses, barber shops, beauty parlors, theatres, motion picture houses, music halls, airdromes, roof gardens, race courses, skating rinks, amusement and recreation parks, fairs, bowling alleys, golf courses, gymnasiums, shooting galleries, billiard and pool parlors, swimming pools, seashore accommodations and boardwalks, public libraries; garages and gasoline stations; all public conveyances operated on land, water or in the air as well as the stations and terminals thereof; public halls and public elevators of buildings occupied by two or more tenants or by the owner and one or more tenants; and public housing projects.

(L) The term “unlawful discrimination” includes

(1) unlawful employment discrimination as defined and limited by Title III of this Act;

(2) unlawful housing discrimination as defined and limited by Title IV of this Act;

(3) unlawful public accommodations discrimination as defined by Title V of this Act;

(4) aiding, abetting, inciting, compelling or coercing another to do any of

such types of unlawful discrimination; obstructing or preventing any person from complying with this Act or any order issued hereunder; attempting to do any act of unlawful discrimination; and punishing or penalizing, or attempting to punish or penalize, any person for seeking to exercise any of the civil rights declared by this Act or for complaining of a violation of this Act or for testifying in any proceeding brought hereunder; and

(5) any of the foregoing types of unlawful discrimination, if committed by an agent or employee in the apparent or colorable scope of his duties, shall also constitute unlawful discrimination by his principal or employer, unless such principal or employer affirmatively proves that he did not know of and could not reasonably be expected to know of such conduct by the agent or employee, and further proves that before such discrimination occurred he in good faith issued instructions against such conduct, and that since learning of it he has taken or will take appropriate disciplinary measures for violation of such instructions.

TITLE II Commission and Division

§ 2.1 (a) There is hereby established an independent commission to be known as the "Maine Human Rights Commission." It shall consist of a total of seven (7) members appointed by the Governor, including the three (3) members of the division and four (4) additional members. The Governor shall designate one member to be its Chairman.

(b) There is further established a Division Against Discrimination of the commission. The division shall consist of three (3) members, appointed by the Governor. The members of the commission shall be ex-officio members of the commission.

(c) In appointing members of the commission and of the division, the Governor shall take into account the desirability of securing board representation from the geographic areas and ethnic and economic groups which comprise the population of the State.

§ 2.2 Terms of Office

(a) The members of the division shall be appointed for terms of six (6) years each, except that of those first appointed to the division, the Governor shall designate one commissioner whose term shall be only two (2) years and one whose term shall be only four (4) years;

(b) The other members of the commission shall be appointed for terms of four (4) years each, except that of those first appointed, the Governor shall designate one whose term shall be only one (1) year, one whose term shall be only two (2) years, and one whose term shall be only three (3) years.

(c) A member of the commission appointed to fill a vacancy occurring otherwise than by expiration of term shall be appointed only for the unexpired term of the member whom he shall succeed.

§ 2.3 Quorum -- Except as otherwise provided in this Act, two (2) members of the division shall constitute a quorum of the division, and three (3) members of the full commission shall constitute a quorum of the full commission. A vacancy in either body shall not impair the power of the remaining members to exercise all the powers of the division or of the commission, as the case may be.

§ 2.4 Compensation -- Reappointment -- Each member of the commission shall receive compensation of twenty-five dollars (\$25) for each day or part thereof necessarily spent in the discharge of his official duties, with a maximum of one thousand dollars (\$1,000) a year, and shall also be entitled to his expenses actually and necessarily incurred by him in the performance of his duties. All members of the commission shall be eligible for reappointment.

§ 2.5 Removal from office -- Any member of the commission may be removed by the Governor for inefficiency, neglect of duty, misconduct, or malfeasance in office, after being given a written statement of the charges and an opportunity to be heard publicly thereon, with right of cross-examination, before the Executive Council; such removal shall be effective only if two-thirds (2/3) of the Executive Council concurs therein after such hearing.

§ 2.6 Powers and duties of the full commission: -- The commission has the duty of investigating all conditions and practices within the State which allegedly detract from the enjoyment, by each inhabitant of the State, of full human rights and personal dignity. Without limiting the generality of the foregoing, it has the duty of investigating all forms of invidious discrimination, whether carried out legally or illegally, and whether by public agencies or private persons. Based on its investigations, it has the further duty to recommend measures calculated to promote the full enjoyment of human rights and personal dignity by all the inhabitants of this state. To carry out these duties, the commission shall have the power:

(a) to establish and maintain a principal office in the city of Bangor or Portland, and such other offices within the state as it may deem necessary;

(b) to meet and function at any place within the State;

(c) to appoint a full-time executive secretary to the commission and determine his remuneration; and to appoint such other personnel including, but not limited to investigators, attorneys and secretaries, as it shall deem necessary to effectuate the purposes of this Act, and to determine their compensation;

(d) to hold hearings, subpoena witnesses, compel their attendance, administer oaths, take the testimony of any person under oath, and, in connection therewith, to require the production for examination of any books and papers relating to any matter under investigation or in question before the commission; there shall be no executive

privilege in such investigations and hearings. Such hearings and testimony may relate to general investigations concerning the effectiveness of this Act and the existence of practices of discrimination not prohibited by it, as well as to investigations of other alleged infringements upon human rights and personal dignity. The commission may make rules as to the issuance of subpoenas, the administration of oaths, and the holding of preliminary and general investigations by panels of commissioners and by the executive secretary. Contumacy or refusal to obey a subpoena or subpoena duces tecum issued pursuant to this section shall constitute a contempt punishable, upon the application of the commission, by the Superior Court in the county in which the hearing is held or in which the witness resides or transacts business;

(e) to appear in court and before other administrative bodies by its own attorneys;

(f) to utilize voluntary and uncompensated services of private individuals and organizations as may from time to time be offered and needed;

(g) to create such advisory agencies and conciliation councils, local or state-wide, as will aid in effectuating the purposes of this Act. The commission may itself, or it may empower these agencies and councils to (1) study the problems of discrimination in all or specific fields of human relationships when based on race or color, religion, or country of ancestral origin, and (2) foster, through community effort or otherwise, good will among the groups and elements of the population of the State. Such agencies and councils may make recommendations to the commission for the development of policies and procedures in general. Advisory agencies and conciliation councils created by the commission shall be composed of representative citizens serving without pay, but with reimbursement for actual and necessary traveling expenses;

(h) to issue such publications and such results of investigations and research as in its judgement will tend to promote good will, and minimize or eliminate discrimination based on race or color, religion or country of ancestral origin;

(i) from time to time, but not less than once a year, to report to the legislature and the Governor, describing the investigations, proceedings, and hearings the commission has conducted and their outcome, and the other work performed by it, and make recommendations for such further legislation or executive action concerning abuses and discrimination based on race or color, religion, or country of ancestral origin, or other infringements on human rights or personal dignity, as may be desirable;

(j) in order to eliminate prejudice among the various ethnic groups in this State and to further good will among such groups and to advance the realization of human rights and personal dignity, the commission and the State Department of Education are jointly directed to prepare a comprehensive educational program designed for the students of the public schools of this State and all other residents thereof, calculated to emphasize the contributions of minority groups to American history and development, and to explain the nature and origin of prejudice and its incompatibility with American principles of equality and fair play.

(k) the commission is hereby authorized to accept contributions from any person to assist in the effectuation of (j) and may seek and enlist the cooperation of private charitable, religious, civic, and benevolent organizations for the purposes of (j).

§ 2.7 Powers and duties of the Division Against Discrimination -- The division has the duty of enforcing Titles III, IV, and V of this Act by investigating alleged or potential violations thereof, and by taking such action with reference thereto as is provided in this Act; and it shall have the duty of enforcing any anti-discrimination or analogous laws which may hereafter be enacted, and which designate it as the enforcing agency. To carry out these duties, the division shall have the power:

(a) to maintain its principal office at the principal office of the commission, and to establish and maintain other offices within the state, as it may deem necessary, whether or not they coincide with offices of the commission;

(b) to meet and function at any place within the State;

(c) to appoint a full-time chief investigator and determine his remuneration. The chief investigator shall be selected on the basis of being exceptionally well qualified by education, training and experience impartially to enforce the provisions of this Act so as to reduce and eliminate unlawful discrimination. The division is also empowered to appoint such other personnel including, but not limited to attorneys, investigators, and secretaries, as it shall deem necessary to effectuate the purposes of this Act, and to determine their compensation;

(d) to adopt, promulgate, amend and rescind rules and regulations to effectuate the provisions of this Act, and the policies and practices of the division in connection herewith;

(e) to formulate policies to effectuate the purposes of this Act;

(f) to receive, investigate, and pass upon charges of unlawful discrimination, as defined in this Act;

(g) to hold hearings, subpoena witnesses, compel their attendance, administer oaths, take the testimony of any person under oath, and, in connection therewith, to require the production for examination of any books and papers relating to any matter under investigation or in question before the division; there shall be no executive privilege. Such hearings and testimony may relate to general investigations concerning the effectiveness of this Act as well as to investigations of alleged or potential violations of this Act. The division may make rules as to the issuance of subpoenas, the administration of oaths, and the holding of preliminary and general investigations by individual commissioners and by the chief investigator. Contumacy or refusal to obey a subpoena or subpoena duces tecum issued pursuant to this section shall constitute a contempt punishable, upon the application of the division, by the Superior Court in the county in which the hearing is held or in which the witness resides or transacts business;

(h) to appear in court and before other administrative bodies by its own attorneys;

(i) to require the posting of notices or the adoption of forms by businesses subject to this Act, to effectuate the purposes of this act.

(j) to utilize voluntary and uncompensated services of private individuals and organizations as may from time to time be offered and needed.

(k) from time to time, but not less than once a year, to report to the legislature and the Governor, describing the investigations, proceedings, and hearings the division has conducted and their outcome, the decisions it has rendered, and the other work performed by it, and make recommendations for such further legislation, concerning abuses and discrimination based on race or color, religion, or country of ancestral origin, as may be desirable.

(l) to issue advisory orders and opinions, with the same effect as other orders;

(m) to do such other things as are set out in the other titles of this Act, and everything reasonably necessary to perform its duties under this Act.

§ 2.8 Budgets differentiated – Funds appropriated for the commission and the division shall be differentiated, and personnel employed by the commission shall be differentiated from personnel employed by the division. It shall be permissible, however, for personnel of each to assist in the work of the other, without a transfer of funds.

Title III -- Fair Employment

§ 3.1 Title 26, Maine Revised Statutes, sections 861, 862, 863, and 864 are hereby repealed.

§ 3.2 Right to freedom from discrimination in employment – The opportunity for an individual to secure employment without discrimination because of race, color, religious creed, age, ancestry, or national origin is hereby recognized as and declared to be a civil right.

§ 3.3 Unlawful employment discrimination -- It shall be unlawful employment discrimination, in violation of this Act:

(A) for any employer (1) to fail or refuse to hire or otherwise discriminate against any applicant for employment because of his race or color, religion, country of ancestral origin, or age or (2) because of any such reason, to discharge an employee or discriminate against him with respect to hire, tenure, promotion, transfer, compensation, terms, conditions or privileges of employment, or any other matter directly or indirectly related to

employment, or (3) in the recruiting of individuals for employment or in hiring them, to utilize any employment agency which such employer knows, or has reasonable cause to know, discriminates against individuals because of their race or color, religion, country of ancestral origin, or age;

(B) for any employment agency (1) to fail or refuse to classify properly or refer for employment or otherwise discriminate against any individual because of his race or color, religion, country of ancestral origin or age or (2) to comply with an employer's request for the referral of job applicants if such request indicates either directly or indirectly that such employer will not afford full and equal employment opportunities to individuals regardless of their race or color, religion, country of ancestral origin, or age;

(C) for any labor organization (1) to exclude from apprenticeship or membership, or to deny full and equal membership rights, to any applicant for membership, because of his race or color, religion, country of ancestral origin, or age, or (2) because of any such reason, to deny a member full and equal membership rights, expel him from membership, penalize him, or otherwise discriminate in any manner against him with respect to his hire, tenure, promotion, transfer, compensation, terms, conditions or privileges of employment, representation, grievances, or any other matter directly or indirectly related to membership or employment, whether or not authorized or required by the constitution or by-laws of such labor organization or by a collective labor agreement or other contract, or (3) to fail or refuse to classify properly or refer for employment, or otherwise to discriminate against any member because of his race or color, religion, country or ancestral origin, or age, or; (4) to cause or attempt to cause an employer to discriminate against an individual in violation of this section;

(D) except where based on a bona fide occupational qualification certified by the division as permitted by § 3.4, for any employer or employment agency or labor organization prior to employment or admission to membership of any individual, to

(1) elicit or attempt to elicit any information directly or indirectly pertaining to his race or color, religion, age, or country of ancestral origin;

(2) make or keep a record of his race or color, religion, age or country of ancestral origin;

(3) use any form of application for employment, or personnel or membership blank containing questions or entries directly or indirectly pertaining to race or color, religion, age, or country of ancestral origin;

(4) print or publish or cause to be printed or published any notice or advertisement relating to employment or membership indicating any preference, limitation, specification, or discrimination based upon race or color, religion, country of ancestral origin, or age;

(5) establish, announce, or follow a policy of denying or limiting, through a quota system or otherwise, employment or membership opportunities of any group because of the race or color, religion, country of ancestral origin or age of such group;

(E) for an employer or employment agency or labor organization to discriminate in any manner against any individual because he has opposed any practice which would be a violation of this Act, or because he has made a charge, testified, or assisted in any manner in any investigation, proceeding, or hearing under this Act.

§ 3.4 It shall not be unlawful employment discrimination:

(A) to discriminate on account of age, so as to:

(1) (Termination) terminate employment in compliance with the terms or conditions of any bona fide retirement or pension plan; or

(2) (Retirement plan) comply, in operation, with the terms or conditions of any bona fide retirement or pension, plan which have the effect of imposing a minimum service requirement; or

(3) (Insurance plan) comply, in operation, with the terms or conditions of any bona fide group or employee insurance plan.

(B) to prefer, in employment and promotion opportunities, individuals who are members of any racial, color, religious, nationality or age group which has heretofore had less than an equal opportunity for education or employment. Any person intending such preference, for the good faith purpose of compensating for such group's denial of opportunities, may (but is not required to) apply to the division for an advisory order on the validity of such plan; and such order, if issued and unrevoked, shall be a defense to actions and proceedings for alleged employment discrimination against groups not so preferred. If no such order was in effect, the facts of such a plan to prefer, in good faith, a group in compensation for its prior denial of opportunities shall, if proved, be a defense in any action or proceeding for alleged employment discrimination against groups not so preferred. Nothing in this Act shall be construed as requiring such compensatory preference.

(C) After employment or admission to membership, to make a record of such physical features of an individual as are needed in good faith for the purpose of identifying him, provided such record is intended and used in good faith solely for such identification, and not for the purpose of discrimination in violation of this Act.

Title IV - Fair Housing

§ 4.1 Title 17, Maine Revised Statutes Annotated, section 1301, is hereby repealed.

§ 4.2 The opportunity for an individual to secure decent housing in accordance with his ability to pay, and without discrimination because of race, color, religious creed, ancestry or national origin is hereby recognized as and declared to be a civil right.

§ 4.3 It shall be unlawful housing discrimination, in violation of this Act:

(A) for any owner, lessee, sublessee, assignee, managing agent, or other person having the right to sell, rent, lease, or manage a housing accommodation, or any agent of these, (1) to make or cause to be made any written or oral inquiry concerning the race or color, religion or country of ancestral origin of any prospective purchaser, occupant or tenant of such housing accommodation; or (2) to refuse to show or refuse to sell, rent, lease, let or otherwise deny to or withhold from any individual such housing accommodation because of the race or color, religion or country of ancestral origin of such individual; or (3) to issue any advertisement relating to the sale, rental or lease of such housing accommodation which indicates any preference, limitation, specification or discrimination based upon race or color, religion or country of ancestral origin; or (4) to discriminate against any individual because of his race or color, religion, or country of ancestral origin in the price, terms, conditions or privileges of the sale, rental or lease of any such housing accommodation or in the furnishing of facilities or services in connection therewith, or (5) to evict or attempt to evict any tenant of any housing accommodation because of the race or color, religion, or country of ancestral origin of such tenant.

(B) for any real estate broker or real estate salesman, or agent of one of them, to (1) fail or refuse to show any applicant for a housing accommodation any such accommodation listed with him for sale, lease or rental, because of the race or color, religion or country of ancestral origin of such applicant or of any intended occupant of such accommodation, or (2) to misrepresent, for the purpose of discriminating on account of the race or color, religion or country of ancestral origin of such applicant or intended applicant, the availability or asking price of a housing accommodation listed with him for sale, lease or rental; or for such a reason to fail to communicate to the person having the right to sell or lease such housing accommodation any offer for the sale made by any applicant thereof; or (3) in any other manner to discriminate against any applicant for housing because of race or color, religion or country of ancestral origin of such applicant or of any intended occupant of the housing accommodation, or (4) to make or cause to be made any written or oral inquiry or record concerning the race or color, religion or country of ancestral origin of any such applicant or intended occupant, or (5) to accept for listing any housing accommodation when the person having the right to sell or lease the same has directly or indirectly indicated an intention of discriminating among prospective tenants or purchasers on the ground of their race or color, religion or country of ancestral origin, or when he knows or has reason to know that the person having the right to sell or lease such housing accommodations has made a practice of such discrimination since the effective date of this Act.

(C) for any person to whom application is made for a loan or other form of financial assistance for the acquisition, construction, rehabilitation, repair or maintenance of any housing accommodation, whether secured or unsecured, or agent of such person, (1) to make or cause to be made any oral or written inquiry concerning the race or color, religion or country of ancestral origin of any individual seeking such financial assistance, or of existing or prospective occupants or tenants of such housing accommodations; or (2) to discriminate in the granting of such financial assistance, or in the terms, conditions, or privileges relating to the obtaining or use of any such financial assistance, against any applicant because of the race or color, religion or country of ancestral origin of such applicant or of the existing or prospective occupants or tenants.

§ 4.4 Nothing in this Act shall be construed in any manner to prohibit or limit the exercise of the privilege of every person and the agent of any person having the right to sell, rent, lease or manage a housing accommodation to establish standards and preferences and set terms, conditions, limitations or specifications in the selling, renting, leasing or letting thereof or in the furnishing of facilities or services in connection therewith which are not based on the race, color, religion or country of ancestral origin of any prospective purchaser, lessee, tenant or occupant thereof. Nothing in this Act contained shall be construed in any manner to prohibit or limit the exercise of the privilege of every person and the agent of any person making loans for or offering financial assistance in the acquisition, construction, rehabilitation, repair or maintenance of housing accommodations, to set standards and preferences, terms, conditions, limitations or specifications for the granting of such loans or financial assistance which are not based on the race, color, religion or country of origin of the applicant for such loan or financial assistance or, of any existing or prospective owner, lessee, tenant or occupant of such housing accommodation.

Title V -- Public Accommodations

§ 5.1 The opportunity for every individual to have equal access to places of public accommodation without discrimination because of race, color, religious creed, ancestry or national origin is hereby recognized as and declared to be a civil right.

§ 5.2 It shall be unlawful public accommodations discrimination, in violation of this Act:

(A) for any person, being the owner, lessee, proprietor, manager, superintendent, agent or employee of any place of public accommodation, to directly or indirectly refuse, withhold from or deny to any person, on account of race or color, religion or country of ancestral origin, any of the accommodations, advantages, facilities or privileges of such place of public accommodation, or for such reason in any manner discriminate against any person in the price, terms, or conditions upon which access to such accommodations, advantages, facilities and privileges may depend.

(B) for any person to directly or indirectly publish, circulate, issue, display, post or mail any written, printed, painted or broadcast communication, notice or advertisement, to the effect that any of the accommodations, advantages, facilities and privileges of any place of public accommodation shall be refused, withheld from or denied to any person on account of race or color, religion or country of ancestral origin, or that the patronage or custom thereof of any person belonging to or purporting to be of any particular race or color, religion or country of ancestral origin is unwelcome, objectionable or not acceptable, desired or solicited, or that the clientele thereof is restricted to members of particular races or colors, religions or countries of ancestral origin. The production of any such written, printed, painted or broadcast communication, notice or advertisement, purporting to relate to any such place shall be presumptive evidence in any action that the same was authorized by its owner, manager or proprietor.

to subsection (D); and if the proceedings before the division were commenced on the division's own motion, it shall file a civil action in lieu of holding a hearing.

(G) In such a hearing:

(1) The respondent shall be notified in writing, at least ten (10) days in advance, of the date and place of the hearing, and of the acts of unlawful discrimination alleged;

(2) All testimony shall be under oath and shall be reduced to writing and filed with the division;

(3) The respondent shall not be required to file an answer; he shall have the rights to appear at the hearing in person and by counsel, to cross examine witnesses, and to call witnesses in his behalf;

(4) The formal rules of evidence shall not apply, and the division may consider all evidence which possesses probative value commonly accepted by reasonable men in the conduct of their affairs. Such evidence may include evidence, statistical or otherwise, which may tend to prove the existence of a predetermined pattern of employment, employment referrals, or union membership, of housing sales or rentals, or analogous facts;

(5) The notice specifying the alleged acts may be amended to conform to the evidence; and additional evidence may be accepted, after either side has rested, and after such continuances as are necessary, all as a full and fair hearing may require;

(6) The hearing shall be before the full division, a panel thereof, or a single commissioner, as the division may determine either by general rule or by assignment of particular cases.

(H) The division, or the panel or single commissioner, upon conclusion of the hearing, may enter an order either (1) dismissing the case, or (2) finding that unlawful discrimination occurred. In either event, the order shall set forth its findings of fact and conclusions of law; whether the hearing was before a panel of the division or a single commissioner or the full division, such order shall, when filed in the principal office of the division, become the order of the full division; and unless reopened for the hearing of additional evidence, it shall be final to the extent provided herein.

(I) If the order finds that unlawful discrimination occurred, the order shall specify an appropriate remedy or remedies therefor; such remedies may include, but are not limited to:

(1) An order to cease and desist from the unlawful practices specified in the order;

(2) An order to employ or reinstate a victim of unlawful employment discrimination, with or without back pay;

(3) An order to accept or reinstate such a person in a union;

(4) An order to rent or sell a specified housing accommodation, or one substantially identical thereto if controlled by the respondent, to a victim of unlawful housing discrimination;

(5) An order to pay, as compensation to a victim of unlawful housing discrimination, the difference between the sale or rental price of the housing accommodation as to which there was unlawful discrimination, and the price that the victim of such discrimination actually and reasonably paid to secure temporary or permanent housing elsewhere;

(6) An order requiring the disclosure of the locations and descriptions of all housing accommodations which the violator has the right to sell, rent, lease or manage; and further, forbidding the sale, rental or lease of any such housing accommodations until the violator has given security to assure his compliance with any order entered against him and with all provisions of this Act; such an order may continue the division's jurisdiction, until the violator has demonstrated compliance, and may defer decision on some or all relief until after a probationary period and a further hearing on the violator's conduct during such period;

(7) An order requiring the posting of notices or publication of advertisements concerning the violation of this Act and the terms of the order entered;

(8) An order to pay the legal and other expenses of the complainant, of the division, or both; and in cases of unlawful price discrimination to pay the victim thereof three (3) times the amount of any excessive price demanded and paid by reason of such unlawful discrimination;

(9) An order to pay to the complainant civil penal damages not in excess of \$100 if this is the first order under this Act against the respondent, not in excess of \$250 if this is the second such order against the respondent, and not in excess of \$1,000 if this is the third or subsequent such order against the respondent.

§ 6.3

(A) Orders of the division may be appealed to the Superior Court by any party to the proceeding, including the complainant; such appeals shall be taken no more than fifteen (15) days after the date of mailing to the appellant of the order to be appealed from, or after the appellant received notice of the order, whichever is earlier. If not appealed within such time, its orders are final and binding upon the parties before the commission.

(B) Such appeals shall be governed by Rule 80B of the Rules of Civil Procedure, or by such amendment thereto as may hereafter be adopted by the Supreme Judicial Court.

(C) Such appeals shall be on the record of the evidence made at the division hearings held pursuant to § 6.2 (G). In the absence of actual fraud, the findings of fact set out in the order shall be final unless they are wholly unsupported by any substantial evidence. Errors of law in the proceedings before the division shall not be a ground for reversal of its order unless it appears that the appellant was in fact prejudiced thereby.

(D) During the pendency of such an appeal, the court may, and ordinarily should, grant such temporary relief or enforcement of all or part of the order as is necessary to preserve the status quo, taking the division's order into account in determining the propriety of such temporary relief or enforcement.

(E) If an order of the division finding a violation of this Act is affirmed or modified on such appeal, the judgment of the Superior Court shall, in addition to so affirming or modifying, order the enforcement of the division's order, or of that order as modified by the court's judgment. Any failure to comply with such a judgment shall be a civil contempt of the court, and punishable as are other civil contempts.

§ 6.4 If an order of the division becomes final and binding without the filing of an appeal, any subsequent noncompliance therewith shall be a contempt. The division, the complainant or any person aggrieved by such noncompliance may file in the Superior Court a complaint for the punishment of the violator of the order, whereupon the court shall forthwith issue its rule requiring the respondent to show cause why he should not be punished for such contempt; and hearing shall be had thereon as are other rules to show cause in contempt proceedings.

§ 6.5 At any time after the entry of an order, if no appeal is pending therefrom, the division at its sole discretion may reopen a case on the grounds of (1) newly discovered evidence or (2) changed circumstances. If so reopened, the division shall proceed with the hearing on the same notice and procedure as are provided for herein in the case of other hearings; and its order after such hearings shall have the same effect as other orders of the division. A request to reopen a case shall not stay the operation of the order theretofore entered in the case; and the decision of the division to reopen or not to reopen the case shall not be appealable. If an appeal is pending from an order, the division may reopen the case only by leave of the Court wherein the appeal is pending, and subject to such conditions and terms as the court may specify in granting such leave.

§ 6.6

(A) When any order of the division finding that there was unlawful discrimination becomes final and binding, either by the passage of time or by affirmance or modification on appeal, and when any judgment of the Superior Court in a civil action brought by the division or by an individual finds such unlawful discrimination and becomes final and binding, the division shall ascertain whether the person or persons found to have done acts of unlawful discrimination hold any occupational, business or professional license from this state or an agency thereof.

(B) If any person so finally found to have violated this Act holds any occupational, business or professional license from this state or an agency thereof, and the unlawful discrimination occurred in the conduct of or was otherwise related to the business, occupation or profession so licensed, the division shall file a complaint (1) with the Administrative Hearing Commissioner if he has by statute the power to adjudicate proceedings to suspend or revoke such a license, or (2) if the Administrative Hearing Commission does not have such power, with the agency or person having the power to suspend or revoke such a license.

(C) Upon proof that a final and binding order of the division or of the Superior Court has found that the person complained of committed an act of unlawful discrimination in the conduct of or otherwise related to the business, occupation or profession so licensed, the Administrative Hearing Commissioner or other agency or person having power over occupational, business or professional licenses shall:

(1) If this is the first such order against the licensee, direct that the licensee be placed on probation for a period of one (1) year, during which time the case may be reopened on motion of the division, and proof of another violation of this Act, even though not finally adjudicated, shall be ground for license revocation or suspension as in cases of repeated violation; or

(2) If this was the second such order against the licensee, his occupational, business or professional license shall be suspended for not less than three (3) nor more than six (6) months; or

(3) If this was the third such order against the licensee, his occupational, business or professional license shall be suspended for any period not less than six (6) months or permanently revoked.

§ 6.7

(A) When any order of the division finding that there was unlawful employment discrimination becomes final and binding, either by passage of time or by affirmance or modification on appeal, and when any judgment of the Superior Court in a civil action brought by the division or by an individual finds such unlawful discrimination and becomes final and binding, the division shall forthwith certify such fact, giving the date and tribunal of such finding of unlawful employment discrimination, and of any prior such finding with reference to the same employer, to:

- 1 - The State Purchasing Agent
- 2 - The State Controller
- 3 - The State Director of Public Improvements
- 4 - The State Highway Commission

In addition, once each year during the period from January 1 through March 31, the division shall send each of the above-listed officers and agencies of the state an alphabetical list of all persons found to have engaged in unlawful employment discrimination; but such lists shall exclude persons as to whom the most recent such finding was more than five (5) calendar years in the past.

(B) It shall be unlawful to grant any contract permitting or requiring the payment of State funds, or funds over which the State has control, to any person who has within the preceding five (5) years been finally found to have engaged in unlawful employment discrimination. Any such contract shall be illegal and void. This subsection shall not apply if the State Purchasing Agent certifies that there is no other person, within or without the State, who can supply the needed goods or services, and if the contract is approved by the Governor and Council.

(C) As to any contract granted by the State or any agency thereof after the effective date of this Act, if the other party thereto is finally found to have engaged in unlawful employment discrimination:

(1) Such contract shall forthwith terminate and be nul and void, and

(2) No further payments shall be made on account thereof, either for goods or services already rendered or for goods or services thereafter rendered.

This subsection shall not apply if and to the extent that the State Purchasing Agent certifies that the contract cannot be completed by some other person, or that the State would incur great additional expense in having the contract completed by another person, and if and to the extent that the Governor and Council approve the completion of all or a part of the contract by the original contracting party.

(D) No person holding a contract with the State or any agency thereof ("contractor") may directly or indirectly employ, as a subcontractor, a person

(1) who has within the preceding five (5) years been finally found to have engaged in unlawful employment discrimination, or

(2) who, to the actual knowledge of the contractor, is then engaging in unlawful employment discrimination.

Upon proof establishing that a contractor knowingly employed such a person, directly or indirectly, or that he knowingly caused or permitted payment to such a person of any funds traceable to the State or over which the State had control, the State may recover the sum or sums so paid to such persons by deduction from the balance of the contract price or, if there be no such balance of the contract price, in an action in debt, which may be upon the contractor's bond, if any. The State officers and agencies listed in subsection (A) shall deliver to contractors a current list of persons against whom there have been findings of unlawful employment discrimination; and proof of receipt by a contractor of such a list showing the ineligibility of a person to receive state contracts shall establish that any subsequent contract with or payment to him, direct or indirect, was made with knowledge of such person's ineligibility to receive the same.

Title VII -- Civil Actions by Aggrieved Persons

§ 7.1 At any time within six (6) months after an alleged act of unlawful discrimination, a person claiming to be the victim of such discrimination may file a civil action in the Superior Court against the person or persons who committed such act of unlawful discrimination.

§ 7.2 If the plaintiff alleges and establishes, to the satisfaction of the court, that he or someone acting on his behalf filed a complaint concerning the alleged unlawful discrimination with the division at least thirty (30) days prior to filing his civil action, the action shall be advanced on the docket and given priority over other civil cases; if the plaintiff fails to establish that such a complaint was filed with the division at least

thirty (30) days prior to filing his civil action, the action shall be heard and determined in its ordinary order on the docket unless the plaintiff establishes, to the satisfaction of the court, that irreparable injury would result if the case were not expedited.

§ 7.3 In such a civil action, the court may enter any orders and grant any relief as justice and equity may require, including the issuance of temporary restraining orders and temporary injunctions. Its final order may include any or all of the relief which the division could grant, as specified in § 6.2 (I), and such other relief as may be necessary to compensate for and prevent the illegal conduct proven in the case; but except in unusual circumstances, neither attorneys' fees nor civil penal damages should be granted to a plaintiff who did not cause a complaint of the discrimination to be filed with the division at least thirty (30) days prior to filing his civil action. The clerk of the court shall, on request, issue the certificate concerning real estate involved in the action, and such certificate shall be recorded, all as provided in § 6.2 (D)(4).

§ 7.4 If it appears during the pendency of such private action that the division has commenced an action against the same defendant, based on the same facts, the court shall, except for good cause shown, order consolidation of the cases, on such terms as justice may require.

§ 7.5 It shall be a bar to any such private civil action that the division, after a full formal hearing concerning the same events as are complained of in the civil action, entered an order which has become final and binding upon the plaintiff either by the passage of time or by affirmance or modification on appeal; but the plaintiff shall not be so barred unless he was a complainant or intervenor in the proceedings before the division.

Title VIII -- Crimes

§ 8.1 No person shall:

(1) apply or attempt or threaten to apply economic sanctions, or use or attempt or threaten to use force or violence, for the purpose of inducing another to violate this Act; nor

(2) apply or attempt or threaten to apply economic sanctions, or use or attempt or threaten to use force or violence, for the purpose of inducing another not to exercise any of the civil rights declared and recognized by this Act; nor

(3) apply or attempt or threaten to apply economic sanctions, or use or attempt or threaten to use force or violence, for the purpose of punishing or penalizing another for his compliance with this Act; nor

(4) apply or attempt or threaten to apply economic sanctions, or use or attempt or threaten to use force or violence, for the purpose of punishing or

penalizing another for his exercise of any of the civil rights declared and recognized by this Act.

§ 8.2

(A) Any person found guilty of violating any of the provisions of § 8.1 shall be imprisoned for not less than ten (10) days nor more than six (6) months.

(B) Any person found guilty of: (1) making a threat of deadly force or serious bodily injury, with an apparent ability to carry out such threat, or, (2) using or attempting to use such force as to create a risk of death or serious bodily injury,

in violation of any of the provisions of § 8.1, shall be imprisoned for not less than one (1) year nor more than ten (10) years.

Title IX -- Miscellaneous

§ 9.1 Burden of proof. In any proceeding before the division and in any civil action under this Act, the burden shall be on the person seeking relief to prove, by a fair preponderance of the evidence, that the alleged unlawful discrimination occurred.

§ 9.2 Separability. If any clause, sentence, paragraph or part of this Act, or the application thereof, to any person or circumstance, shall, for any reason, be adjudged by a court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder of this Act nor the application of such clause, sentence, paragraph or part to other persons or circumstances, but shall be confined in its operation to the clause, sentence, paragraph or part thereof and to the persons or circumstances directly involved in the controversy in which such judgment shall have been rendered. It is hereby declared to be the legislative intent that this Act would have been adopted had such provisions not been included or such persons or circumstances been expressly excluded from their coverage.

EXHIBIT 3

BUDGET

There should be appropriated for the use of the Maine Human Rights Commission the sum of \$75,000 per year, or a total of \$150,000 from July 1, 1969 to June 30, 1971.

There should be appropriated for the Division Against Discrimination of the Human Rights Commission the sum of \$89,000 per year, or a total of \$178,000 from July 1, 1969 to June 30, 1971.

Explanation:

Division:

3 Commissioners at \$1,000	\$ 3,000
1 Chief Investigator	12,000
3 Investigators at \$8,000	24,000
1 Attorney	12,000
1 Secretary	5,000
Travel Expense	20,000
Office Expense, Supplies, Telephone	8,000
Miscellaneous & Court Reporters	<u>5,000</u>
TOTAL PER YEAR FOR DIVISION	\$89,000

Commission (Excluding Division):

4 Commissioners at \$1,000	\$ 4,000
1 Executive Secretary	12,000
3 Investigators at \$8,000	24,000
1 Secretary	5,000
Travel Expense	20,000
Office Expense, Supplies, Telephone and Miscellaneous	<u>10,000</u>
TOTAL PER YEAR	\$75,000

EXHIBIT 4

Problems of the Poor Documentation

The enclosed statistical information sheets were prepared for the Model Cities Application of the City of Bangor, Maine May 1, 1967. Two columns represent first the City of Bangor as a whole and second a section of the city marked Core Area. The Core Area is in the center of Bangor, 1,588 acres out of a total city area of 23,062 acres.

A summary of the figures indicates:

Housing density is almost twice the city average.

One-third of the city's population live in the Core,

BUT:

75% of all families with incomes under \$3,000 live here

75% of all A.F.D.C. families live here

75% of all families on General Assistance or Old Age Assistance live here

60% of all juveniles arrested live here

Most of the unemployed live here

TB and cases of social disease are concentrated here

Most truancy and school drop-outs come from the area

Educational achievement levels are lowest here

More dental and other health neglect here

Higher percentage of referrals to guidance agencies than for the rest of the city here

STATISTICAL INFORMATION

	CITY TOTAL	CORE AREA
Family Income		
Total Number of Families	8,902	3,856
Total Number of Families with Income less than \$3,000	1,501	1,158
Families with Income less than \$3,000 as Percent of Total	16.8%	30%
Families with Income less than \$1,000	206	165
Families with Income less than \$1,000 as Percent of Total	2.3%	4-1/3%
Unemployment		
Males 14 and Over in Civilian Labor Force	11,421	N/A
Percent of such Males who are Unemployed	4.4%	N/A
Females 14 and Over in Civilian Labor Force	5,120	N/A
Percent of such Females who are Unemployed	4.8%	N/A
Welfare		
Persons under 21	14,854	5,424
Percent of Persons Under 21 receiving A.F.D.C. payments	5.2%	11%
Persons Aged 65 and Over	4,144	1,491
Percent of Persons 65 and Over receiving Old-Age Assistance	14%	32%

	CITY TOTAL	CORE AREA
Crime and Juvenile Delinquency		
Total Number of Persons Under 18 Years Old	12,554	4,203
Total Number of Juvenile Arrests	317	190
Juvenile Arrests as a Percent of Persons Under 18 Years Old	2.5%	5%
Total Number of Persons 18 Years Old and Over	26,406	8,949
Total Number of Criminal Arrests per Year (Excluding Minor Misdemeanors)	322	160
Criminal Arrests as a Percent of Persons 18 Years Old and Over	1.2%	1.8%
Housing		
All Housing Units	11,358	4,151
Number of Housing Units which are Substandard	4,543	3,403
Percent of all Housing Units which are Substandard	40%	82%
Number of Housing Units which are dilapidated	175	80
Percent of all Housing Units which are dilapidated	1.5%	1.9%
Health		
Infant Deaths as Percent of Births per Year	0.016	0.03
Incidence of Tuberculosis per Thousand Population	0.18	0.3

(These figures are taken from MODEL CITIES APPLICATION, City of Bangor, May 1, 1967)

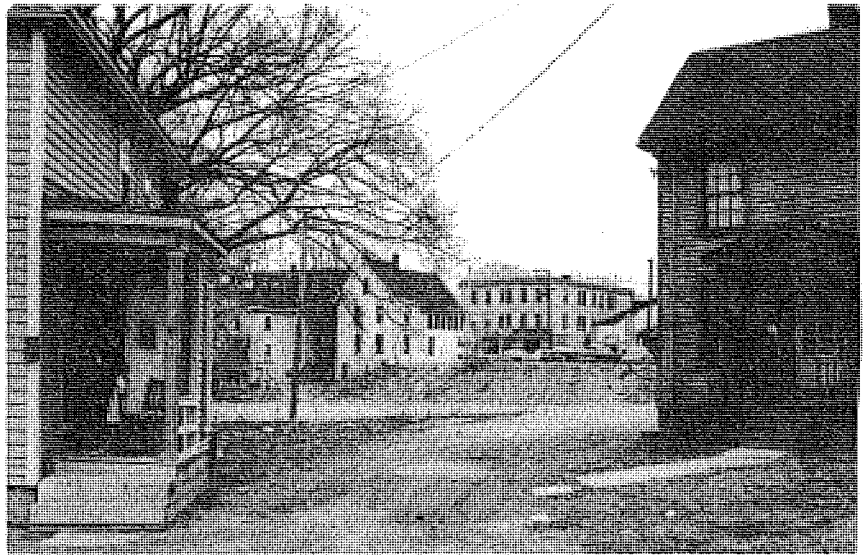
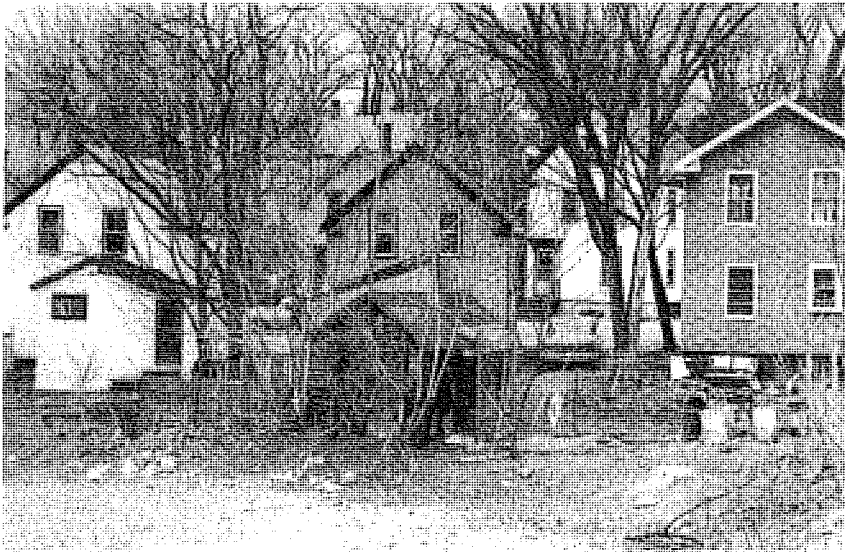
EXHIBIT 5

BANGOR, MAINE

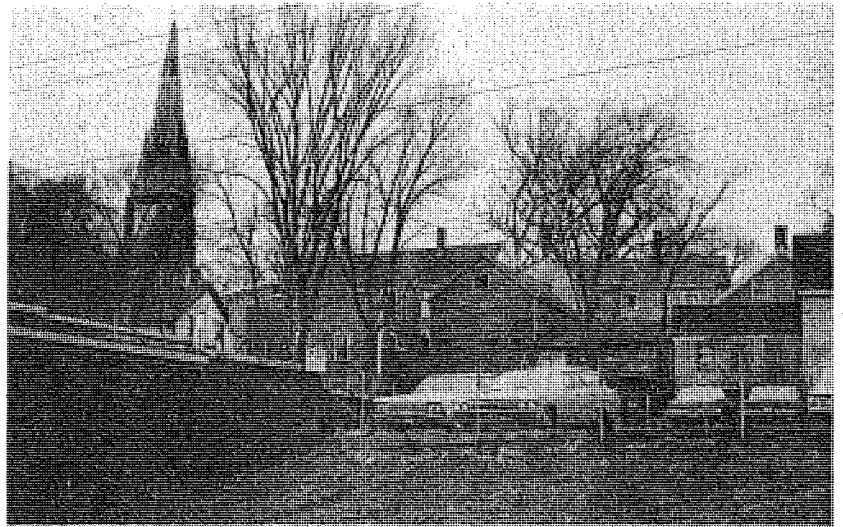
**It is really a beautiful city, but not all of its
citizens share in the beauty --**

**TYPICAL OF SOME BASICALLY SOUND HOUSING
SUITABLE FOR REHABILITATION**





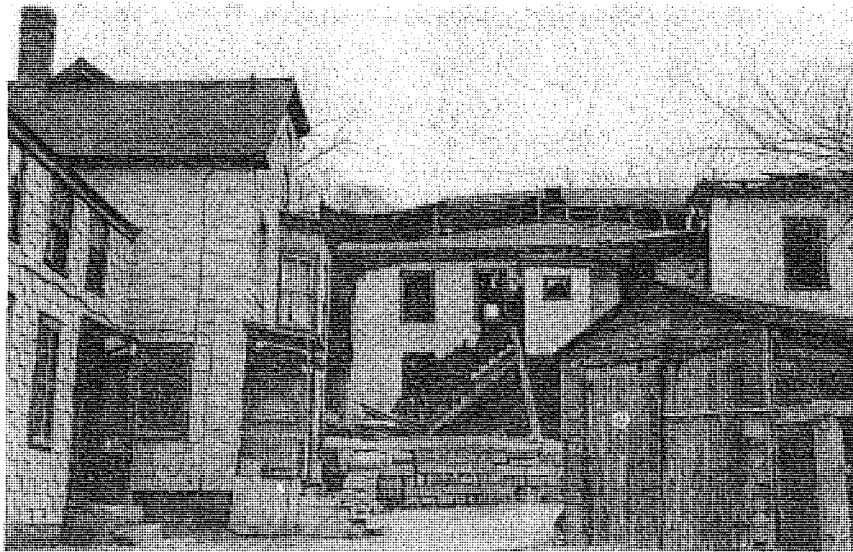
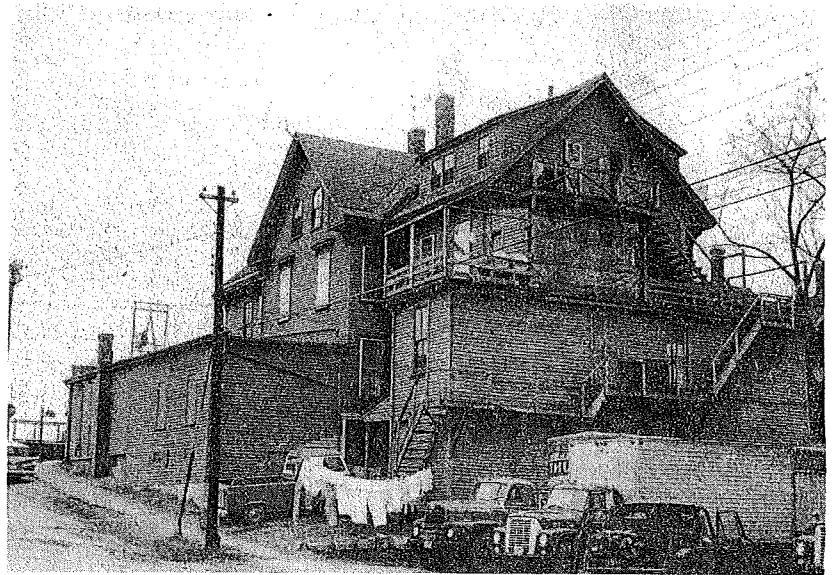
**DILAPIDATED STRUCTURES
INTERMIXED WITH BUILDINGS
THAT ARE SOUND OR CAPABLE
OF BEING REHABILITATED**



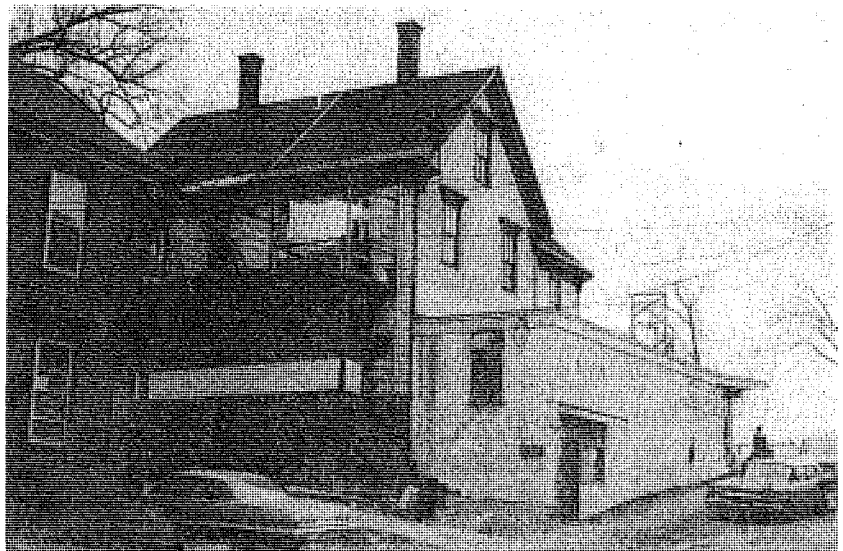
**BLIGHTING EFFECT OF
COMMERCIAL USE AND
TRAFFIC**

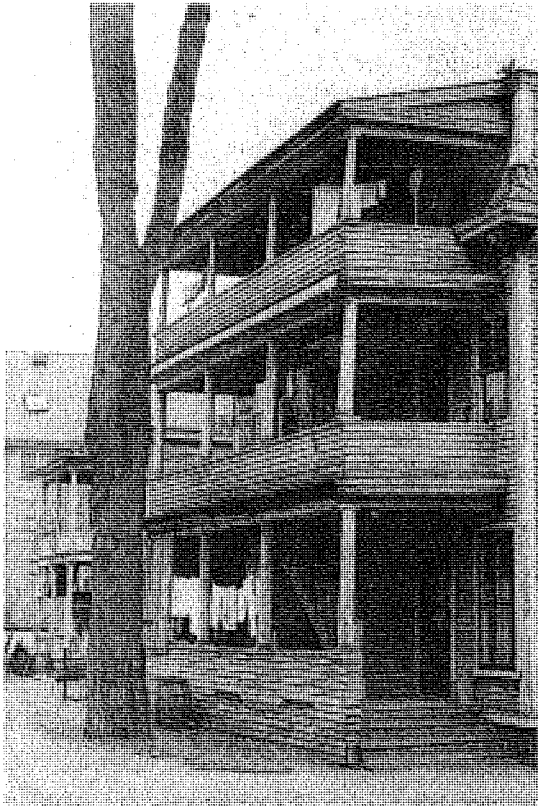
**COMMERCIAL BLIGHT
AND DILAPIDATION**





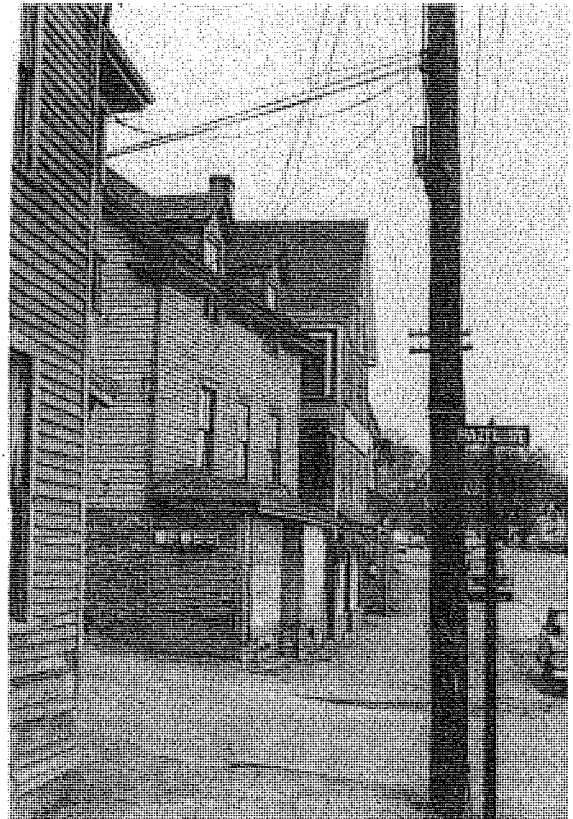
RESIDENTIAL
AND
COMMERCIAL
DETERIORATION





BLIGHTED RESIDENTIAL AREAS

**Show Need For
Public Improvements
and
Recreational Opportunity**



that, that this kind of thing couldn't have happened in her town."

"Ma'am, it already has," he responded.

A couple of days later, Guilford received a call from a man, who told him: "You had better get out of town."

In all, he said, he personally received three calls of this nature.

"Mr. Wells also told me that a male had called and he had been drinking and he had threatened me," Guilford said. "This began to worry me quite a bit. Then, later on during the week that followed while I was there, Mr. Wells said someone had contacted his wife and said derogatory remarks about me."

After this, Lou Guilford's world shrank to a very narrow routine of working, eating and confining himself to the four walls of his room.

All this began to evolve," he said, "to turn around in my mind and my stomach. I became quite nervous. Also, in that particular time I was still having trouble with the news. Well, quite naturally I was nervous (about this). I wasn't oriented about the different names (in Maine) until later on after I made a few mistakes. So these things were also on my mind.

"All I did was go eat, go to work, come back home and drink my scotch and go to bed at seven o'clock. And, my landlady can certify that statement as well.

"I didn't go anywhere because after that I was afraid to go out after dark, quite a bit.

"... And everybody said I know how you feel. Well, nobody knows how I feel because they're not in my boots, they're not in my shoes. And it's a miserable feeling when you can't go to sleep at night and you can't go into town.

"... And as I walked down the street, people would hardly say a word to me. They would see me and they didn't see me.

"All I wanted to do was be friendly as a human being."

Two weeks after he arrived in Farmington, Lou Guilford decided he could not stay in this Maine town ("after my life was threatened, after these things had happened and actually no one stepped forth to help me but the minister (referring to the Rev. George Abosamra of the Farmington Methodist Church).

"That was it. I was scared. I didn't know what to do... The first thing that entered my mind was the three civil rights workers in Mississippi and what happened to them. I said I didn't want that to happen to me."

After he made up his mind to leave, Guilford called the Northeast Broadcasting School and told them what had happened. He added:

"They told me to get the hell away from there as soon as possible. I told them I didn't have any money, so they sent me ten dollars to leave."

Some people called him, Guilford said, urging him to stay, but most of them were school children who enjoyed his program.

The radio station found a replacement. Guilford describes his final exchange with his boss like this:

When Mr. Wells decided he was going to hire a new man, he came in and said, 'Lou, when do you think you'll be leaving?' Guilford said.

"I said I want to stay here Mr. Wells until I get a new job, because no one wants to go to another place without a job. I said I couldn't leave this week, I will leave next week. He said 'O.K.' and that's the way it was."

Those who attempt to rationalize away the Lou Guilford incident argue that he should not have been so sensitive about just a few "crank" calls, that his life really was in no danger.

Wells, who claimed he only knew of Guilford receiving one threatening call, said he thought Guilford had overreacted.

Yet, it is hard to believe that as an Army veteran who had served in the front lines during the Korean war Guilford would be so easily frightened by just "crank" calls.

Also, Lou Guilford was the sole black man in an all-white community during a time of severe racial animosity in the nation. And, it's not all confined to the urban areas. Not too long ago in a rural Vermont town, a new Negro minister's family was threatened and their home fired upon.

How would these people react if they were the sole white person without any close friends around them — and were working as an announcer of a radio station in Harlem or Roxbury? Would they maintain their calm if a voice on a telephone warned: "Whitey, if you don't stop playing that white Lawrence Welk music, I'm going to come down there and get you."?

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The only black man in Farmington

It's a beautiful morning," said the voice beaming from radio station WKTJ in Farmington, disputing the heavy overcast skies that hung low and grey outside. "If you have love in your heart, every morning is beautiful."

This kind of thought isn't often heard in the cacophonous chatter from the "now sound" of radio, especially from a small town Maine station in Franklin County.

But here it was, beaming forth from little KTJ, sending a shaft of warm sunlight through the greyness and coolness of late autumn, reaching out to the snug towns of Farmington, Wilton, New Sharon and Chesterville, settled securely in the rolling farmland and foothills of the Rangeley Mountains.

The voice was that of Lucius (Lou) Guilford, and this was the last day of a brief three-week career that had started full of promise and hope.

The next day, Oct. 25, a Friday, Lou Guilford climbed into his 1949 Ford, put it in gear and drove out of Farmington toward Boston and home with a different kind of thought — he never wanted to pass this way again.

When the 37-year-old Guilford, a Negro, left that day, the small college town of Farmington, with its academic pretensions to enlightenment, almost without a whimper returned to its previous homogeneous status of a pure white population. The stranger, the black stranger, had gone.

It can be said that when Lou Guilford left Farmington that day, driving that carcass of a car he had purchased for around \$150 when he arrived, he was leaving voluntarily.

At the same time, it can be said that Lou Guilford was being ridden out of town on a rail — not the wooden rail they used in the old days to cast out undesirables, but a rail fashioned by fear for his life and by the stark silence of a community that, with notable exceptions, was indifferent to what had happened in those brief three weeks.

But to begin at the beginning, in Boston. Guilford was working at W-I-L-D, an ethnic radio station in Boston, trying to get some experience for a new career in broadcasting.

He received a call from Vincent C. Rafferty of the Northeast Broadcasting School, saying that a radio station in Maine was looking for an announcer, and he (Rafferty) had recommended Guilford highly.

At the other end in Farmington, Linn S. Wells, WKTJ general manager, said that he had called Rafferty and the latter recommended Guilford enthusiastically. Rafferty told him, Wells said, that Guilford was a Negro — "I told him that didn't make any difference with me. I didn't care about the color of his skin."

Rafferty advised Wells that if this were the case and he wanted a good man, "we had better grab him fast," Wells said.

Back in Boston, Rafferty said of Guilford:

"Lou is one of the nicest guys you'd want to meet. I told Mr. Wells when he called that Lou would give him \$1.10 worth of work for every dollar paid him."

Guilford was hired with the starting date of his new employment fixed for Oct. 4.

How did Guilford feel about leaving his familiar Boston surroundings and going to a small all-white town in Maine?

"Well, I felt good because they had accepted me as an announcer and not because of the pigmentation of my skin.

"I didn't particularly care about race or anything about me being the only Negro there, but only would I be accepted," he said.

Lou Guilford packed all his belongings and his good feelings into a rented car and made his way from metropolitan Boston to rural Farmington, the shiretown of Franklin County, Maine.

When he arrived in Farmington, Wells had secured a room for him in the home of an elderly couple. The station manager helped

him look for a car so he would have transportation and helped him to obtain a loan from the People's National Bank of Farmington to pay for the 1949 Ford. It was an auspicious beginning.

On the third day behind the WKTJ microphone, Guilford said he received a phone call. A woman's voice, deep in tone, warned: "If you play any more black music, I'll come down there and get you."

Guilford mentioned the incident to his radio audience, commenting: "It's a shame people must threaten other people. I'm only trying to do the best that I can as an announcer."

Only one lady called him after he reported the incident, telling him that "Farmington wasn't like

that, that this kind of thing couldn't have happened in her town."

"Ma'am, it already has," he responded.

A couple of days later, Guilford received a call from a man, who told him: "You had better get out of town."

In all, he said, he personally received three calls of this nature.

"Mr. Wells also told me that a male had called and he had been drinking and he had threatened me," Guilford said. "This began to worry me quite a bit. Then, later on during the week that followed while I was there, Mr. Wells said someone had contacted his wife and said derogatory remarks about me."

After this, Lou Guilford's world shrank to a very narrow routine of working, eating and confining himself to the four walls of his room.

All this began to evolve," he said, "to turn around in my mind and my stomach. I became quite nervous. Also, in that particular time I was still having trouble with the news. Well, quite naturally I was nervous (about this). I wasn't oriented about the different names (in Maine) until later on after I made a few mistakes. So these things were also on my mind.

"All I did was go eat, go to work, come back home and drink my scotch and go to bed at seven o'clock. And, my landlady can certify that statement as well.

"I didn't go anywhere because after that I was afraid to go out after dark, quite a bit.

"... And everybody said I know how you feel. Well, nobody knows how I feel because they're not in my boots, they're not in my shoes. And it's a miserable feeling when you can't go to sleep at night and you can't go into town.

"... And as I walked down the street, people would hardly say a word to me. They would see me and they didn't see me.

"All I wanted to do was be friendly as a human being."

Two weeks after he arrived in Farmington, Lou Guilford decided he could not stay in this Maine town ("after my life was threatened, after these things had happened and actually no one stepped forth to help me but the minister (referring to the Rev. George Abosamra of the Farmington Methodist Church).

"That was it. I was scared. I didn't know what to do... The first thing that entered my mind was the three civil rights workers in Mississippi and what happened to them. I said I didn't want that to happen to me."

After he made up his mind to leave, Guilford called the Northeast Broadcasting School and told them what had happened. He added:

"They told me to get the hell away from there as soon as possible. I told them I didn't have any money, so they sent me ten dollars to leave."

Some people called him, Guilford said, urging him to stay, but most of them were school children who enjoyed his program.

The radio station found a replacement. Guilford describes his final exchange with his boss like this:

When Mr. Wells decided he was going to hire a new man, he came in and said, 'Lou, when do you think you'll be leaving?' Guilford said,

"I said I want to stay here Mr. Wells until I get a new job, because no one wants to go to another place without a job. I said I couldn't leave this week, I will leave next week. He said 'O.K.' and that's the way it was."

Those who attempt to rationalize away the Lou Guilford incident argue that he should not have been so sensitive about just a few "crank" calls, that his life really was in no danger.

Wells, who claimed he only knew of Guilford receiving one threatening call, said he thought Guilford had overreacted.

Yet, it is hard to believe that as an Army veteran who had served in the front lines during the Korean war Guilford would be so easily frightened by just "crank" calls.

Also, Lou Guilford was the sole black man in an all-white community during a time of severe racial animosity in the nation. And, it's not all confined to the urban areas. Not too long ago in a rural Vermont town, a new Negro minister's family was threatened and their home fired upon.

How would these people react if they were the sole white person without any close friends around them — and were working as an announcer of a radio station in Harlem or Roxbury? Would they maintain their calm if a voice on a telephone warned: "Whitey, if you don't stop playing that white Lawrence Welk music, I'm going to come down there and get you."?

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The one person who did come forward and put himself on the line was the Rev. Abosamra, a young Methodist minister with a young family, who is in his third year as pastor of Farmington's Methodist Church and a Methodist church in New Sharon.

The Rev. Abosamra is not a man given to radical flights of over-zealous crusading for this cause or that issue. He is a steady, moderate man who works hard at his job, working on such things as construction projects at both of his churches, or purchasing stereo equipment for the congregation's youth to hold dances.

But, he is also concerned about the treatment of his fellow man, and when he heard Lou Guilford report on his third day at work about being threatened, the Rev. Abosamra got in touch with him. He felt this was something that could not be allowed to pass by without comment.

On Oct. 20, the Rev. Abosamra devoted his sermon to telling what had happened to Lou Guilford. There was a handful of response.

Most of those responding said they weren't aware of what had happened or "I didn't know he was Negro."

The clergy of Farmington and Wilton met and discussed the situation. But said one source, except for the passive support of two other ministers the clergy was "stand-offish".

The Rev. Abosamra (teen-agers call him George without awkwardness) urged Guilford to stay, telling him he would be supported.

But, Lou Guilford was not about to stay. He told one person he was not going to stay to fight for his right to live in an all-white Maine town because "I'm not going to be a guinea pig for anyone's civil rights battle".

"I felt like a miserable failure when he walked out that door," said the Rev. Abosamra. "He came here full of hope and he left a bitter man."

During his last week in Farmington, Mrs. Lowell learned of what had occurred and joined the Rev. Abosamra in trying to do something for Guilford, but to little avail.

On the Sunday after Lou Guilford left town, an unusual service took place in the Farmington Methodist Church (this, too, was ignored by the press).

The Rev. Abosamra shared the pulpit with Mrs. Lowell and they discussed the Lou Guilford incident and what it meant to the community. This was followed by a question and answer session.

"Why are men, even men of good will, silent?" asked Mrs. Lowell.

Why are people silent? We call it fear, fear of the stranger in our midst. But we think of that as an animal characteristic . . . We do not think of this as a human characteristic. Yet, we know that it exists. I suggest to you that fear of the stranger is, in a way, a fear of the stranger in ourselves.

"Of course, the most painful thing here," said Mrs. Lowell, "is the fact that no one was very much surprised at what happened. No one made too great an effort one way or the other.

". . . I put it to you that when you are silent, you allow anonymous, faceless bigots to do anything, even to the least men. Thereby, of course, you diminish yourselves."

The Rev. Abosamra told the 150 members of his congregation crowded into the church that his "chief concern is for what we can do as individuals to a person who may or may not have been a stranger in our midst and what we can do to one another.

He talked about how every person's life has a purpose and that purpose is to "love one another."

And, he added, "to love is to want justice for all of our brethren, for all men everywhere.

"The purpose here was not to embark upon a gigantic witch hunt. We do not care to prosecute or slander any man or woman.

"But we know this as well as God knows this," he said, "that something terribly wrong has happened in our midst and we would like to make pretty darn sure it doesn't happen again.

". . . Friday of this week, Lou Guilford left Farmington, Maine. One statement he made was that he would never pass through here again. I hope he does . . . I hope he finds his place in life among equals for he is no inferior person.

"Sometimes I really wonder if God is alive," the Rev. Abosamra concluded. "Because if God is alive how can there be silence in a time like this?"

Lou Guilford, who could find beauty in every morning and who only wants "to be friendly as a human being", caused little stir when he left Farmington, Maine. But, his brief presence there has disturbed a few consciences. And, there are indications that more may be heard, albeit belatedly, about the incident.

Guilford has filed a complaint with the NAACP in Boston. Mrs. Lowell has also made a complaint to that organization's branch in Portland.

Last Friday, WBZ-TV in Boston, where Guilford applied for a job, ran an interview with him on his difficulties in a small Maine town.

And, after what happened to Lou Guilford in Farmington, a few more people in Maine may better understand why there are riots in the black ghettos of the nation's cities.

By Kenneth H. Morrison

Young S. Berwick hoodlums stone Negro pair, daughter

As we go to press the Star learns from a South Berwick citizen who prefers to be anonymous, that a Negro family in South Berwick was the victim of an attack last evening by a group of young men throwing rocks, rotten eggs and tomatoes.

Edward Stallworth, on his way with their daughter Linda, 9, to pick up his wife at 8:30 p.m. from her job as a nurse at the Lynch Nursing Home, 75 Portland St., was hit in the head with a tomato, and eggs were thrown at his car.

From the Nursing Home, Stallworth called Sheriff Lynch, who came at once and was told of the episode. The Sheriff then preceded the Stallworth car to the Town Offices where he hoped to learn more of the trouble. The Stallworth car proceeded toward Oldfields Road where the family lives. As it rounded the corner by the Baptist Church and onto Route 236, the group again attacked the car with

rocks, tomatoes and eggs.

"We've traveled all over the US and foreign countries," said Mrs. Brenda Stallworth this morning when contacted by the Star, "and nothing like this has ever happened to us before. They must be kids who've dropped out of school. They're uneducated and have nothing to do, and they're out for trouble. All our teen-agers aren't like that."

The Stallworths have been harassed all summer by name-calling. "But that doesn't hurt," said Brenda Stallworth. "Stones do." Her greatest concern is for her daughter Linda, in fourth grade at St. Michael's School. "She was so upset. She'd never known anything like this. She had to be sedated. I worried about sending her to school this morning, but the Sister said to. Otherwise, she'd be even more frightened. And being with other children the Sister thought would relax her."

Edward Stallworth, 49, has served with the Armed Forces for 25 years. The family came to this area when they were transferred from Sandia Air Base in New Mexico to Pease Air Force Base in N.H. They will have lived in South Berwick three years next February. Mr. Stallworth, retired from Service for the past two years, is now employed as a machinist at the Navy Yard.

"Everybody has been awfully kind to us," Mrs. Stallworth said. "The neighbors. And the Chief (Chief of Police James Morgan) came and talked to us and said this bunch has done the same thing to other cars. Some of those boys have been in trouble with black people in other towns and they hate Negroes. Mr. Morgan said they'll have to stop them because if they get away with this they'll do more of it."

By WILLIAM H. WILLIAMSON
Staff Reporter

U.S. Senators Edmund S. Muskie and Margaret Chase Smith have been asked by an official of the National Council of Churches to investigate the death of Peter (Francis) a Passamaquoddy Indian.

Francis died from a beating received just off the Pleasant Point Indian Reservation, near Eastport, on Nov. 14. Of five white Massachusetts hunters apparently involved in the incident, only one, James Ellingwood has been charged with manslaughter.

Indians have claimed that Washington County Attorney Francis A. Brown should have charged all five hunters, and that they should have been charged with murder.

Dr. J. Oscar Lee, associate director of the NCC's Division of Christian Life & Mission, urged Muskie and Mrs. Smith to launch an investigation.

DR. LEE HAS also requested the U.S. Justice Department to investigate the case, to determine whether the federal Civil Rights Act has been violated in the incident.

Dr. Lee's telegram to the two senators reads as follows:

"Deeply disturbed by reports concerning the murder of one Indian and the brutal beating of a second near the Pleasant Point Reservation in Perry, Maine. We are especially concerned by the indication in the report that four of five white men alleged to have committed the acts are not being prosecuted.

"We understand that this is only one in a series of heinous acts against the Indians.

"Have requested the Attorney General's office to investigate to determine whether federal rights are being violated under the existing Civil Rights Act.

"Urge you to investigate the situation."

TELEGRAM

A SPOKESMAN FOR the National Council of Churches in New York, Fletcher Coates, head of the NCC's information department, said Dr. Lee's requests were made "on his own", but that they have the backing of the council.

He said the full organization cannot take a definite position without contacting its membership.

"Dr. Lee wasn't acting without the sanction of the council's policy board, however," Coates said. "It can be definitely said that he has the backing of the council in his requests for further investigation."

Dr. Lee wasn't in New York for comment today. A check with Muskie's office revealed that the senator is in the far east, but was due to return Sunday.

DEC 19 1965

ALL FIVE hunters involved in the incident which cost Francis his life are from Belerica, Mass. They told authorities they went to the reservation in search of Indian women. Later, they admitted, a fight with Peter Francis and another Indian, Christopher Altvater, developed.

Altvater claims that he and Francis were beaten by the five hunters without provocation. Francis was apparently clubbed to death with a length of two-by-four.

County Attorney Brown has claimed that he didn't have enough evidence to seek more than one charge, and then only a manslaughter charge.

Brown did get murder warrants issued against all five within hours of Francis' death, but he never served them. He said later he was "badgered" into taking out the warrants by Eastport attorney Don C. Gellers, a longtime spokesman for the Indians.

COATES SAID Friday that the NCC is disturbed by any

situation that appears to endanger the rights of a minority group, and that Indians have long been a subject of concern to the council.

"We want to get all the information we can on this case," Coates said. "This is the sort of situation you would expect in the deep south, but not in Maine or any other New England State."

Indians on the Pleasant Point Reservation claim that Francis' death is merely another in a list of violent deaths on or near the reservation. They claim that little effort is made by law enforcement officials to investigate crimes against Indians.

They also claim that they are the victims of discrimination not unlike that experienced by Negroes in the southern states.

Indians' Assault Trial Begins With New Judge

By WILLIAM H. WILLIAMSON
MACHIAS — The trial of seven Passamaquoddy Indians continued Monday before a new district court judge, Ian MacInnes, and the defense won an initial victory when conspiracy charges against six of the seven were dropped.

Entering Monday's proceedings, all of the Indians were charged with assaulting two police officers, one of them an Indian constable, and with obstructing an officer in the performance of his duty.

ONE OF THE Indians, Daniel R. Bassett, was charged with intoxication and six with conspiracy to commit an act injurious to the public welfare.

The incident resulting in the charges took place last Labor Day weekend.

Judge MacInnes granted a motion of defense counsel, Don C. Gellers, to dismiss the conspiracy charge. He found no probable cause.

Gellers also moved to dismiss all the other charges on the grounds that the state, which rested its case shortly after 6 p.m., had failed to prove any of the charges.

JUDGE MAC INNES told the court at 7 p.m. that he had not had sufficient time to study all the day's testimony and so could not rule on Gellers' other motion until this morning.

But MacInnes said he found, after a half hour perusal of his notes, that he "might very well" dismiss some of the other charges too. He did not indicate which ones, however.

Judge MacInnes of Bangor is sitting on the case because Judge John M. Dudley of Machias disqualified himself in the midst of last Friday's abortive trial beginning. Judge Dudley has yet to say why he stepped out of the case.

Monday's court action consisted solely of the prosecution's case. Today, in what is expected to be the final day of the trial, the defense will air its case.

Actually, while the state was presenting its case Monday, the bulk of the testimony took place while Gellers was cross examining the two prosecution witnesses.

They were State Police Trooper Arlo E. Lund of Pembroke and Indian constable Robert Newell, a Passamaquoddy tribesman.

BRIEFLY, the facts of the case are as follows. Trooper Lund and Newell were driving to Eastport Sept. 3 about 1:10 a.m. to have a cup of coffee with Eastport police, they said. They were near the Passamaquoddy reservation of Pleasant Point.

While on their way, Edward Bassett, an Indian, passed them going in the opposite direction and Lund said he noticed a defective tail light.

Lund turned his cruiser around and stopped Bassett's car, which contained several other Indians.

Edward Bassett's brother, Daniel, was driving by, with several more Indians, and when he saw his brother's car stopped, turned around and drove back to the scene.

Once there, Lund testified both Monday and last Friday, Daniel Bassett jumped out of his car, shouted, "Bobby (Newell), I am sick and tired of you and the State Police always stopping me and my brothers," and ran toward Newell. Lund testified Friday that he had heard no foul language.

LUND ALSO testified Friday that he then heard a "thump" and turned to see that Newell had thrown Daniel Bassett to the road's surface, face down, and was on top of him.

Monday, however, Lund testified that Bassett was on his back on the road, again with Newell on top of him.

Newell testified Monday that he had "grabbed" Bassett when he came over to him in order to place him under arrest. He said he decided to arrest Bassett because he believed Bassett

was intoxicated, but said he did not explain to Bassett the reason for the arrest.

Newell also testified that Bassett shouted foul words as he came across the road. Lund however, recalled all of Bassett's statement, but without any foul language.

Lund testified Monday that the only person he could identify as having hit anyone was Mrs. Daniel Bassett, who he said punched him in the mouth.

NEWELL SAID he saw one of the defendants, Lawrence Socobasin, push Lund but said he could not identify anyone who struck him or Trooper Lund, except Daniel Bassett, who he said punched Lund.

Newell said he grabbed Bassett, and when Bassett tried to retaliate, grabbed him with both hands and spun him onto the police cruiser hood.

From there, Newell said, they toppled to the ground with Bassett on his back and Newell crouching over him, pinning his shoulders.

Both Bassett and Newell are above average size although Bassett, a tall and powerfully built man, is somewhat larger.

Both Lund and Newell testified that the incident took place on a stormy night with very high winds. Both also testified that they smelled a strong odor of liquor on Daniel Bassett's breath.

Lund and Newell testified that several Indians pushed them from behind while Bassett was on the ground. But they could not identify any of them, with the exception of Newell's identification of Larry Socobasin.

But Lund also testified under cross examination that he had deputized Lawrence Socobasin at the scene after he had regained his footing, to "handle" Victor Bassett, the third Bassett brother.

Lund said he never saw Socobasin do anything except stand still.

Lund also testified under cross examination that he never saw Victor Bassett do anything hostile.

NEWELL TESTIFIED that John Socobasin (Lawrence's brother) tried to break up the scuffle between Daniel Bassett and Lund, but that he (Newell) prevented Socobasin from doing so. He said he did not want Socobasin to get involved, since he is a Massachusetts parolee.

Lund testified that he suffered a cut on the top of his head, requiring two stitches, in the affray, and that one of his rear teeth was broken and required capping.

Both Lund and Newell testified they called for assistance when they were unable to take Daniel Bassett into custody and that defendants Deanna Francis and Mrs. Daniel Bassett tried to interfere with these calls.

They also testified that "about" 10 police officers later went on the Pleasant Point Indian reservation at Perry to make arrests.

Lund testified that on the reservation, Victor Bassett tried to resist arrest by saying "just a minute" when told to get out of Edward Bassett's automobile.

LUND SAID he dragged Victor Bassett out of the car by his shirt and that Bassett resisted him. Then another officer, who Lund said he could not identify, clubbed Bassett on the head with a nightstick, causing considerable bleeding from the forehead.

Lund said he saw no other beatings.

But Newell said he saw a group of officers pinning another defendant, David Homan, against the side of a house. They were asking him where Daniel Bassett was.

Newell said Homan told them he didn't know. Newell said he could not see what was going on, but that he heard "bump and whacks" and that after a while, Homan said Daniel Bassett had gone to the home of Christopher Altwater.

Lund testified that he had arrested John Socobasin somewhat after 2 a.m. when he knocked on the door and Socobasin answered. Lund said Socobasin walked out of the house without any shoes and that he arrested him outside the house.

But Newell testified that Lund had grabbed Socobasin as soon as Socobasin opened the door, before Socobasin had made any move to leave the house.

Lund testified that officers entered houses on the reservation only after having been invited to do so by their occupants. He said three houses were entered.

Newell, however, remembered four houses being entered.

TELEGRAM SUN OCT 8 1967
Indian Fracas
Case Heads For
Appeals Court
 By WILLIAM H. WILLIAMSON
Courier

FERRY -- Five weeks ago, on a wet and wind-swept highway that runs by the Passamaquoddy Indian settlement at Pleasant Point, an incident took place between a group of Indians and two police officers that normally would have been forgotten by this time.

And it would have been forgotten, no doubt, if a number of other things hadn't happened after the event.

Those other things include:

1. The arrival of a large group of law enforcement officers on the Passamaquoddy Reservation in the wee hours of the morning, on a search and seize mission.

2. The entry and search of several Indian homes by police, without search warrants.

3. The clubbing of at least one Indian by police, and the alleged clubbing and beating of several others.

4. Interrogation of an Indian defendant in the case by the acting Washington County Attorney and the two police officers, in a closed room at Calais District Court, without informing him that he had the right to his legal counsel's presence, or to refuse the discussion altogether.

5. The firing of an instructor at the Poland Spring Job Corps Center, two days after he'd testified as a defense witness in Calais District Court.

6. A reported phone call from the Maine Attorney General's office to the Job Corps concerning the instructor, the day before he was fired. Corps Director Robert Lake at first confirmed that the call linked the instructor, and the Indian case with marijuana, but the next day denied it. The Attorney General's office denied any call at all.

7. The self-disqualification of District Court Judge John M. Dudley, smack dab in the middle of the trial of the seven Indians, all charged with conspiracy, assault on State Trooper Arlo E. Lund, and obstructing Lund and Indian Constable Robert Newell in the performance of their duty. Dudley never has said why he quit the case.

The case ended last week in Machias District Court, before Judge Ian MacInnes, of Bangor, with a finding of probable cause on a charge of high and aggravated assault, against three Indians.

As the case came to a close, Judge MacInnes reported he was "very disturbed" by the side issues in the case, and said they are "probably more important" than the initial incident with which the court proceedings were involved.

THE THREE INDIANS, plus a fourth, were also found guilty of obstructing Lund and Newell in the performance of their duty. One, Daniel R. Bassett, was found guilty of intoxication.

Three Indians were found innocent of all charges. The other Indians have appealed their convictions, and defense counsel Don C. Gellers,

of Eastport, said he'll seek a change of venue when the Washington County Superior Court convenes this month.

If the four Indians win their appeal in Superior Court, legal action against police for false arrest, illegal entry and police brutality is planned.

Technically, the three Indians who were found innocent of all charges, John Socobasin, Victor Bassett and David Homan, could start proceedings against the police right now.

But Gellers said he wants to wait for the outcome in Superior Court, so that if possible, all seven Indians can sue at once, thus avoiding amendments to a suit already in progress.

Gov. Curtis has promised an investigation of police activities on the reservation, in a letter to Robert Howe, the Job Corps instructor who has been fired.

CURTIS' PROMISE preceded the firing, and so far neither Howe nor any Indians have heard anything more about the investigation.

The four Indians appealing the decision of the District Court are Daniel R. Bassett, his wife Annabelle Bassett, Lawrence Socobasin and Deanna Francis. The first three are bound over on the assault charge. Deanna Francis is appealing the obstruction verdict.

Briefly, the initial incident on Sept. 3 started as follows:

Trooper Lund and Newell were riding towards nearby Eastport, at about 1:10 a.m., to get coffee. Newell, an Indian himself, rides around in Lund's car frequently, he testified, despite the fact that he has no jurisdiction off the reservation.

Lund stopped a car containing several Indians for a defective tail light. Daniel Bassett, in another car, saw that his brother Edward had been halted and also stopped at the scene.

NEWELL TESTIFIED that Bassett ran over to Newell, shouting obscenities, and that Newell repulsed Bassett's attack and subdued him by throwing him to the road. Lund said he heard no obscenities.

Lund testified that other Indians jumped him when he walked over to Newell and Bassett, and that Newell was then assaulted by other Indians. They also testified that some of the Indians obstructed them when they tried to call for help.

The Indian account of the incident is quite different. Daniel Bassett walked over to Newell to ask if his brother

Edward was in any trouble, they said.

Newell shouted at Bassett, telling him it was none of his business, and to leave. When Bassett didn't move away, and said he felt he had a right to know what his brother was charged with, Newell grabbed Bassett, the Indians testified.

Bassett, 29, a former U. S. Army paratrooper and karate instructor in the Special Forces, is 6'2", and muscularly built. He and other Indians testified that Bassett didn't attempt to hurt Newell when the Indian constable grabbed him, but instead pushed him against the police car, and held him immobile.

AT THAT POINT, the Indians testified, Lund stopped talking to Edward Bassett and ran at Bassett from behind, attempting to jump him.

When he felt the trooper on his back, Bassett and the Indians testified, Bassett flipped Lund, who flew into the guard rail along the edge of the road, cutting his head.

(Lund's cut required two stitches. Also, one of his rear teeth was broken.)

Bassett testified he was enraged at Lund's attack, and went after the trooper, striking him several times. But his brother Edward and another Indian restrained him, holding him by the arms.

The main question in the incident lies with who actually began the hostilities. The Indian version places the first violence with Newell, while the police version blames Bassett. The question will be argued both ways before the Superior Court.

But the incident itself is overshadowed by the things that happened next.

LUND TESTIFIED that perhaps 10 officers, some of them state police, some deputy sheriffs and some game wardens, came on the reservation with him shortly after 2 a.m. the same morning.

Indians, and Howe, testified that there were at least six police cars, bearing more than a dozen officers, on the reservation.

Between 2 a.m. and 3 a.m., Indians testified that police dragged Victor Bassett from a car, beat him with clubs, leaving him dazed, bleeding and bruised.

They testified that David Homan was beaten on the legs with a club, in an attempt to make him say where Daniel Bassett could be found.

THEY TESTIFIED THAT Bassett was beaten again when transferred from one police car to another while en route to jail in Machias, 45 miles away.

Indians, and Howe, testified that police forced entry in at least four homes on the reservation, without search warrants, terrorizing the residents.

Testimony has been heard that Deanna Francis was kicked in the lower abdomen by Trooper Lund, and that he beat Annabelle Bassett on the legs and arms with his billy club.

Mrs. Bassett and Deanna Francis testified that Miss Francis was slapped, shoved, had her arm twisted and her clothing ripped by a State Trooper at the Machias jail the next day.

IN ANSWER TO these charges, Lund and Newell testified as follows:

1. Lund said he saw a State Trooper club Victor Bassett after Bassett said "wait a minute" when ordered from a car on the reservation. Lund couldn't remember who the trooper was. He confirmed that Bassett's head was bleeding.

2. Lund said he couldn't see if anybody was beating David Homan, but Newell said he saw a state trooper (again unidentified) holding Homan against the wall of a house, heard a series of "thumps and whacks," and heard Homan cry out several times.

3. Lund said police did enter and search several Indian homes without search warrants, but that the residents had invited the police in.

4. Lund denied that Deanna Francis had been mistreated at the jail. He also denied kicking her.

5. Lund said he didn't beat Annabelle Bassett with a billy club.

6. Lund said he couldn't explain the large number of officers who came to the reservation, from various parts of the county. He said he'd only called the dispatcher at the Orono State Police Barracks, asking for "some assistance."

In announcing his verdicts, Judge MacInnes told the Indians in court "there are many things I would like to say, but am not at liberty to say here."

But he added, "in two long days of testimony many things have been discussed in this court room that are probably more important than the actual case before me."

"BELIEVE ME, if such things have happened, it's horrible, and I deplore them. They should not be allowed to go on, and should be widely condemned."

"But these just weren't the issues before me in this case," Judge MacInnes said. "It's my understanding that an investigation is now underway, and I personally feel very strongly that there should be a thorough investigation."

The next step in the case will be the defense attempt to secure a change of venue. Gellers said he'll request a transfer of the case from Washington County to Cumberland County.

Hennessey Finds Flaw In Trooper's Indian Testimony

WED OCT 11 1967

PRESS HERALD

By WILLIAM H. WILLIAMSON

Maine State Police Chief Col. Parker F. Hennessey said Tuesday that police testimony in last week's assault trial of seven Passamaquoddy Indians wasn't accurate because the testifying state trooper is "proud."

State Trooper Arlo E. Lund's testimony in Machias District Court last week, along with that of Indian Reservation Constable Robert Newell, was the only evidence presented by the state. Three of the seven Indians were convicted of assault on Lund. A fourth was found guilty of obstructing justice. Three other Indians were found innocent of all charges.

LUND TESTIFIED he was knocked down by several Indians during the Labor Day weekend incident, quickly regained his feet, used tear gas, but still unable to control his assailants called for assistance from the Orono State Police Barracks.

In a telephone interview Tuesday, Col. Hennessey told the Press Herald that Lund's testimony was inaccurate.

Hennessey said Lund was knocked unconscious by the Indians, who then left the scene while Lund was lying in the middle of the road.

Asked why Lund hadn't told this version in court, Hennessey replied, "my trooper is proud."

EFFORTS by the Press Herald to reach Lund for comment on Hennessey's assertion were unsuccessful.

Meanwhile, Eastport Attorney Don C. Gellers appeared before the Washington County Superior Court, to seek a change of venue for the Indians' appeal of their convictions in District Court.

The Indians contend they can't get a fair trial in Washington County and want the appeal to be heard in Cumberland County.

Col. Hennessey volunteered the new version of the Labor Day Weekend incident while being asked about a separate matter—the status of an investigation of State Police activities on the Pleasant Point Indian Reservation a couple of hours after the incident.

The investigation was ordered by Gov. Kenneth M. Curtis after he received a complaint early last month from Robert S. Howe, a former instructor at the Poland Spring Job Corps.

HOWE WAS a guest on the reservation the night of the incident. He complained that state troopers entered and searched the home of Christopher Altvater without a search warrant, awakened him rudely and threatened him when he went outside.

Curtis turned the investigation of the State Police activity over to Col. Hennessey and the State Police.

Col. Hennessey said Tuesday "I am going at this investigation very deeply, sincerely and accurately."

"My God, who wants to hate an Indian? Nobody does," Col. Hennessey said. "I have implicit confidence in my troopers,

but I'll let the chips fall where they may!"

He said the police have not talked to the Altvater family in the month-old investigation because the case is still going on.

"You know very well that if we talked to any Indians now, we'd be accused of intimidating

witnesses," Col. Hennessey said. But he added that he intends to have the Altvater family interviewed before the investigation is closed.

GOV. CURTIS was questioned about the investigation at a press conference Tuesday. He said the investigation is still under way.

"Maine has one of the better State Police departments in the nation," Curtis said. "Anytime we have allegations of this sort we look into them, because we want to maintain that reputation."

Asked why the investigation of State Police activities has

been placed in the hands of the police themselves, Curtis said he feels the State Police Department is the best investigative agency in the state.

The governor said "I have all the faith and confidence in the world in the State Police."

He added that had the investigation been turned over to the Attorney General's office, the State Police probably would have ended up investigating the matter anyway. The attorney general's office regularly uses State Police in its investigations, he added.

CURTIS SAID he feels that whenever there is a complaint about a department, the best procedure is to go to the head of that department and tell him to find out the facts.

He said there have been cases in the past when the State Police have investigated themselves, and as a result of some of them members of the department have been fired and have faced court action.

EXHIBIT 8 e

Defense Counsel Charges Double Jeopardy

Quoddy Indian Case Shaping Up As Legal Tangle

By WILLIAM H. WILLIAMSON

Probably the hardest thing to keep track of in the current court proceedings against seven Passamaquoddy Indians is exactly what they're charged with. *Just Case*

In the five weeks since an incident took place between the Indians, a state trooper, and an Indian constable, there have been no fewer than five sets of charges lodged, no two of them quite the same.

The latest set came from the Washington County Grand Jury last Wednesday. Chronologically, here's how the complicated charging procedure has gone since Sept. 3 — the day the incident took place, and the day the original charges were made at the County Jail in Machias.

THE SEVEN Indian defendants are Daniel R. Bassett, Annabelle Bassett, Victor Bassett, Lawrence Socobasin, David Homan, John Socobasin and Deanna Francis.

On Sept. 3, all seven were charged with assault. In addition, Daniel Bassett was charged with resisting arrest and intoxication.

Then, on Sept. 6, the day the Indians were originally scheduled to stand trial, a new set of charges was introduced by the Maine Attorney General's office — whose criminal division has been prosecuting the case since its outset.

Those charges specified the assault as having been made against state trooper Arlo E. Lund. Daniel Bassett was still charged with intoxication and resisting arrest, but a new charge, obstructing Indian constable Robert Newell, was lodged against everyone but Daniel Bassett.

THE CASE was then continued twice, and when it finally got to court, in Calais District Court, on Sept. 25, the charges had been changed again.

On that day, the Indians discovered that the assault charge had been changed to assault and battery, and a felony charge — conspiracy — had been added against all seven.

Then on Sept. 29, after a three day postponement of the proceedings, the trial started again in Machias. This time, the charge of resisting arrest against Daniel Bassett was no longer present, and only six of the defendants were charged with conspiracy. Victor Bassett's name had been scratched on that charge.

A FEW HOURS AFTER the trial began, Judge John M. Dudley disqualified himself from the case without explanation, refused to give any, and refused to allow the defense to be heard in opposition to a further postponement.

The following Monday, Oct. 2, the trial got underway again, this time before Judge Ian MacInnes, of Bangor.

Judge MacInnes found three Indians, Victor Bassett, John Socobasin, and David Homan, innocent of all charges.

In addition, Judge MacInnes found Deanna Francis innocent of assaulting Lund; found Lawrence Socobasin innocent of obstructing Newell; and found Lawrence Socobasin innocent of obstructing Lund.

SO, AT THAT POINT in the proceedings, the following charges were still in force, and were all appealed.

1. Daniel and Annabelle Bassett, plus Lawrence Socobasin were still charged with high and aggravated assault against Lund

2. Daniel Bassett was found guilty of intoxication.

3. Deanna Francis and Annabelle Bassett were found guilty of obstructing Newell.

4. Daniel and Annabelle Bassett, Deanna Francis and Lawrence Socobasin were found guilty of obstructing Lund.

Judge MacInnes also threw out the conspiracy charge against six of the Indians altogether. They were the ones who had been charged with conspiracy in the second conspiracy charge — the one that appeared on Sept. 29.

BUT WEDNESDAY, a whole new set of charges in the form of Grand Jury indictments were issued, nullifying a good deal of Judge MacInnes' decision in District Court.

In the six-count indictment, Deanna Francis was named with Daniel and Annabelle Bassett and Lawrence Socobasin, for high and aggravated assault against Lund. She'd been found innocent by Judge MacInnes.

These four were also indicted for high and aggravated assault against Newell — a new charge altogether.

The Grand Jury indicted Daniel Bassett for resisting arrest — the charge that had been lodged and dropped earlier in the case.

ALL SEVEN of the Indians were indicted on two counts of obstructing an officer — one in connection with Lund, and one with Newell. Three had previously been acquitted on these charges and a fourth, Lawrence Socobasin, had been acquitted of obstructing Newell.

And finally, the Grand Jury indicted five of the Indians for

conspiracy. The conspiracy charge alleges that they conspired unlawfully to commit an act injurious to the public welfare.

Because some of the indictments call for trial of several of the defendants on charges they've already been tried and acquitted for, the question of double jeopardy naturally arises. Under the law, a person can't be tried twice for the same offense.

Assistant Attorney General Daniel Lilly explained these indictments as follows.

HE SAID double jeopardy doesn't apply to Deanna Francis, who was acquitted of assault against Lund in District Court, because assault can be either a misdemeanor or a felony, depending upon the ruling of the lower court. In acquitting Miss Francis of assault, Judge MacInnes didn't preclude the Grand Jury from indicting her on high and aggravated assault — a felony, Lilly said.

Lilly said Judge MacInnes didn't have the jurisdiction to make a finding of guilty or not guilty in regard to the assault charges, and so in effect, Deanna Francis hasn't been tried on that count.

Lilly also said the dismissal of conspiracy charges by MacInnes doesn't stop the Grand Jury from indicting on that count. Conspiracy is also a felony, and so beyond the jurisdiction of the lower court, Lilly added.

AS FOR the obstruction indictments against those who had been acquitted of the charge in lower court, Lilly said the double jeopardy rule wouldn't apply because the new charge is actually different from the original obstruction charges.

He said the Indians who were found innocent in lower court were acquitted of "obstruction by assault," while the new indictment cites "obstruction by intimidation."

Lilly added, however, that all of the indictments are subject to review by his office, and that the charges that actually develop in court will be contingent upon that review.

UNLESS SOMETHING happens to change the normal

course of events, trial against the seven Indians, on the grounds of the Grand Jury indictments, would begin in a couple of weeks in Washington County Superior Court.

But something may very well happen to change the normal course of events.

Defense counsel Don C. Gellers has moved for dismissal of all previous convictions on the basis of double jeopardy, and the court is due to rule on that motion within the week.

The double jeopardy motion is based upon the fact that trial had actually begun, and testimony had been heard, when Judge Dudley quit the case without explanation. Gellers has argued that this legally constitutes a trial, and that the trial before Judge MacInnes was actually a second trial for the same offenses.

GELLERS also has moved for a change of venue, should the double jeopardy motion be denied, and has asked that Cumberland County be the scene of his clients' appeal of their convictions.

That motion has yet to be heard in the Washington County Superior Court, but it should be this week.

Lilly said there will be further court action, on the basis of the Grand Jury indictments, regardless of the ruling on Gellers' double jeopardy motion. And his office is opposing any change in venue.

HE SAID since all of the indictments are really different charges than previous ones, even if only slightly, the double jeopardy ruling won't affect the future of the case.

While the complicated court procedure continues, a State Police investigation of a charge of police misconduct and brutality on the Indian Reservation at Pleasant Point, in Perry, continues.

Two State Police officers interviewed Mrs. Rita Altvater, whose home was one of several entered without search warrant last Sept. 3, last Thursday.

The investigation was ordered by Gov. Kenneth M. Curtis after Robert Howe, a guest at the Altvater home on the night of the incident, complained to the governor of the police conduct.

TELEGRAM

SUN DEC. 17 1957

Secret Charges

Further Confuse Quoddy Indians *Court*

By WILLIAM H. WILLIAMSON

Case
MACHIAS—Seven Passamaquoddy Indians have been re-indicted by a Washington County Grand Jury and two of them have been arrested. But none yet know what the specific charges against them are.

The latest chapter in the three-month-old legal proceedings against the Indians -- involving a Labor Day Weekend incident with a state trooper and an Indian constable -- was written Friday night when two arrests were made.

THE ARRESTS came less than five hours after Assistant Attorney General Daniel Lilly, chief prosecutor, told the Telegram no arrests were needed or planned.

Lilly made the statement when asked why new indictments against the Indians were secret.

The secret indictments were handed down by the Washington County Grand Jury last Monday, but nobody seems to agree why they were secret.

Lilly said Friday he hadn't asked that the indictments be secret, and that the Grand Jury had so ruled on its own. He said the customary reason is to prevent suspects from fleeing and avoiding arrest.

Lilly also said Friday afternoon he saw no reason for arrests, since the seven Indians had appeared voluntarily for two previous court proceedings against them in the case. He added that he'd probably make the indictments public early this week.

BUT ALTHOUGH Lilly said the Grand Jury had asked that the indictments be secret, jury foreman Francis H. McIntyre of Cherryfield denied this.

McIntyre said Lilly and another assistant attorney general, Frederick G. Ward of Machias, had asked that the indictments be secret, and that the court so ruled.

Although Lilly said Friday he didn't plan any arrests, the clerk of the Washington County Superior Court said that night that Lilly had asked last Monday for arrest warrants to be issued.

Mrs. Winnie Taylor, the court clerk, said Lilly was asked by Superior Court Judge James P. Archibald Monday if he wanted such warrants. Lilly told the judge he did, and Judge Archibald ordered her to issue them.

None of the warrants were served until Friday night, when John Socobasin and David Homan were arrested at the Pleasant Point Indian Reservation at Perry.

ASSISTANT Attorney General Ward said Friday night he assumed other arrests will follow. Three of the Indians live in Massachusetts, so extradition proceedings will have to be taken if their arrest is planned.

The two Indians who were arrested Friday night were released early Saturday morning on \$2,000 bail. They are to appear at the February term of Superior Court -- the time the case was previously scheduled to reopen.

In previous court action, four Indians were found guilty of

various charges, ranging from obstructing justice to intoxication, three were bound over to the February term on a high and aggravated assault charge. All the convictions were appealed.

Three Indians, including the two arrested Friday night, were found innocent of all charges at the earlier court proceedings.

But all seven were reindicted later, on six counts including conspiracy. Those indictments were public, and no arrests were made. The Indians were to answer the charges in February.

THEN THE Attorney General's office threw out all the indictments because the names of Indians weren't included in the list from which juries are selected.

New jury lists were compiled, including the names of Indians, and a new Grand Jury was selected, which still, however didn't include any Indians.

This was the jury that secretly reindicted the seven Indians last Monday.

Socobasin and Homan still don't know what the specific indictments against them are. They were arrested on a conspiracy warrant, but the indictments themselves won't be available until the courthouse opens Monday.

The other five Indians don't know any of the charges against them. But Lilly indicated Friday they aren't very different from the ones that were thrown out some weeks ago.

IN THOSE indictments, four Indians were charged with assaulting State Trooper Arlo Lund and Indian Constable Robert Newell. Trooper Lund suffered a cut in the fracas.

One Indian was named in the earlier indictments for resisting arrest.

All seven were indicted for obstructing Lund and Newell, and finally, five were indicted for conspiracy.

Some of these charges were ones that Indians had been found innocent of in the earlier lower court proceedings.

If the new secret indictments are the same, defense counsel Don C. Gellers, of Eastport says he can see "no possible reason" for secret indictments and arrests.

He said the Indians appeared voluntarily in the past, and hadn't been arrested after the first indictments were handed down by the October Grand Jury. There seems no reason for anyone to assume the Indians wouldn't appear in February to answer the new indictments, Gellers said Saturday.

Friday, Lilly said he agreed that no arrests would be necessary. And he said he planned to give Gellers the details of the secret indictments early this week. Lilly said he would have done so last week if he hadn't been tied up with a case in Houlton.

WHILE THE new developments in the case were taking place, an investigation continues into alleged police misconduct and brutality connected with the Labor Day Weekend incident.

State police entered Indian homes without search warrants and later one trooper testified in court that there was some clubbing of Indians by unidentified officers.

The Indians have asked for the names of all officers who came onto the Pleasant Point Reservation the night in question.

State Police Chief Col. Parker P. Hennessey told Gellers he had been instructed by the Attorney General's office not to reveal the names of the police officers involved. Col. Hennessey reaffirmed that decision last week.

The investigation into the alleged state police misconduct has been under way for more than three months. But no report has been forthcoming yet. The investigation was ordered by Gov. Kenneth M. Curtis.

Driver Testifies Against Indians In Fracas Trial

NEWS HERALD
MACHIAS (AP) - A former defendant who turned state witness concluded prosecution testimony Thursday in the case of three Passamaquoddy Indians charged with assault and battery on two police officers.

Defense lawyer Don C. Gellers then began presenting the first of more than half a dozen witnesses in the Washington County Superior Court trial.

Accused in the September homicide at Perry are Lawrence Sockabasin, 28, Deanna Francis, 20, and Annabelle Bassett, 24, all of the Pleasant Point reservation in Perry.

According to prosecution testimony Indian Constable Robert Newell and Trooper Arlo Lund were beaten when Lund stopped a car containing Indians and tried to issue a "defect card" for a bad tail-light.

Daniel Homan testified he was driving a car carrying Sockabasin that stopped at the scene. Homan said Sockabasin joined the fray, pushed Lund to the ground and hit Newell on the head with a flashlight.

He said he saw the two woman defendants interfere with the officers as they tried to radio for help. He said the women piled into the cruiser and pulled on the microphone cord.

Homan also said the defendants met after the incident to fabricate a story about it.

Under cross-examination Homan said police who later arrested him on the reservation beat him on the knees. He said police held his arms while he was beaten.

Homan testified he didn't take part in the assault and volunteered in February at the attorney general's office in Augusta to become a state witness.

He said he was promised nothing. Charges of assault and conspiracy against Homan were dropped.

Homan said he spent the night before his court appearance at the Bluebird Motel here in the same room with Lund.

The prosecutor, Asst. Atty. Gen. Daniel Lilley, said Homan had tried to stay at the reservation but it had been determined this might cause difficulty. There was no elaboration. Homan stayed with Lund, Lilley said, because there were no other vacant rooms at the motel.

Lawrence Sockabasin, his brother John, and Deanna Francis testified in defense before Wednesday's court session ended.

All three gave details of the melee with Lund and Newell. Lawrence denied that he had struck either officer and John said that on orders from Newell he got back in his car and took no part in the fracas.

Miss Francis denied she entered Lund's car, as the trooper and Newell had testified. She also said she made no attempt to grab the car's radio microphone. Both officers had said she and Annabelle Bassett had tried to prevent them from calling for help.

John Sockabasin was acquitted in District Court of assaulting and obstructing Lund and a conspiracy indictment against him was dropped in Superior Court.

In cross examination, Miss Francis said that after the fight Lund had told the group: "Everyone go home and we'll forget the whole thing."

Gellers said he would present four more defense witnesses Thursday.

Handwritten notes:
Machias - Sockabasin
Tad Forster
Homan - Sockabasin

EXHIBIT 9

FRIDAY, MAY 24, 1968

House Sold to Negro Family Is Set Afire in Suffolk

By FRANCIS X. CLINES
Special to The New York Times

WEST BABYLON, L. I., May 23 — A house in a white suburban that is being sold to a Negro family was set afire here early this morning. Racial epithets were painted on the owner's two cars, and the tires were slashed.

The white owner of the house, Jerome R. Sievers, woke up at 4 o'clock to find flames shooting from the attached garage and smoke chest-high in his living room. He roused his wife and two children and called the fire department which confined the blaze to the garage of the house at 391 15th Street.

"Whoever did this is a would-be murderer," said Mr. Sievers, a 41-year-old business planner who has been involved

for several years in interracial activities with the neighboring, predominantly Negro community of Wyandanch.

Buyer Visits House

Ozzie Bynum, a Negro who signed a contract to purchase the four-bedroom house, was unaware of the incident this morning as he went out by railroad from his present apartment in Brownsville, Brooklyn, intending a leisurely visit.

"And then I found someone had torched the place," he said, standing on the lawn of the 80-by-100-foot home site, near the charred shambles of the tan-and-white garage. "What almost happened has frightened me," said Mr. Bynum, who has a wife and child. But he said he intended to go through with the contract to buy the house

for \$16,500 and move into the quiet, middle-income neighborhood.

"A man should live wherever he can afford to, and not be suppressed by a lunatic," said Mr. Bynum, who is a 33-year-old program director with the public schools' Board of Community Education.

Epithet Misspelled

The Suffolk County police noted that whoever set the fire on the exterior of the locked garage misspelled an epithet as "Niger," which was printed a dozen times in black paint on Mr. Sievers' two cars. The Sieverses told the police they had been receiving phone calls in recent days in which the caller said nothing.

Mrs. Sievers said one or two neighbors questioned whether they might sell to Negroes, but

no animosity was expressed. Their policy, she said, was to sell to the first customer who met their price, regardless of race. During 13 years residency here, the Sievers said they have had various Negro friends to the house, including members of the interracial Trinity Lutheran Church in Wyandanch. Neighbors voiced shock today at the incident.

One nearby resident denounced the arsonist as "another of the nuts we've seen since Dallas," but the same neighbor, who was repairing a lawn mower, also said he believed in "equal rights, but I don't want them next door." The man declined to identify himself.

"Good, cultured Negroes are one thing," he said at another point, "but the bums — the niggers — are another."

THURSDAY, AUGUST 29, 1968

L.I. ANTIBIAS LAW IS USED FIRST TIME

Negro Physicist Charges Builder Discriminated

By FRANCIS X. CLINES
Special to The New York Times

PATCHOGUE, L.I., Aug. 28 — A Negro nuclear physicist at the Brookhaven National Laboratory has filed the first complaint of discrimination under a stringent new open-housing law here that provides jail or fines for violators.

The physicist is Dr. Augustus Prince. Two years ago, the outside wall of a house newly

purchased by Dr. Prince in Stony Brook was defiled with signs reading "KKK" and "Nigger Get Out." The police have been unable to find the vandals in that incident.

Today, Dr. Prince charged in a complaint filed with the Brookhaven Town Clerk that a \$10 binder he had placed last May 15 on a \$34,000 house was later rejected by a Port Jefferson builder in an act of racial discrimination.

The complaint was filed against Harold C. Hardy, president of Jefferson Hills, Inc., of Port Jefferson, and one of his salesmen, identified as John Hickman. Mr. Hardy denied the charge today.

Mr. Hardy's attorney, Theodore Daniels of Franklin Square, said the binder had been returned to Dr. Prince

and his wife, Willa, after months of indecision on their part in which they delayed going to contract.

The Princes finally asked for the return of the binder in a telephone call, Mr. Daniel said. According to the Brookhaven Town Attorney's office, Dr. Prince charges that such a call was never made and that when he sought to clarify the deal at the builder's office he was informed there were no lots left in the development of custom-built houses.

David A. Sloane, an assistant Town Attorney, said he had affidavits from white persons who said they subsequently "tested" the builder and found lots available at the subdivision.

The Princes sought a summons against Mr. Hardy today

in Suffolk District Court, but the matter was adjourned until tomorrow by Judge William L. Underwood, who requested additional information.

Under the law the District Court can levy a jail sentence of up to 15 days and a fine of up to \$250, and can also order that the disputed property be made available to the complainant.

The law was passed last June by the Brookhaven Town Board by a vote of 6 to 1 after months of controversy. It was prompted by complaints from the Suffolk County Human Relations Commission and various civic and civil rights groups that the state's existing antidiscrimination laws were ineffective because they stressed private conciliation sessions and tolerated delay.

JERSEY BROADENS HOUSING BIAS BASE

Accuses Man of Blocking Sale of Neighbor's Home

By RONALD SULLIVAN
Special to The New York Times

TRENTON, May 15—The State Division on Civil Rights charged prominent New Jersey businessman today with violating the state's antidiscrimination laws by allegedly blocking the sale of an expensive house next to his to a Jewish lawyer.

George S. Pfaus, the division's director, said that the charge represented the first civil rights case in which neighbors who violated antidiscrimination statutes faced the same punitive damages as have thus far been applied to persons directly involved in transactions, such as homeowners and brokers.

"While the section involving neighbors has been law for a long time," Mr. Pfaus said, "this is the first time the state has made a serious effort to enforce it. In the past, the division has been very successful in dealing with sellers and brokers who have attempted to practice discrimination while a neighbor, who allegedly aids and abets the discriminatory activities, has all too often been left untouched by the full force of the law."

The state's charge of discrimination was made against John C. McDonough, the 43-year-old president of the R. A. McDonough Company of Orange, one of northern New Jersey's biggest tire dealers, having 11 outlets.

According to affidavits on file in the division's Newark office, Mr. McDonough alleged blocked the sale of a \$75,000 house next to his in Essex Fells to Myron S. Lehman, a Newark lawyer who subsequently purchased an \$85,000 house in Short Hills.

Sold to Other Jerseyans

The Essex Fells home, an 11-room white ranch house on a wooded estate at 127 Devon Road, belonged to Mr. and Mrs. Christian Heidt 3d. They have sold it to a couple from Upper Montclair for the price they had agreed to sell it to Mr. Lehman, whose family — consists of his wife Doris and two children.

Mr. McDonough lives at 121 Devon Road with his wife and four children.

Division affidavits indicate that when Mr. McDonough learned that the Heidts had agreed to sell their home to a Jew in February, he immediately began to try to block the sale, raising, according to one civil rights official, "holy hell in the neighborhood."

Specifically, the state is charging Mr. McDonough with violating the New Jersey law against discrimination, which states that "it shall be an unlawful discrimination for any person . . . to aid, abet, incite, compel or coerce the doing of any of the acts forbidden in this act, or to attempt to do so."

A state official said tonight that Mr. McDonough had repeated his opposition to Mr. Lehman at a conciliation conference arranged by the state.

Mr. McDonough denied in an interview that he had attempted to interfere with Mr. Lehman's efforts to move into Essex Fells, an affluent, all-white community of 3,000 in western Essex County.

Abrupt Rebuff Reported

Mr. Lehman said that when he attempted to arrange an interview with Mr. McDonough at his office, Mr. McDonough refused, telling him, "I moved from South Orange to get away from your kind of people."

Moreover, according to Mr. Lehman's complaint, Mr. McDonough also issued a veiled threat of reprisal, allegedly warning that "I would find it very difficult living in Essex Fells, my wife would have difficulty, and my 6- and 8-year-old children would have difficulty."

According to the state's complaint, the warnings succeeded in getting the Heidts and the Lehmans to cancel their sale contract.

Mr. Pfaus said today that if Mr. McDonough was found guilty of the charges in a division hearing, which "will take place as soon as possible," he could issue an order requiring Mr. McDonough to pay the additional \$10,000 that Mr. Lehman had to pay for another house, as well as the fees lost by the real estate broker and the lawyers who handled the aborted transaction. This could run into additional thousands, Mr. Pfaus said.

B'nai B'rith Hails Action

In a statement issued tonight, Robert Kohler, the state executive director of the New Jersey Anti-Defamation League of B'nai B'rith, declared:

"I hail this major breakthrough in coming to grips with some of the issues that have caused a rift between communities in this country. That which attributed to a whole community is frequently the handiwork of individuals who may or may not represent the community.

"Those who are bigoted will have to understand that they now face the same penalties that those who are more directly involved. Their shroud of respectability is stripped bare."