

ANTI-ETHNIC SLUR

his building? Why
Ashiry, 52, said on
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Unpunished

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VANDALISM PUZZLES ARAB FAMILY

Aug 8, 2004 Washington Post
Page SM03
Washington Post Staff Writer
Rabab Saab stepped backward from her
front porch in Waldorf and pointed
up at the streaks of egg yolk on the
second floor windows.
She motioned to where another egg
yolk was a shutter, where soggy toilet
paper still draped through the
shrubbery, where the dog feces had
been spread on her daughter's car
and her own front door.
Her house had been vandalized, that
was obvious. But what did it mean?
Had something happened just once?
Or would it happen again?

assumed it was a case of bored te-
agers with nothing better to do. But
last Sunday's episode marked the
second time in about two weeks her
house was vandalized in a similar
manner.
"It's probably kids that decided
they wanted to play a game, and we
were out of the house," she said. "I
didn't want to be around," she
said. "I don't want to change anything
around." "I don't want us around," she
said. "I don't want to be around."

CAUSE FOR CONCERN: Hate Crimes in America

2004 Update

Police probe cars defaced with swastikas, race slurs

Aug 4, 2004 Chicago Tribune

GLENVIEW Glenview police
Tuesday continued to investi-
gate after vandals scratched
swastikas, racial slurs and
vulgarity into six vehicles
last week.
Police said the vehicles were
vandalized between 7 p. m.
Thursday and 6:30 a. m.
Friday. Police said the vehi-
cles were parked in

the 800 block of Rolling Pass.
Damage was estimated at \$5,
000. "It looks like they were
going down the block scratch-
ing up vehicles," said Cmdr.
Frank Stankowicz. "We don't
have enough information to
call it a hate crime. It's
still under investigation.

AGAINST HATE CRIMES

families speak out

Daily News

years after white
D. Furrow Jr.
at the North
ity Center, then
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' families and
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un control and

Muslim beaten in San Diego by man yelling racial slurs

Jun 30, 2004 Riverside Press
Enterprise
The Associated Press

SAN DIEGO
A Muslim man out buying milk
for his children told police he
was beaten early Wednesday in a
supermarket parking lot by an
attacker who screamed racial
slurs.

When the attacker, a white
male with close-cropped hair,
yelled at him and picked a
fight at 1 a. m. outside of a
Ralph's supermarket.
Alsheikh, a 36-year-old full-
time student, was struck in the
face. The blow shattered his
tooth, cutting his lips. Think-
ing quickly, Alsheikh said he
told his assailant, "You're
assaulting a cop." The
attacker relented and drove
off.

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This report is an update of our 1997 report *Cause for Concern*, the first major comprehensive assessment of the hate crime problem in America. Sadly, seven years later, the problem of hate crimes continues to be a significant national concern that demands priority attention. The purpose of this report is to highlight the need for a coordinated response by every sector of society to eradicate this problem.

The authors and publisher are solely responsible for the accuracy of statements and interpretations contained in this publication.

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*Wade Henderson is also executive director of the Leadership Conference on Civil Rights, the nation's oldest, largest, and most diverse civil and human rights coalition.

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Bias Crimes in America: The Nature and Magnitude of the Problem

Violence directed against individuals on the basis of their race, religion, national origin, gender, or sexual orientation is disturbingly prevalent — and poses significant threats to the full participation of all Americans in a democratic society. Bias-motivated crimes are designed to intimidate the victim and members of the victim's community, leaving them feeling isolated, vulnerable, and unprotected by the law. By making victims of hate violence and their communities fearful, angry, and suspicious of other groups — and of the power structure that is supposed to protect them — these incidents can damage the fabric of our society and fragment communities.

The urgent national need for both a tough law enforcement response and education and programming to confront violent bigotry has increased over the past three years. As hate crime experts have noted, "If we were ever unsure, the September 11th attack on America provided indisputable evidence that a single situation can precipitate major changes in the ways that we behave toward the groups in our midst."¹

In the aftermath of the September 11, 2001 terrorist attacks, the nation witnessed a disturbing rash of irrational attacks against Americans and others who appeared to be Muslim, Middle Eastern, or South Asian. The perpetrators of these crimes have lashed out at innocent people because of their personal characteristics — their race, religion, or ethnicity. Law enforcement officials have investigated hundreds of these "backlash" incidents, many involving youthful offenders — including vandalism, intimidation, assaults, and several murders at places of worship, schools, neighborhood centers, grocery stores, gas stations, restaurants, and homes.

In response to this disturbing series of attacks, a number of key administration officials — including President George W. Bush, First Lady Laura Bush, Secretary of Education Rod Paige, Attorney General John Ashcroft, and FBI Director Robert Mueller — spoke out against hate crimes and reached out to affected communities. On September 26, 2001, at a meeting with Sikh leaders at the White House, President Bush pledged that "our government will do everything we can not only to bring those people to justice, but also to treat every human life as dear, and to respect the values that made our country so different and so unique. We're all Americans, bound together by common ideals and common values."

Of course, after the events of September 11th, many Americans did understand the need to take affirmative steps to combat hate. A number of government and community initiatives since that time have illustrated that Americans care deeply about addressing prejudice and bias. In a nationwide survey of adults and youth on perceptions regarding community involvement and the need for dialogue between adults and youth, conducted by the National 4-H shortly after September 11th, "building respect/tolerance for others" was cited to be the most needed element for improving communities.

The 1992 American Psychological Association report entitled, *Violence and Youth: Psychology's Response*, identified "prejudice and discrimination" as one of the three leading causes of violence among American youth. In fact, education and exposure are the cornerstones of a long-term solution to prejudice, discrimination, bigotry, and anti-Semitism. Effective response to hate violence by public officials and law enforcement authorities, however, can play an essential role in deterring and preventing these crimes.

Data Collection Efforts: The Hate Crime Statistics Act

Enacted in 1990, the Hate Crime Statistics Act (HCSA)² requires the U.S. Department of Justice to acquire data on crimes that "manifest prejudice based on race, religion, sexual orientation, disability, or ethnicity" from law enforcement agencies across the country and to publish an annual summary of the findings. The HCSA has increased public awareness of the problem and sparked improvements in the local response of the criminal justice system to hate violence.

On November 12, 2003, the FBI released its most recent annual report, "Hate Crime Statistics 2002"³, which reported:

- While the overall number of crimes reported to the FBI in 2002 increased by less than one-tenth of one percent, reported hate crimes decreased from 9,726 in 2001 to 7,462 in 2002 (a 23.3 percent decrease).
- The 7,462 hate crime incidents reported to the FBI involved 8,832 separate offenses, 9,222 victims, and 7,314 known offenders. Of the 7,462 incidents, 5,960 were crimes against persons and 2,823 were crimes against property.
- Racial bias again represented the largest percentage of bias-motivated incidents (48.8 percent), followed by religion bias (19.1 percent), sexual orientation bias (16.7 percent), and ethnicity bias (14.8 percent).
- Anti-black bias was the most prevalent racial motivation, with 2,486 incidents (33.3 percent of all hate crimes) and nearly 70 percent of all race-motivated incidents.
- In 2001, 931 anti-Semitic crimes were reported, a slight decrease from 1,043. Overall, crimes against Jews and Jewish institutions comprised 12.5 percent of all the bias-motivated crimes, and 65 percent of the religious-based crime incidents.
- The number of reported anti-Islamic crimes decreased from 481 in 2001 to 155 in 2002, a decrease of 67.8 percent. In addition, the number of hate crimes directed at individuals on the basis of their national origin/ethnicity also decreased significantly – from 2,098 in 2001 to 1,102 in 2002. This significant reduction is likely the result of a decrease in the backlash crimes that characterized the period following September 11th and led to record hate crimes in 2001.
- The number of national law enforcement agencies reporting to the FBI in 2002 increased slightly from 11,987 to 12,073 – the second highest total of participating agencies in the twelve-year history of the data collection effort.
- Hawaii was, again, the only state that did not participate in reporting hate crimes to the FBI; Arkansas participated but affirmatively reported zero hate crimes for 2002.

Clearly these hate crime numbers do not speak for themselves. Behind each of these statistics is an individual or a community targeted for violence for no other reason than race, religion, sexual orientation, disability, or ethnicity. American communities have learned the hard way that failure to address bias crimes can cause an isolated incident to fester and result in widespread tension.

However, studies by the National Organization of Black Law Enforcement Executives (NOBLE) and others have revealed that some of the most likely targets of hate violence are the least likely to report these crimes to the police.⁴ In addition to cultural and language barriers, some immigrant victims, for example, fear reprisals or deportation if incidents are reported. Many new Americans come from countries in which residents would never call the police, especially if they were in trouble.⁵ Gay, lesbian, bisexual, and transgender victims, facing hostility, discrimination, and, possibly family pressures because of their sexual orientation or identity, may also be reluctant to come forward to report these crimes.⁶ These issues present a critical challenge for improving law enforcement response to hate violence. When police departments implement the HCSA in partnership with community-based groups, the effort should enhance police-community relations.

Hate Crime Statutes: A Message to Victims and Perpetrators

While bigotry cannot be outlawed, hate crime penalty enhancement statutes in the United States have demonstrated an important commitment to confronting criminal activity motivated by prejudice. At present, the federal government, forty-six states, and the District of Columbia have enacted hate crime penalty-enhancement laws, many based on an ADL model statute drafted in 1981.⁷ In *Wisconsin v. Mitchell*, 508 U.S. 476 (1993), the U.S. Supreme Court unanimously upheld the constitutionality of the Wisconsin penalty-enhancement statute – effectively removing any doubt that state legislatures may properly increase the penalties for criminal activity in which the victim is intentionally targeted because of his/her race, religion, sexual orientation, gender, or ethnicity.⁸

At the federal level, currently pending legislation, the Local Law Enforcement Enhancement Act (LLEEA), would complement Section 245 of Title 18 U.S.C. – one of the primary statutes now used to combat racial and religious bias-motivated violence. That statute prohibits intentional interference, by force or threat of force, with the enjoyment of a federal right or benefit (such as voting, going to school, or working) on the basis of the victim's race, color, religion, or national origin. Under the current law, enacted in 1968, the government must prove that the crime occurred because of a person's membership in a protected group – *and because* (not while) he/she was engaging in a federally-protected activity. In testimony before Congress, Justice Department officials have identified a number of significant racial violence cases in which federal prosecutions have been stymied by these unwieldy dual jurisdictional requirements.⁹

The LLEEA would remove these overly-restrictive obstacles to federal involvement by permitting prosecutions without having to prove that the victim was attacked because he/she was engaged in a federally-protected activity. Second, it would provide expanded authority for federal officials to investigate and prosecute cases in which the bias violence occurs because of the victim's actual or perceived sexual orientation, gender, or disability. Current federal law does not provide authority for involvement in these cases at all.

The vast majority of bias crimes are effectively addressed at the state and local level. However, in states without hate crime statutes, and in others with limited coverage, local prosecutors are simply not able to pursue bias crime convictions.¹⁰ In a limited number of these cases, and others in which the local prosecutor is unable or unwilling to investigate and prosecute, federal assistance or involvement is warranted.

This measure has attracted bipartisan support in Congress. The House version of the LLEEA now has more than 175 cosponsors. On June 15, 2004, the Senate overwhelmingly approved the measure as part of the Department of Defense authorization bill (S. 2400) by a vote of 65 to 33. A broad supporting coalition of

religious, law enforcement, and civil rights groups are working to retain the Senate-passed provisions in the House-Senate conference.

Federal Hate Crime Awareness and Training Initiatives

There is growing awareness in the United States of the need to complement tough laws and more vigorous enforcement — which can deter and redress violence motivated by bigotry — with education and training initiatives designed to reduce prejudice. The U.S. government has played a central role in funding program development in this area and promoting awareness of initiatives that work.

For example, in association with the Department of Education's Safe and Drug-Free Schools Program, the Justice Department's Office of Juvenile Justice and Delinquency Prevention has provided funding for the development of Partners Against Hate (www.partnersagainsthate.org), an ambitious program of outreach, public education, and training to help address the cycle of bias, hatred, distrust, and violence by: (1) increasing public awareness — especially among youth and juvenile justice professionals — about promising practices to reduce and prevent youth-initiated hate violence; (2) providing effective hate crime prevention and intervention strategies and training and technical assistance for law enforcement agencies, educators, religious and community leaders, parents, and youth; and (3) helping individuals working with youth embrace the potential of advanced communications technologies — particularly the Internet — to break down barriers, address biases, and provide communities with the services and support they need.¹¹

Another federally-funded hate violence prevention initiative is CommUNITY 2000, the nation's first fair-housing related community tensions program. Because fair housing laws allow for intervention and remedial action at the harassment stage, they can play a major role in preventing hate crimes. Working through national and local coalitions, CommUNITY 2000, a HUD-funded program, developed a menu of strategies, available through www.civilrights.org, to prevent, respond to, and reconcile tensions that arise when people make choices about where to live.

America is becoming increasingly diverse, and the need for education is fundamental for preventing bias in juveniles. In January 2002, researchers at the Northeastern University Center for Criminal Justice Policy Research did a study of high school students in Massachusetts, which found that "schools that have recently experienced an influx in race or ethnic minorities in recent years tend to have higher rates of racial or ethnically bias-motivated crimes." This study revealed the importance of promoting multicultural awareness and understanding in schools as the population changes in order to reduce instances of bias-motivated violence. The researchers concluded that peers, faculty, and family members "must be in a position to be constructive and supportive when informed of bias victimization."¹²

The Impact of Hate Violence

Law enforcement officials across the country have come to recognize that hate crimes demand priority attention because their special emotional and physical impact extends beyond the original victim.

These senseless acts of violence terrorize whole communities. American communities have learned the hard way that failure to address bias crimes can cause an isolated incident to fester and result in widespread tension.

The State of Hate: Organized Hate Groups in the United States

Although only a minority of hate crimes are committed by members of organized hate groups, these individuals perpetrate some of the most brutal hate crimes and set the stage for other copycat crimes by individuals not associated in any way with these groups. In addition, members of hate groups may engage in a wide array of other criminal acts, ranging from white collar crimes to crimes of violence, including terrorism.

In the United States, white supremacists remain the most numerous type of hate group. As of August 2004, the United States had hundreds of white supremacist groups with tens of thousands of members. Many more white supremacists are associates without being formal members, and many others sympathize with such groups and their agenda. There are several hundred thousand white supremacists in the United States.

White supremacist ideology in the 21st century is different than its counterpart half a century ago. Through the civil rights era, the explicit goal of white supremacists was to maintain the dominance of whites in America. However, as years passed, white supremacists realized their views were those of a shrinking minority, and that increasingly, government, law enforcement, and the communities in which they lived opposed their goals.

From the 1970s forward, white supremacist ideology changed to reflect these conditions. The concept of "white separatism" arose, whereby many white supremacists conceded that whites could no longer dominate all of America and instead focused on various plans to create "white homelands."

White supremacist ideology evolved into a defensive, desperate ideology that claims the white race is in peril of extinction. This viewpoint was crystallized in the "14 Words," a popular slogan coined by imprisoned white supremacist David Lane: "We must secure the existence of our people and a future for white children." White supremacists believe that the future of the white race itself is in doubt, about to fall prey to a "rising tide of color" controlled and manipulated by Jews. These beliefs enable them to rationalize taking even violent or extreme actions, if it will help "save" the white race.

Today there are six major categories of white supremacists in the United States: 1) "traditional" white supremacist groups; 2) Christian Identity groups; 3) Neo-Nazi groups; 4) racist skinhead groups; 5) racist prison gangs; and 6) border vigilante groups.

"Traditional" White Supremacist Groups

"Traditional" white supremacist groups reflect the oldest racist traditions in the United States; they are more likely to emphasize hatred of African Americans and immigrants, although they are also often anti-Semitic.

"Traditional" groups are dominated by the Ku Klux Klan, still the most numerous hate group in America. There is no one Klan, but rather almost 50 separate Klan organizations around the country, most located in the South and Midwest. The most influential Klan groups include the Kentucky-based Imperial Klans of America, the Arkansas-based Knights of the Ku Klux Klan, the Indiana-based National Knights, and the Pennsylvania-based Keystone Knights. However, the real strength of the Klan lies in smaller groups such as the Ohio-based Mystic Knights or the Florida-based ORION Knights.

Klan-associated criminal acts, including acts of terrorism, remain common. Recently, Klan leaders have been convicted on weapons and explosives charges related to alleged plots to destroy abortion clinics and local government offices. However, the Klan has also been associated with several high-profile hate crimes in recent years. In 2003, for example, individuals associated with the Imperial Klans of America pleaded guilty to civil rights charges in Kentucky for a campaign of harassment, intimidation, and assaults against an African-American family. The same year, five members of the American Invisible Empire of the Ku Klux Klan were convicted in federal court in Louisiana on conspiracy and intimidation charges for burning a cross at an African-American residence.

The most significant non-Klan "traditional" white supremacist group is the Missouri-headquartered Council of Conservative Citizens, with thousands of members. Also noteworthy is the European-American Unity and Rights Association (EURO), led by ex-Klansman David Duke, who was released from prison in April 2004 after serving a 15-month sentence for tax and mail fraud.

Christian Identity Groups

Christian Identity is a religious sect whose adherents believe that white Europeans are descended from the "Lost Tribes" of ancient Israel; many believe that Jews are descended from Satan and that nonwhites are soulless "mud peoples." Although numbering only 25,000 to 40,000 adherents, Identity is disproportionately influential, and its adherents can be found in every category of hate group, as well as in many anti-government extremist groups.

Important Identity groups include the Colorado-based Scriptures for America, the Idaho-based America's Promise Ministries, the Montana-based Church of True Israel, the Virginia Christian Israelites, and the Oklahoma-based commune, Elohim City. There are also Identity Klans, as well as Identity neo-Nazi groups.

Many Identity adherents are reclusive, but their numbers can be substantial. In 2003-2004, for example, Identity minister Pete Peters drew audiences in the hundreds at venues around the country. A 2004 Identity event in Branson, Mo., attracted 500 adherents. In July 2004, three different Identity groups held events in the Pacific Northwest on the same weekend.

The association of Identity with criminal activity remains high and often under-appreciated. A crime by an Aryan Nations member is more likely to be reported than a neo-Nazi incident, even though Aryan Nations is also an Identity group. One well-known Identity adherent, Eric Rudolph, will face trial in Alabama in late 2004 or early 2005. He has been charged with a series of bombings targeting gay bars, an abortion clinic, and the 1996 Olympics in Atlanta.

Neo-Nazi Groups

Neo-Nazis make up one of the smaller hate movements in the United States, but their adherents are among the most radical.

American neo-Nazis have suffered a number of serious disruptions since 2002. The most significant was the death that year of William Pierce, the founder of the largest neo-Nazi group in the United States, the West Virginia-headquartered National Alliance. Pierce was succeeded by the less charismatic Erich Gliebe, whose ascension to power was not universally accepted and caused defections, unrest, and mudslinging. Group membership dropped from an estimated 1,500 to 1,100, while revenue also dropped, in part because Gliebe made comments that alienated racist skinheads, whose purchases

of white power music are a major source of income for the group. By 2004, however, Glibe stabilized the National Alliance, which became particularly energetic in the distribution of racist and anti-Semitic literature around the country.

Problems facing the Idaho-based Aryan Nations were at least as severe, caused in large part by the refusal of its ailing leader, 86-year old Richard Butler, to relinquish the reins of power. As a result, in 2001-2003, Aryan Nations was wracked by defections and factional infighting; at one point, three separate groups simultaneously claimed its mantle. However, Butler himself remained active, traveling to hate rallies around the country and even running for mayor of Coeur d'Alene, Idaho. He also found recruits to replace some of the defections and reestablished a number of Aryan Nations state chapters. But because Butler currently has no anointed successor, and has outlived two previously named successors, the long-term future of the group remains cloudy.

An equally serious problem for Aryan Nations has been frequent arrests of its members. Since 2002, seven different Aryan Nations members (many with previous convictions) have been arrested for alleged crimes ranging from weapons charges to hate crimes; four such arrests occurred in April-May 2004 alone, including an alleged firebombing of a synagogue in Oklahoma City in April 2004.

Matt Hale, the leader of a third group, the World Church of the Creator (now known as the Creativity Movement), was convicted in April 2004 for soliciting the murder of a federal judge who presided over a trademark lawsuit against the group (that it lost). The combination of the loss of the group's name and identity and Hale's incarceration resulted in its near disintegration. A few unorganized, bickering remnants remain, but what was just recently one of the most visible hate groups in the country has fallen off the public stage.

However, these disruptions have created opportunities for other neo-Nazi groups to grow. Most significant among these "up-and-comers" are the Minneapolis-headquartered National Socialist Movement, the Portland, Oregon-based Volksfront, and the Arkansas-based White Revolution.

Racist Skinhead Groups

Racist skinheads are a white supremacist component of the skinhead subculture, most of whose adherents are not racist. Quite active in the 1980s, racist skinheads spent most of the 1990s in decline.

In the 21st century, however, racist skinheads have had a resurgence, growing in numbers and organization, especially on the West and East Coasts, with a secondary resurgence in the Midwest. Although most racist skinheads remain unaffiliated, a number of new racist skinhead groups have emerged in the past few years, including the Keystone State Skinheads, the Connecticut White Wolves, the Hoosier State Skinheads, East Coast Hate Crew (New Jersey), and the Tualitan Valley Skins (Oregon). Some of these new groups have had a high association with criminal activity.

Accompanying the resurgence has been a growth in violent, skinhead-related incidents. Nowhere has this been more evident than the emergence of the assault tactic known as "curbstomping." Inspired by the 1998 movie "American History X," this tactic involves forcing the victim face down with his or her open mouth propped against a concrete curb or similar hard object, then stomping the back of the victim's head, crushing the person's jaw and skull into the curb. Serious injury or death almost always accompanies such assaults.

Curbstomping attacks are horrific. In September 2002, for example, two racist skinheads, Waylon Kennell and James Grlicky, assaulted a migrant farm worker in San Diego County, curbstomping him on a brick. The victim suffered serious injuries, including brain damage, and almost every bone in his face was fractured. Grlicky was later convicted for attempted murder, assault, battery, conspiracy, and robbery (with a hate crime enhancement), while Kennell was convicted of assault with a deadly weapon and battery with serious bodily injury.

Another brutal curbstomping incident occurred in March 2003, when four racist skinheads from Tacoma, Wash., beat a homeless man to death, curbstomping him on a railroad tie, so that one of them could "earn" the right to wear red shoelaces (considered a badge of honor among some white supremacists). Three of the skinheads pleaded guilty to murder, while their ringleader, Kurtis Monschke, was convicted on aggravated murder charges and received a sentence of life in prison without possibility of parole.

Racist Prison Gangs

Racist prison gangs are prison-based groups that often resemble organized crime groups more than other white supremacist groups; for many prison gangs, ideology is secondary to money and power. Such groups engage in a variety of criminal activities, including drugs, smuggling contraband, forgery, and protection rackets.

The most prominent white supremacist prison gang is the Aryan Brotherhood, active both in the federal prison system and in many state prison systems. Many racist prison gangs are regionally based. In California, for example, groups include the Nazi Low Riders, the PEN1 (for "Public Enemy Number One") Skins, and the Peckerwoods. In Utah, groups include the Silent Aryan Warriors, Soldiers of an Aryan Culture, Fourth Reich, and Krieger Verwandt.

Because they operate under conditions of extreme control, racist prison gangs are among the most organized and disciplined hate groups; they are also some of the most violent. In the past two years, more than a hundred racist prison gang members have been indicted in federal and state courts on charges ranging from racketeering to murder. Increasingly, racist prison gangs now operate "on the streets" as well as behind prison walls.

Border Vigilante Groups

The late 1990s witnessed the emergence of organizations that cloaked themselves as immigration reform groups but in fact expressed a hateful, anti-Hispanic agenda. One prominent group was American Border Patrol, based originally in California but moved to Arizona in 2002 by its founder, Glenn Spencer.

One of the most disturbing trends involving anti-immigration extremist groups has been the formation of armed vigilante border patrols. Spencer's group has focused its effort on surveillance cameras and drones. However, the Texas-based Ranch Rescue led by Jack Foote, has repeatedly engaged in armed "operations" along the borders of Arizona, Texas, and New Mexico.

Several border vigilantes have already been arrested. Ranch Rescue member Casey Nethercott was convicted in Texas on weapons charges in June 2004 after being arrested for allegedly assaulting a Salvadoran immigrant (the jury deadlocked on the aggravated assault charge for which Nethercott now awaits a second trial). Chris Simcox, head of another border vigilante group, Civil Homeland Defense, was convicted in April 2004 for carrying a concealed weapon on federal land while engaged in a vigilante patrol and giving false information to a park ranger about it.

A more recent development has been cooperation between border vigilante groups and anti-government militia groups. In 2004, for example, militia members from Missouri and Kentucky have participated in Ranch Rescue "operations" as another way to engage in paramilitary training.

The State of Hate: Hate on the Internet¹³

The Internet has rapidly transformed the way people worldwide communicate messages and ideas, do business, and live their lives. The ability to send information instantaneously at any time for relatively little or no cost is truly revolutionary. But as the Internet's important and significant benefits expand, the possibilities to use this medium for unlawful activity grow as well. Unfortunately, the Internet has become a new frontier in spreading hate.

Whereas hate mongers once had to stand on street corners and hand out their message of bigotry on mimeographed leaflets, now these extremists have seized new technologies to promote their causes at sites on the World Wide Web and in chat rooms. The Internet has allowed extremists expanded access to a potential audience of millions — including impressionable youth. It also has facilitated communication among like-minded bigots across borders and oceans and enhances their ability to promote and recruit for their causes anonymously and cheaply. In a criminal context, e-mail messages containing threats can be sent behind a cloak of anonymity or false identity. Persons can be chosen to receive messages without their consent or knowledge.

Although hate speech is offensive and hurtful, the First Amendment usually protects such expression. Beyond spreading hate, though, there is a growing, disturbing trend to use the Internet to intimidate and harass individuals on the basis of their race, religion, sexual orientation, or national origin. When speech contains a direct, credible threat against an identifiable individual, organization, or institution, it crosses the line to criminal conduct. Hate speech containing criminal threats is not protected by the First Amendment. Criminal cases concerning hate speech on the Internet have, to date, been few in number. The Internet is vast and perpetrators of online hate crimes hide behind anonymous screen names, electronically garbled addresses, and Web sites that can be relocated or abandoned overnight.

Hate crimes perpetrated over the Web pose special challenges for investigators and prosecutors. Those who send threatening e-mail communications through the Internet may convey these messages anonymously across state lines to victims in another part of the country. Prosecutors face the daunting task of identifying the perpetrator, collecting and preserving evidence, and establishing jurisdiction over the criminal act. It is essential that law enforcement authorities be equipped to address these challenges — always respecting an individual's free speech rights, but holding perpetrators of hate crimes fully accountable.

The Human Face of Hate Crimes

In this most diverse society on earth, each of us is a member of one or more minority – racial, religious, ethnic, cultural, national origin, or sexual. That is why all of us are affected by hate crimes. Violence motivated by bigotry has targeted many different segments of society: African Americans, Hispanic Americans, and Asian Americans; Jewish Americans and Arab Americans; Native Americans; recent immigrants; women; and gay, lesbian, bisexual, and transgender people, to name just a few.

Over the past few years, a number of high-profile bias-motivated murders in different parts of the country have demonstrated that hate violence affects every community – and has focused the nation's attention on this national problem.

James Byrd, Jr.

In June 1998, James Byrd, Jr., an African-American resident of Jasper, Texas, was dragged to his death on the back of a pick-up truck. His assailants had beaten Byrd severely and sprayed black paint on his face before attaching chains to his legs and dragging him 2.5 miles behind their truck. Autopsy evidence indicated that Byrd was still alive while being dragged and apparently tried to prop his head up with his elbows during the last moments of his life. As a result of the dragging, Byrd's head and arm were severed from his body and strewn along the road. His murderers left his torso in front of an African-American cemetery. In highly publicized trials, John King and Lawrence Brewer were both sentenced to death. Their subsequent appeals were denied and both remain on death row in Texas. The court sentenced Shawn Berry to life in prison. Byrd's grave has been desecrated numerous times since his burial, including as recently as May 2004, when the tombstone was broken and defaced with a racial epithet ("1998 Annual Report of the Community Relations Service," U.S. Department of Justice, <http://www.usdoj.gov/crs-/pubs/fy98/p17.htm> and "ADL Appalled by Desecration of James Byrd Jr.'s Grave Site," Anti-Defamation League, http://www.adl.org/-PresRele/HatCr_51/4491_51.htm).

Matthew Shepard

In October 1998 outside Laramie, Wyo., Matthew Shepard, a gay student at the University of Wyoming, was beaten and then tied to a fence and left to die. Shepard suffered at least 18 blows to the head and never regained consciousness. Prosecutors presented evidence – including comments by the attackers made while Shepard was tied to the fence – that Shepard had been singled out because he was openly gay. Russell Henderson pled guilty to felony murder and was sentenced to two consecutive life sentences without parole. Aaron McKinney was convicted of felony murder, second-degree murder, aggravated robbery, and kidnapping. After Matthew Shepard's father asked the court not to apply the death penalty, McKinney received two life sentences ("Man's Death Changed Town," *The Detroit Free Press*, October 8, 1999, <http://www.freep.com/news/nw/qgay8.htm>).

The Smith Murders

On July 2, 1999, Benjamin Nathaniel Smith, a 21-year-old Indiana University at Bloomington student and member of the white supremacist World Church of the Creator, began a three-day racist rampage, leaving two dead and nine wounded. Beginning on a Friday evening, Smith shot and killed African-American Ricky Byrdsong, former basketball coach of Northwestern University in Evanston, Ill., in front of two of his three children outside Byrdsong's Skokie, Ill., home. Smith also wounded six Orthodox Jews in drive-by

shootings in the Chicago suburb. Leaving the Chicago area on Saturday, Smith traveled to Springfield and later Decatur, where he shot and non-fatally injured an African-American minister. On July 4, Smith traveled to Urbana and later Bloomington, Ind., where he gunned down Won-Joon Yoon, a Korean doctoral student set to begin his studies in computer science at Indiana University in the fall of 1999. On Monday, July 5, while fleeing the police in a high-speed chase, Smith shot himself in the head. The van he was driving crashed and he was later pronounced dead at the hospital ("Midwest Shooting Spree Ends with Apparent Suicide of Suspect" CNN.com, July 5, 1999 and "Anti-Asian Hate Crimes on the Rise," AsianWeek.com, January 12, 2000).

The Furrow Murder

In Los Angeles, a neo-Nazi sympathizer fired at least 70 rounds with a high-powered assault weapon in the lobby of the North Valley Jewish Community Center – injuring two boys, a 16-year-old teacher's aide, and a 68-year-old receptionist. The perpetrator, Buford Furrow, later murdered an Asian-American postal worker. He was sentenced to two consecutive life terms without the possibility of release, an additional 110 years in prison, and ordered to pay more than \$690,000 in restitution to the victims and their families ("White Supremacist Buford Furrow Sentenced to Life Behind Bars," City Service News, March 26, 2001).

The Baumhammers Murders

On April 28, 2000, Richard Baumhammers, 34, went on a murderous shooting spree, killing five and wounding one. All of the victims were religious or ethnic minorities. Baumhammers's first victim was Anita Gordon, 63, his Jewish neighbor in Mt. Lebanon, a suburb of Pittsburgh, Pennsylvania. Baumhammers shot Gordon in her home before setting her house on fire. Among the killer's other victims were: Anil Thakur, 31, from Bihar, India; Thao Q. Pham, 27, a resident of Castle Shannon, Pennsylvania; Ji-Ye Sun, 34, from Churchill, Penn.; and Garry Lee, 22, of Aliquippa, Penn., who was gunned down by Baumhammers in a martial arts studio. Baumhammers also shot and critically injured a sixth and final victim, Sandip Patel, 25, of Plum, Penn. During the rampage, Baumhammers fired shots into two synagogues. He painted a swastika on one of the synagogues – Beth El Congregation of the South Hills – during the rampage. On May 18, 2000, a court ruled that Baumhammers was mentally unfit to stand trial and ordered him to receive 90 days of psychiatric treatment before re-evaluation ("Shooting Rampage Suspect Will Get 90 Days of Psychiatric Treatment," *Pittsburgh Post Gazette*, May 19, 2000, <http://www.post-gazette.com/regionstate/20000519baumhammers3.asp> and "ADL Audit: Anti-Semitic Incidents Rise Slightly in U.S. in 2000. Increase Linked to Mideast Conflict," Anti-Defamation League, March 21, 2001, http://www.adl.org-/Presrele/asus_12/3776_12.asp).

Balbir Singh Sodhi

Four days after the September 11th terrorist attacks in New York and Washington, D.C., Balbir Singh Sodhi was shot and killed outside his Chevron gas station in Mesa, Ariz. Sodhi, 49, an Indian Sikh, was murdered by 42-year-old Frank Roque. According to a police investigation, Roque had spent much of the day drinking and talking about how he wanted to kill the "rag heads" who had carried out the September 11th attacks. After killing Sodhi, Roque went on to fire shots at the home of an Afghan family and also at a Lebanese-American clerk, who was unharmed. Roque was found guilty of first-degree murder, and received the death sentence ("Report on Hate Crimes & Discrimination Against Arab Americans: The Post-September 11 Backlash," American-Arab Anti-Discrimination Committee Research Institute, 2003).

The Stroman Murders

Mark Anthony Stroman, a white supremacist with a criminal record, murdered two men and shot a third in the span of three weeks out of revenge for the September 11th terrorist attacks. On September 15, 2001, Stroman, 32, shot Waqar Hasan, a Pakistani Muslim, in the face while the victim was working in his grocery store in Dallas, Texas. Hasan died face down on the floor of the business he owned. On September 21st, Stroman shot and blinded Raisuddin Bhuiyan, a Bangladeshi immigrant and storeowner in Dallas. Finally, on October 4, Stroman murdered Vasudev Patel, an Indian gas station owner, 49, in what he at first claimed was an armed robbery. However, security cameras showed that Stroman fled after the shooting without taking any money from the cash register. In a Dallas radio interview, Stroman confessed to the murders and was quoted as saying that he had done "what every American wanted to do but didn't. They didn't have the nerve." (The Associated Press, February 16, 2002). On April 4, 2002, Stroman received the death penalty for the killings and remains on death row in Texas ("Report on Hate Crimes & Discrimination Against Arab Americans: The Post-September 11 Backlash," American-Arab Anti-Discrimination Committee Research Institute, 2003).

The Yosemite Murders

On February 15, 1999, 37-year-old Cary Stayner, a handyman from El Portal, Calif., strangled Carole Sund, 43, and visiting Argentine exchange student Silvina Pelosso, 16, in their rented cabin at the Cedar Lodge Motel near Yosemite National Park. After sexually assaulting Sund's daughter, Juli, 15, Stayner brought her to a nearby river before killing her on the morning of February 16. After the killings, Stayner placed the bodies of Carole Sund and Silvina Pelosso in the trunk of their rental car, before returning later to burn incriminating evidence. Despite an extensive investigation of the murders, law enforcement officials did not arrest Stayner until he was implicated in a fourth murder. On July 21, 1999, Stayner murdered and decapitated Joie Ruth Armstrong, 26, who worked at the Yosemite Institute near the lodge where Stayner worked. In an interview with news reporters on the day of his arraignment, Stayner confessed to the killings, admitting that he had, "fantasized about killing women for the last 30 years." Despite the pleas of his parents and arguments from his defense attorneys claiming that he is mentally disturbed, Stayner was sentenced to death by lethal injection in 2002 ("Cary Stayner: Murder Among the Sequoias," http://www.crimelibrary.com/serial_killers-/predators/stayner/).

As these examples demonstrate, the federal government's annual reports on total reported incidents paint only a partial portrait of the problem. Following are more stories that convey a sense of how hate crimes victimize Americans of different races, religions, ethnic groups, and sexual orientation, as well as women.

Attacks upon African Americans

Among groups currently included in the Hate Crime Statistics Act, the greatest number of hate crimes of any kind are perpetrated against African Americans. From lynching to cross-burning and church-burning, anti-black violence has been and still remains the prototypical hate crime — an action intended not only to injure individuals but to intimidate an entire group of people. Hate crimes against African Americans have an impact upon society not only for the hurt they cause but for the history they recall, and perpetuate.

As this report went to press, the U.S. Department of Justice announced the sentencing of two Missouri men, avowed white supremacists, for participating in a June 2001 racially motivated assault at a Springfield, Mo., restaurant. Kenneth Johnson was sentenced to

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four years and three months for his role in the violent, racially-motivated attack on two African-American men at a Denny's restaurant in Springfield. Another defendant, Steven Heldenbrand, who cooperated with the government's prosecution, was sentenced to two years and eight months. On August 2, 2004, Michael Angelo Osorio and Mark Thomas Kooms were each sentenced to four years and three months. Michael Shane McCormack, who cooperated with the government, was sentenced to two years in prison. All five defendants had pled guilty earlier in 2004.

The following hate crimes against African Americans were compiled by the Southern Poverty Law Center (<http://www.splcenter.org/intel/hatewatch/forthecord.jsp>):

- Two 16-year-old teenage boys in Arlington, Wash., were charged with malicious harassment for allegedly burning a cross in an African-American man's yard (March 27, 2004).
- In Sacramento, Calif., two 15-year-old students were each charged with felony conspiracy to commit murder and attempted burglary for allegedly plotting to attack black students (March 4, 2004).
- Three white men, Christian Rudge, 20, Anthony Improta, 18, and Christopher Zitelli, 19, were charged with assault as a hate crime, assault and weapon charges under a 20-count indictment for allegedly assaulting a black woman and six of her friends in September in Great Kills, N.Y. (Feb. 12, 2004).
- Louis J. Giannola was charged with a felony hate crime in Pinellas Park, Fla., for allegedly throwing a noose around a black teenager's neck while yelling a racial slur (January 14, 2004).
- Alex Witmer, 22, received the maximum 65-year prison sentence for the 1999 racially motivated killing of a black man in Elkhart, Ind. (December 23, 2003).
- Shaun Derifield, 23, was ordered to serve 37 months in prison and pay a \$6,000 fine for yelling racist taunts at black teens and holding a knife to a girl's throat in Chicago, Ill., in August 2002 (November 19, 2003).

Thaddeus R. Carroll was sentenced to 18 months in prison for burning a cross in a black woman's yard in April 1999 in Phoenix, Ariz. (November 3, 2003).

- Larry Webb, 41, and Nathan Mefford, 18, of Xenia, Ohio, were charged with ethnic intimidation and felonious and aggravated assault for allegedly yelling racial threats at a black man, stabbed him with a barbecue fork and hit him with a frying pan (July 13, 2003).
- Jesus A. Gomez, 20, a suspected gang member, was charged with murder, two counts of attempted murder and other charges in Riverside, Calif., after he allegedly targeted and killed a 13-year-old boy because he was black (May 27, 2003).

Attacks upon Jews

At a time when anti-Semitism is surging in Europe and other parts of the world to an extent unprecedented since the end of World War II, the United States has not been immune. According to the most recent FBI Hate Crime Statistics Act data, more than 12

percent of all hate crimes reported by police agencies — and more than 65 percent of all the religion-based hate crimes — were directed at Jews or Jewish institutions.

Violent bigotry directed against Jews draws upon centuries of such assaults — from the pogroms of Eastern Europe, to the Nazi Holocaust, to the cross-burnings of the Ku Klux Klan in this country.

Historically Jews were accused of being "Christ-Killers" and were believed to be involved in different types of international conspiracy. Incredibly, on the eve of the release of Mel Gibson's controversial film "The Passion of the Christ," a poll commissioned by the Anti-Defamation League found that one in four Americans still believe that Jews were responsible for the death of Jesus.

Anti-Semitism is also perpetuated by slander and relies on old stereotypes. In the days following the August 2000 nomination of Sen. Joseph Lieberman for Vice President on the Democratic ticket, anti-Semites, racists, and bigots took to the Internet to spread classical anti-Semitic stereotypes and canards — including conspiracy theories and age-old myths about Jewish control, power, and influence. For example, after the September 11th terrorist attacks, rumors by white supremacist organizations were circulated about Jewish or Israeli involvement in the attacks at the World Trade Center. In addition, in the aftermath of the Space Shuttle Columbia disaster on February 1, 2003, conspiracy theories focused on Israeli crew member Col. Ilan Ramon, with many suggesting Jewish or Israeli involvement in the shuttle's destruction. In recent months, several members of Congress and a number of journalists and commentators have suggested that a group of neo-conservative Jews had driven the United States into the war in Iraq. The American public overwhelmingly rejects such conspiracy theories and scapegoating.

The Internet continues to play a substantial role in the dissemination of anti-Semitism, with hate literature being transmitted through hundreds of sites on the Web and through bulletin boards, chat rooms, and e-mail messages. Web sites operated by anti-Semites and Holocaust deniers are easily found on the Internet and can serve as an impetus for anti-Semitic incidents; for instance, anti-Semitic fliers can be downloaded from Web sites and distributed by anyone with a computer and a printer.

The following examples illustrate crimes that were directed at Jews and Jewish institutions because of their religion:

- In Terre Haute, Ind., the C.A.N.D.L.E.S. (Children of Auschwitz Nazi Deadly Lab Experiments Survivors) Holocaust Museum was destroyed by arson. No one has been yet charged in connection with this crime. ("Fire Destroys Holocaust Museum," <http://www.cnn.com/2003/US/11/18/holocaust.museum.fire.ap>, November 18, 2003).
- In May 2003, Mazin Assi, a 23-year old Arab-American man, was sentenced to 5 to 15 years in prison for the attempted arson of a Bronx, N.Y., synagogue, the first to be convicted under New York's new hate crime law. The firebombing occurred on the eve of Yom Kippur and hours before the state crime bill was enacted. The sentencing judge called the firebombing "un-American." ("Judge Rips, then Jails Synagogue Firebomber," *Daily News*, May 2, 2003).
- In Wichita, Kan., vandals toppled more than 40 headstones in the Hebrew Congregation of Wichita cemetery during the week of the annual Holocaust memorial commemoration. Nearby cemeteries of other denominations were untouched ("Vandals Strike Again at Hebrew Cemetery," *The Wichita Eagle*, April 9, 2003).

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- In April 2003, the Hillel Jewish Student Center at the University of California — Berkeley was vandalized with anti-Israel and anti-Semitic graffiti and the glass front door was smashed in with a cement block ("ADL: Antisemitic Incidents Soar in N. California," *The Forward*, April 4, 2003).
- On July 5, 2002, at the Los Angeles International Airport, a distraught Egyptian-born man, Hasham Mohamed Hadayet, went on a shooting spree at the El Al Israel Airlines ticket counter, killing Yaakov Aminov, an Israeli-born American, and Victoria Hen, an El Al ticket agent, and wounding four others before Israeli security guards shot him dead. The FBI is now investigating this act as an act of terrorism ("Los Angeles Airport Shooting Kills 3," <http://www.cnn.com/2002/US/07/04/la.airport.shooting/> July 5, 2002).
- On April 16, 2002, arsonists set fire to the B'Nai Zion Synagogue in Key West, Fla., causing \$700,000 in damage. Three months later, vandals desecrated a Jewish section of the city's cemetery marked B'Nai Zion, knocking over eight headstones ("Crime at Synagogue, Cemetery Vexes Town," *The St. Petersburg Times*, August 1, 2002).

Attacks upon Hispanics

In California and throughout the Southwest, long-existing antagonisms against Hispanics have been aggravated by the furor over immigration. In November 1994, 59 percent of California voters approved a statewide referendum proposal, Proposition 187, which declared undocumented immigrants ineligible for most public services, including public education and non-emergency health care.

As with attacks upon African Americans and Jews, attacks upon Hispanics are part of a history of hatred. In California and throughout the Southwest, there have been recurring periods of "nativism," when not only newcomers but longtime U.S. citizens of Mexican descent have been blamed for social and economic problems. During the Depression of the 1930s, citizens and non-citizens of Mexican descent were the targets of mass deportations, with a half million "dumped" across the border in Mexico. In the early 1950s, a paramilitary effort, with the degrading name "Operation Wetback," deported tens of thousands of Mexicans from California and several other southwestern states. The historian Juan Ramon Garcia describes the climate of fear and hatred that existed from the 1930s through the '50s:

"The image of the mysterious, sneaky, faceless 'illegal' was once again stamped into the minds of many. Once this was accomplished, 'illegals' became something less than human, with their arbitrary removal being that much easier to justify and accomplish."

While illegal immigration and its impact on public services is a legitimate concern, much of the recent debate has echoed the nativist rhetoric of earlier eras. For instance, Ruth Coffey, the founder of Stop Immigration Now, told the *Los Angeles Times*: "I have no intention of being the object of 'conquest,' peaceful or otherwise, by Latinos, Asians, Blacks, Arabs, or any other group of individuals who have claimed my country." And Glenn Spencer, president of Voices of Citizens Together, which collected 40,000 signatures to qualify California's Proposition 187 for the ballot, said: "We have to take direct and immediate action to preserve this culture and this nation we have spent two centuries building up."

During the emotionally charged debate over Proposition 187, hate speech and violent acts against Latinos increased dramatically. And in the aftermath of the approval of Proposition 187, civil rights violations against Latinos went on the upswing, with most of the cases involving United States citizens or permanent legal residents. All in all, in the Los Angeles metropolitan area alone, the County Human Relations Commission documented an 11.9 percent increase in hate crimes against Latinos in 1994.

Bigotry and hate crimes against Hispanics are not confined to California and the Southwest. From the Midwest, to the Northeast, to Florida, Mexican Americans, Puerto Ricans, Cuban Americans, and immigrants from other countries in Central and South America have been the targets of harassment and violence.

Civil rights organizations charge that Hispanic Americans are often targets of a growing trend of abuse by private citizens and local law enforcement officials. They attribute the increasing abuse in part to the hostile political climate in which anyone who is perceived as an immigrant becomes a target for "enforcement" activities that are excessive, inappropriate, and often illegal.

Here are several examples of hate crimes against Hispanics in the past several years:

- In May 2004, a group of white teenagers in Canton, Ga., beat a 55-year-old Guatemalan day laborer after offering him a job. The teens drove him to a remote area, where he was asked to empty trash bags out of the back of the truck. As the man got to work one of the boys began to hit him with a large stick. They robbed him of his money and abandoned him. The victim was temporarily disabled from working. Several other day laborers in the area have reported being similarly victimized ("Attack raises racism worries: Georgia teens accused of beating man," *Columbia Daily Tribune*, May 11, 2004, www.showmenews.com).
- Several police departments confirmed the distribution of anti-immigrant and anti-minority flyers throughout Denver, Colo., and other nearby towns in October 2003. The flyers were made and distributed by the National Alliance, a white supremacist group. The flyers also asked for the deportation of all immigrants. This incident was only one of a series of racist leafleting (*News and Services, News and Services/Noticias y Servicios*: October 2003, 2003, www.newsandservices.com).
- A Latino cultural landmark in San Diego, Calif., was vandalized in May 2002 with anti-Mexican and derogatory messages. In Spanish, the vandals wrote on two murals "down with Mexico" and "house of whores." The murals are painted on the walls of Centro Cultural de la Raza, which was founded in 1970 during the Chicano movement. This incident was one of several similarly targeted crimes to occur in the area in a span of a few weeks (Leonel Sanchez, "Latino Landmark Vandalized," *San Diego Union Tribune*, May 3, 2002, www.signonsandiego.com).
- Since March 2002, the dead bodies of nine immigrant men were discovered in a 20-square-mile area in Maricopa County, Ariz., close to the United States-Mexican border. Some of the victims were shot at close range with semiautomatic weapons. The occurrence of these violent acts has coincided with a rise in armed vigilante activity in the area by anti-immigration extremists (*Anti-Defamation League, Border Disputes: Armed Vigilantes in Arizona*, 2003, www.adl.org).

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- In March 2002, more than forty Latino advocacy groups, attorneys, community activists, and students throughout the San Francisco Bay Area received letters with racial epithets, some of which contained white powder. One such letter was addressed to "You stupid, fucking, spic turds," and accused Latinos of being prostitutes and drug users who cannot learn English. The incident coincided with the six-month anniversary of the September 11th attacks. While the powder did not test positive for being toxic, the incident is being treated as a violation of the federal hate crimes statute (Southern Poverty Law Center, *Terrorism: Latest anthrax hoax targets Latinos*, 2004, www.splcenter.org).
- Two alleged skinheads beat and robbed a man in Reno, Nev., in September 2001. The men confronted the victim two days prior to the attack, telling him that he was "messing up the white race" because he had a child with a Latina. The two assailants were booked for investigation of armed robbery and battery with a hate crime enhancement (Anti-Defamation League, *2001 Extremist-Related Criminal Activities: Nevada*, 2004, www.adl.org).
- In September 2001, two white men assaulted a Mexican immigrant in Lancaster, Calif., who was mistakenly thought to be Arab. The victim had stopped at a red light when the assailants surrounded his car. The victim then tried to evade the attackers, but they followed him home and subsequently entered his home by force. While beating him in front of his family, the attackers yelled racial slurs and claimed they were doing this "in the name of America" ("Mexican Mistaken for Arab is Assaulted in the U.S.," *The News*, October 3, 2001).
- At the University of Florida, the building for the Institute for Hispanic-Latino Cultures, commonly known as La Casita, was spray-painted with a racial slur in March 2001. The statement was directed at a Latino student who was one of two candidates for UF Student Body President: it read, "No spicks for president!" La Casita is designed to be a "home away from home" and resources center for Hispanic students (Sara Myrick, "Vandals spray paint racial slur on La Casita," *The Independent Florida Alligator Online*, March 27, 2001, www.alligator.org).
- In Farmingville, N.Y., two white supremacists who claimed to be contractors picked up and drove two Mexican day laborers to a deserted factory promising them work. Israel Perez and Magdaleno Escamilla were beaten and stabbed in the September 2000 attack. One of the perpetrators shouted racial slurs and struck one of the day laborers with a heavy post-hole digger and stabbed the other. Both victims were hospitalized with serious injuries (Mike Davis, "The Devil's Ranchos," *ColorLines*, Winter 2001-2002).
- In January 1998, Carlos Durand, a Hispanic man living in Lake Havasu City, Ariz., was taunted with racial epithets like "wetback," harassed, and intimidated before being clubbed over the head with a baseball bat in front of his three children. Several of his attackers were members of a skinhead group called Fourth Reich Skins. One of them was his neighbor at the apartment complex where the victim lived and was attacked (U.S. Department of Justice, *Brief in U.S. v. Joseph Russell*

Downen, March 13, 2000, <http://www.usdoj.gov/crt/briefs/-downen.htm>).

Attacks upon Asian Pacific Americans

Ignorance, racism, and anti-immigrant sentiment all trigger attacks upon Asian Americans. According to the 2002 audit of Violence Against Asian Pacific Americans by the National Asian Pacific American Legal Consortium, 275 bias-motivated hate crimes were reported in 2002. While this figure is lower than the 507 reported in 2001 and the 392 reported in 2000, it informs us of several pressing concerns that prevent a comfortable acceptance of the 2002 statistic as an accurate representation of hate crimes in America. The lack of uniformity and training among law enforcement officers on handling and reporting hate crimes and the significant problem of under-reporting in APA communities where the government and law enforcement's relationship to the community is weak and far removed, help to explain the decrease in number of hate crimes reported. The number of hate crimes committed is likely much higher. The crimes reported also displayed a high level of violence compared to those reported in the past.

As with other minorities, violence against Asian Americans feeds upon longstanding discrimination and contemporary tensions. Chinese, Japanese, and other Asian Americans have been subjected to cycles of intolerance since they first arrived in the United States more than a century-and-a-half ago.

Chinese Americans have a long history in the United States. As mine and railroad workers, they were exploited as cheap "coolie" labor by their employers and bitterly resented by other laborers. In the courts too, Chinese Americans were treated as second-class citizens. In *People v. Hall*, 4 Cal. 399 (Cal. 1854), the California Supreme Court prohibited people of Chinese descent from testifying in cases involving whites. This decision shielded whites from prosecution for crimes committed against Chinese-Americans and made Chinese-Americans even more vulnerable to violence and discrimination. For instance, in 1887, in Hells Canyon, Ore., 31 Chinese gold miners were shot to death. Their six killers either escaped or were acquitted.

During the years before and during World War II, Japanese Americans became the target of racial animus by Americans who wrongly associated Japanese Americans as spies and enemies of the United States. They were subjected to unprecedented and egregious violations of civil rights, including forcible removal from their homes, relocation to internment camps, and disregard for their rights to due process. Despite severe racism and questions of loyalty, many Japanese Americans both from Hawaii and the mainland served in the U.S. military, forming the 442nd Regimental Combat Team, the most highly decorated unit in U.S. history.

In recent decades, Asian Pacific Americans have been the targets of a range of resentments. Anti-Japanese sentiments remaining from World War II have been exacerbated by the resentment of economic competition from Japan and, more recently, South Korea. Although they are likely to have supported the governments of South Vietnam, Vietnamese immigrants are also targeted by Americans who project their shame and anger at our defeat from the Vietnam War toward the Vietnamese community in this country.

Since those who tend toward intolerance are often unable to distinguish one national origin minority from another, these resentments have spilled over into hostility towards all Asian Pacific Americans. Meanwhile, for those who hate non-whites or fear immigrants and their children, Asian Pacific Americans are one more target for their free-floating rage. And these antagonisms have been aggravated by the stereotype of Asian Pacific

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Americans as "a model minority" — harder-working, more successful in school, and supposedly more affluent than most Americans. It is an image remarkably similar to the stereotype of Jews — a stereotype that fuels a mixture of false admiration, envy, and resentment. In addition, some people do not accept Asian Pacific Americans as legitimate Americans but rather view them as perpetual foreigners.

These examples illustrate the range of hate crimes against Asian Pacific Americans:

- In July 2004, a San Francisco court held that an attack by white teenagers against a group of Asian American teens was "no doubt...a hate crime." Yelling racial slurs and beating them down, a group of 15 to 20 white youths caused swollen jaws, welts, bruises and other injuries on the Asian American youths (Vanessa Hua, "Teen Convicted of Hate Crime in Assault," *The San Francisco Chronicle*, July 15, 2004).
- The fifth murder of a delivery person of Chinese descent in New York in the past five years occurred in February 2004 when Huang Chen, the 16-year-old son of a Chinese restaurant owner was killed while making a delivery. His murderers, Nayquan Miller and Charles Bryant, both also 16, dumped Chen's body in a pond three miles away from the incident. As a result of Chen's death and other related hate crimes involving Chinese food deliverymen in New York, a one-day moratorium was proposed for restaurant food deliveries (Dan Janison, "Symbolic Tribute to Slain Teen," *Newsday* (NY), February 21, 2004).
- Mizanur Rahman, an award-winning Bangladeshi American photojournalist, was brutally beaten to death by two Hispanic men in Brooklyn, N.Y., on his way back home from work in August 2002. After an earlier clash with someone of Bangladeshi descent, the two men released their anger and rage onto Rahman, killing him with wooden dowels. The two men have been charged with murder, with consideration to categorize the incident as a hate crime (Sean Gardiner, "Charges in Bangladeshi Slaying," *Newsday* (NY), August 15, 2002).
- On March 9, 2002, a 25-year old Filipino American male was attacked in a Huntington Beach, California parking lot by three 14-year-old white teen males who shouted "white power" and racial slurs at the victim while beating him with metal pipes. The assailants left the victim severely injured and swore to return and kill him (Stanley Allison, "Tolerance is Stressed, Educators Insist," *Los Angeles Times*, March 13, 2002).
- A 20-year-old male Pakistani international student was detained on a visa violation following an INS raid on a Greyhound bus in November 2001 in Stone County, Miss. While in custody at a county correctional facility, the victim was stripped naked and brutally beaten by inmates who referred to him as "Bin Laden" and threatened to kill him. The assault resulted in a ruptured eardrum, a broken tooth, and fractured ribs. The victim has claimed that the officers at the correctional facility made no attempt to assist him despite numerous cries for help (Anne-Marie Cusac, "Ill-Treatment on Our Shores," *The Progressive.com*, March, 2002, <http://www.progressive.org/0901/amc0302.html>).
- Shortly after September 11th, a 51-year-old South Asian American woman named Swaran Kaur Bhullar was attacked by two men on a

motorcycle when she stopped her vehicle at a red light on her way to the local video rental store in San Diego. The two men pulled open her car door and attacked Bhullar while yelling, "This is what you get for what you've done to us! I'm going to slash your throat!" Although she used her arms in self-defense, Bhullar was stabbed twice in the head ("9/11: A Year After," *Los Angeles Times*, September 11, 2002).

- Thung Phetakoune, a 62-year-old American citizen of Laotian descent, was murdered by his neighbor, Richard Labbe, on July 14, 2001 in Newmarket, N.H. Witnesses overheard Labbe make racial comments before and after the assault and Labbe stated to the police that he was paying back Asians for the deaths of Americans in the Vietnam War. He also added that he hated Vietnamese people (Susan Nolan, "Victim's family backs hate crime charge," *The Hampton Union* (NH), Aug. 26, 2001, http://www.seacoastonline.com/2001news/hampton/-h8_26a.htm).

Attacks upon Arab Americans, Muslims, and Sikhs

Especially in times of crisis in the Middle East or in the aftermath of incidents of domestic terrorism, the two to three million Americans of Arab descent are vulnerable to hostility, harassment, and violence. In the nine weeks following the September 11, 2001 terrorist attacks, Arab Americans were a primary target of hate crimes and discrimination. According to the FBI, there were more acts of bigotry directed against Arabs and Muslims (including ethnic slurs, harassment, threats, assaults, and vandalism) during the first thirty days following September 11th than in the previous five years.¹⁴

In the year after September 11th, Arab Americans also reported more than 800 cases of employment discrimination, a number four times greater than previous annual rates. Physical assaults, death threats, and overt ethnic and religious bigotry in schools and on college campuses also became problematic. By September 2002, the American-Arab Anti-Discrimination Committee (ADC) Legal Department reported a four-fold increase in discrimination complaints, including illegal airline discrimination, police and government agency misconduct, hate crimes, and physical and psychological abuse of people perceived as Arabs and Muslims in the United States.

Post-September 11th national security campaigns by the government also disproportionately affected Arab- and Muslim-American communities. New policies gave the Departments of Justice and Homeland Security more power to pursue suspects among Arab and Muslim immigrant and nonimmigrant communities. These campaigns included new immigration policies that permitted secret detentions, hearings, and deportations; alien registration based on national origin and ethnicity; "voluntary interviews" and discriminatory visa screening procedures that affected thousands of young Arab men; and selective deportation of Middle Eastern "absconders." Many policies, such as international student monitoring, transcend the Arab-American community and affect people of other ethnic groups.

The introduction of the USA PATRIOT Act also marked a turning point in our government's national security policy. Provisions of this Act tolerate indefinite detention of foreign nationals without adequate process or appeal, new search and surveillance powers with insufficient judicial review, and measures providing for guilt by association.

The Arab and Muslim American communities voiced other civil liberties concerns after September 11th. Some concerns identified police and FBI misconduct, such as arbitrary and abusive stops and detentions and abuse of detainees. Other concerns affected the

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public at large, such as new policies allowing eavesdropping on attorney-client communications and a growing acceptance of racial profiling and stereotyping.

The media and public figures have sometimes been too quick to blame Arabs or Muslims for incidents to which they have no connection, such as the Oklahoma City bombing. This problem became more acute after the terrorist attacks on the World Trade Center and Pentagon. After September 11th, mainstream media and publications in the United States became increasingly accepting of hostile commentary against Arabs, Arab culture, and Islam. Leaders of the evangelical Christian right also openly vilified Islam, and members of Congress, media pundits, and think tanks voiced openly racist statements about Arab Americans.

In this environment, hate crimes directed against Arab Americans, Muslims, and Sikhs make up some of the worst elements of this post-September 11th backlash. The following examples illustrate the types of hate crimes Arabs, Muslims, and Sikhs continue to experience:

- In Fresno, Calif., a Sikh temple was vandalized with racist graffiti. Two large scrawls reading "Rags Go Home" and "It's Not Your Country" were spray painted on the temple. Fresno police were investigating the vandalism as a hate incident ("Vandals deface temple in Fresno," *The Fresno Bee*, March 16, 2004).
- In Chelmsley Wood, Ala., a Muslim mother and her two children were repeatedly harassed, and their property was damaged by a mob of vandals. Since the September 11th attacks, the family has seen their car fire bombed, their front door kicked in, and the tires on another car slashed. They often hear slurs and vulgarity directed at them yelled from outside their home. Officers set up a camera in the family's home to try to protect them, but that did not stop the attacks on their car (*Birmingham Evening Mail*, January 11, 2002).
- In Northridge, Calif., a Sikh-American man was beaten by two men with metal poles at his liquor store in December 2001. Despite the victim's attempt to explain that he was Sikh and had no association with the accused terrorists of September 11th, the assailants continued their assault, resulting in the victim's hospitalization for head injuries (*The Daily News of Los Angeles*, December 8, 2001).
- In Wayne, N.J., someone shot three bullets at a sandwich shop owned by a Palestinian American from the Gaza Strip. The shop's employees had received a threatening phone call on September 12, 2001, when an unknown caller asked, "What nationality are you? Are you Syrian?" The caller then threatened, "I'll make sure you guys will be leaving here soon." Sometime afterwards, a false rumor spread that Arab employees had celebrated the terrorist attacks (*The Record (NJ)*, October 3, 2001).
- In Las Vegas, Nev., a man carrying cans of spray paint was escorted from the Islamic Cultural Center grounds. As the man left, he threatened the center's employees that he would be "back to reclaim the neighborhood." The center had received several threatening phone calls, about six of which they reported to police (*Las Vegas Review-Journal*, September 18, 2001).
- In Jacksonville, Fla., a chain of Middle Eastern cafes and grocery stores received several threatening phone calls. One caller first asked what

kind of food was served, and then asked if the hijackers ate the same type. The caller then threatened, "OK, we're going to come and kill everybody today," before hanging up (*Florida Times-Union*, September 13, 2001).

Attacks upon Gay, Lesbian, Bisexual, and Transgender Individuals

Awareness of the serious level of violence against gay, lesbian, bisexual and transgender (GLBT) people is increasing. In 2003, one private monitoring group, the National Coalition of Anti-Violence Programs (NCAVP) documented 2,051 attacks on members of the GLBT community – an 8 percent increase over 2002.⁴⁵ Similarly, 2003 saw a 27 percent rise in the number of transgender victims.

More alarmingly, there is reason to believe these attacks are becoming more violent. According to the NCAVP, the number of assaults rose 4 percent in 2003, to 705. While minor injury decreased 8 percent, serious injury actually rose 3 percent in 2003. A total of 203 – almost one in three – assault victims, 5 percent more than in 2002, required some level of hospital care. Of those requiring hospital care, 2003 saw an 8 percent increase of victims requiring in-patient care.

A sense of the brutality of the attacks can be conveyed by describing the weapons involved. The number of assaults involving weapons rose in 2003. There was a 15 percent increase in the use of blunt objects, including bats and clubs, the use of firearms rose an alarming 72 percent; the use of ropes and restraints increased 50 percent, and the use of knives and sharp objects also rose.

Gay, lesbian, bisexual, and transgender people seem most at risk of attack when there is emotionally charged political debate and heightened media coverage about their rights or their role in society. In recent years, these issues have been raised in the controversies over anti-discrimination laws, gay marriage, and referenda in Oregon, Colorado, Maine, and other states and local communities. As with controversies about affirmative action and immigration, debates about GLBT issues often demonize the members of minorities already subject to discrimination.

As with African Americans, Hispanics, and other minorities, gay, lesbian, bisexual and transgender people often feel isolated and vulnerable because of the difficult relationship between their communities and many police departments. That is one reason why the rate of reporting incidents of violence against gay, lesbian, bisexual and transgender people to the police is likely less than the estimated reporting rate for all crimes. The NCAVP, for example, reported an increase in hate crimes in 2003, but a 2 percent decrease in those incidents reported to the police. There are several encouraging signs: 19 percent of reported crimes resulted in arrests; a 3 percent increase from 2002; and the number of complaints refused decreased 12 percent.

The following incidents are examples of the kinds of crimes committed against gay, lesbian, bisexual, and transgender people:

- Nireah Johnson, a 17-year-old transgender woman, was killed in 2003 in Indianapolis while sitting in her vehicle. Paul Anthony Moore allegedly killed Johnson after realizing that she was biologically male. Moore also killed Brandie Coleman, who witnessed Johnson's murder, before setting the vehicle containing their bodies on fire to conceal evidence of the crime. Moore has since been sentenced to 120 years imprisonment for the crime (*The Indianapolis Star*, April 9, 2004).

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- Gwen Araujo, a 17-year-old transgender woman, was brutally beaten to death in Newark, Calif., in 2002. Four acquaintances of Araujo began attacking her at a party after discovering that she was biologically male. After killing Araujo, the men buried her in a shallow grave in the Sierra foothills (Kelly St. John, "Chilling timeline of a killing; Death of a transgender teen described in grisly detail," *The San Francisco Chronicle*, Feb. 26, 2003).
- Clint Scott Risetter, a 37-year-old gay man, was killed after an alleged arsonist poured gasoline over him while he slept and set him on fire on February 24, 2002 in Santa Barbara, Calif. Martin Thomas Hartman, who, according to police, was a mentally troubled 38-year-old suspect in a number of arson fires in the city, said he killed Risetter "because he was gay, and he has a lot of hatred towards gay people." Hartman told police that he met Risetter about six months ago and learned recently that Risetter was gay. Hartman has been charged with murder, arson and a hate crime in connection with Risetter's death (*Los Angeles Times*, March 4, 2002).
- On September 22, 2000, Ronald Gay walked into a gay bar in Roanoke, Va., and opened fire on its patrons. His rampage, in which one person was killed and six others wounded, was claimed to be the result of longstanding anger at the jokes people made about his last name. Gay told investigators that he resented the comments people made about his name and went into the bar to get rid of "faggots" ("Gay' Name Long Irked Man Held in Bar Slaying," *The Washington Post*, September 25, 2000).
- In a graphic example of anti-transgender bias in the nation's capital, in 1995, transgender woman Tyra Hunter was denied life-saving medical care when rescuers discovered she had male genitalia. Hunter was severely injured in a hit-and-run accident placing her in imminent danger of dying when the paramedics arrived on the scene of the accident. When in the course of administering first aid the paramedics discovered Hunter's male genitalia, they ceased assisting her and began joking and making derogatory remarks about the dying Hunter. Hunter lay untouched for three to five minutes, when a supervisor finally recommenced aid. She died at a local hospital. The victim's mother was awarded \$2.9 million in a wrongful death suit against the District of Columbia for the city's failure to provide life-saving care, yet on December 19, 1999, Fire Chief Thomas Tippet promoted the firefighter found at fault in Tyra's death (*Washington Blade*, December 10, 1999).

Attacks upon Individuals with Disabilities

The social history of the lives of people with disabilities in the United States is largely a story of lives lived on the margins — of school, the workplace, the community, and society in general. People with disabilities are mostly marginalized, even by those who are themselves outsiders, and with this comes isolation, and frequently, fear and/or hatred. People with disabilities may look "different," may respond "differently," may just seem "off" to the general public, and for whatever reason, this sometimes inspires hatred.

In 1994, due to the growing prevalence of studies and massive anecdotal instances of hate crimes against people with disabilities, the category of "disability" was added to the

Hate Crime Statistics Act of 1990, and in 1997, the FBI began to collect data on these crimes under its Uniform Crime Reporting Program. Preliminary reporting to the FBI is quite low.

However, numerous disability and criminology studies, over many years, indicate both a very high crime rate against people with disabilities, as well as a very high level of disability discrimination. The U.S. Office on Crime Statistics reported in 2002 that in many cases, crime victims with disabilities have never participated in the criminal justice process, "even if they have been repeatedly and brutally victimized."

There are a number of challenges for disability-based hate crime reporting. For instance, hate crimes against people with disabilities are often never reported to law enforcement agencies. The victim may be ashamed, afraid of retaliation, or afraid of not being believed. The victim may be reliant on a caregiver or other third party to report the crime, who in fact never does so. Or, the crime may be reported, but there may be no reporting of the victim's disability, especially in cases where the victim has an invisible disability that they themselves do not divulge.

Perhaps the biggest reason for underreporting of disability-based hate crimes is that disability-based bias crimes are all too frequently mislabeled as "abuse" and never directed from the social service or education systems to the criminal justice system. Even very serious crimes — including rape, assault, and vandalism — are too-frequently labeled "abuse."

In one of the few cases successfully prosecuted, in 1999, Eric Krochmaluk, a man with cognitive disabilities from Middletown, N.J., was kidnapped, choked, beaten, burned with cigarettes, taped to a chair, his eyebrows shaved, and ultimately abandoned in a forest. Eight people were subsequently indicted for this hate crime — making this one of the first prosecutions of a disability-based hate crime in America.

In 2002, Nicolas Steenhout, who is now executive director of the LIFE Center for Independent Living in Savannah, Ga., was verbally assaulted while walking his dog. Steenhout, who uses a wheelchair and has a service dog, was on his way from work to his nearby apartment when a woman from a neighboring apartment building told him to "get his F*cking dog off her property," called him a "F*cking cripple!" and stated, "God punished you, and I hope he punishes you some more. People like you should be in nursing homes." When Steenhout went to the police to report the incident, the officer he spoke with told him not to let his dog go on that piece of property, and that if he let it happen again, he would bring Steenhout into the station in handcuffs (Nicolas Steenhout, "A Confrontation," *Ragged Edge Magazine*, May 6, 2002, <http://www.ragged-edge-mag.com/extra/steenhout050602.html>).

Attacks upon Women

In recent years, many women's advocates have spoken out about the alarming rate of violent physical and sexual assaults against women. Although the most common forms of violence against women have traditionally been viewed as "personal attacks," or even the victim's "own fault," there is growing recognition that, as one woman's advocate testified before Congress "women and girls.... are exposed to terror, brutality, serious injury, and even death because of their sex."

Society is beginning to realize that many assaults against women are not "random" acts of violence but are actually bias-related crimes. However, the Hate Crime Statistics Act was passed, signed into law, and reauthorized without including hate crimes against women as a class. Other federal laws and many state hate crime statutes also exclude bias crimes targeting women.

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This is wrong — and should be corrected. The Local Law Enforcement Enhancement Act now pending before Congress would expand the HCSA data collection mandate to include gender-based hate crimes. As with hate crimes against racial, ethnic, religious, and sexual minorities, hate crimes against women are a form of discrimination. Gender-motivated violence reflects the efforts of some men to dominate and control women. These crimes are encouraged by stereotypes of what women are and how women should act. These crimes are often accompanied by hateful epithets against women as a group of people.

To be sure, not every violent assault against a woman is a hate crime — just as not every crime against an African American is based on bigotry. However, crimes that present evidence of bias against women should be considered hate crimes. And with these crimes, society should look for identifying factors similar to those present in other hate crimes.

These factors may include evidence of sexual assault, and the extreme brutality and cruelty that often characterize bias-related crimes. Many crimes against women reflect a resistance to their efforts to achieve equality. These crimes are often intended to intimidate women into staying in — or returning to — their "place" of subservience to men at home, in the workplace, and throughout society.

Women of color experience discrimination based on gender as well as race, national origin, religion, language, and sexual orientation. These forms of discrimination are not always separable. And without protections against gender-based attacks, such women's unique experiences of intersecting forms of prejudice cannot be fully recognized — or remedied.

Because women as a class are not covered by the Hate Crime Statistics Act, the FBI keeps no records of gender-based hate crimes. Thus, there are no federal government surveys of hate crimes against women. However, statistics gathered on rapes and domestic assaults demonstrate the pervasiveness of violence against women.

Examples of crimes that are committed against women because they are women include:

- In a case of domestic violence, the court found that there was sufficient evidence of gender-motivation to support a Violence Against Women Act civil rights claim. That evidence included "gender-specific epithets and acts that perpetuated stereotypes of women's submissive roles, such as defendant's controlling all of the family's financial information and documents, holding all of plaintiff's personal documents such as her passport, not placing her name on title documents, not disclosing insurance information to her, and becoming angry if she questioned him about the family affairs." The fact that the defendant attacked the plaintiff during her pregnancy and at times when she attempted to assert her independence provided additional evidence that the violence was gender-motivated (*Ziegler v. Ziegler*, 1998 U.S. Dist. LEXIS 18180 (E.D. Wash. 1998), cited in Julie Goldscheid & Risa E. Kaufman, *Seeking Redress for Gender-based Bias Crimes-Charting New Ground in Familiar Legal Territory*, 6 Mich. J. Race & L. 265, 273-74 (2001).
- A serial batterer was found to have violated that state's civil bias law for his crimes against women. Two former girlfriends and his ex-wife recounted his abuse, including severe physical battering, death threats, assault on his wife while she was pregnant, constant slurs and

profanities, calling the women 'sluts,' 'bitches,' and 'whores,' and telling them that they made him sick (*Maine v. Cabana*, No. CV-98-034 (Maine Sup. Ct. Feb. 1998)).

Recommendations

In 2004, as we mark the 50th anniversary of the landmark educational equality civil rights decision *Brown v. Board of Education* and the 40th anniversary of the enactment of the profoundly important Civil Rights Act of 1964, it is clear that the nation has made much progress in the ongoing struggle for justice and equal treatment for all. Legislation to prohibit racially-motivated violence dates back to the Ku Klux Klan Act passed by Congress in 1871. In recent years, federal, state, and local governments, and educational, religious, community, and civic and business organizations have all assumed more responsibility to help ensure that no person is targeted for violence on the basis of his or her personal characteristics.

Although a great deal has been accomplished, much work remains to be done. Here are some recommendations for action by every sector of society:

Exercise national leadership. National leaders from every sector of society — including government, business, labor, religion, and education — should use their prestige and influence to encourage efforts to promote tolerance and harmony and to combat bigotry. Congress and the administration should help promote civility and acceptance of differences in our society. Members of Congress and administration officials should seek opportunities to speak out against bigotry, intolerance, and prejudice in our society. Politicians and civic leaders should never engage in divisive appeals based on race, ethnicity, sexual orientation, or religion. These leaders set the tone for national discourse and have an essential role in shaping attitudes in opposition to all forms of bigotry.

Improve coordination between Federal and state and local law enforcement officials to combat hate violence. As law enforcement officials expand their cooperation to address the terrorist threat, we must give these officials the tools they need to build and develop these relationships to address domestic terrorism in the form of hate violence. Enactment of the pending Local Law Enforcement Enhancement Act would allow the federal government to provide technical support to state and local law enforcement agencies that are investigating hate crimes and would authorize the Department of Justice to provide grants to state and local agencies to cover the costs of investigating and prosecuting these local crimes. In addition, this legislation would authorize the Department of Justice to assist local prosecutions, and, where appropriate, investigate and prosecute cases in which the bias violence occurs because of the victim's sexual orientation, gender, or disability. Current federal law does not provide authority for involvement in these cases at all.

Enforce existing laws. Existing civil rights laws against all forms of discrimination are an important part of America's effort against bigotry, bias, and hate crimes. These laws should be aggressively enforced and federal civil rights enforcement agencies and the Justice Department's mediation and conciliation arm, the Community Relations Service, should receive the funding they need to be successful.

Renew and expand America's commitment to identify, report, and respond to every act of hate violence. Congress and the

administration should promote comprehensive implementation of the data collection requirements of the Hate Crime Statistics Act (HCSA) by state and local law enforcement officials. Congress should mandate the collection of gender-based hate crime statistics and provide adequate funding for training and outreach to promote full implementation by the 17,000 state and local police agencies across the country. Linking community policing to the effort against bias-related crimes can also be especially effective. Hate violence can be addressed effectively through a combination of the presence, prevention, and outreach that is the hallmark of community policing.

Communities should also encourage efforts by businesses, labor unions, civic groups, and concerned citizens. Schools, businesses, congregations, and communities all across America should initiate or intensify efforts to promote respect for diversity and to discourage acts of intolerance. The projects described in this report, as well as other efforts by the NAACP, National Council of La Raza, Anti-Defamation League, and National Urban League, among others, are all models for what can and must be done.

Debate the issues with reason, not rancor. In a democracy, there should be free and open debate about every public issue. Political questions about immigration, abortion, affirmative action, and gay rights among others can and should be debated. However, Americans of all backgrounds and viewpoints should find ways to debate these issues without demonizing one another. Public debate should always be an appeal to reason, not an incitement to violence.

Prepare the next generation of Americans for a diverse society. Studies demonstrate that a disproportionately high percentage of both the victims and the perpetrators of hate violence are young people under 18 years of age. This disturbing fact underscores the need for educational programs on the importance of civic responsibility, cultural diversity, and a respect of cultural differences in the United States. As the Citizens' Commission on Civil Rights (www.cccr.org) has urged, the federal government should promote democracy-building and citizenship initiatives — efforts such as teaching about the Bill of Rights and the contributions that many different groups have made in building our nation. The Department of Education should make information available about successful anti-bias and hate crime prevention programs and resources. Local communities and school systems should offer anti-bias programs on religious tolerance, Holocaust education, conflict resolution, and multicultural education. Resources should be made available for college campus anti-bias training programs in an effort to promote effective implementation of prevention strategies and the adoption of anti-harassment guidelines as well.

Use the Internet to educate. Recognizing the limitations of what government can or should do to address the problem of hate speech on the Internet, groups such as the Leadership Conference on Civil Rights and the Leadership Conference of Civil Rights Education Fund have constructed a Web site (www.civilrights.org) devoted to civil rights and a greater understanding of the importance of civil rights laws in building the "more perfect union." In addition to its own content, the Web page

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connects to the existing Web sites of LCCR members, thereby expanding its reach considerably.

The Internet is a marketplace of ideas and information — an online public forum. While the Internet has well-known attributes as an essential medium to inform, educate, communicate, and entertain, bigots and hate-mongers are also increasingly using the Internet to promote doctrines espousing hatred and violence. Americans deeply value and appreciate the importance of the First Amendment to our Constitution in protecting the speech of all in our pluralistic society. However, law enforcement officials should be prepared to vigorously investigate and, where appropriate, prosecute criminal threats of violence transmitted over the Internet. In addition, because young people have increasing access to the Internet, it should be an essential resource in any public education campaign to address the problem of hate-related violence in America.

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Resources

These Web sites include outstanding resources on hate crimes laws, anti-bias and prevention programs, and links to other related sites:

www.adl.org [Anti-Defamation League]

www.adl.org/learn/ [ADL Law Enforcement Agency Resource Network]

www.partnersagainsthate.org [Anti-Defamation League, Leadership Conference on Civil Rights Education Fund, Center for the Prevention of Hate Violence]

www.adc.org [American-Arab Anti-Discrimination Committee]

www.fbi.gov/ucr/ucr.htm [Federal Bureau of Investigation – Uniform Crime Reports]

www.civilrights.org [Leadership Conference on Civil Rights/Leadership Conference on Civil Rights Education Fund]

www.napalc.org [National Asian Pacific American Legal Consortium]

www.cphv.org [Center for the Prevention of Hate Violence]

www.tolerance.org [Southern Poverty Law Center/Klanwatch]

www.hrc.org [Human Rights Campaign]

www.theiacp.org [The International Association of Chiefs of Police]

Appendix A | Anti-Defamation League State Hate Crime Statutory Provisions

| | AL | AK | AZ | AR | CA | CO | CT | DC | DE | FL | GA | | HI | ID | IL | IN | IA | KS | KY | LA | ME | MD | MA | MI | MN | MS | MO | |
|---|----|----|----|----|----|----|----|----|----|----|----|--|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|---|
| Bias-Motivated Violence and Intimidation – Criminal Penalty | ■ | ■ | ■ | | ■ | ■ | ■ | ■ | ■ | ■ | 5 | | ■ | ■ | ■ | | ■ | ■ | ■ | ■ | ■ | ■ | ■ | ■ | ■ | ■ | ■ | ■ |
| Civil Action | | | | ■ | ■ | ■ | ■ | ■ | | ■ | ■ | | | ■ | ■ | | ■ | | | 4 | 4 | | 4 | ■ | ■ | | ■ | |
| Race, Religion *1, Ethnicity | ■ | ■ | ■ | | ■ | ■ | ■ | ■ | ■ | ■ | | | ■ | ■ | ■ | | ■ | ■ | ■ | ■ | ■ | ■ | ■ | ■ | ■ | ■ | ■ | ■ |
| Sexual Orientation | | | ■ | | ■ | | ■ | ■ | ■ | ■ | | | ■ | | ■ | | ■ | ■ | ■ | ■ | ■ | | ■ | | ■ | | ■ | |
| Gender | | ■ | ■ | | ■ | | ■ | ■ | | | | | ■ | | ■ | | ■ | | | ■ | ■ | | | ■ | ■ | ■ | ■ | |
| Disability | ■ | ■ | ■ | | ■ | | ■ | ■ | ■ | ■ | | | ■ | | ■ | | ■ | ■ | | ■ | ■ | | ■ | | ■ | | ■ | |
| Other *2 | | | | | ■ | | | ■ | | ■ | | | ■ | | | | ■ | ■ | | ■ | ■ | | | | ■ | | | |
| Institutional Vandalism | ■ | | ■ | ■ | ■ | ■ | ■ | ■ | ■ | ■ | ■ | | ■ | ■ | ■ | ■ | | ■ | ■ | ■ | ■ | ■ | ■ | ■ | ■ | ■ | ■ | ■ |
| Data Collection *3 | | | ■ | | ■ | | ■ | ■ | | ■ | | | | ■ | ■ | | ■ | | ■ | ■ | ■ | ■ | ■ | ■ | ■ | ■ | ■ | |
| Training for Law Enforcement Personnel *4 | | | ■ | | ■ | | ■ | | | | | | | | ■ | | ■ | | ■ | ■ | | | ■ | | ■ | | ■ | |

| | MT | NE | NV | NH | NJ | NM | NY | NC | ND | OH | OK | | OR | PA | RI | SC | SD | TN | TX | UT | VT | VA | WA | WV | WI | WY | |
|---|----|----|----|----|----|----|----|----|----|----|----|--|----|----|----|----|----|----|----|----|----|----|----|----|----|----|---|
| Bias-Motivated Violence and Intimidation – Criminal Penalty | ■ | ■ | ■ | ■ | ■ | ■ | ■ | ■ | ■ | ■ | ■ | | ■ | ■ | ■ | | ■ | ■ | ■ | 6 | ■ | ■ | ■ | ■ | ■ | ■ | ■ |
| Civil Action | | ■ | ■ | | ■ | | | | | ■ | ■ | | ■ | ■ | ■ | | ■ | ■ | ■ | | ■ | ■ | ■ | | ■ | | ■ |
| Race, Religion *1, Ethnicity | ■ | ■ | ■ | ■ | ■ | ■ | ■ | ■ | ■ | ■ | ■ | | ■ | ■ | ■ | | ■ | ■ | ■ | | ■ | ■ | ■ | ■ | ■ | ■ | ■ |
| Sexual Orientation | | ■ | ■ | ■ | ■ | ■ | ■ | | | | | | ■ | ■ | ■ | | ■ | ■ | | | ■ | | ■ | | ■ | | ■ |
| Gender | | ■ | | ■ | ■ | ■ | ■ | ■ | ■ | | | | | ■ | ■ | | | ■ | | | ■ | | ■ | ■ | | | ■ |
| Disability | | ■ | ■ | ■ | ■ | ■ | ■ | | | | ■ | | | ■ | ■ | | | ■ | | | ■ | | ■ | | ■ | | ■ |
| Other *2 | | ■ | | | | ■ | ■ | | | | | | | | | | | | | | ■ | | | ■ | | | ■ |
| Institutional Vandalism | ■ | ■ | ■ | | ■ | ■ | ■ | ■ | | ■ | ■ | | ■ | ■ | ■ | ■ | ■ | ■ | ■ | | | ■ | ■ | | ■ | | ■ |
| Data Collection *3 | | ■ | | | ■ | ■ | | | | | ■ | | ■ | ■ | ■ | | | | ■ | | | ■ | ■ | | | | ■ |
| Training for Law Enforcement Personnel *4 | | | | | | ■ | | | | | | | ■ | | ■ | | | | | | | ■ | | | | | ■ |

*1. The following states also have statutes criminalizing interference with religious worship: AR, CA, DC, FL, ID, MD, MA, MI, MN, MS, MO, NV, NM, NY, NC, OK, RI, SC, SD, TN, VA, WV.
 *2. "Other" includes political affiliation (CA, DC, IA, LA, WV) and age (CA, DC, FL, IA, HI, KS, LA, ME, MN, NE, NM, NY, VT).
 *3. States with data collection statutes which include sexual orientation are AZ, CA, CT, DC, FL, IL, IA, MD, MI, MN, NV, OR, TX and WA; those which include gender are AZ, DC, IL, IA, MI, MN, and WA.
 *4. Some other states have administrative regulations mandating such training.
 *5. The Georgia statute enhances criminal penalties for crimes in which the defendant "intentionally selected" the victim or property "because of bias or prejudice."
 *6 The Utah statute ties penalties for hate crimes to violations of the victim's constitutional or civil rights

Appendix B | Comparison of FBI Hate Crimes Statistics 1991-2002

| | 2002 | 2001 | 2000 | 1999 | 1998 | 1997 | 1996 | 1995 | 1994 | 1993 | 1992 | 1991 |
|--|-------|-------|-------|-------|-------|-------|-------|------|------|------|------|------|
| Participating Agencies | 12073 | 11987 | 11690 | 12122 | 10461 | 11211 | 11354 | 9584 | 7356 | 6865 | 6181 | 2771 |
| Total Hate Crime Incidents Reported | 7462 | 9730 | 8063 | 7876 | 7755 | 8049 | 8759 | 7947 | 5932 | 7587 | 7466 | 4558 |
| Number of States, including D.C. | 50 | 50 | 49 | 49 | 47 | 49 | 50 | 46 | 44 | 47 | 42 | 32 |
| Percentage of U.S. Population Agencies Represented | 86 | N/A | 84 | 85 | 79 | 85 | 84 | 75 | 58 | 58 | 51 | N/A |

Appendix C | Offenders' Reported Motivations In Percentage of Incidents

| | 2002 | 2001 | 2000 | 1999 | 1998 | 1997 | 1996 | 1995 | 1994 | 1993 | 1992 | 1991 |
|--|-------------|------------|------------|------------|------------|------------|------------|------------|------------|------------|------------|------------|
| Racial Bias | 3,642/ 48.8 | 4,367/44.9 | 4,337/53.8 | 4,295/54.5 | 4,321/55.7 | 4,710/58.5 | 5,396/61.6 | 4,831/60.8 | 3,545/59.8 | 4,732/62.4 | 4,025/60.7 | 2,963/62.3 |
| Anti-Black | 2,486/33.3 | 2,899/30 | 3,884/35.8 | 2,486/33.3 | 2,901/37.4 | 3,120/38.8 | 3,674/41.9 | 2,988/37.6 | 2,174/36.6 | 2,815/37.1 | 2,296/34.7 | 1,689/35.5 |
| Anti-White | 719/9.6 | 891/9.1 | 875/10.9 | 781/9.9 | 792/10.2 | 993/12.3 | 1,106/12.6 | 1,277/16.1 | 1,010/17 | 1,471/19.4 | | 888/18.7 |
| Religious Bias | 1426/19.1 | 1,828/18.8 | 1,472/18.3 | 1,411/17.9 | 1,390/17.9 | 1,385/17.2 | 1,401/15.9 | 1,277/16.1 | 1,062/17.9 | 1,298/17.1 | 1,162/17.5 | 917/20.1 |
| Anti-Semitic | 931/12.5 | 1,043/10.7 | 1,109/13.8 | 1,109/14.1 | 1,081/13.9 | 1,087/13.5 | 1,109/12.7 | 1,058/13.3 | 915/15.4 | 1,143/15.1 | 1,017/15.4 | 792/16.7 |
| Anti-Semitic as Percentage of Religious Bias | 65 | 57 | 75 | 79 | 78 | 79 | 79 | 83 | 86 | 88 | 88 | 86 |
| Ethnicity | 1,102/14.8 | 2,098/21.6 | 911/11.3 | 829/10.5 | 754/9.7 | 836/10.4 | 940/10.7 | 814/10.2 | 638/10.8 | 697/9.2 | 669/10.1 | 450/8.5 |
| Sexual Orientation | 1,244/16.7 | 1,393/14.3 | 1,299/16.1 | 1,317/16.7 | 1,206/16.2 | 1,102/13.7 | 1,016/11.6 | 1,019/12.8 | 685/11.5 | 860/11.3 | 767/11.6 | 425/8.9 |

Compiled by the Anti-Defamation League's Washington Office from information collected by the FBI
 More information about ADL's resources on response to hate violence can be found at the League's
 Website: www.adl.org

Endnotes

¹ Levin, Jack and McDevitt, Jack. *Hate Crimes Revisited: American's War on Those Who Are Different*. Colorado: Westview Press, 2002.

² 18 USC 534 Note

³ The full FBI Hate Crime Statistics Act report for 2002 is available at: <http://www.fbi.gov/ucr/hatecrime2002.pdf>

⁴ *Racial and Religious Violence: A Model Law Enforcement Response*, National Organization of Black Law Enforcement Executives (NOBLE), September 1985 at 36.

⁵ The National Asian Pacific American Legal Consortium (NAPALC) has also noted that a lack of bilingual police officers can exacerbate community fears and mistrust — and may contribute to an inability to initially identify a hate crime incident and create difficulties in interviewing the victim and conducting an effective investigation.

⁶ Reporting rates for gay, lesbian, bisexual, and transgender hate crime victims is also likely affected by mistrust and fear of the police.

⁷ An excellent rationale for hate crime statutes is available online here: <http://www.adl.org/99hatecrime/intro.asp>

⁸ The Wisconsin hate crime law unanimously upheld by the Supreme Court is available online here: <http://www.adl.org/99hatecrime/wisconsin.asp>

⁹ Justice Department officials testified at hearings on before the House Judiciary Committee on July 22, 1998 and August 4, 1999.

¹⁰ For additional information about hate crime statutes across the country, including each state's breadth and coverage, see www.adl.org or www.partnersagainsthate.org

¹¹ The Partners web site, www.partnersagainsthate.org, serves as a comprehensive clearinghouse of hate crime-related information, including resources developed through the grant, as well as other promising programs from across the country. In addition, the Web site includes access to the finest database of hate crime laws that form the basis of criminal enforcement in the states, and counteraction tools.

¹² Shively, M., McDevitt, J., Cronin, S., & Balboni, J.. *Understanding the Prevalence and Characteristics of Bias Crime in Massachusetts High Schools*. Boston: Northeastern University, 2002.

¹³ A version of this section of the report previously appeared in the September 2003 Technical Assistance Brief, *Investigating Hate Crimes on the Internet*, prepared by the Center for the Prevention of Hate Violence, www.cphv.usm.maine.edu, for the Partners Against Hate project funded by the U.S. Department of Justice, Office of Juvenile Justice and Delinquency Prevention (OJJDP), and the U.S. Department of Education, Safe and Drug-Free Schools Program. The entire publication is available at http://www.partnersagainsthate.org/publications/-investigating_hc.pdf

¹⁴ Levin, Jack and McDevitt, Jack. *Hate Crimes Revisited: American's War on Those Who Are Different*. Colorado: Westview Press, 2002.

¹⁵ National Coalition of Anti-Violence Programs, *Anti-Gay, Lesbian, Bisexual and Transgender Violence in 2003, 2004 Print Edition*. Available at <http://www.avp.org>

HATE CRIMES LAW CITED IN PAIR'S SLAYING MD. MAN TARGETED THEM AS LESBIANS, ASHCROFT CHARGES

Boston Globe, April 11, 2002

Three teens sentenced for hate crimes
Jul 14, 2004 Boston Globe
By Frank Eltman, Associated Press Writer

RIVERHEAD, N. Y. -- A teenager who took part in a racially motivated firebombing of a Mexican family's home was sentenced to four years in prison.

Two charged in northern Kentucky cross burning

Jul 17, 2004 Lexington Herald Leader

COVINGTON, Ky. - Two teenagers face federal charges for burning a cross in the front lawn of a black family in northern Kentucky.

Matthew T. Scudder, 18, of Hebron, and Jimmy D. Foster, 19, of Independence

are scheduled to appear in U.S. District Court in Covington next week, according to statements from the FBI in Louisville.

The two men, along with an unnamed woman, face federal charges of conspiring to violate the civil rights of the family when they built and burned a cross near the family's Burlington home.

Five men were indicted yesterday in the beating of a Sikh man who was left with multiple fractures, after leaving the Tim

Maceli, 22, his brother Salvatore Maceli, 26, and their stepfather, Victor Cosentino, 58, all of Valley Stream; Forelli, 53, of Elmont; and Ryan Meehan, 24, of

hate crime, harassment, assault and second-degree assault as a

Transgender slaying defendant granted bail

Aug 1, 2004 Boston Globe

Transgender slaying defendant granted bail

CONVENIENCE STORE TARGET OF GRAFFITI

WEST WARWICK, R. I. -- A convenience store owned by a couple from the Middle East has been targeted by vandals.

Hussein Ashiry, said he came to the Caravan Mart on Monday to find a black spray-painted picture of two towers and an airplane flying into them. Next to the sketch was a slur about Middle Easterners and the words, "Remember 9/11."

Jul 16, 2004 Boston Globe

Jul 27, 2004 Woodlawn

Jul 26, 2004 Charlotte Observer

"Why th now? " Thursda investi but no made? termi ident i know of the Tiernar The pol paint o

Jul 27, 2004 Woodlawn

Jul 26, 2004 Charlotte Observer

Three arrested in beating, stabbing of Seattle gay teen

Jul 15, 2004 Seattle Post-Intelligencer

Muslims face new targeted family gun violence

Jul 26, 2004 Tallahassee (Fla.) Democrat

JOINED ANTI-BIGOTRY

Targeted family gun violence

By Phillip W. Brown, Staff Writer

CHATSWORTH - Five years ago, Buford C. Chatsworth, a local Jewish community leader, was brutally murdered in S. Iletto, the victims' local officials joined

hate crime legislation, "We miss him very much, cannot understand why s

take the life of my brother just doing his job when

killed," said Ismael Iletto, Chatsworth's brother who was delivering mail times.

Chatsworth was delivering mail times.

JUDGE UPHOLDS ANTI-BIGOTRY DISABLED MAN'S TORTURE

LCCREF
1629 K Street, NW
10th Floor
Washington, DC 20006

