

Confronting the New Faces of Hate: Hate Crimes in America

2009

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This report is an update of our 2004 report, *Cause for Concern*. Sadly, five 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.

Karen McGill Lawson, President and CEO, LCCREF

Wade J. Henderson, Esq., Counselor, LCCREF*

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

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Executive Summary

For many, the election of President Barack Obama

appeared to close the book on a long history of inequality in America. But the spate of racially-motivated hate crimes and violence against minorities and immigrants that occurred before and after Election Day makes clear that a final victory over prejudice and racial hostility remains elusive. It is time for our nation to redouble its efforts to combat the commission of hate crimes in America.

Violence committed against individuals because of their race, religion, ethnicity, national origin, gender, gender identity, or sexual orientation remains a serious problem. In the nearly twenty years since the 1990 enactment of the Hate Crime Statistics Act (HCSA), the number of hate crimes reported has consistently ranged around 7,500 or more annually—that’s nearly one every hour of every day. However, and of particular concern, the number of hate crimes committed against Hispanics and those perceived to be immigrants has increased each of the past four years for which FBI data is available, and hate crimes committed against individuals because of their sexual orientation has increased to its highest level in five years.

These data almost certainly understate the true number of hate crimes committed in our nation. Victims may be fearful of authorities and thus may not report these crimes. Some local authorities may not accurately classify these violent incidents as hate crimes and thus fail to report them to the federal government. Other local authorities, including at least 21 agencies in cities with populations between 100,000 and 250,000, did not participate in the FBI data collection effort in 2007—the most recent national report available.

The marked increase in hate violence against Hispanics correlates closely with the increasingly heated debate over comprehensive immigration reform and an escalation in the level of anti-immigrant vitriol on radio, television, and the Internet. Warned an April 2009 assessment from the Office of Intelligence and Analysis at the U.S. Department of Homeland Security (DHS), “in some cases, anti-immigration

or strident pro-enforcement fervor has been directed against specific groups and has the potential to turn violent.” As inflammatory rhetoric targets immigrants at the same time that the number of hate crimes against Hispanics and others perceived to be immigrants steadily increases, a heightened sense of fear has gripped Hispanic and other minority communities around the country.

In one of the most disturbing developments of recent years, some groups opposing immigration reform, such as the Federation for American Immigration Reform (FAIR), the Center for Immigration Studies (CIS), and NumbersUSA, have inflamed the immigration debate by invoking the dehumanizing, racist stereotypes and bigotry of hate groups. While these seemingly “legitimate” advocates against illegal immigration are frequently quoted in the mainstream media, have been called to testify before Congress, and often hold meetings with lawmakers and other public figures, their virulently anti-immigrant rhetoric veers dangerously close to—and too often crosses the line beyond—civil discourse over contentious immigration policy issues.

The inflammatory anti-immigrant messages of these groups have successfully infiltrated mainstream media, including shrill anti-immigration reform commentaries from high profile national media personalities such as CNN’s Lou Dobbs and Talk Show Network’s *The Savage Nation* host Michael Savage. The unintended consequence of “media celebrities” vilifying immigrants as “invaders” who poison our communities with disease and criminality has been—and will continue to be—an atmosphere in which some people will act on these demonizing screeds—violently targeting immigrants and those perceived to be immigrants.

Fear and vilification of immigrants has combined with the worst economic downturn in decades and the election of the first African-American president to cause a surge in the activity of white supremacist groups. According to the Southern Poverty Law Center (SPLC), the number of hate groups operating in the United States increased more than

four percent in 2008 and has grown by 54 percent since 2000. "Barack Obama's election has inflamed racist extremists who see it as another sign that their country is under siege by non-whites," said Mark Potok, editor of the *Intelligence Report* published by the SPLC. "The idea of a black man in the White House, combined with the deepening economic crisis and continuing high levels of Latino immigration, has given white supremacists a real platform on which to recruit."

Extremists have taken advantage of the Internet and new technologies to recruit new members and promote their bigoted ideology. Whereas hate mongers once had to stand on street corners and hand out mimeographed leaflets to passersby, extremists now use mainstream social networking sites such as *MySpace* or *Facebook* to access a potential audience of millions—including impressionable youth. Daniel Cowart, 20, of Bells, Tennessee and Paul Schlesselman, 18, of West Helena, Arkansas, the two white supremacists arrested in the fall of 2008 for plotting an assassination attempt on Barack Obama followed by a plan to engage in a multi-state racist shooting spree, were reportedly introduced to each other by a mutual friend on a social networking website. After Obama's election victory in November, white supremacist online activity spiked, with people posting hundreds of messages to online forums. Don Black, a 55 year-old former Ku Klux Klan Grand Wizard, claimed more than 2,000 people joined his website on the day after Obama's election, up from 80 on an ordinary day. Started in 1995, Black's website is one of the oldest and largest hate group sites, now claiming 110,000 members.

Several examples from 2008 illustrate the ongoing hate crime crisis in our nation:

- In July 2008, in Shenandoah, Pennsylvania, Luis Ramirez, a 25 year-old Mexican and father of two, was murdered because of his ethnicity in a brutal beating allegedly by four teenagers who repeatedly punched him, knocked him to the ground, and then kicked him multiple times in the head. As Ramirez lay unconscious, convulsing and foaming at the mouth, one of the assailants reportedly yelled "Tell your fucking Mexican friends to get the fuck out of Shenandoah or you'll be fucking laying next to them." Fourteen months earlier, 20 miles from where

Ramirez was murdered, Lou Dobbs had held a special "Broken Borders" town hall meeting edition of *Lou Dobbs Tonight* to spotlight and praise a neighboring small town's passage of an "Illegal Immigrant Relief Act" that sought to suspend the business permits and licenses of employers who hired "unlawful workers" or landlords who rented to illegal aliens.

- On Election Night 2008, Ralph Nicoletti and Michael Contreras, both 18, and Brian Carranza, 21, of Staten Island, New York decided shortly after learning of Barack Obama's election victory "to find African Americans to assault," according to a federal indictment and other court filings. The men then drove to a predominantly African-American neighborhood in Staten Island, where they came upon a 17 year-old African American who was walking home after watching the election at a friend's house. One of the defendants yelled "Obama!" Then, the men got out of the car and beat the youth with a metal pipe and a collapsible police baton, injuring his head and legs. The men went on to commit additional assaults that night. Their hate crime spree culminated with crashing their car into a man who they mistakenly believed to be African-American, causing his body to shatter the windshield.
- On February 12, 2008 in Oxnard, California, 15 year-old Lawrence King, an openly gay student, was sitting in a computer lab at his junior high school when Brandon McInerney, 14, shot him twice in the head as their fellow students watched in horror. In McInerney's bedroom, investigators discovered a "trove" of white supremacist literature and drawings, depicting a "racist skinhead philosophy," according to the prosecution. McInerney is being tried as an adult on a murder count, plus a hate crime allegation.

Eliminating the prejudice that underlies hate crimes requires that Americans develop respect for cultural differences and establish dialogue across racial, ethnic, cultural, and religious boundaries. Education, awareness, and acceptance of group differences are the cornerstones of a long-term solution to prejudice, discrimination, and bigotry. Hate crime laws and effective responses to hate violence by public officials and law enforcement authorities can play an essential role in deterring and preventing these

crimes, creating a healthier and stronger society for all Americans.

All Americans have a stake in reducing hate crimes. These crimes are intended to intimidate not only the individual victim, but all members of the victim's community, and even members of other communities historically victimized by hate. By making these victims and communities fearful, angry, and suspicious of other groups—and of the authorities who are charged with protecting them—these incidents fragment and isolate our communities, tearing apart the interwoven fabric of American society. Thus, the damage done by hate crimes cannot be measured solely in terms of physical injury or dollars and cents. For these reasons and more, hate crimes demand a priority response from governmental authorities.

Hate crimes are by no means just an American phenomenon—they are on the rise in many countries in Europe and the former Soviet Union, where government responses in most countries across this region have been inadequate. Beyond tackling hate crime at home, it is incumbent upon the United States to demonstrate international leadership at intergovernmental bodies like the Organization for Security and Cooperation in Europe (OSCE), as well as in other public and private international organizations and through its own bilateral relationships, in order to promote the adoption and effective implementation of hate crime laws, improve the response of governments to hate violence, and help to build the capacity of civil society organizations to complement and support these government efforts.

RECOMMENDATIONS

Every sector of society has an important role to play in helping to ensure that no person is targeted for violence on the basis of his or her personal characteristics. We offer the following recommendations for action (international policy recommendations are available in the section of the report on “Hate Has No Borders”):

SET THE TONE FOR A CIVIL NATIONAL DISCOURSE ON COMPREHENSIVE IMMIGRATION REFORM

Civil rights organizations have become increasingly concerned about the virulent anti-immigrant and anti-Latino rhetoric employed by a handful of groups and coalitions that have positioned themselves as legitimate, mainstream advocates against illegal immigration in America. Leaders from every sector—including government, media, business, labor, religion, and education—have an essential role in shaping attitudes in opposition to all forms of bigotry. These leaders must moderate the rhetoric in the immigration debate. It is vital that civic leaders and law enforcement officials speak out against efforts to demonize immigrants—and use their bully pulpits to promote better intergroup relations. They must use their power of persuasion and political clout to condemn scapegoating, bias crimes, racism, and other hate speech and hate crimes, and to press for fair and workable immigration reform.

ENSURE A STRONG LAW ENFORCEMENT RESPONSE TO CONFRONT VIOLENT BIGOTRY

Although bigotry cannot be legislated out of existence, a forceful, moral response to hate violence is required of us all. Enactment of the Local Law Enforcement Hate Crimes Prevention Act will give local law enforcement officials important tools to combat violent, bias-motivated crimes, and facilitate federal investigations and prosecutions when local authorities are unwilling or unable to achieve a just result. Importantly, the LLEHCPA would also amend the Hate Crime Statistics Act of 1990 to mandate additional Justice Department hate crime data collection reporting requirements for bias-motivated violence directed at individuals on the basis of their gender and gender identity, and for crimes committed by and against juveniles.

COMPLEMENT TOUGH LAWS AND VIGOROUS
ENFORCEMENT WITH EDUCATION AND TRAINING
INITIATIVES DESIGNED TO REDUCE PREJUDICE

The federal government has a central role to play in funding anti-bias education and hate crime prevention initiatives, as well as promoting awareness of effective anti-bias education initiatives. The Justice Department, the Department of Education, and other involved federal agencies should institutionalize and coordinate their response to prejudice-motivated violence and fund programs and initiatives developed for schools and for youth violence prevention programs. The federal government should make information available regarding effective hate crime prevention programs and resources, successful anti-bias training initiatives, and best practices. The FBI should receive funding to update and expand training and outreach to ensure the most comprehensive implementation of the Hate Crime Statistics Act.

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

For many Americans, the election of President Barack Obama appeared to close the book on a long history of inequality. But the spate of racially-motivated hate crimes and violence against minorities and immigrants that occurred in the final weeks before and after Election Day makes clear that a final victory over prejudice and racial hostility remains elusive.

Violence committed against individuals because of their race, religion, ethnicity, national origin, gender, gender identity, or sexual orientation remains a serious problem in America. In the nearly twenty years since the 1990 enactment of the Hate Crime Statistics Act (HCSA), the number of hate crimes reported has consistently ranged around 7,500 or more annually, or nearly one every hour of the day. These data almost certainly understate the true numbers of hate crimes committed. Victims may be fearful of authorities and thus may not report these crimes. Or local authorities do not accurately report these violent incidents as hate crimes and thus fail to report them to the federal government.

All Americans have a stake in reducing hate crimes. These crimes are intended to intimidate not only the individual victim, but all members of the victim's community, and even members of other communities historically victimized by hate. By making these victims and communities fearful, angry, and suspicious of other groups—and of the authorities who are charged with protecting them—these incidents fragment and isolate our communities, tearing apart the interwoven fabric of American society.

In one of the most disturbing developments of recent years, some anti-immigration groups, claiming to warn people about the impact of illegal immigration, have inflamed the immigration debate by invoking the dehumanizing, racist stereotypes and bigotry of hate groups. It is no coincidence that as some voices in the anti-immigration debate have demonized immigrants as “invaders” who poison our communities with disease and criminality, haters have taken matters into their own hands.

With society and individuals under increasing stress due to unemployment and hard economic times, a tough law enforcement response to hate crimes, as well as education and programming to reduce violent bigotry, is urgently needed. In 1992, the American Psychological Association reported that “prejudice and discrimination” were leading causes of violence among American youth.¹ Failure to address this unique type of crime could cause an isolated incident to explode into widespread community tension.

Eliminating prejudice requires that Americans develop respect for cultural differences and establish dialogue across racial, ethnic, cultural, and religious boundaries. Education, awareness, and acceptance of group differences are the cornerstones of a long-term solution to prejudice, discrimination, and bigotry. Hate crime laws and effective responses to hate violence by public officials and law enforcement authorities can play an essential role in deterring and preventing these crimes, creating a healthier and stronger society for all Americans.

HATE IN AMERICA: A 2009 ENVIRONMENTAL SCAN

Since Congress enacted the Hate Crime Statistics Act in 1990, the FBI has been mandated to collect hate crime data from law enforcement agencies across America. Although the FBI's annual HCSA report clearly undercounts hate crimes, as will be discussed below, it still provides the best snapshot of the magnitude of the hate violence problem in America. As the 2007 HCSA report, the most recent available, makes clear, violence directed at individuals, houses of worship, and community institutions because of prejudice based on race, religion, sexual orientation, or national origin remains unacceptably high and continues to be a serious problem in America.

As documented by the FBI's 2007 HCSA report:

- Approximately 51 percent of the reported hate crimes were race-based, with 18.4 percent on the basis of religion, 16.6 percent on the basis of sexual orientation, and 13.2 percent on the basis of ethnicity.
- Approximately 69 percent of the reported race-based crimes were directed against blacks, 19 percent of the crimes were directed against whites, and 4.9 percent of the crimes were directed against Asians or Pacific Islanders. The number of hate crimes directed against individuals on the basis of their national origin/ethnicity increased to 1,007 in 2007 from 984 in 2006.
- For the fourth year in a row, the number of reported crimes directed against Hispanics increased—from 576 in 2006 to 595 in 2007.
- Though the overall number of hate crimes decreased slightly, the number of hate crimes directed at gay men and lesbians increased almost six percent—from 1,195 in 2006 to 1,265 in 2007.
- Religion-based crimes decreased, from 1,462 in 2006 to 1,400 in 2007, but the number of reported anti-Jewish crimes increased slightly, from 967 in 2006 to 969 in 2007—12.7 percent of all hate crimes reported in 2007—and 69 percent of the reported hate crimes based on religion.
- Reported crimes against Muslims decreased from 156 to 115, 8.2 percent of the religion-based crimes. This is still more than four times the number of hate crimes reported against Muslims in 2000.²

THE FBI HCSA DATA UNDERCOUNTS THE NUMBER OF HATE CRIMES

In 2007, 13,241 U.S. law enforcement agencies participated in the FBI's HCSA data collection effort—the largest number of police agencies in the seventeen-year history of the Act. Yet, only 2,025 of these participating agencies—15.3 percent—reported even a single hate crime to the FBI.

As in past years, the vast majority of the participating agencies (84.7 percent) reported zero hate crimes. This does not mean that they failed to report; rather, they affirmatively reported to the FBI that *no hate crimes occurred in their jurisdiction*. In addition, more than 4,000 U.S. police agencies did not participate in this HCSA data collection effort—including at least four agencies in cities with populations of over 250,000 and at least 21 agencies in cities with populations between 100,000 and 250,000.

In contrast to the FBI's HCSA data, the U.S. Department of Justice Bureau of Justice Statistics in 2005 reported sharply higher numbers of hate crimes committed in the U.S.:

An annual average of 210,000 hate crime victimizations occurred from July 2000 through December 2003. During that period an average of 191,000 hate crime incidents involving one or more victims occurred annually. Victims also indicated that 92,000 of these hate crime victimizations were reported to police. These estimates were derived from victim reports to the National Crime Victimization Survey (NCVS) of the Bureau of Justice Statistics (BJS).³

Studies by independent researchers and law enforcement organizations reveal that some of the most likely targets of hate violence are also the least likely to report these crimes to the police. There are many cultural and language barriers to reporting hate crimes to law enforcement officials. Some immigrant hate crime victims fear reprisals or deportation if incidents are reported. Many new Americans come from countries in which residents mistrust and would never call the police—*especially* if they were in trouble. Gay, lesbian, and transgender victims, facing hostility, discrimination, and, possibly, family pressures may also be reluctant to come forward to report these crimes.

All this evidence strongly suggests a significant underreporting of hate crimes in the United States.

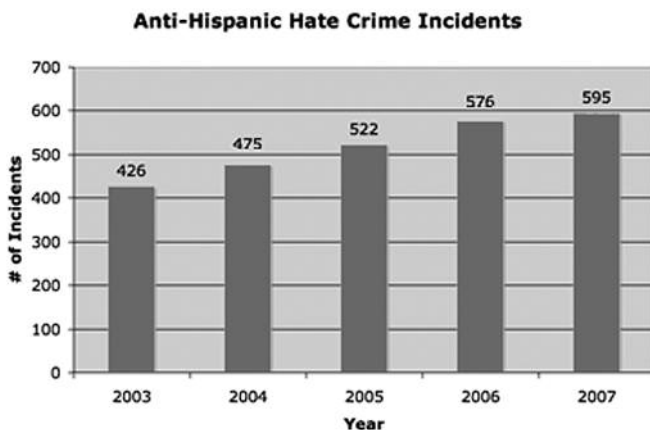
THE LEGAL LANDSCAPE: THE SCOPE OF HATE CRIME LAWS IN AMERICA

The vast majority of hate crimes are investigated and prosecuted by state and local law enforcement officials. In general, a hate crime is a criminal offense intentionally directed at an individual or property in whole or in part because of the victim's actual or perceived race, religion, national origin, gender, gender identity, sexual orientation, or disability. However, each state defines the criminal activity that constitutes a hate crime differently, and the breadth of coverage of these laws varies from state to state.

Hate crimes are generally not separate and distinct criminal offenses. At present, 45 states and the District of Columbia have enacted hate crime penalty enhancement laws, many based on a model statute drafted by the Anti-Defamation League in 1981. Under these laws, a perpetrator can face more severe penalties if the prosecutor can demonstrate, beyond a reasonable doubt, that the victim was intentionally targeted by the perpetrator on the basis of his or her personal characteristics. Almost every state penalty enhancement hate crime law explicitly includes crimes directed against an individual on the basis of race, religion, and national origin/ethnicity. Currently, however, only 30 states and the District of Columbia include sexual orientation-based crimes in these hate crimes statutes; only 26 states and the District of Columbia include coverage of gender-based crimes; only eleven states and the District of Columbia include coverage of gender identity-based crimes; and only 30 states and the District of Columbia include coverage for disability-based crimes.

The State of Hate: Escalating Hate Violence Against Immigrants

The increase in hate crimes directed against Hispanics for the fourth consecutive year is particularly noteworthy and worrisome because the number of hate crimes committed against other racial, ethnic, and religious groups has over the same period shown either no increase or a decrease.



Source: FBI data

The increase in violence against Hispanics correlates closely with the increasingly heated debate over comprehensive immigration reform and an escalation in the level of anti-immigrant vitriol on radio, television, and the Internet. While reasonable people can and will disagree about the parameters of comprehensive immigration reform, in some instances, the commentary about immigration reform has not been reasonable; it has been inflammatory. Warned an April 2009 assessment from the Office of Intelligence and Analysis at the U.S. Department of Homeland Security (DHS), “in some cases, anti-immigration or strident pro-enforcement fervor has been directed against specific groups and has the potential to turn violent.”

This toxic environment, in which hateful rhetoric targets immigrants while the number of hate crimes against Hispanics and others perceived to be immigrants steadily

increases, has caused a heightened sense of fear in communities around the country.

THE ROLE OF EXTREMIST ANTI-IMMIGRATION GROUPS

Some groups opposing immigration reform, such as the Federation for American Immigration Reform (FAIR), the Center for Immigration Studies (CIS), and NumbersUSA, have portrayed immigrants as responsible for numerous societal ills, often using stereotypes and outright bigotry. While these groups, and other similar organizations, have strived to position themselves as legitimate, mainstream advocates against illegal immigration in America, a closer look at the public record reveals that some of these organizations have disturbing links to or relationships with extremists in the anti-immigration movement. These seemingly “legitimate” advocates against illegal immigration are frequently quoted in the mainstream media, have been called to testify before Congress, and often hold meetings with lawmakers and other public figures. This is one of the most disturbing developments of the past few years: the legitimization and mainstreaming of virulently anti-immigrant rhetoric that veers dangerously close to—and too often crosses the line beyond civil discourse over contentious immigration policy issues.

The Leadership Conference on Civil Rights, the Anti-Defamation League, the Southern Poverty Law Center (SPLC), the National Council of La Raza (NCLR), and the Mexican American Legal Defense and Educational Fund (MALDEF) have become increasingly concerned about the virulent anti-immigrant and anti-Latino rhetoric employed by a handful of groups and coalitions that have tried to position themselves as legitimate, mainstream advocates against illegal immigration in America. Recently, SPLC published *The Nativist Lobby: Three Faces of Intolerance*⁴, which investigated three of these groups and found:

Three Washington, D.C.-based immigration-restriction organizations stand at the nexus of the American nativist movement: the Federation for American Immigration Reform (FAIR), the Center for Immigration Studies (CIS), and NumbersUSA. Although on the surface they appear quite different—the first, the country’s best-known anti-immigrant lobbying group; the second, an “independent” think tank; and the third, a powerful grassroots organizer—they are fruits of the same poisonous tree.

FAIR, CIS and NumbersUSA are all part of a network of restrictionist organizations conceived and created by John Tanton, the “puppeteer” of the nativist movement and a man with deep racist roots. Tanton has for decades been at the heart of the white nationalist scene. He has met with leading white supremacists, promoted anti-Semitic ideas, and associated closely with the leaders of a eugenicist foundation once described by a leading newspaper as a “neo-Nazi organization.” He has made a series of racist statements about Latinos and worried that they were out-breeding whites. At one point, he wrote candidly that to maintain American culture, “a European-American majority” is required.

FAIR, which Tanton founded and where he remains on the board, has been listed as a hate group by the Southern Poverty Law Center. Among the reasons are its acceptance of \$1.2 million from the Pioneer Fund, a group founded to promote the genes of white colonials that funds studies of race, intelligence and genetics. FAIR has also hired as key officials men who also joined white supremacist groups. It has board members who regularly write for hate publications. It promotes racist conspiracy theories about Latinos. And it has produced television programming featuring white nationalists.

CIS was conceived by Tanton and began life as a program of FAIR. CIS presents itself as a scholarly think tank that produces serious immigration studies meant to serve “the broad national interest.” But the reality is that CIS has never found any aspect of immigration that it liked, and it has frequently manipulated data to achieve the results it seeks. Its executive director last fall posted an item on the conservative National Review Online website about Washington Mutual, a bank that had earlier issued a press release about its inclusion on a list of “Business Diversity Elites” compiled by Hispanic Business magazine. Over a copy of the bank’s press release, the CIS leader posted a headline—“Cause and Effect?”—that suggested a link between the bank’s opening its ranks to Latinos and its subsequent collapse.

Like CIS, NumbersUSA bills itself as an organization that operates on its own and rejects racism completely. In fact, NumbersUSA was for the first five years of its existence a program of U.S. Inc., a foundation run by Tanton to fund numerous nativist groups, and its leader was an employee of that foundation for a decade. He helped edit Tanton’s racist journal, *The Social Contract*, and was personally introduced by Tanton to a leader of the Pioneer Fund. He also edited a book by Tanton and another Tanton employee that was banned by Canadian border officials as hate literature and on one occasion spoke to the Council of Conservative Citizens, a hate group which has called blacks “a retrograde species of humanity.”

Together, FAIR, CIS and NumbersUSA form the core of the nativist lobby in America. In 2007, they were key players in derailing bipartisan, comprehensive immigration reform that had been expected by many observers to pass. Today, these organizations are frequently treated as if they were legitimate, mainstream commentators on immigration. But the truth is that they were all conceived and birthed by a man who sees America under threat by non-white immigrants. And they have never strayed far from their roots.⁵

THE INFILTRATION OF MAINSTREAM MEDIA

The increasing number of shrill anti-immigration reform commentaries from high profile national media personalities, including CNN's Lou Dobbs and Talk Show Network's *The Savage Nation* host Michael Savage, correlates closely with the increase in hate crimes against Hispanics. There is a direct connection between the tenor of this rhetoric and the daily lives of immigrants, and many fear that the unintended consequence of media celebrities vilifying immigrants will be an atmosphere in which some people will act on these demonizing screeds, violently targeting immigrants and those perceived to be immigrants.

The frequent appearance of extremist groups such as FAIR on mainstream media programs and even at Congressional hearings is extremely worrisome. After reviewing FAIR's virulent rhetoric, SPLC found:

None of this—or any other material evidencing the bigotry and racism that courses through the group—seems to have affected FAIR's media standing. In 2008, the group was quoted in mainstream media outlets nearly 500 times. FAIR staff have been featured several times on CNN's "Lou Dobbs Tonight," along with countless appearances on other television news shows. Dobbs even ran his radio program from a FAIR event in Washington, D.C. this past September. And, perhaps most remarkably of all, FAIR has been taken seriously by Congress, claiming on its home page that it has been asked to testify on immigration bills "more than any other organization in America."⁶

As Alex Nogales, President and CEO of the National Hispanic Media Coalition (NHMC) has noted, "We are very respectful of the First Amendment and free speech, but the hateful rhetoric, particularly against the immigrant minority communities, espoused by irresponsible TV and radio talk show hosts on American airwaves needs to be addressed." NHMC has undertaken a study to quantify hate speech in commercial radio, petitioned the Federal Communications Commission (FCC) to open an inquiry into hate speech on the nation's airwaves, and requested that the National Telecommunications and Information Administration (NTIA) update its 1993 report, *The Role of Telecommunications in*

*Hate Crime.*⁷ In that report, NTIA found "deeply troubling" examples where "telecommunications has been used to advocate or encourage the commission of hate crimes." But the report concluded that "the extent to which such messages (of hate) actually lead to the commission of crimes is unclear."⁸

On July 5, 2007, Michael Savage suggested America would be a better place if students staging a hunger strike in the hope of securing immigration reform legislation starved to death:

SAVAGE: Then there's the story of college students who are fasting out here in the Bay Area. They're illegal aliens and they want green cards simply because they're students. I don't understand what—how this two and two adds up. *I would say, let them fast until they starve to death, then that solves the problem. Because then we won't have a problem about giving them green cards because they're illegal aliens; they don't belong here to begin with. They broke into the country; they're criminals.*⁹

Like Savage, Lou Dobbs has also stated on his CNN show, *Lou Dobbs Tonight*, "illegal aliens are criminals." (*Lou Dobbs Tonight* transcript, 4/6/05). As NCLR has pointed out, illegal immigrants are not considered criminals under current U.S. law. NCLR has chronicled many of Lou Dobbs's other comments made on CNN about immigrants and immigration reform:

- Dobbs has used the term "anchor babies" to refer to the U.S.-born children of undocumented immigrants, suggesting inaccurately that having a U.S. citizen child is a means of acquiring legal immigration status or being protected from deportation. (*Lou Dobbs Tonight* transcript, 3/31/05).
- Dobbs refers frequently to illegal aliens from Mexico into the United States as the "invasion" and as an "army of invaders" (*Lou Dobbs Tonight* transcript, 3/31/06). One of his reporters referred to a visit from Mexico's then-President Vicente Fox as a "Mexican military incursion."
- Dobbs linked illegal aliens to a host of diseases including tuberculosis, malaria, and leprosy. In 2005, a reporter on the show claimed that there had been 7,000 new cases

of leprosy in the previous three years (*Lou Dobbs Tonight* transcript, 4/14/05). This claim has been disputed by the Centers for Disease Control and Prevention.¹⁰ To date, and despite protests to the contrary, Dobbs has never acknowledged the error on his show.

- Dobbs has featured several stories on *Lou Dobbs Tonight* concerning the “reconquest” of the American Southwest. In one 2005 segment, a map purportedly showing “Aztlan” was provided to the show by the Council of Conservative Citizens, a prominent White supremacist organization (*Lou Dobbs Tonight* transcript, 5/23/06).
- Dobbs has also been a cheerleader for the Minuteman Project. He devoted extensive coverage to the Minuteman’s first action in 2005, calling the group a “remarkable success.” Minuteman leaders were frequent guests on *Lou Dobbs Tonight*, and on one occasion Dobbs wished one “all the success in the world.”¹¹
- Dobbs featured on *Lou Dobbs Tonight* the late Madeline Cosman as a “medical expert” in a discussion of the diseases that illegal aliens are bringing into the country. Ms. Cosman was not a medical doctor, but a prominent anti-immigrant activist who stated that Mexican immigrants were prone to molesting children (*Lou Dobbs Tonight* transcript, 6/8/05).
- As noted above, the Council of Conservative Citizens, one of the most well-known White supremacist groups in the country, was featured as a “source” in a 2006 segment on the show.¹²

On May 2, 2007, Dobbs held a special “Broken Borders” town hall meeting edition of *Lou Dobbs Tonight* in Hazelton, Pennsylvania to spotlight that town’s passage of its “Illegal Immigrant Relief Act.” This town ordinance sought to suspend the business permits and licenses of employers who hired “unlawful workers” or landlords who rented to illegal aliens. During the show, Dobbs praised the town: “Hazelton, the community, is leading the battle against illegal immigration, stepping in where the federal government has simply failed to perform its duty.” The website of the *Lou Dobbs Tonight* show solicited contributions for the town’s “legal defense fund” after a lawsuit filed by MALDEF and the American Civil Liberties

Union (ACLU) prevented the law from taking effect.¹³

Fourteen months later, 20 miles from Hazelton in Shenandoah, Pennsylvania, Luis Ramirez, a 25 year-old Mexican and father of two, was murdered because of his ethnicity in a brutal beating allegedly by four current and former high school football players. The teenagers reportedly yelled, “This is Shenandoah, this is America, go back to Mexico,” as well as ethnic slurs. They then repeatedly punched Ramirez, knocking him to the ground, and then kicked him multiple times in the head. As Ramirez lay unconscious, convulsing and foaming at the mouth, one of the assailants reportedly yelled “Tell your fucking Mexican friends to get the fuck out of Shenandoah or you’ll be fucking laying next to them.” On May 1, 2009, a jury convicted two teens of simple assault, a misdemeanor, acquitting them of the most serious charges brought against them, including murder, aggravated assault, and ethnic intimidation. A third teen faces counts of aggravated assault and ethnic intimidation in juvenile court, while a fourth pleaded guilty in federal court to violating Ramirez’s civil rights in exchange for charges of third-degree murder, aggravated assault, and related counts against him being dropped.

Shenandoah had been considering an ordinance similar to Hazelton’s but held off after the ACLU and MALDEF lawsuit blocked it from taking effect. Still, the Hazelton ordinance caused considerable tension between the town’s Hispanic and white communities, which had formerly enjoyed peaceful relations. “They (the Hispanic community) just didn’t feel comfortable then,” said Flor Gomez, whose family runs a Mexican restaurant in Shenandoah. As *The New York Times* reported, “Many people believe the debate fueled by Hazelton’s actions helped create the environment that led to Mr. Ramirez’s death.”

“Clearly there were a lot of factors here,” said Gladys Limón, a lawyer for MALDEF. “But I do believe that the inflammatory rhetoric in the immigration debate does have a correlation with increased violence against Latinos.”¹⁴

The State of Hate: White Supremacist Groups Growing

The number of hate groups operating in the United States continued to rise in 2008 and has grown by 54 percent since 2000—an increase fueled last year by immigration fears, a failing economy, and the successful campaign of Barack Obama, according to the Southern Poverty Law Center (SPLC). The SPLC identified 926 hate groups active in 2008, up more than four percent from the 888 groups in 2007 and far above the 602 groups documented in 2000.¹⁵

“Barack Obama’s election has inflamed racist extremists who see it as another sign that their country is under siege by non-whites,” said Mark Potok, editor of the *Intelligence Report*, a SPLC quarterly investigative journal that monitors the radical right. “The idea of a black man in the White House, combined with the deepening economic crisis and continuing high levels of Latino immigration, has given white supremacists a real platform on which to recruit.”¹⁶

The DHS assessment on right-wing extremism, which was provided to federal, state, and local law enforcement, warned that right-wing extremists “may be gaining new recruits by playing on their fears about several emergent issues. The economic downturn and the election of the first African American president present unique drivers for rightwing radicalization and recruitment.”

In the days prior to the presidential election, Daniel Cowart, 20, of Bells, Tennessee and Paul Schlesselman, 18, of West Helena, Arkansas were arrested by federal agents for allegedly plotting to assassinate Obama followed by a plan to engage in a multi-state “killing spree.” The men met through the Internet and planned to shoot 88 African Americans and behead another 14. Targets included a predominantly African-American school. At the end of the alleged spree, the men intended to try to kill Obama. “88,” an important number in skinhead numerology, means “Heil Hitler”—as “H” is the eighth letter of the alphabet. “14” likely refers to the “14 Words,” a white supremacist slogan that originated with the late David Lane. Lane died last year

in prison while serving a sentence for his role in an assassination plot carried out by The Order, a white supremacist terrorist group that was destroyed in 1984. One of the suspects, Cowart, is a known member of a new skinhead hate group, the Supreme White Alliance (SWA), formed at the beginning of 2008, according to the Southern Poverty Law Center. He attended a birthday party for Adolf Hitler held last April by the group. SWA is headed by Steven Edwards, son of Ron Edwards, who leads the Imperial Klans of America.¹⁷

After Obama’s election victory in November, white supremacist online activity spiked, with people posting hundreds of messages to online forums. White supremacist groups and individuals claimed that the Obama presidency, the immigration issue, and tough economic times would serve as powerful catalysts for recruiting more people to the white supremacist movement. Jeff Schoep, head of the National Socialist Movement, the largest Neo-Nazi group in America, said interest in the NSM “has really spiked up,” but would not reveal by how much.¹⁸ Don Black, a 55-year-old former Ku Klux Klan Grand Wizard, claimed more than 2,000 people joined his website on the day after Obama’s election, up from 80 on an ordinary day. Started in 1995, Black’s website is one of the oldest and largest hate group sites, now claiming 110,000 members. As David Duke, a former Klan leader who was once a member of the Louisiana legislature, has said, Obama is a “visual aid” that galvanizes the white supremacist movement.¹⁹

According to Schoep, extremists are also exploiting the economic crisis, spreading propaganda that blames minorities and immigrants for the subprime mortgage meltdown. “Historically, when times get tough in our nation, that’s how movements like ours gain a foothold,” he said. “When the economy suffers, people are looking for answers. ... We are the answer for white people.”²⁰ Membership in the National Socialist Movement has grown by 40 percent in recent months, according to Schoep,

the “most dramatic growth” since the mid-1990s, mostly because of the nation’s dire economic circumstances.

“You have an American work force facing massive unemployment. And you have presidents and politicians flinging open the borders telling them to take the few jobs left while our men are in soup kitchens.”²¹

In Pennsylvania, where the Hispanic population has increased 41 percent from 2000 through 2007, “Keystone United,” a hate group that recently changed its name from “Keystone State Skinheads,” has used the immigration issue to recruit new members. “A lot of these small working-class towns are being invaded by different types of people,” said Douglas Myers, one of Keystone United’s founders. *USA Today* described Keystone United as a group that “speaks out for the rights of whites being pushed aside by newcomers.” The group plans family-friendly outings, meets in public libraries, and avoids the violence traditionally associated with skinheads. “It’s not the footage from the ‘80s with people burning crosses. It’s a very healthy environment,” said Myers.²²

Ann Van Dyke of the Pennsylvania Human Relations Commission said of Keystone United: “It appears they are tapping into and fanning the flames of mainstream America’s fear of immigrants. They are increasingly using the language of Main Street, things like, ‘We want safe communities to raise our children.’”²³

“Many white supremacist groups are going more mainstream,” said Jack Levin, a Northeastern University criminologist who studies hate crime. “They are eliminating the sheets and armbands. ... The groups realize if they want to be attractive to middle-class types, they need to look middle-class.” Levin estimated fewer than 50,000 people are members of white supremacist groups, but he says their influence is growing with a more sophisticated approach.²⁴

DHS assesses that since the 2008 election, right-wing extremists “have capitalized on related racial and political prejudices in expanded propaganda campaigns, thereby reaching out to a wider audience of potential sympathizers.”

The State of Hate: Exploiting the Internet to Promote Hatred

Extremists have taken advantage of the open forums and venues on the Internet, as well as new technologies, to promote their bigoted ideology. Whereas hate mongers once had to stand on street corners and hand out mimeographed leaflets to passersby, the Internet has allowed extremists to access a potential audience of millions—including impressionable youth. It has also facilitated communication among like-minded bigots across borders and oceans, anonymously and cheaply enhancing their ability to promote and recruit for their cause.

During the period 2005-2008, white supremacists spread their hate messages and recruited new members through the use of social networking on mainstream sites such as *MySpace* or *Facebook* and extremist sites such as *NewSaxon*. Thousands of white supremacists have flocked to these sites, which allow them to link to other individuals much more easily than web-based forums or discussion groups. The two white supremacists arrested in the fall of 2008 for plotting a racist shooting spree and assassination attempt on Barack Obama were reportedly introduced to each other by a mutual friend on a social networking website. Even members of racist prison gangs have flocked to these sites and use them regularly.

In 2008, there has been a marked increase in anti-Semitic material in online discussion groups hosted on such mainstream websites as *Yahoo!*, *Google*, and *AOL*. Although there have been anti-Semitic comments on various online groups for some time, the number of these postings has doubled on *Yahoo! Finance* message boards as a result of the global economic crisis in the United States and the Bernard Madoff financial scandal. In addition, the recent comments have been more virulently anti-Semitic. These anti-Semitic postings have continued as the financial crisis has deepened. *Yahoo!*, however, has taken down many of the comments after they have been posted.

Haters are finding new and creative ways to spread their message. Many online newspapers allow readers to post

comments after each article. Extremists are taking advantage of these open online venues to post anti-Semitic and racist comments, often completely unrelated to the article to which they are attached. In the wake of the Madoff scandal, the Florida-based *Palm Beach Post* had to disable its comments section due to the avalanche of anti-Semitic comments.

Anti-Semites and racists have found video-sharing websites, such as *YouTube* and *MySpace Video*, an effective means to promote propagandist and hateful material that might not otherwise be seen by the public. Internet users who search video-sharing sites will often find anti-Semitic and racist videos when looking for information completely unrelated to the videos due to misleading tags and titles that extremists attach to the videos when uploading them to the sites.

Extremist groups and individuals are reformatting their websites to make them accessible to as many people as possible on Internet-enabled cell phones through *Mobile Web*. For example, *Stormfront*, the largest and most popular white supremacist forum on the Internet, and the *Vanguard News Network* forum, another popular white supremacist site, are fully accessible and searchable via a cell phone.

Although hate speech is offensive and hurtful, the First Amendment usually protects such expression. Beyond spreading hate, however, 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 websites that can be relocated and abandoned overnight. 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.

THE INTERNATIONAL COMPONENT

Bias-motivated violence has been on the rise in many countries across Europe, the former Soviet Union, and North America—in some cases more than doubling in the last five years. Racism, anti-Semitism, xenophobia, anti-Muslim and anti-Roma bias, religious intolerance, disability bias, and homophobia are among the prejudices that have fueled hate crimes in those countries. That trend toward rising violence continued in 2007 and 2008 for several types of hate crime, including anti-Semitic, racist, and homophobic attacks. Although official data is available only for a minority of countries—mostly on racist violence alone—there were moderate to high rises in the officially recorded numbers of such attacks in 2006 and 2007 in Finland, Ireland, the Slovak Republic, Sweden, and the United Kingdom.

Information from nongovernmental monitors showed rising levels of racist violence in Greece, Italy, the Russian Federation, Spain, Switzerland, and Ukraine. A 2007 European crime victimization survey of people of immigrant background revealed high levels of hate crimes in Greece, Italy, Portugal, and Spain, despite the virtual absence of official data in those countries.

People of African origin and Roma were the targets of particularly frequent and extreme acts of racist and xenophobic violence in 2007 and 2008. Refugees and asylum seekers were also victims of numerous racist attacks. Anti-Muslim violence fueled by both racism and religious hatred continued at high levels, notably in France, Germany, and the United Kingdom. Mosques were desecrated or set alight, cemeteries were vandalized, and Muslim religious leaders, ordinary Muslims, and those perceived to be Muslim were targeted for sometimes deadly assaults.

The level of personal violence motivated by anti-Jewish prejudice remains historically high in many countries of Europe and North America. Anti-Semitic violence rose in

Canada, Germany, the Russian Federation, Ukraine, and the United Kingdom. Violent attacks on persons as a proportion of overall incidents continued to rise in the United Kingdom and remained at high levels in France. Hundreds of Jewish cemeteries and memorials were vandalized throughout much of the region, mostly with impunity.

In the Russian Federation, Turkey, and the Central Asian republics, bias attacks on minority Christian faiths were increasingly common. Adherents of religions deemed by governments to be nontraditional in Eastern Europe and the Former Soviet Union were among those targeted for violence, sometimes in the context of government restrictions on religious activities and official rhetoric that vilifies such groups.

In Ireland and the United Kingdom, a new pattern of violence emerged in which Eastern European immigrants from the newly expanded E.U. were targeted with violent assaults, firebombs, and murder. In Germany, Greece, and Switzerland, anti-immigrant political campaigns generated new waves of racist violence against immigrants. In Switzerland, there were at least six firebomb or gunfire attacks on housing for asylum seekers in 2007.

In Italy, in 2007 and 2008, anti-Roma rhetoric by top leaders combined with aggressive anti-immigration policies to help generate racist violence at a level unprecedented in recent history. In several Italian cities, pogroms devastated Roma communities housing both Italian nationals and Roma immigrants. Attackers terrorized Roma and burned their settlements to the ground as police in some cases stood by. Some public officials added fuel to the fire by calling to eradicate the presence of Roma in towns and cities in official statements both before and after the attacks.

In Ukraine and the Russian Federation, extreme nationalists targeted immigrants and national minorities considered to be “dark-skinned” for assaults and, increasingly, murders. In the Russian Federation—where the leading NGO monitor of

hate crimes documented nearly 100 racist or other bias-motivated murders in 2008—racial chauvinist attackers, in a new phenomenon, video-taped the execution style murders and attacks of minority victims.

Continuing violence motivated by hatred and prejudice based on sexual orientation and gender identity, though still largely unseen, is an intimidating day-to-day reality for people across Europe and North America. As in the past, the years 2007 and 2008 saw the greatest public visibility for LGBT persons in the form of gay pride parades, although that visibility triggered violence and other manifestations of intolerance in several countries. While gay pride events in Eastern Europe have frequently been targeted for verbal and physical attacks, increased official protection was reported in 2007 and 2008 in a number of countries in contrast to previous years, including Croatia, Estonia, Latvia, Poland, Romania. In others, such as Moldova and the Russian Federation, the authorities themselves continued to contribute to the danger faced by the participants in gay pride parades. In Bulgaria, the Czech Republic, Hungary and Slovenia, violent attacks occurred despite police action to protect the marchers.

GOVERNMENT AND INTERGOVERNMENTAL RESPONSES

Overall, government responses to the rise of bias-motivated violence have been inadequate. Despite making official commitments to combat hate crime, many governments have yet to introduce necessary legislative tools, carry out official monitoring of incidents, or implement police training, educational, and community engagement programs that would contribute to a more robust response to the problem.

While more governments are now responding to hate crime violence with monitoring and reporting systems, these governments still represent a significant minority. Some 40 governments (among the 56 states of the Organization for Security and Cooperation in Europe—the OSCE) do not collect and report expressly on violent hate crimes of any kind, or do so in an extremely limited manner. Even where data on racist violence may be developed, official data is often poorly disaggregated and does not cover certain bias crime, such as anti-Roma and anti-Muslim violence. Civil

society groups help to fill these gaps in many countries, and have been instrumental in pointing out failures in government responses.

Though more than 38 of the 56 OSCE states have hate crime legislation of some kind, others have no such provisions. Even when hate crime legislation is on the books, most countries fall short on implementation. Italy, Spain, and Ukraine, for example, have hate crime legislation, but almost nothing to show with regard to reporting or prosecutions for hate crime incidents.

Some governments have responded to hate crime violence by strengthening their criminal justice response. This has included new legislation addressing hate crimes in Croatia (defining hate crimes to include a broad range of bias motivations, including sexual orientation and disability bias), Latvia (defining racist motivation as an aggravating circumstance), Portugal (on sexual orientation bias crimes). Others, like France, Sweden, and the United Kingdom have seen the benefit of major initiatives by law enforcement and prosecution services to introduce training and procedures making the implementation of hate crime legislation a major priority.

European countries' criminal law most commonly addresses hate crimes motivated by racism (including bias motivated by national origin, ethnicity, and xenophobia) and religious intolerance. Hate crime laws extend to sexual orientation bias in twelve of the 56 OSCE countries, with disability bias covered in only seven.

On an intergovernmental level, the OSCE has addressed hate crimes as a human rights issue and as a threat to regional security. In a series of high-level decisions, OSCE participating states have made commitments to monitor hate crimes and to regularly report on these findings and measures taken to combat them. The organization—particularly through its Office for Democratic Institutions and Human Rights' (ODIHR) Tolerance and Non-Discrimination Unit—has provided a unique forum to address hate crimes that brings together the governments of Europe, Central Asia, and North America. Among other initiatives, the OSCE has hosted a series of international conferences, round tables, and consultations on anti-Semitism, racism and xenophobia, anti-Roma bias, and anti-

Muslim bias; appointed three personal representatives to the Chairman-in-Office on combating various forms of discrimination; provided training for law enforcement and civil society groups monitoring hate crimes; and produced regular reporting on hate crimes and measures to combat them.

As part of one recent initiative, the ODIHR recently published new guidance designed to establish a common framework for improving responses to hate crimes within the OSCE. The new publication, *Hate Crime Laws: A Practical Guide*, provides practical and accessible advice for lawmakers, community-based organizations, and law enforcement personnel charged with prevention and effective response to bias-motivated violence. The *Guide* is drafted to reflect the many different legal systems and traditions from the 56 nations that comprise the OSCE. The *Guide* has been already been used by ODIHR as the basis for legislative reviews and training sessions and has been translated into several languages, including French, Russian, and German.

INTERNATIONAL POLICY RECOMMENDATIONS FOR THE GOVERNMENT OF THE UNITED STATES

To demonstrate international leadership and reduce the number of hate crimes worldwide, the United States should take the following steps:

Demonstrate International Leadership at the OSCE

Take a leading political role in advancing the OSCE's tolerance and nondiscrimination agenda by ensuring support and guidance for the OSCE Chairman-in-Office's three personal representatives on combatting intolerance and the ODIHR's Tolerance and Non-Discrimination Unit, as well as ensuring continued high-level discussions on hate crimes within the framework of the organization.

Provide for extrabudgetary contributions, secondment of personnel, and other in-kind support for OSCE programs to combat violent hate crimes, including making available its law enforcement expertise. In this connection, undertake a process to assess and reform the current mechanism of budget allocation by the State Department to ensure that

the United States meets its funding obligations to the OSCE in a timely manner.

Advocate in Bilateral Relationships and Offer Technical Assistance

Promote stronger government responses to violent hate crime among OSCE participating states through U.S. reporting as well as the bilateral relationships of the United States with those countries, by:

- Maintaining strong and inclusive State Department monitoring and public reporting on racist, xenophobic, anti-Semitic, anti-Muslim, homophobic, anti-Roma, and other bias-motivated violence—including by consulting with civil society groups as well as providing appropriate training for human rights officers and other relevant mission staff abroad.
- Raising violent hate crime issues with representatives of foreign governments and encouraging, where appropriate, legal and other policy responses, including those contained in Human Rights First's ten-point plan for governments to combat violent hate crime (available at: <http://www.humanrightsfirst.org/discrimination/pages.aspx?id=152>).
- Offering appropriate technical assistance and other forms of cooperation, including training of police and prosecutors in investigating, recording, reporting and prosecuting violent hate crimes.

Support Civil Society Organizations

Expand funding and other support to build the capacity of civil society groups in the OSCE region to combat violent hate crimes, by:

- Providing extrabudgetary support to expand ODIHR's civil society training program on combating hate crimes.
- Ensuring that groups working to combat all forms of violent hate crime have access to support under existing U.S. funding programs, including the Human Rights and Democracy Fund and programs for human rights defenders.

The Human Face of Hate Crimes

HATE CRIMES AGAINST AFRICAN AMERICANS

Despite the election of our nation's first African-American president, African Americans remain by far the most frequent victims of hate crimes. Of the 7,624 hate crime incidents reported nationwide in 2007, the most recent year for which data is available, 34 percent (2,659) were perpetrated against African Americans, a number and percentage of incidents that has changed little over the past 10 years. According to the FBI's HCSA report, more than twice as many hate crimes were reported against African Americans as against any other group.

From lynching, to burning crosses and churches, to murdering a man by chaining him to a truck and dragging him down a road for three miles, anti-black violence has been and still remains the prototypical hate crime, intended not only to injure and kill individuals but to terrorize an entire group of people. Hate crimes against African Americans have an especially negative impact upon society for the history they recall and perpetuate, potentially intimidating not only African Americans, but other minority, ethnic, and religious groups.

Examples of recent hate crimes committed against African Americans include:

- On Election Night 2008, Ralph Nicoletti and Michael Contreras, both 18, and Brian Carranza, 21, of Staten Island, New York decided shortly after learning of Barack Obama's election victory "to find African Americans to assault," according to a federal indictment and other court filings. The men then drove to a predominantly African-American neighborhood in Staten Island, where they came upon a 17 year-old African American who was walking home after watching the election at a friend's house. One of the defendants yelled "Obama!" Then, the men got out of the car and beat the youth with a metal pipe and a collapsible police baton, injuring his head and legs. The men went on to commit additional assaults that night.

Their hate crime spree culminated with crashing their car into a man who they mistakenly believed to be African-American, causing his body to shatter the windshield. While the victim ultimately survived the attack, he was in a coma for a period of time.²⁶ Brian Carranza pleaded guilty to conspiring to assault Staten Island residents after the election of President Obama and faces 10 years in prison. Nicoletti and Contreras pleaded not guilty.²⁷

- Justin Sigler, 19, of Natchitoches, Louisiana, pleaded guilty in December 2008 to conspiring with two other individuals to violate the civil rights of a man in Lena, Louisiana who was the first African American to move into a home in the neighborhood. Sigler and two others fired shotguns at a target on a field adjacent to the victim's property before one member of the group turned his shotgun away from the target and toward the victim and his house. The next evening, Sigler, dressed in a white robe as a member of the Ku Klux Klan, went with his co-conspirators to a field adjacent to the victim's residence and shouted, "White Power!" and "White Knights!" Shaken by these events, the family eventually sold their home.²⁸
- William A. "Bill" White, the self-proclaimed Commander of the American National Socialist Workers Party, a neo-Nazi group, was indicted by a federal grand jury for, among other charges, using intimidation to delay or prevent the testimony of African-American tenants in an official court proceeding. The tenants were involved in a discrimination case against their landlord. On May 23, 2007, White allegedly mailed letters to the African-American tenants at their Virginia Beach, Virginia homes. The letters displayed the letterhead of the White National Socialist American Working Party, a Nazi swastika and White's signature and title. The letters read, in part: "I do not know [name redacted] but I do know your type of slum nigger, and I wanted you to know that your actions have not been missed by the white community ... and we know that you

are and will never be anything other than a dirty parasite—and that our patience with you and the government that coddles you runs thin.” In addition to the letter, White also included a copy of the ANSWP Magazine titled “The Negro Beast and Why Blacks Who Work Aren’t Worth the Cost of Welfare.”

The indictment also charged that White threatened to injure “LP,” an African-American journalist. On June 3, 2007, at approximately 11 p.m., White called LP’s personal telephone at his Bowie, Maryland home and spoke with LP’s wife. Fifteen minutes later, White sent LP an e-mail, which read, in part: “You and your fellow black filth are quickly losing ground and I look forward to the rapidly approaching day when whites once again rise up and slaughter and enslave your ugly race to the last man, woman and child. Itz [sic] coming.” White then listed LP’s personal home phone number, date of birth, home address, and wife’s name on overthrow.com and other websites frequented by white supremacists. At the end of the post, White wrote, “His wife gets very upset when you call.”

Another count of the indictment charged White with threatening to injure “CT,” the African-American mayor of a town in New Jersey. On March 1, 2008, White contacted CT via telephone and spoke with CT’s wife. He identified himself as the Commander of a Neo-Nazi organization and told CT’s wife that he knew where she lived and was going to put a swastika on her front yard. Soon after, White sent an e-mail to CT, which read, in part, as follows: “I recently read of the racism you’ve faced in New Jersey, and I wanted to make something perfectly clear:

1. You are a nigger unworthy to govern over any white man; and,
2. Fuck you. You’ve gotten exactly what you deserve from your constituents.

“Unfortunately, the days when white men would simply burn the local newspaper and run the nigger officials out with tar and feathers are past. However, your incidents give me hope that perhaps we shall see them again. ... ps: we know where you live at [CT’s address and phone number]. I just spoke to your wife [CT’s wife’s name]. I hope you got my message.”²⁹

- Benjamin Haskell, 22, Michael Jacques, 24, and Thomas Gleason, 21, all of Springfield, Mass., were arrested on January 16, 2009 for allegedly burning and entirely destroying the Macedonia Church of God in Christ, a predominantly African-American congregation’s nearly completed new church building. The building was burned to the ground on Nov. 5, 2008, hours after the election of President Barack Obama. Investigators determined the fire was caused by gasoline applied to the exterior and interior of the building.³⁰ The three men were indicted by a federal grand jury on January 27, 2009 for conspiring to burn the church in retaliation for the election results.³¹
- Steven Sandstrom, 23, and Gary L. Eye, 22, both of Kansas City, Missouri were sentenced to multiple life sentences on September 9, 2008 for the racially-motivated murder of William L. McCay on March 9, 2005. While McCay was walking to work one morning, Eye attempted to shoot McCay with Sandstrom’s gun as they were driving in a stolen car. He missed and McCay fled. Eye and Sandstrom, afraid that McCay would report them to the police, pursued him. At the next block, Eye got out of the car and fatally shot him.³²

HATE CRIMES AGAINST HISPANICS

In the five years from 2003-2007, the number of hate crimes reported against Hispanics increased nearly 40 percent (from 426 in 2003 to 595 in 2007). Of all hate crimes reported in the United States in 2007, 7.8 percent were committed against Hispanics. Of hate crimes in 2007 motivated by bias due to the victim’s ethnicity or national origin, nearly 60 percent were committed against Hispanics, up nearly 50 percent from 2003. This alarming increase, and its correlation to increasingly virulent anti-immigrant rhetoric, is discussed above in *The State of Hate: Escalating Hate Violence Against Immigrants*. Other examples of recent hate crimes committed against Hispanics include:

- In Brooklyn, New York on December 7, 2008, Jose Osvaldo Sucuzhañay, a 31 year-old Ecuadorian and father of two, was walking home from a bar and a church party with his brother, their arms around each other, as is common among men in many Latino cultures. Three men

drove up to the brothers yelling anti-gay and anti-Hispanic slurs. While his brother escaped, Sucuzhañay, who ran a local real estate agency and had lived in New York for a decade, was struck on the head by a beer bottle and fell to the ground. Another attacker beat his head with an aluminum baseball bat. The three attackers continued kicking and punching him. Suffering severe head fractures and extensive brain damage, he died two days later.³³ Keith Phoenix, 28, and Hakim Scott, 25, were indicted on March 3, 2009. The two men were charged with second-degree murder, manslaughter and assault, all as hate crimes, and could face 78 years to life in prison. Both men claim that they are not guilty.³⁴

- On Long Island, New York on November 8, 2008, Marcelo Lucero, a 37 year-old Ecuadorian real estate agent, was beaten and fatally stabbed by seven teenagers who were driving around to “go find some Mexicans to f— up.” The teens spotted Lucero and a friend, then proceeded “[l]ike a lynch mob...got out of their car and surrounded Mr. Lucero,” beating and stabbing him, according to the local prosecutor. The teenagers, all 17 and 16 years old, were charged with felony gang assault. One of them was also charged with manslaughter as a hate crime. Steve Levy, the County Executive of Suffolk County, where the murder occurred, has frequently and forcefully spoken out against immigrants, including on *Lou Dobbs Tonight*.

The New York Times editorialized about Lucero’s death and hate crimes against Latinos:

A possible lynching in a New York suburb should be more than enough to force this country to acknowledge the bitter chill that has overcome Latinos in these days of rage against illegal immigration.

The atmosphere began to darken when Republican politicians decided a few years ago to exploit immigration as a wedge issue. They drafted harsh legislation to criminalize the undocumented. They cheered as vigilantes streamed to the border to confront the concocted crisis of Spanish-speaking workers sneaking in to steal jobs and spread diseases. Cable personalities and radio talk-show

hosts latched on to the issue. Years of effort in Congress to assemble a responsible overhaul of the immigration system failed repeatedly. Its opponents wanted only to demonize and punish the Latino workers on which the country had come to depend.

A campaign of raids and deportations, led by federal agents with help from state and local posses, has become so pervasive that nearly 1 in 10 Latinos, including citizens and legal immigrants, have told of being stopped and asked about their immigration status, according to the Pew Hispanic Center. Now that the economy is in free fall, the possibility of scapegoating is deepening Hispanic anxiety.³⁵

HATE CRIMES AGAINST JEWS

In 2007, there were 969 reported hate crimes committed against Jews, according to the FBI, constituting 12.7 percent of all hate crimes reported and 69 percent of religious bias hate crimes reported.

The Jewish community—unlike some new immigrant communities—has long understood the importance of reporting crimes directed against community members and institutions. The Anti-Defamation League has been collecting information on anti-Semitic incidents since 1979. Using official crime statistics and information provided to ADL’s regional offices by victims, law enforcement officials, and community leaders, the ADL’s Audit provides an annual snapshot of this activity and helps identify possible trends. In 2007 (the most recent report available), the League reported 1,460 incidents—761 directed at individuals and 699 directed at institutions.³⁶

The Nazi swastika, one of the most powerfully-enduring symbols of anti-Semitism and religious and ethnic hatred, has been present in hundreds of attacks against buildings, synagogues, cemeteries, and private homes over the past few years. In September 2007, for example, a massive swastika, the size of a football field, was carved into a New Jersey cornfield.

Hate groups continue to utilize the Internet to spread their message of anti-Semitism and hate. In recent years, groups

such as the National Socialist Movement and Ku Klux Klan actively contributed to the continued Internet circulation of anti-Jewish conspiracy charges and theories of Jewish control of government, finance, and the media. There are thousands of hate sites on the Internet, and they continue to multiply. Many of these sites include Internet radio shows and downloadable music and games with anti-Semitic themes and propaganda. Extremists also continued to exploit social networking sites, such as *MySpace*, *Facebook*, *YouTube*, and blogs, using text messages and videos to propagate anti-Semitism.

Examples of recent anti-Semitic hate crimes include:

- On June 10, 2009, a white supremacist and anti-Semite entered the U.S. Holocaust Memorial Museum on the Mall in Washington, DC and opened fire, killing a security guard, Stephen T. Johns, before being critically wounded himself. The shooter, James Von Brunn, has published an anti-Semitic book and created an anti-Semitic Web site, on which he posted Holocaust denial essays and embraced various conspiracy theories involving Jews, blacks and other minority groups. He had been arrested and imprisoned in 1981 for using a sawed-off shotgun to try to take Federal Reserve Board members hostage on the grounds that Jews control the nation's banking system.

That night, President Obama issued a statement saying, in part, "This outrageous act reminds us that we must remain vigilant against anti-Semitism and prejudice in all its forms. No American institution is more important to this effort than the Holocaust Museum, and no act of violence will diminish our determination to honor those who were lost by building a more peaceful and tolerant world." Later in the week, the House of Representatives passed H Res 529 and the Senate passed S Res 184 to condemn the attack, support the important work of the Holocaust Museum, and express condolences to the family of Officer Johns.

- On May 20, 2009, four New York residents were arrested for an alleged plot to attack two synagogues in the Bronx and to shoot down planes at a military base in Newburgh, New York. They were arrested after planting what they believed to be bombs in cars outside of the Riverdale Temple and the nearby Riverdale Jewish Center. They also

plotted to destroy military aircraft at the New York Air National Guard Base located at Stewart Airport in Newburgh, New York.

Evidence indicates that the four perpetrators were Muslims and were motivated to act because of their hatred of America and Jews. "These were people who were eager to bring death to Jews," Assistant U.S. Attorney Eric Snyder said at a court hearing the day after the arrests. "These are extremely violent men." Authorities said the men were angry over the U.S. war in Afghanistan and had voiced hatred of Jews

The men reportedly began surveillance of several synagogues and a Jewish Community Center in the Bronx in April 2009. In preparation for the attack, the men went to a warehouse in Stamford, Connecticut to obtain what they believed to be a surface-to-air guided missile system and three IEDs, which they transported back to Newburgh. The men also purchased a semiautomatic handgun to use during the planned terrorist operation.

On June 2, the U.S. District Court in New York returned an eight-count indictment against the four suspects, adding three counts of attempting to use weapons of mass destruction and two counts of conspiracy to kill U.S. officers and employees.

- In December 2007, four Jewish students from Hunter and Baruch Colleges in New York City were assaulted on a subway train by a group of eight assailants as they wished people a happy Hanukkah. At least two victims were punched in the face, and a knife was pulled. Police arrested the assailants after the train was stopped.
- In January 2008, more than 50 headstones were overturned and vandalized in a northwest Chicago Jewish cemetery. The headstones were sprayed with anti-Semitic images, such as swastikas and the Star of David hanging from a gallows. Some grave markers also contained white supremacist symbols. A 21 year-old self-professed neo-Nazi was arrested and charged with felony hate crime and felony criminal damage to property.
- In July 2006, an individual forced his way into the building of the Jewish Federation of Greater Seattle and went on a mur-

derous rampage, killing one woman, Pam Waechter, 58, and seriously injuring five others, one of whom was 17 weeks pregnant. Eyewitnesses reported that the murderer, a U.S. citizen of Pakistani descent, forced his way through a security door and announced "I'm a Muslim American; I'm angry at Israel" as he began shooting. The perpetrator told a 911 dispatcher "I want these Jews to get out....I'm upset at your foreign policy. These are Jews...." He was arrested and charged with fifteen felony counts, including murder. In June 2008, a jury deadlocked on the question of the insanity of the perpetrator. The King County prosecutor has promised to retry the case. The trial is scheduled for October 2009.³⁷

HATE CRIMES AGAINST ASIAN PACIFIC AMERICANS

Ignorance, racism, and anti-immigrant sentiment cause hate violence targeting of Asian Pacific Americans of Chinese, Japanese, Korean¹⁵, or Vietnamese descent, and other heritages. In 2007, 2.5 percent of all reported hate crimes (188 out of 7,624) were committed against Asian Pacific Americans, a ratio that has declined slightly relative to other groups over the past decade.

This decline obscures an extremely disturbing fact: many of these hate crimes are perpetrated against Asian Pacific American children, often by other children. In a troubling article titled "Asian Youth Persistently Harassed By U.S. Peers," the Associated Press chronicled these hate crimes committed against Asian Pacific American youth:

- In 2005, while waiting on a subway platform in Brooklyn, New York, 18 year-old Chen Tsu was accosted by four high school classmates who demanded his money. After Tsu showed his classmates his pockets were empty, they assaulted him, taking turns beating his face. Tsu was scared and injured—bruised and swollen for several days—but hardly surprised. At his school, Lafayette High in Brooklyn, Chinese immigrant students like him are harassed and bullied so routinely that school officials in June agreed to a Department of Justice consent decree to curb alleged "severe and pervasive harassment directed at Asian-American students by their classmates." Said Tsu after his beating, "Those guys looked like they could kill somebody. ... I was scared to go back to school."

- In South Boston, 16 year-old Vietnamese student Bang Mai was killed on July 11, 2004 in a massive brawl between white and Vietnamese youths. The basketball court brawl was the result of weeks of tension between the two groups. Mai was fatally stabbed as he attempted to walk away from the brawl. Sixteen year-old Keith E. Gillespie was convicted of manslaughter and sentenced to five years in prison.³⁸
- In Fresno, California at Edison High School, Hmong students had been taunted and had food thrown at them during lunch. On February 25, 2005, the taunts escalated into fights involving at least 30 students, resulting in numerous injuries, suspensions, and expulsions. Eight students were convicted of misdemeanor assault.³⁹

Across the nation, the Associated Press found that Asian students say they are often beaten, threatened, and called ethnic slurs by other young people, and school safety data suggest that the problem may be worsening. Youth advocates say these Asian teens, stereotyped as high-achieving students who rarely fight back, have for years borne the brunt of ethnic tension as Asian communities expand and neighborhoods become more racially diverse. "We suspect that in areas that have rapidly growing populations of Asian Americans, there often times is a sort of culture clashing," said Aimee Baldillo of the National Asian Pacific American Legal Consortium (now the Asian American Justice Center). Youth harassment is "something we see everywhere in different pockets of the U.S. where there's a large influx of (Asian) people."⁴⁰

Other examples of hate crimes committed against Asian Pacific Americans include:

- In August 2006, four New Yorkers of Chinese descent were attacked in Douglaston, Queens, New York by two white men shouting racial epithets. The white men beat two of the Chinese Americans with a steering wheel locking bar. Kevin M. Brown, 19, of Auburndale, and Paul A. Heavey, 20, of Little Neck, were charged with assault and hate crimes. Douglaston and other nearby communities are now almost one-third Asian, and tensions have escalated. "There's an undercurrent of suspicion of the new immigrant—what are they doing, what are they building, what are they putting in that store?" said Susan Seinfeld, the district manager of Community Board 11, which includes Douglaston. A local City Councilman has intro-

duced legislation to require store owners to include English translations on signs.⁴¹

"It definitely doesn't shock me," said one white resident of the area about the attack. "The entire strip of Northern Boulevard in the past four or five years went from German and Italian to Korean."⁴²

- In Chicago in September 2007, Du Doan, a 62 year-old Vietnamese man, was pushed off a fishing pier into the icy waters of Lake Michigan, where he drowned. John Haley, 31, a self-described "skinhead,"⁴³ was charged with first degree murder after he told police how he "pushed our victim in the water—that being taking both hands, shoving them in the back, and literally catapulting him into the water." Earlier, Haley reportedly pushed a second Asian man into Lake Michigan who was able to swim safely to shore and also tried to shove a third Asian man off the pier who fought him off. Despite these reports, police did not charge Haley with a hate crime and have not classified the murder as a hate crime incident.⁴⁴

HATE CRIMES AGAINST ARAB AMERICANS, MUSLIMS, AND SIKHS

Following the terrorist attacks of September 11, 2001, the number of hate crimes directed against Arab Americans, Muslims, and Sikhs escalated dramatically. In 2001, Arab Americans, Muslims, and Sikhs were victimized in nearly five percent of the total number of hate crimes reported that year (481 out of 9,730), a seventeen-fold increase over the prior year. While the number of reported hate crimes against Arab Americans, Muslims, and Sikhs has declined from the peak of 2001, it remains substantially above pre-2001 levels. In 2007, for example, 115 hate crimes were reported—more than four times as many as were reported in 2000.

Examples of hate crimes against Arab Americans, Muslims, and Sikhs include:

- In January 2009, Memphis store clerk Mohammed Al Hadi was murdered by an unknown assailant who calmly took aim and then fired, as if "he has some vendetta." On the same day, at another grocery store nearby, another clerk of Middle Eastern descent was also murdered.

"It's terrible and I hate it because I knew the young man and he was nice," said one community resident. But a community activist warned that the store owners will need "to have a lot of security because this is not the end. This is only the beginning."⁴⁵

The two murders came on the heels of the killing on New Year's Day 2009 of an African American during an angry confrontation with another Middle Eastern store clerk, who police charged with murder. Following the shooting, unknown perpetrators set fire to the store and an employee's car, and activists called for a boycott of "all Arab-owned businesses in the neighborhood."⁴⁶

This incident reveals a significant problem with likely underreporting of hate crimes by law enforcement authorities. As of the date of this report, Memphis Police had classified the deaths of the two Middle Eastern grocery clerks as robberies, not hate crimes.⁴⁷ On March 6, 2009 George Williams was arrested and charged with first degree murder in perpetration of a robbery.⁴⁸

- In Berkeley, California in September 2004, eight female Muslim students at the University of California were accosted by three white males who sprayed water on them, pelted them with water bottles, screamed derogatory statements, and mocked the traditional hijabs worn by some Muslim women. One woman was called an "East Oakland nigger." Two of the Muslim women reported that while this was the first time they have been physically confronted in Berkeley, verbal racial taunts are frequent.⁴⁹
- On a Lake Tahoe beach in July 2007, Vishal Wadhwa, 38, suffered fractures of several facial bones and an orbital fracture in one eye after being kicked and beaten by Joseph and Georgia Silva. Wadhwa approached the Silvas after they called him, his fiancée, and her cousin "terrorists," "relatives of Osama Bin Laden," and other slurs. The Silvas mistakenly believed the three victims "were Iraqi or Iranian or Middle Eastern"—in fact, they are all Indian American.

In August 2008, the Silvas pleaded guilty to misdemeanors after a judge dismissed hate crime charges against Joseph Silva, finding that prosecutors had failed to prove that the

attack was motivated by hate or prejudice or that sufficient force was used to make the crime a felony.⁵⁰

- In October 2008, Gagandeep Singh, a 10 year-old Sikh boy, was assaulted while walking home from school in Wayne, New Jersey by an unknown assailant who threw him to the ground and then cut his hair. To Sikhs, the cutting of hair is a particularly hateful crime, as they consider their hair a gift from God. "He came out of nowhere," Singh said. "He just came up behind me, threw me on the floor, held me with his feet and cut my hair with the knife or scissor. Then I jumped a few fences and ran away because I was so scared." Singh wonders of his assailant, "Why did you cut my hair? What do you want from Punjabis?"

A few weeks later, a 67 year-old Sikh man was viciously beaten in the same community. "I said, 'What do you want?' And he hit me," Ajit Singh Chima said. "A blow on the nose knocked me to the ground, [then] he kept punching and punching."

Authorities believe the same assailant committed both crimes and that the motive was hate.⁵¹

HATE CRIMES AGAINST LESBIAN, GAY, BISEXUAL, AND TRANSGENDER INDIVIDUALS

Reported hate crimes committed against individuals because of their sexual orientation increased in 2007 to 1,265, the highest level in five years. Of all hate crimes reported in 2007, the proportion committed against lesbian, gay, bisexual, and transgender (LGBT) individuals rose to 16.6 percent, also the highest level in five years. According to the FBI's HCSA reports, gay men and lesbians have consistently been the third most frequent target of hate violence over the past decade.

The result of this increase in hate crimes based on sexual orientation is heightened fear and insecurity among LGBT individuals. Says Candace Nichols of the Gay and Lesbian Community Center of Southern Nevada, "Every time I get into an elevator with people, if I'm not by myself, I make sure I'm with a friend. When I go to the bathroom, I always make sure someone is with me, and that's not something I used to do."⁵²

"Until we address the root causes of bias toward (LGBT) people, we'll continue to have hate perpetrated against us," says Shawna Virago, a program director for the San Francisco advocacy group Community United Against Violence.⁵³

Examples of high profile hate crimes committed against LGBT individuals that have heightened fear and insecurity and perpetuated hate against them include:

- In Richmond, California on December 13, 2008, an openly gay 28 year-old woman was attacked and gang raped by four men, including two juveniles, on a street outside her parked car. The perpetrators took her to a second location and assaulted her again, all the while making slurs about her sexual orientation. As Shawna Virago noted, "The only way we know about (the Richmond) case is because of the bravery of the survivor coming out. Hatred and bias are a routine occurrence for many LGBT people." Two men and a teenager were charged on January 6, 2009. Thirty-one year-old Humberto Hernandez Salvador, 21 year-old Josue Gonzalez, and 16 year-old Darrell Hodges were charged with kidnapping, carjacking and gang rape. A 15 year-old boy was also arrested in connection with the attack.⁵⁴ Hate crime enhancements were added to charges against Salvador.⁵⁵

"What you get is this kind of immature desire to display power," said Jose Feito, a psychology professor at St. Mary's College in Moraga, California. "And so they go looking for easy victims, or suitable victims." "Suitable" in the Richmond case, according to Feito, meant a victim who the perpetrators could marginalize in their minds due to her sexual orientation and gender nonconformity. "That all ties into blaming the victim, who's seen as flaunting their homosexuality."⁵⁶

- In Oxnard, California on February 12, 2008, 15 year-old Lawrence King was sitting in a computer lab at his junior high school when Brandon McInerney, 14, shot him twice in the head as their fellow students watched in horror. "Even before his death, Larry King was notorious," according to press reports. "He was the sassy gay kid who bragged about his flashy attire and laughed off bullying, which for him included everything from name-calling to wet paper towels hurled in his direction. King was an

easy target—he stood 5 foot 4 and was all of 100 pounds.”⁵⁷ In McInerney’s bedroom, investigators discovered a “trove” of white supremacist literature and drawings, depicting a “racist skinhead philosophy of the variety espoused by Tom Metzger, David Lane and others,” according to a prosecution filing with the court. McInerney is being tried as an adult on a murder count, plus a hate crime allegation.⁵⁸

- In Greeley, Colorado on July 16, 2008, Angie Zapata, 20, was fatally beaten by her date after he discovered she was transgender. Zapata’s killer, Allen Andrade, told police that after he discovered Zapata had male genitalia, he hit her twice in the head with a fire extinguisher thinking he had, in his words, “killed it.” Andrade was reportedly a member of a Colorado gang that is reputed to have a zero-tolerance policy on homosexuality. He was charged with first degree murder and a hate crime.⁵⁹ Andrade was found guilty of these crimes on April 22, 2009.
- In Greenville, South Carolina on May 21, 2007, Sean Kennedy, a gay man, died of injuries sustained after he was attacked outside a bar. While making derogatory comments regarding Kennedy’s sexual orientation, the assailant fatally beat and punched him until he fell, hitting his head on the pavement. The killer was originally charged with murder, but his charge was reduced to involuntary manslaughter. He was sentenced to five years in prison, which was suspended to three years with credit for the seven months he had already served. He was also ordered to attend both anger management and drug/alcohol management classes. No hate crime was charged as South Carolina is one of only five states (along with Arkansas, Georgia, Wyoming, and Indiana) that do not have a penalty-enhancement hate crime law.⁶⁰

HATE CRIMES AGAINST INDIVIDUALS WITH DISABILITIES

In 2007, 79 hate crimes were reported against individuals with disabilities, one percent of the total reported. This represents a significant increase from the 44 hate crimes (0.44 percent of the total) reported in 2003.

Through much of our country’s history and well into the twentieth century, people with disabilities—including those with developmental delays, epilepsy, cerebral palsy, and other physical and mental impairments—were seen as useless and dependent, hidden and excluded from society, either in their own homes or in institutions. Now, this history of isolation is gradually giving way to inclusion in all aspects of society, and people with disabilities everywhere are living and working in communities alongside family and friends. But this has not been a painless process. People with disabilities often seem “different” in the eyes of people without disabilities. They may look different or speak differently. They may require the assistance of a wheelchair, a cane, or other assistive technologies. They may have seizures or difficulty understanding seemingly simple directions. These perceived differences evoke a range of emotions in others, from misunderstanding and apprehension to feelings of superiority and hatred.

Bias against people with disabilities takes many forms, often resulting in discriminatory actions in employment, housing, and public accommodations. Disability bias can also manifest itself in the form of violence—and it is imperative that a message be sent to our country that these acts of bias motivated hatred are not acceptable in our society.

Numerous disability and criminology studies, over many years, indicate a high crime rate against people with disabilities. However, 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 fails to do 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 disability-bias 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.

The special problems associated with investigating and prosecuting hate violence against someone with a disability makes the availability of federal resources for state and local authorities all that much more important to ensure that justice prevails. To address this need, the pending Local Law Enforcement Hate Crime Prevention Act (LLEHCPA), discussed below, will expand existing federal criminal civil rights protections to include disability-based hate crimes.

It is critical that people with disabilities are covered in the federal hate crimes statute in order to bring the full protection of the law to those targeted for violent, bias-motivated crimes simply because they have a disability.

HATE CRIMES AGAINST WOMEN

The number of hate crimes committed against women, as well as the rate of increase or decrease, is unknown. The reason is that 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.

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 many assaults against women are not "random" acts of violence but are actually bias-related crimes. As one advocate testified before Congress "women and girls.... are exposed to terror, brutality, serious injury, and even death because of their sex."

One of the most horrific examples of a gender-based hate crime is the 2006 shooting of 10 young Amish girls at the Georgetown Amish School in Bart Township, Pa., about 60 miles west of Philadelphia. Armed with three guns, two knives, and 600 rounds of ammunition, Charles Carl Roberts IV, 32, burst into the one-room schoolhouse and shot the girls at close range in the back of the head. Five were killed: Lena Miller, 7, and Mary Liz Miller, 8; Naomi Ebersol, 7; Anna Mae Stoltzfus, 12; and Marian Fisher, 13. Five others were seriously wounded. Although Roberts lived in the area, he was not Amish, and reportedly did not know his victims personally. After Roberts arrived at the school, he separated the boys, ages 6 to 13, from the girls, and allowed the boys to leave. He then lined the girls against a blackboard and bound their feet with wire ties and plastic handcuffs before shooting them. Local authorities reported that "[A]pparently there was some sort of an issue in his past that he, for some reason, wanted to exact revenge against female victims."⁶¹

Existing federal law authorizes involvement in federal crimes in which the defendant "intentionally selects a victim, or in the case of a property crime, the property that is the object of the crime, because of the actual or perceived race, color, religion, national origin, ethnicity, gender, disability, or sexual orientation of any person."⁶² In addition, federal investigators and prosecutors have authority to be involved in a limited range of non-federal hate crimes (some cases in which the victim was targeted because of race, color, religion, or national origin) but not violent crimes motivated by the victim's gender. The pending LLEHCPA would fill this gap in current law and would also require the FBI to collect statistics on gender-motivated crimes from police departments across the

country under the Hate Crime Statistics Act of 1990. These changes are crucial for women who might otherwise not be afforded relief by the criminal justice system.

The pending federal hate crime legislation would not convert every instance of domestic violence, rape, or sexual assault into a prosecution under the federal hate crime law. The law applies only to felony crimes that involve a direct connection to interstate or foreign commerce, which requires, for example, that the perpetrator or victim crossed state lines or that the perpetrator employed a weapon that traveled in interstate commerce. The legislation would also limit federal involvement to those instances in which the Attorney General (or an authorized designee) not only certifies that the crime appears to be motivated by gender bias, and confirms the need for federal intervention by certifying in each instance that local officials cannot or will not act, or have requested federal assistance, or fail to adequately prosecute the incident.

It is important to note that not every violent crime against women is a bias crime, just as not every crime against an African American is based on racial prejudice. Federal courts already routinely assess the question of gender motivation in the context of workplace discrimination claims and claims raised under other federal civil rights laws, such as 42 U.S.C. § 1983. Prosecutors and judges can rely on the same totality of the circumstances analysis—considering the language, nature and severity of the attack, absence of another apparent motive, patterns of behavior, and common sense—to determine whether a violent crime was motivated by gender bias. A look at the actual numbers of prosecutions under state hate crimes laws further stems any concern that this legislation will open the floodgates to federal hate crimes prosecutions. States that recognize gender-based hate crimes have not been overwhelmed by prosecutions of domestic violence, rape, and sexual assault under their existing hate crimes laws. Instead, these laws have operated in a very targeted way. The experience in these states demonstrates that protection against gender-motivated bias crimes is essential.

HATE CRIMES AGAINST JUVENILES

There is little published information about juvenile hate crime offenders. The FBI's annual Hate Crime Statistics Act report does not provide specific information about either juvenile hate crime offenders or victims. However, it does document that schools and colleges were the third most frequent locations for hate crimes in 2007—as they have been in every year since 2000.

In addition, according to the annual U.S. Department of Justice/Department of Education report *Indicators of School Crime and Safety: 2007*, 11 percent of students ages 12–18 reported that someone at school had used hate-related words against them, and more than one-third (38 percent) reported seeing hate-related graffiti at school in 2005.⁶³

An October 2001 report by the U.S. Justice Department's Bureau of Justice Statistics provided disturbing information about the too-frequent involvement of juveniles in hate crimes. Analyzing nearly 3,000 of the 24,000 hate crimes to the FBI from 1997 to 1999, the report found that a disproportionately high percentage of both the victims and the perpetrators of hate violence were young people under 18 years of age:

- Thirty-three percent of all known hate crime offenders were under 18; those under 18 constituted 31 percent of all violent crime offenders and 46 percent of the property offenders.
- Another 29 percent of all hate crime offenders were 18–24.
- Thirty percent of all victims of bias-motivated aggravated assaults and 34 percent of the victims of simple assault were under 18.⁶⁴

Pending Federal Legislation

In those states without hate crime statutes, and in others with limited coverage, local prosecutors are not able to pursue hate crime convictions. The Local Law Enforcement Hate Crime Prevention Act (LLEHCPA) would establish a new federal criminal code provision to complement and expand existing law and to provide additional tools for the federal government to combat bias-motivated violence. The LLEHCPA is designed to eliminate gaps in federal authority to investigate and prosecute bias-motivated crimes. This bill would provide a necessary backstop to state and local law enforcement by permitting federal authorities to provide assistance in these investigations—and by allowing federal prosecutions when necessary to achieve a just result.

Over the past eight years, this legislation has been approved on several occasions by bipartisan majorities in both the Senate and House of Representatives, but has been stymied by opposition and a veto threat from the Bush administration. The legislation has attracted the support of more than 300 religious, civil rights, education, professional, and civic groups—as well as every major law enforcement organization in America.

Public support for this legislation continues to grow. According to a May 2007 Gallup Poll, 68 percent of Americans support strengthening hate crimes laws to include sexual orientation and gender identity and giving local law enforcement the tools they need to prosecute these violent acts of bigotry.⁶⁵

For more information about the LLEHCPA, visit <http://www.civilrights.org/issues/hate/>.

Recommendations

Hate crimes merit a priority response because of their special impact on the victim and the victim's community. Failure to address this unique type of crime could cause an isolated incident to explode into widespread community tension. The damage done by hate crimes cannot be measured solely in terms of physical injury or dollars and cents. Hate crimes may effectively intimidate other members of the victim's community, leaving them feeling isolated, vulnerable, and unprotected by the law. Moreover, the demonization of immigrants has led to an increased sense of vulnerability and fear in communities around the country and created a toxic environment in which hateful rhetoric targeting immigrants has become routine—and bias-motivated violence all too common.

Every sector of society has an important role to play in helping to ensure that no person is targeted for violence on the basis of his or her personal characteristics. We offer the following recommendations for action:

SET THE TONE FOR A CIVIL NATIONAL DISCOURSE ON COMPREHENSIVE IMMIGRATION REFORM

Civil rights organizations have become increasingly concerned about the virulent anti-immigrant and anti-Latino rhetoric employed by a handful of groups and coalitions that have positioned themselves as legitimate, mainstream advocates against illegal immigration in America. Leaders from every sector—including government, media, business, labor, religion, and education—have an essential role in shaping attitudes in opposition to all forms of bigotry. These leaders must moderate the rhetoric in the immigration debate. It is vital that civic leaders and law enforcement officials speak out against efforts to demonize immigrants—and use their bully pulpits to promote better intergroup relations. They must use their power of persuasion and political clout to condemn scapegoating, bias crimes, racism, and other hate speech and hate crimes, and to press for fair and workable immigration reform.

ENSURE A STRONG LAW ENFORCEMENT RESPONSE TO CONFRONT VIOLENT BIGOTRY

Although bigotry cannot be legislated out of existence, a forceful, moral response to hate violence is required of us all. Enactment of the Local Law Enforcement Hate Crimes Prevention Act will give local law enforcement officials important tools to combat violent, bias-motivated crimes, and facilitate federal investigations and prosecutions when local authorities are unwilling or unable to achieve a just result. Importantly, the LLEHCPA would also amend the Hate Crime Statistics Act of 1990 to mandate additional Justice Department hate crime data collection reporting requirements for bias-motivated violence directed at individuals on the basis of their gender and gender identity, and for crimes committed by and against juveniles.

COMPLEMENT TOUGH LAWS AND VIGOROUS ENFORCEMENT WITH EDUCATION AND TRAINING INITIATIVES DESIGNED TO REDUCE PREJUDICE

The federal government has a central role to play in funding anti-bias education and hate crime prevention initiatives, as well as promoting awareness of effective anti-bias education initiatives. The Justice Department, the Department of Education, and other involved federal agencies should institutionalize and coordinate their response to prejudice-motivated violence and fund programs and initiatives developed for schools and for youth violence prevention programs. The federal government should make information available regarding effective hate crime prevention programs and resources, successful anti-bias training initiatives, and best practices. The FBI should receive funding to update and expand training and outreach to ensure the most comprehensive implementation of the Hate Crime Statistics Act.

Endnotes

- 1 *Report of the American Psychological Association Commission on Violence and Youth*, American Psychological Association, 1992, <http://www.apa.org/pi/violence&youth.pdf>.
- 2 The full FBI Hate Crime Statistics Act Report for 2007 is at <http://www.fbi.gov/ucr/hc2007/index.html>.
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Selected Resources on Hate Crime Response and Counteraction

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

American Psychological Association

Report of the American Psychological Association Commission on Violence and Youth,
<http://www.apa.org/pi/violence&youth.pdf>

Anti-Defamation League

ADL Anti-Bullying/Cyberbullying Prevention Resources,
http://www.adl.org/main_internet/Cyberbullying_Prevention_Law

How to Combat Bias and Hate Crimes: An ADL Blueprint for Action,
http://www.adl.org/combating_hate/blueprint.asp

Hate Crime Laws,
<http://www.adl.org/99hatecrime/intro.asp>

Department of Education

Preventing Youth Hate Crime,
<http://www.ed.gov/pubs/HateCrime/start.html>

Department of Education/National Association of Attorneys General

Protecting Students from Harassment and Hate Crime,
<http://www.ed.gov/offices/OCR/archives/Harassment/harassment.pdf>

Department of Justice

Addressing Hate Crimes: Six Initiatives That Are Enhancing the Efforts of Criminal Justice Practitioner,
<http://www.ncjrs.gov/pdffiles/bja/179559.pdf>

Hate Crime Training: Core Curriculum for Patrol Officers, Detectives, and Command Officers,
<http://www.usdoj.gov/crs/pubs/hct.pdf>

A Policymaker's Guide to Hate Crimes,
<http://www.ncjrs.gov/pdffiles1/bja/162304.pdf>

FBI

Hate Crime Data Collection Guidelines,
<http://www.fbi.gov/ucr/hatecrime.pdf>

Hate Crime Statistics, 2007,
<http://www.fbi.gov/ucr/hc2007/index.html>

Training Guide for Hate Crime Data Collection,
<http://www.fbi.gov/ucr/traingd99.pdf>

Human Rights First

2008 Hate Crime Survey,

<http://www.humanrightsfirst.org/pdf/FD-081103-hate-crime-survey-2008.pdf>

2007 Hate Crime Report Card,

<http://www.humanrightsfirst.info/pdf/071217-discrim-hc-report-card-overview-2007.pdf>

Everyday Fears: A Survey of Violent Hate Crimes in Europe and North America,

<http://www.humanrightsfirst.org/discrimination/pdf/everyday-fears-080805.pdf>

International Association of Chiefs of Police

Hate Crime in America Summit Recommendations,

http://www.theiacp.org/documents/index.cfm?fuseaction=document&document_id=160

Responding to Hate Crimes: A Police Officer's Guide to Investigation and Prevention,

http://www.theiacp.org/documents/index.cfm?fuseaction=document&document_id=141

Leadership Conference on Civil Rights

Cause for Concern: Hate Crimes in America,

2004 http://www.civilrights.org/publications/reports/cause_for_concern_2004/

National Criminal Justice Reference Service

http://www.ncjrs.org/spotlight/hate_crimes/publications.html

National District Attorneys Association

A Local Prosecutor's Guide for Responding to Hate Crimes,

http://www.ndaa.org/publications/apri/hate_crimes.html

Organization of Chinese Americans

Responding to Hate Crimes: A Community Action Guide, 2nd Edition,

<http://www.ocanational.org/images/stories/docscenter/ocahatecrime2006.pdf>

Partners Against Hate

Building Community and Combating Hate: Lessons for the Middle School Classroom,

http://www.partnersagainsthate.org/educators/middle_school_lesson_plans.pdf

Hate on the Internet: A Response Guide for Educators and Families,

http://www.partnersagainsthate.org/publications/hoi_full.pdf

Investigating Hate Crimes on the Internet,

http://www.partnersagainsthate.org/publications/investigating_hc.pdf

Peer Leadership: Helping Youth Become Change Agents in Their Schools and Communities,

<http://www.partnersagainsthate.org/publications/prefix.pdf>

Program Activity Guide: Helping Children Resist Bias and Hate, Elementary School Edition,

<http://www.partnersagainsthate.com/publications/pahprgguide302.pdf>

Program Activity Guide: Helping Youth Resist Bias and Hate, Middle School Edition,

http://www.partnersagainsthate.org/educators/pag_2_ed.pdf

Professor Jim Nolan/West Virginia University

<http://www.as.wvu.edu/%7Ejnnolan/nibrshatecrime.html>

Selected Resources on Hate Groups and Extremism

Anti-Defamation League

American Muslim Extremists: A Growing Threat to Jews,

http://www.adl.org/main_Terrorism/muslim_extremists_jews.htm

Ecoterrorism: Extremism in the Animal Rights and Environmentalist Movements,

http://www.adl.org/learn/ext_us/Ecoterrorism.asp

Extremists Declare "Open Season" on Immigrants; Hispanics Target of Incitement and Violence,

http://www.adl.org/PresRele/Extremism_72/4904_12.htm

Extremism in America,

http://www.adl.org/learn/ext_us/default.asp?LEARN_Cat=Extremism&LEARN_SubCat=Extremism_in_America&xpicked=1&item=0

Hate On Display: A Visual Database of Extremist Symbols, Logos and Tattoos,

http://www.adl.org/hate_symbols/default.asp?LEARN_Cat=Hate_Crimes&LEARN_SubCat=HSD

Immigrants Targeted: Extremist Rhetoric Moves into the Mainstream,

http://www.adl.org/civil_rights/anti_immigrant/

International Terrorist Symbols Database,

<http://www.adl.org/terrorism/symbols/default.asp>

Public Enemy Number 1 (PENI),

http://www.adl.org/learn/ext_us/peni.asp?LEARN_Cat=Extremism&LEARN_SubCat=Extremism_in_America&xpicked=3&item=peni

Racist Skinhead Project,

http://www.adl.org/racist_skinheads/

Rightwing Extremism: Current Economic and Political Climate Fueling Resurgence in Radicalization and Recruitment,

<http://www.wnd.com/images/dhs-rightwing-extremism.pdf>

The Re-Emerging Threat of Right-Wing Violence,

http://www.adl.org/learn/extremism_in_the_news/White_Supremacy/reemergine_threat_right_wing.htm?LEARN_Cat=Extremism&LEARN_SubCat=Extremism_in_the_News

Department of Homeland Security

Rightwing Extremism: Current Economic and Political Climate Fueling Resurgence in Radicalization and Recruitment (temporarily withdrawn for updates and additions),

www.civilrights.org/assets/files/dhs_rightwingextremism_040709.pdf

Southern Poverty Law Center

Close to Slavery: A report that documents widespread abuses in the nation's guestworker program,
<http://www.splcenter.org/legal/guestreport/index.jsp>

Getting Immigration Facts Straight,
<http://www.splcenter.org/intel/intelreport/article.jsp?sid=415>

Nativist Conspiracy Theories Explored,
<http://www.splcenter.org/intel/intelreport/article.jsp?aid=797>

Southern Poverty Law Center's Hate Group Map,
<http://www.splcenter.org/intel/map/hate.jsp>

Terror from the Right: 60 Domestic Terrorist Plots from 1995 to 2005,
<http://www.splcenter.org/intel/intelreport/article.jsp?pid=903>

The Nativist Lobby,
http://www.splcenter.org/intel/nativist_lobby.jsp

Under Siege: A report that documents discrimination against Latino immigrants in the South,
<http://www.splcenter.org/legal/undersiege/>

APPENDIX A (page 1)

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 *1	X	X	X		X	X	X	X	X	X		X	X	X		X	X	X	X	X	X	X	X	X	X	X
Civil Action				X	X	X	X	X		X	X		X	X		X			X	X		X	X	X		X
Race, Religion, Ethnicity	X	X	X		X	X	X	X	X	X		X	X	X		X	X	X	X	X	X	X	X	X	X	X
Sexual Orientation			X		X	X	X	X	X	X		X	X	X		X	X	X	X	X	X	X	X	X	X	X
Gender		X	X		X		X	X				X		X		X			X	X		X	X	X		X
Disability	X	X	X		X	X	X	X	X	X		X	X	X		X	X	X	X	X	X	X	X	X	X	X
Other *2					X	X	X	X	X	X		X				X	X		X	X				X	X	X
Institutional Vandalism			X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
Data Collection *3			X	X	X		X	X	X	X		X	X	X		X	X	X	X	X	X	X	X	X	X	X
Training for Law Enforcement Personnel *4			X		X		X					X	X	X		X			X	X		X	X	X		X

*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), age (CA, DC, FL, IA, HI, KS, LA, ME, MN, NE, NM, NY, VT), and transgender/gender identity (CA, CO, CT, DC, HI, MD, MN, MO, NJ, NM, OR, VT).

*3. States with data collection statutes which include sexual orientation are AZ, CA, CT, DC, FL, HI, IL, IA, MD, MI, MN, NV, NM, OR, TX and WA; those which include gender are AZ, CA, DC, HI, IL, IA, MI, MN, NJ, RI, TX, and WA.

*4. Some other states have administrative regulations mandating such training.

Compiled by the Anti-Defamation League's Washington Office

More information about ADL's resources on hate crimes can be found on the League's Web site:<http://www.adl.org> and <http://www.partnersagainsthate.org/>

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APPENDIX A (page 2)

ANTI-DEFAMATION
LEAGUE STATE
HATE CRIME
STATUTORY
PROVISIONS

	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 *1*5	X	X	X	X	X	X	X	X	X	X	X	X	X	X		X	X	X	X	X	X	X	X	X	
Civil Action		X	X		X			X		X	X	X	X	X		X	X	X		X	X	X			
Race, Religion, Ethnicity	X	X	X	X	X	X	X	X	X	X	X	X	X	X		X	X	X	X		X	X	X	X	
Sexual Orientation		X	X	X	X	X	X					X		X			X	X				X		X	
Gender		X		X	X	X	X	X	X					X			X	X			X	X	X		
Disability		X	X	X	X	X	X				X			X			X	X			X	X	X	X	
Other *2		X			X	X	X					X							X				X		
Institutional Vandalism	X	X	X		X	X	X	X		X	X	X	X	X	X	X	X	X			X	X	X	X	
Data Collection *3		X	X		X	X					X	X	X	X				X				X	X		
Training for Law Enforcement Personnel *4					X	X	X					X		X								X			

*5 The Utah statute ties penalties for hate crimes to violations of the victim's constitutional or civil rights.

Compiled by the Anti-Defamation League's Washington Office

More information about ADL's resources on hate crimes can be found on the League's Web site: <http://www.adl.org> and <http://www.partnersagainsthate.org/>

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APPENDIX B

TEN YEAR COMPARISON OF FBI HATE CRIME STATISTICS (2007–1997)

	2007	2006	2005	2004	2003	2002	2001	2000	1999	1998	1997
Participating Agencies	13,241	12,620	12,417	12,711	11,909	12,073	11,987	11,690	12,122	10,730	11,211
Total Hate Crime Incidents Reported	7,624	7,722	7,163	7,649	7,489	7,462	9,730	8,063	7,876	7,755	8,049
Number of States, including D.C.	50	50	50	50	50	50	50	49	49	47	49
Percentage of U.S. Population Agencies Represented	85.7%	85.2%	82.7%	86.6%	82.8%	85.7%	85.0%	84.2%	85.0%	80.0%	83.0%

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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

	2007	2006	2005	2004	2003	2002	2001	2000	1999	1998	1997
RACIAL BIAS	3,870 / 50.8	4,000 / 51.8	3,919 / 54.7	4,402 / 57.5	3,844 / 51.3	3,642 / 48.8	4,367 / 44.9	4,337 / 53.8	4,295 / 54.5	4,321 / 55.7	4,710 / 58.5
<i>Anti-Black</i>	2,656 / 34.9	2,640 / 34.2	2,630 / 36.7	2,731 / 35.7	2,548 / 34.0	2,486 / 33.3	2,899 / 30	3,884 / 35.8	2,486 / 33.3	2,901 / 37.4	3,120 / 38.8
<i>Anti-White</i>	749 / 9.8	890 / 11.5	828 / 11.6	829 / 10.8	830 / 11.1	719 / 9.6	891 / 9.1	875 / 10.9	781 / 9.9	792 / 10.2	993 / 12.3
<i>Anti-Asian / Pacific Islander</i>	188 / 2.5	181 / 2.3	199 / 2.8	217 / 2.8	231 / 3.1	217 / 2.9	280 / 2.9	281 / 3.5	298 / 3.8	293 / 3.8	347 / 4.3
RELIGIOUS BIAS	1,400 / 18.4	1,462 / 18.9	1,227 / 17.1	1,374 / 18.0	1,343 / 17.9	1,426 / 19.1	1,828 / 18.8	1,472 / 18.3	1,411 / 17.9	1,390 / 17.9	1,386 / 17.2
<i>Anti-Semitic</i>	969 / 12.7	967 / 12.5	848 / 11.8	954 / 12.5	927 / 12.4	931 / 12.5	1,043 / 10.7	1,109 / 13.8	1,109 / 14.1	1,081 / 13.9	1,087 / 13.5
<i>Anti-Semitic as Percentage of Religious Bias</i>	69	66	69	69	69	65	57	75	79	78	79
<i>Anti-Islamic</i>	115 / 1.5	156 / 2.0	128 / 1.8	156 / 2.0	149 / 2.0	155 / 2.1	481 / 4.9	28 / 0.35	32 / 0.40	21 / 0.27	28 / 0.35
ETHNICITY / NATIONAL ORIGIN	1,007 / 13.2	984 / 12.7	944 / 13.2	972 / 12.7	1026 / 13.7	1,102 / 14.8	2,098 / 21.6	911 / 11.3	829 / 10.5	754 / 9.7	836 / 10.4
<i>Anti-Hispanic</i>	595 / 7.8	576 / 7.5	522 / 7.3	475 / 6.2	426 / 5.7	480 / 6.4	597 / 6.1	557 / 6.9	466 / 5.9	482 / 6.2	491 / 6.1
SEXUAL ORIENTATION	1,265 / 16.6	1,195 / 15.5	1,017 / 14.2	1,197 / 15.6	1,239 / 16.5	1,244 / 16.7	1,393 / 14.3	1,299 / 16.1	1,317 / 16.7	1,206 / 16.2	1,102 / 13.7
DISABILITY	79 / 1.0	79 / 1.0	53 / 0.74	57 / 0.74	33 / 0.44	45 / 0.59	35 / 0.36	36 / 0.45	19 / 0.24	25 / 0.32	12 / 0.15

APPENDIX C

OFFENDERS'
REPORTED
MOTIVATIONS IN
PERCENTAGES OF
INCIDENTS
(2007-1997)

Updated October, 2008

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

APPENDIX D HCSA STATE BY STATE INCIDENT REPORT CHART 2007

	2007	2006	2005	2004	2003	2002	2001	2000	1999	1998	1997	1996	1995	1994	1993	1992	1991
Alabama	6	1	0	3	1	2	0	**	**	**	0	0	**	**	5	4	**
Alaska	8	6	4	9	13	7	20	4	5	**	10	9	8	9	24	**	**
Arizona	161	149	138	224	246	238	384	240	252	283	330	250	220	205	208	172	48
Arkansas	33	113	134	93	170	0	3	3	8	3	0	1	7	9	13	37	10
California	1,400	1,297	1,379	1,393	1,472	1,648	2,246	1,943	1,949	1,749	1,831	2,052	1,751	354	364	75	5
Colorado	156	138	125	59	82	96	126	101	148	128	113	133	149	173	178	258	128
Connecticut	127	131	95	116	134	129	169	151	135	109	113	114	87	68	117	62	69
Delaware	49	48	45	33	17	13	17	34	37	19	58	67	45	42	33	47	29
DC	41	57	48	49	31	14	11	5	4	2	6	16	4	2	10	14	**
Florida	166	216	231	274	231	257	302	240	267	179	93	187	164	214	239	334	**
Georgia	13	13	17	29	23	31	39	35	36	34	45	28	49	51	75	66	23
Hawaii	**	**	**	**	**	**	**	**	**	**	**	**	**	**	**	**	**
Idaho	38	23	33	37	20	43	34	45	34	58	46	72	114	79	70	54	33
Illinois	167	156	168	187	208	155	282	183	247	277	339	348	146	239	724	241	133
Indiana	40	39	54	63	48	77	74	106	111	50	62	36	35	32	82	19	9
Iowa	27	28	37	23	38	46	32	33	31	0	55	43	29	61	39	36	89
Kansas	110	109	72	49	49	55	71	42	41	54	55	28	**	**	0	3	6
Kentucky	48	64	44	71	81	76	82	73	71	45	48	109	81	4	13	5	0
Louisiana	31	22	17	22	7	15	10	12	6	10	4	6	7	9	23	13	0
Maine	72	59	57	68	77	36	32	28	22	57	57	58	75	7	32	19	**
Maryland	150	212	195	245	248	211	231	217	230	282	321	387	353	325	404	484	431
Massachusetts	353	379	371	346	403	430	584	458	443	431	441	454	333	**	343	424	200
Michigan	627	653	640	556	427	416	442	425	407	384	461	486	405	252	247	122	**
Minnesota	157	137	206	239	215	203	210	169	225	248	214	268	285	**	**	411	225
Mississippi	0	0	0	2	1	3	3	2	2	3	0	3	6	6	0	0	1
Missouri	114	78	78	71	54	64	65	70	83	118	157	150	135	139	168	158	136
Montana	21	24	65	56	5	13	13	19	27	22	15	10	11	0	21	**	**
Nebraska	44	56	71	62	46	74	53	17	35	52	3	3	**	**	**	**	**
Nevada	63	125	77	81	97	62	94	85	75	60	45	44	68	16	12	23	16
New Hampshire	43	34	32	48	36	27	27	32	20	16	**	1	24	3	0	**	**
New Jersey	748	759	738	769	594	570	767	652	617	757	694	839	768	895	1,101	1,114	895
New Mexico	14	20	18	21	11	15	20	15	16	31	24	44	24	4	4	**	0
New York	493	522	249	386	602	693	712	608	590	776	853	903	845	911	934	1,112	943
North Carolina	75	100	89	66	77	62	85	31	31	39	42	34	52	7	10	1	**
North Dakota	14	16	12	8	18	18	17	5	2	2	2	2	3	5	1	1	**
Ohio	312	300	176	353	231	263	363	240	232	172	265	234	267	357	260	105	80
Oklahoma	30	51	41	51	38	44	46	80	42	57	41	83	37	20	60	147	99
Oregon	170	141	137	155	95	61	222	142	123	93	105	172	152	177	237	376	296
Pennsylvania	83	97	118	105	115	92	132	141	185	168	168	205	282	278	391	432	277
Rhode Island	47	19	15	29	45	38	63	48	41	29	43	40	46	37	62	48	**
South Carolina	127	110	98	105	54	70	41	33	52	94	71	42	26	30	27	4	**
South Dakota	37	76	9	7	10	4	5	7	14	19	34	3	5	1	4	**	**
Tennessee	239	202	128	136	161	129	335	230	127	58	46	33	25	20	2	4	1
Texas	242	245	264	309	294	347	434	286	262	300	333	350	326	364	418	486	95
Utah	55	35	44	59	59	54	65	71	59	66	49	59	107	93	45	12	**
Vermont	21	21	32	28	27	18	17	19	16	13	3	4	10	12	1	**	**
Virginia	323	341	295	307	280	291	362	325	203	160	105	100	51	95	100	102	53
Washington	195	177	171	175	222	174	278	242	230	221	190	198	266	281	457	374	196
West Virginia	44	34	47	31	33	41	39	60	32	21	3	4	**	**	**	**	**
Wisconsin	69	84	46	37	31	32	61	47	49	**	50	43	45	40	19	67	41
Wyoming	21	5	3	4	12	5	10	9	2	6	6	4	19	6	10	0	**
TOTALS	7,624	7,722	7,163	7,649	7,489	7,462	9,730	8,063	7,876	7,755	8,049	8,759	7,947	5,932	7,587	7,466	4,558

** Indicates that the state did not participate in the reporting effort.

APPENDIX E STATE BY STATE COMPARISON, HCSA REPORTING - NUMBER OF PARTICIPATING AGENCIES

	2007	2006	2005	2004	2003	2002	2001	2000	1999	1998	1997	1996	1995	1994	1993	1992	1991
Alabama	156	42	32	51	36	31	5	**	**	**	282	289	**	**	4	4	**
Alaska	1	2	1	1	1	1	1	1	1	**	1	1	1	1	1	**	**
Arizona	78	80	78	82	89	88	97	88	86	90	85	81	87	82	89	90	1
Arkansas	265	257	205	192	128	7	3	4	192	193	194	191	190	189	187	183	169
California	727	728	725	725	727	726	725	722	720	719	720	718	744	13	11	7	2
Colorado	213	220	205	205	185	190	202	234	235	233	232	230	228	231	199	197	194
Connecticut	101	99	98	100	95	84	98	97	98	94	59	98	94	89	39	23	29
Delaware	53	53	53	53	53	50	51	52	54	50	54	50	51	51	49	57	58
DC	2	2	2	2	2	2	2	1	1	1	1	1	1	1	1	1	**
Florida	490	491	492	490	489	489	491	491	483	464	580	394	411	370	374	374	**
Georgia	18	61	71	77	82	76	86	80	56	58	5	2	3	3	4	4	2
Hawaii	**	**	**	**	**	**	**	**	**	**	**	**	**	**	**	**	**
Idaho	108	105	106	119	119	117	114	118	121	120	119	112	116	117	110	115	98
Illinois	60	66	66	63	73	59	72	46	55	73	96	113	1	19	224	620	26
Indiana	127	124	142	137	139	163	143	166	143	150	139	179	164	89	52	5	1
Iowa	226	223	225	219	221	221	223	220	222	218	230	231	232	226	196	190	201
Kansas	348	359	349	357	341	339	344	1	1	1	1	1	**	**	1	2	3
Kentucky	324	320	321	326	435	341	336	317	251	264	213	527	513	5	3	2	1
Louisiana	103	108	133	148	140	159	168	174	172	134	131	140	146	92	58	10	6
Maine	149	148	147	147	149	180	182	181	165	133	131	131	130	5	6	9	**
Maryland	156	153	150	150	149	148	148	146	146	147	148	148	148	150	153	156	156
Massachusetts	337	328	267	301	247	305	338	341	303	177	359	405	202	**	135	158	30
Michigan	593	598	597	601	610	619	621	620	610	546	465	485	480	518	555	454	**
Minnesota	321	289	302	318	327	279	295	313	314	72	312	307	66	**	**	69	42
Mississippi	58	62	67	68	57	66	72	78	88	90	75	129	51	53	17	1	4
Missouri	561	309	278	259	183	144	85	186	209	212	194	230	157	155	81	17	18
Montana	96	93	108	105	82	93	102	102	86	77	95	95	6	2	18	**	**
Nebraska	162	197	194	204	202	203	198	202	233	202	10	10	**	**	**	**	**
Nevada	32	34	35	35	35	35	36	37	37	35	34	4	35	5	9	3	1
New Hampshire	143	134	140	140	125	107	108	110	86	57	**	2	2	2	1	**	**
New Jersey	512	513	513	513	555	557	561	564	565	565	567	568	568	559	317	291	271
New Mexico	48	46	48	49	47	49	54	43	59	59	58	70	70	57	13	**	1
New York	273	277	302	520	520	505	568	539	506	500	502	499	520	567	571	569	773
North Carolina	369	434	436	418	461	446	449	205	463	434	445	83	59	7	6	1	**
North Dakota	77	72	71	69	65	74	73	80	84	81	84	101	74	82	91	1	**
Ohio	534	493	443	410	387	400	363	348	351	344	304	405	321	266	128	26	30
Oklahoma	293	294	297	297	298	301	298	301	300	25	300	293	7	4	9	7	7
Oregon	239	169	168	170	1	172	174	171	239	167	171	174	243	206	279	279	39
Pennsylvania	1,173	954	916	857	828	849	770	933	1,140	1,127	1,108	1,137	1,134	1,044	1,036	944	50
Rhode Island	47	47	48	48	48	48	48	48	48	46	45	46	45	45	45	44	**
South Carolina	480	476	446	468	419	310	340	352	339	300	316	340	293	302	295	4	**
South Dakota	105	91	95	155	114	130	113	121	117	76	42	32	38	4	3	**	**
Tennessee	461	459	455	453	456	443	445	422	355	260	167	191	104	113	56	2	2
Texas	999	996	997	987	983	969	962	942	939	931	924	915	914	895	879	870	28
Utah	117	111	112	55	57	59	58	127	122	101	124	124	116	123	121	9	**
Vermont	80	78	75	74	59	57	57	43	43	37	20	3	19	18	1	**	**
Virginia	408	399	395	395	393	399	397	384	372	415	409	409	175	160	21	24	19
Washington	244	253	252	253	253	246	248	236	231	238	229	230	229	226	207	207	206
West Virginia	338	340	349	431	392	336	279	268	249	112	32	22	**	**	**	**	**
Wisconsin	374	371	359	369	16	370	359	368	364	**	345	338	337	150	161	145	303
Wyoming	62	62	51	42	36	31	35	67	68	33	38	70	59	60	49	5	**
TOTALS	13,241	12,620	12,417	12,711	11,909	12,073	11,987	11,690	12,122	10,461	11,211	11,354	9,584	7,356	6,865	6,181	2,771

** Indicates that the state did not participate in the reporting effort.

Updated October, 2008. Compiled by the Anti-Defamation League's Washington Office from information collected by the FBI.

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APPENDIX F 50 LARGEST CITIES IN US: 2007-1992 HCSA REPORTING

	2007	2006	2005	2004	2003	2002	2001	2000	1999	1998	1997	1996	1995	1994	1993	1992
1 New York, NY	295	274	DNR	97	291	291	321	400	373	475	512	535	416	506	583	583
2 Los Angeles, CA	279	211	219	244	276	354	559	555	541	404	403	481	437	DNR	DNR	DNR
3 Chicago, IL	37	33	38	54	58	52	103	87	78	80	126	82	146	216	217	202
4 Houston, TX	36	20	24	14	29	66	56	21	36	39	30	34	39	52	25	23
5 Phoenix, AZ	80	60	DNR	100	100	106	154	147	139	170	217	135	125	134	125	115
6 Philadelphia, PA	28	34	37	20	40	44	47	53	70	77	92	97	145	120	202	DNR
7 San Antonio, TX	22	28	19	24	14	19	28	13	2	5	4	0	5	4	0	0
8 San Diego, CA	52	55	41	50	84	85	154	139	141	106	84	98	119	DNR	DNR	DNR
9 Dallas, TX	23	39	45	48	41	47	29	26	13	19	40	70	40	41	59	86
10 San Jose, CA	34	29	22	15	31	49	62	38	45	43	21	21	21	27	25	DNR
11 Detroit, MI	48	37	49	DNR	DNR	3	1	3	0	DNR	DNR	5	9	14	2	DNR
12 Jacksonville, FL	1	3	5	3	5	9	13	10	9	7	0	19	1	2	7	1
13 Indianapolis, IN	DNR	DNR	6	DNR	DNR	13	DNR	7	DNR	0	DNR	DNR	DNR	DNR	DNR	DNR
14 San Francisco, CA	66	94	104	138	117	180	164	141	184	218	256	260	280	270	289	63
15 Columbus, OH	94	71	50	123	48	71	77	69	72	DNR	89	57	112	159	142	DNR
16 Austin, TX	6	13	20	5	7	15	25	26	18	28	43	43	38	23	28	41
17 Fort Worth, TX	19	10	6	11	7	13	26	21	19	15	29	40	36	35	60	50
18 Memphis, TN	86	36	6	1	8	19	47	16	DNR	DNR	DNR	DNR	DNR	DNR	DNR	DNR
19 Charlotte, NC	10	11	3	8	11	13	16	9	0	0	0	DNR	DNR	DNR	DNR	DNR
20 Baltimore, MD	8	7	6	15	14	13	3	7	11	33	127	58	4	28	39	62
21 El Paso, TX	4	4	8	8	10	11	7	9	10	13	12	7	3	4	18	20
22 Milwaukee, WI	26	44	11	2	2	DNR	3	1	1	DNR	3	3	5	3	2	16
23 Boston, MA	164	143	143	101	114	133	212	177	152	195	155	199	164	DNR	230	228
24 Seattle, WA	28	11	18	25	25	18	27	21	31	28	36	27	40	43	125	106
25 Nashville, TN	12	30	2	5	26	7	0	0	0	DNR	DNR	DNR	DNR	DNR	DNR	DNR
26 Denver, CO	24	11	12	7	6	3	16	7	19	6	4	8	19	21	45	43
27 Washington DC	37	53	43	44	29	11	10	5	4	2	6	16	4	2	10	14
28 Las Vegas, NV	52	105	65	71	84	45	68	55	46	34	27	36	56	1	12	21
29 Louisville, KY	2	2	DNR	6	3	3	4	2	6	1	4	1	4	DNR	DNR	DNR
30 Portland, OR	63	40	72	79	95	10	104	32	57	23	67	81	90	101	140	227
31 Oklahoma City, OK	0	0	1	0	4	2	4	3	5	12	6	10	0	17	5	5
32 Tucson, AZ	0	11	27	22	28	23	47	19	39	30	6	4	5	14	25	4
33 Atlanta, GA	7	7	5	16	8	19	28	21	28	16	34	27	38	36	66	62
34 Albuquerque, NM	11	10	11	15	10	13	8	13	13	27	24	31	14	0	4	DNR
35 Fresno, CA	9	7	11	26	26	22	26	16	25	17	41	32	21	DNR	DNR	DNR
36 Long Beach, CA	13	25	27	25	30	41	30	22	39	39	44	20	22	DNR	DNR	DNR
37 Sacramento, CA	20	37	50	32	41	24	31	6	42	37	25	44	36	DNR	DNR	DNR
38 Mesa, AZ	9	3	28	37	45	25	87	6	14	19	12	26	16	9	DNR	DNR
39 Kansas City, MO	4	DNR	3	2	10	5	7	16	9	15	16	39	30	29	1	DNR
40 Cleveland, OH	18	15	15	39	23	37	61	31	21	32	21	21	6	51	37	DNR
41 Virginia Beach, VA	24	28	17	27	29	27	37	49	17	19	6	3	1	4	7	20
42 Omaha, NE	7	6	20	5	6	12	12	3	7	6	DNR	DNR	DNR	DNR	DNR	DNR
43 Miami, FL	0	0	0	0	8	7	16	2	0	0	0	0	0	2	DNR	6
44 Oakland, CA	15	2	3	3	0	2	6	10	13	14	22	19	10	DNR	DNR	DNR
45 Tulsa, OK	0	5	2	11	4	18	9	10	8	8	1	12	19	16	32	126
46 Minneapolis, MN	45	DNR	28	36	43	50	73	46	66	48	58	52	44	DNR	DNR	DNR
47 Colorado Springs, CO	7	20	10	6	12	29	29	26	36	27	DNR	0	0	0	DNR	DNR
48 Raleigh, NC	6	3	8	1	10	8	4	3	8	0	0	0	0	DNR	3	DNR
49 Honolulu, HI	DNR	DNR	DNR	DNR	DNR	DNR	DNR	DNR	DNR	DNR	DNR	DNR	DNR	DNR	DNR	DNR
50 Arlington, TX	6	1	4	5	3	4	6	8	19	14	12	23	21	29	25	49

* "DNR" = Did not submit reports

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