

THE WHITE HOUSE
Office of the Press Secretary

For Immediate Release

November 10, 1997

REMARKS BY THE PRESIDENT
AT WHITE HOUSE CONFERENCE ON HATE CRIMES

Dorothy Betts Marvin Theater
George Washington University
Washington, D.C.

12:20 P.M. EST

THE PRESIDENT: Thank you. I don't see that I need to say much, do you? (Laughter.) Thank you, Chuenee.

Q You murdered Vince Foster and it's not a hate crime.

THE PRESIDENT: We have the First Amendment even here. (Applause.) But I think the hate is coming from your way, not mine. (Applause.)

President Trachtenberg, and members of the administration, Senator Kennedy, members of the House. And let me also say that in addition to all of you who are here, there are thousands of people at satellite-link conferences all over the country.

We have heard today two moving personal testimonies from a person who gave his life in law enforcement and from a young person just beginning her adult life, but having already lived a lifetime of experiences that we wish she had never endured. They both teach us in different ways that our families and our country can only thrive if they're free from the fear of crime and violence. And we have to do everything we can to give them that security. That's the main reason we decided to hold this White House Conference on Hate Crimes.

As I said this morning to those of you who were at the breakfast, all over the world we see what happens when racial or ethnic or religious animosity joins with lawlessness. We've seen countries and people and families torn apart. We've seen countries go from peace to wholesale internecine slaughter in a matter of months. We've seen people rise up and fight each other over issues that they thought had been dormant for centuries.

But even in America we hear too many stories like the one Chuenee told us, too many stories like the 13-year-old African American boy nearly beaten to death when he rode his bicycle through the wrong neighborhood, the gay American murdered as he walked home from work, the Asian American who lost her store to a firebomb hurled by a racist, the Jewish American whose house of worship was desecrated by swastikas.

We hear too many of these stories -- stories of violent acts which are not just despicable acts of bias and bigotry, they are crimes. They strike at the heart of what it means to be an American. They are the antithesis of the values that define us as a nation. They have nothing to do with freedom or equality or respect for the law, and most importantly, they prevent us from respecting one another.

from respecting one another.

Last year I asked the American people to begin a great national conversation on race, to come together across all the lines that divide us into one America. We know we can only fight prejudice by fighting the misunderstanding and the ignorance and the fear that produce it. One of the things that I hope will come out of this year is a national affirmation that violence motivated by prejudice and hatred, as Chuennee said, hurts us all. Anybody who thinks that in the world of today and tomorrow, that he or she can hide from the kind of poison that we see in various places in our country, is living in a dream world. Whether we like it or not, our futures are bound together, and it is time we acted like it. (Applause.)

The first thing we have to do is to make sure our nation's laws fully protect all of its citizens. Our laws already punish some crimes committed against people on the basis of race or religion or national origin, but we should do more. We should make our current laws tougher to include all hate crimes that cause physical harm. We must prohibit crimes committed because of a victim's sexual orientation, gender or disability. All Americans deserve protection from hate. (Applause.)

I want to thank Senator Kennedy and Senator Specter who will soon introduce legislation to achieve these goals, and I want to tell you that I will do my best to help them see this legislation become the law of our land. Thank you, Senators. (Applause.)

The second thing we have to do is to make sure our civil rights laws are consistently and vigorously enforced. Under Attorney General Reno's leadership, the Justice Department has taken aim at hate crimes with more prosecutions and tougher punishments. Starting today, every United States Attorney in our country will establish or expand working groups to develop enforcement strategies, share best practices, and educate the public about hate crimes. This national hate crimes network will marshal the resources of federal, state and local enforcement, community groups, educators, antiviolence advocates, to give us another powerful tool in the struggle against hate crimes.

I'm also pleased to announce that we will assign over 50 more FBI agents and prosecutors to work on hate crimes enforcement. And the Justice Department will make its own hate crimes training curriculum available to state and local law enforcement training centers all around America.

Finally, the Department of Housing and Urban Development and the Justice Department are launching an important new initiative that will help victims of housing-related hate crimes bring action against their attackers and get money damages for the harm they suffer.

When it comes to enforcing civil rights law, let me also remind you that we need strong leadership. I have nominated Bill Lann Lee to head the Civil Rights Division of the Department of Justice because I'm convinced he'll provide that leadership. (Applause.) He is a son of Chinese immigrants who has seen the damaging force of discrimination. He has dedicated his career to fighting for equal rights, without regard to ideology or political party. Everyone who heard him in the Senate was impressed with his background, his record, his demeanor, his capacity, and yet, we are being told that the Senate will not be allowed to vote on him because he supports his own President's position on affirmative action.

Now, with all respect, if we have to wait until we get a head of the Civil Rights Division who is opposed to affirmative action, that job will be vacant for a very long time. We had an election about that. (Applause.)

On the other hand, let's not forget, this is but a tiny slice of what the Civil Rights Division does. We have laws on the books against discrimination that 90 percent of the American people support, and they need to be enforced vigorously by somebody who embodies the American ideal. It is wrong to deny this man that job because he agrees with the policies of his President on that issue. It is wrong. (Applause.)

All I ask the Senate committee to do is just to send his name out. They don't even have to make a recommendation; just let the Senate vote. Let all 100 senators stand up and be counted in the full view of the American people and let them know their stand. (Applause).

Let me also say that in addition to enforcement, in addition to pushing for new laws, in addition to training our own people and others better, let's also admit one thing -- we have a lot of law enforcement officials who have worked on this -- a lot of hate crimes still go unreported. I see a lot of you nodding your head up and down. If a crime is unreported, that gives people an excuse to ignore it.

I'm pleased to announce that today for the first time the National Crime Victimization Survey used by the Justice Department will finally include questions about hate crimes, so we can report them on a national basis along with others. (Applause.) It may seem like a small addition, but it will yield large results. It will give us a better measure of the number of hate crimes and it will increase what we know about how they occur.

Let me say, lastly, all of us have to do more in our communities through organizations like the one that Chuenee was part of in putting into Brooklyn High School and in our own homes and places of worship to teach all of our children about the dignity of every person. I'm very pleased that the Education and the Justice Departments will distribute to every school district in the country a hate crimes resource guide. The guide will direct educators to the materials they can use to teach tolerance and mutual respect. And also the Justice Department is launching a Web site where younger students can learn about prejudice and the harm it causes.

Children have to be taught to hate. And as they come more and more of age and they get into more and more environments where they can be taught that, we need to make sure that somebody is teaching them not to do so.

I wouldn't be surprised if, today, some of the skinheads that threw rocks and bottles at Chuenee when she was a little girl have grown out of it and are frankly ashamed of what they did. I wouldn't be surprised if some of them weren't ashamed of it the day they did it -- but they just wanted to go along, to get along, to be part of the group. But some of the people who were subject to that, some of the people who were on the bus with her, on the street with her are not here today to make the speech she gave. I'll bet you some of the people were scarred in ways that they never got over.

So as important as it is to enforce the law, to punish people, to do all this -- all this is very important. The most important thing we can do is to reach these kids while they're young enough to learn. Somebody is going to be trying to teach them to hate. We want to teach them a different way. And in the end, if we all do our part for that, we can make America one nation under God.

Thank you. (Applause.)



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THE CLINTON ADMINISTRATION: DRAWING A LINE AGAINST HATE CRIMES

THE CLINTON ADMINISTRATION: FIGHTING HATE IN OUR COMMUNITIES

- In Richland, Mississippi, four members of a neo-Nazi skinhead organization pled guilty to conspiracy and interfering with the housing rights of an interracial couple by throwing a molotov cocktail at their trailer home.
- Three defendants, one of whom is a racist skinhead and a member of the white supremacist group South Bay Nazi Youth, were convicted of a civil rights conspiracy after they drove through the streets of Lubbock, Texas, hunting African-American men, luring them to the conspirators car, and shooting the men at close range with a short-barreled shotgun. One victim died, one was seriously wounded in the face, and another had a finger blown off.
- In Livingston, Texas, six defendants pled guilty to civil rights charges for beating randomly selected African-American men with a rifle and a rodeo belt buckle, and punching them repeatedly as they tried to escape. The defendants had been angered at seeing other black men in the presence of white women.
- In Livermore Falls, Maine, two defendants pled guilty to civil right charges after firing shots at the Latino victims' fleeing car, wounding one victim in the arm.

[Source: Department of Justice, Civil Rights Division, 10/97]

FIGHTING HATE CRIMES THROUGH TOUGH LAW ENFORCEMENT:

Vigorously Prosecuting Hate Crimes Under the Civil Rights Statutes.

Several federal statutes provide jurisdiction to prosecute hate crimes -- crimes where the perpetrator selects his victim on the basis of certain characteristics such as race, color, religion, and national origin. Since 1989, over 500 defendants in more than half of the 50 states have been convicted on federal criminal civil rights charges for interfering with various federally protected rights of minority victims. Virtually all defendants charged in these cases have been convicted. President Clinton's Justice Department has vigorously prosecuted hate crime incidents, including where the defendants were members of organized hate groups, such as the Ku Klux Klan and various skinhead gangs.

Enhanced Penalties For Hate Crimes. As part of the historic 1994 Crime Act, the President signed the Hate Crimes Sentencing Enhancement Act which provides for longer sentences where the offense is determined to be a hate crime. In 1996 alone, 27 cases received enhanced sentences.

The Bureau of Alcohol, Tobacco and Firearms (ATF) Provides Expertise in Arson and Explosives Investigations to Help Fight Hate Crimes Throughout America. While enforcing explosives and arson laws over which it has jurisdiction, ATF has participated in the investigations of bombing and arson incidents triggered by animus against characteristics such as race and sexual orientation. The ATF, for example, has investigated the bombing of predominantly gay bars and nightclubs.

Sensible Gun Regulation Helps Stem the Flow Of Firearms that Can Fuel

Hate Group Activity. Many organized hate groups use guns to carry out violent offenses covered by hate crime statutes. Treasury bureaus work to intercept gun shipments into the U.S. and to regulate the illegal sale and possession of firearms by potential perpetrators of hate crimes and other offenses.

PROSECUTING HATE CRIMES AIMED AT OUR HOUSES OF WORSHIP:

Fighting Hate Crimes Aimed at Houses of Worship. The President fought for and signed the Church Arson Prevention Act of 1996, which facilitates prosecutions of racially motivated arsons and other acts of desecration against houses of worship.

Creating the National Church Arson Task Force. President Clinton established the National Church Arson Task Force (NCATF) in June 1996 to oversee the investigation and prosecution of arsons at houses of worship around the country. The NCATF has brought together the FBI, ATF, and Justice Department prosecutors in partnership with state and local law enforcement officers and prosecutors. Well over 200 ATF and FBI investigators have been deployed in these investigations. In addition, the NCATF has coordinated with other agencies, such as the Federal Emergency Management Agency and the Department of Housing and Urban Development, in the federal government's efforts to promote arson prevention and provide resources for church rebuilding.

Many of the 508 incidents investigated by NCATF have been solved, mainly by a combination of federal and state arrests and prosecutions. Since January 1995, there have been 240 arrests and over 100 convictions, including the first convictions under the Church Arson Prevention Act. This rate of arrest (35%) for crimes that may have been motivated by hate or bias is more than double the 16% rate of arrest for arsons in general.

WORKING WITH COMMUNITIES AGAINST HATE:

Bringing Communities Together to Fight Hate. The Department of Justice's Community Relations Service often becomes involved when a hate crime incident threatens harmonious racial and ethnic relations in a community. The Service uses mediation to provide representatives of community groups and local governments with an impartial forum to restore stability through dialogue and discussion. It conducts training conferences on how to prevent and respond to hate crimes for state and local law enforcement and agencies, academic institutions, and civic, business, and community organizations.

Focusing on Youth Attitudes that Create Hate Crimes. The Department of Education is supporting efforts at the local level to develop and implement innovative and effective strategies for preventing hate crimes, including by funding programs aimed at reducing violent, hate-motivated behavior among youth.

UNDERSTANDING THE PROBLEM OF HATE CRIMES:

Gathering Information on the National Scope of the Problem. The FBI Uniform Crime Report collects the only national data on hate crimes through the Uniform Crime Reporting (UCR) Program. In 1996, 11,355 law enforcement agencies, representing 84% of the nation's population, participated in the FBI's data collection efforts. These departments reported 8,759 incidents

of hate crimes in 1996.

Studying Hate Crimes: The National Institute of Mental Health (NIMH) has funded the first large-scale study of the mental health consequences of hate crimes, focusing on anti-gay hate crimes. The preliminary findings of this research are that hate crimes have more serious psychological effects on victims than do non-bias motivated, but otherwise similar crimes. The study also provides information about the prevalence of anti-gay hate crimes and the rate at which these crimes are reported to the police.

Back to One America

Irene Bueno

05/23/2000 01:54:32 PM

Record Type: Record

To: Bruce N. Reed/OPD/EOP@EOP, Barbara Chow/OMB/EOP@EOP

cc: Jennifer E. McGee/OMB/EOP@EOP

Subject: Hate Crimes Legislation - Update

Senator Kennedy's staff (Angela Williams) shared with us (Mary, Julian Potter and I), DOJ, and the civil rights groups the latest draft of the hate crimes legislation. Those at the meeting seemed okay with this draft. Senator Kennedy is attempting to find a vehicle to attach this legislation. Kennedy's staff is also looking at CJS that will be marked up in June and believe they are one vote short of voting it out of the Appropriations Cmte. Here's a summary of the major changes:

- **Title:** New title, now called "Local Law Enforcement Act of 2000".
- **Grants:** The grant section was modified and further fleshed out to provide support for criminal investigations and prosecutions by state, local and Indian tribe enforcement officials. Grants will also be made available to enforcement officials which includes colleges if they have incurred extraordinary expenses. Senator Bob Graham pushed to have this provision included. \$5 million was authorized for this grant program FY 2001 and FY2002. OJP will administer these grants.
- **Certification:** Before the federal government can prosecute a hate crime, a certification is required from the AG or DAG or their designee that they have reasonable cause to believe that a hate crimes has occurred and has consulted with state and local jurisdiction and has determined that the states either does not have jurisdiction or does not intend to exercise jurisdiction; or state has requested the Fed. gov. to assume jurisdiction; or the verdict or sentence obtained pursuant to state changes left demonstratively unvindicated the federal interest in eradicating bias -motivated violence.

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Bill 2 of 50

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Hate Crimes Prevention Act of 1999 (Introduced in the Senate)

S 622 IS

106th CONGRESS

1st Session

S. 622

To enhance Federal enforcement of **hate crimes** , and for other purposes.

IN THE SENATE OF THE UNITED STATES

March 16, 1999

Mr. KENNEDY (for himself, Mr. SPECTER, Mr. WYDEN, Mr. SCHUMER, Mr. SMITH of Oregon, Mr. DASCHLE, Mr. LEAHY, Mr. TORRICELLI, Mr. AKAKA, Mr. BIDEN, Mr. BINGAMAN, Mrs. BOXER, Mr. BRYAN, Mr. CHAFEE, Mr. CLELAND, Mr. DODD, Mr. DURBIN, Mr. HARKIN, Mr. JEFFORDS, Mr. JOHNSON, Mr. KERREY, Mr. KERRY, Ms. LANDRIEU, Mr. LAUTENBERG, Mr. LEVIN, Mr. LIEBERMAN, Ms. MIKULSKI, Mrs. MURRAY, Mr. REED, Mr. REID, Mr. ROBB, Mr. ROCKEFELLER, Mr. SARBANES, and Mr. WELLSTONE) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

A BILL

To enhance Federal enforcement of **hate crimes** , and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the '**Hate Crimes Prevention Act of 1999**'.

SEC. 2. FINDINGS.

Congress finds that--

(1) the incidence of violence motivated by the actual or perceived race, color, national

origin, religion, sexual orientation, gender, or disability of the victim poses a serious national problem;

(2) such violence disrupts the tranquility and safety of communities and is deeply divisive;

(3) existing Federal law is inadequate to address this problem;

(4) such violence affects interstate commerce in many ways, including--

(A) by impeding the movement of members of targeted groups and forcing such members to move across State lines to escape the incidence or risk of such violence; and

(B) by preventing members of targeted groups from purchasing goods and services, obtaining or sustaining employment or participating in other commercial activity;

(5) perpetrators cross State lines to commit such violence;

(6) instrumentalities of interstate commerce are used to facilitate the commission of such violence;

(7) such violence is committed using articles that have traveled in interstate commerce;

(8) violence motivated by bias that is a relic of slavery can constitute badges and incidents of slavery;

(9) although many State and local authorities are now and will continue to be responsible for prosecuting the overwhelming majority of violent **crimes** in the United States, including violent **crimes** motivated by bias, Federal jurisdiction over certain violent **crimes** motivated by bias is necessary to supplement State and local jurisdiction and ensure that justice is achieved in each case;

(10) Federal jurisdiction over certain violent **crimes** motivated by bias enables Federal, State, and local authorities to work together as partners in the investigation and prosecution of such **crimes** ; and

(11) the problem of **hate** crime is sufficiently serious, widespread, and interstate in nature as to warrant Federal assistance to States and local jurisdictions.

SEC. 3. DEFINITION OF HATE CRIME.

In this **Act** , the term '**hate** crime' has the same meaning as in section 280003(a) of the Violent Crime Control and Law Enforcement **Act** of 1994 (28 U.S.C. 994 note).

SEC. 4. PROHIBITION OF CERTAIN ACTS OF VIOLENCE.

Section 245 of title 18, United States Code, is amended--

(1) by redesignating subsections (c) and (d) as subsections (d) and (e), respectively; and

(2) by inserting after subsection (b) the following:

`(c)(1) Whoever, whether or not acting under color of law, willfully causes bodily injury to any person or, through the use of fire, a firearm, or an explosive device, attempts to cause bodily injury to any person, because of the actual or perceived race, color, religion, or national origin of any person--

`(A) shall be imprisoned not more than 10 years, or fined in accordance with this title, or both; and

`(B) shall be imprisoned for any term of years or for life, or fined in accordance with this title, or both if--

 `(i) death results from the acts committed in violation of this paragraph; or

 `(ii) the acts committed in violation of this paragraph include kidnapping or an attempt to kidnap, aggravated sexual abuse or an attempt to commit aggravated sexual abuse, or an attempt to kill.

`(2)(A) Whoever, whether or not acting under color of law, in any circumstance described in subparagraph (B), willfully causes bodily injury to any person or, through the use of fire, a firearm, or an explosive device, attempts to cause bodily injury to any person, because of the actual or perceived religion, gender, sexual orientation, or disability of any person--

 `(i) shall be imprisoned not more than 10 years, or fined in accordance with this title, or both; and

 `(ii) shall be imprisoned for any term of years or for life, or fined in accordance with this title, or both, if--

 `(I) death results from the acts committed in violation of this paragraph; or

 `(II) the acts committed in violation of this paragraph include kidnapping or an attempt to kidnap, aggravated sexual abuse or an attempt to commit aggravated sexual abuse, or an attempt to kill.

`(B) For purposes of subparagraph (A), the circumstances described in this subparagraph are that--

 `(i) in connection with the offense, the defendant or the victim travels in interstate or foreign commerce, uses a facility or instrumentality of interstate or foreign commerce, or engages in any activity affecting interstate or foreign commerce; or

 `(ii) the offense is in or affects interstate or foreign commerce.'.

SEC. 5. DUTIES OF FEDERAL SENTENCING COMMISSION.

(a) AMENDMENT OF FEDERAL SENTENCING GUIDELINES- Pursuant to its authority under section 994 of title 28, United States Code, the United States Sentencing Commission shall study the issue of adult recruitment of juveniles to commit **hate crimes** and shall, if appropriate, amend the Federal sentencing guidelines to provide sentencing enhancements (in addition to the sentencing enhancement provided for the use of a minor during the commission of an offense) for adult defendants who recruit juveniles to assist in the commission of **hate crimes** .

(b) CONSISTENCY WITH OTHER GUIDELINES- In carrying out this section, the United States Sentencing Commission shall--

 (1) ensure that there is reasonable consistency with other Federal sentencing guidelines; and

 (2) avoid duplicative punishments for substantially the same offense.

SEC. 6. GRANT PROGRAM.

(a) AUTHORITY TO MAKE GRANTS- The Office of Justice Programs of the Department of Justice shall make grants, in accordance with such regulations as the Attorney General may

prescribe, to State and local programs designed to combat **hate crimes** committed by juveniles, including programs to train local law enforcement officers in investigating, prosecuting, and preventing **hate crimes** .

(b) AUTHORIZATION OF APPROPRIATIONS- There are authorized to be appropriated such sums as may be necessary to carry out this section.

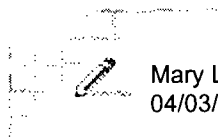
SEC. 7. AUTHORIZATION FOR ADDITIONAL PERSONNEL TO ASSIST STATE AND LOCAL LAW ENFORCEMENT.

There are authorized to be appropriated to the Department of the Treasury and the Department of Justice, including the Community Relations Service, for fiscal years 2000, 2001, and 2002 such sums as are necessary to increase the number of personnel to prevent and respond to alleged violations of section 245 of title 18, United States Code (as amended by this **Act**).

SEC. 8. SEVERABILITY.

If any provision of this **Act** , an amendment made by this **Act** , or the application of such provision or amendment to any person or circumstance is held to be unconstitutional, the remainder of this **Act** , the amendments made by this **Act** , and the application of the provisions of such to any person or circumstance shall not be affected thereby.

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Mary L. Smith
04/03/2000 02:55:18 PM

Record Type: Record

To: See the distribution list at the bottom of this message

cc:

Subject: Hate Crimes events

Here is a listing of possible hate crimes events for the upcoming months which we discussed in our last meeting:

April 28: Meeting of U.S. Attorneys working groups with announcement of promising practices guide and possible announcement of prosecutors manual

May: Meeting with colleges presidents with Secretary Riley to discuss hate on college campuses

June: Protecting Children on the Internet roundtable with possible announcement of Getnetwise.org (new version of their website taking into account privacy concerns for kids)

July: Hate Reporting report with directive to DOJ to improve hate crimes reporting.

September: new PSA campaign

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Anna Richter

03/30/2000 09:52:25 AM

Record Type: Record

To: See the distribution list at the bottom of this message

CC:

Subject: Hate Crimes Meeting Paper



hateevents.0330.d For the meeting today at 4:30 pm in the Ward Room.

Message Sent To:

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Event Ideas

(1) US Attorney working groups - week 8/4/28

DOT Report

Prosecutors guide

Push the Hill

Hill Activity

Amendment - rhetorically ~~push~~ push
vehicle difficult - ~~CSEA~~ CSEA

Senate - Democratic ^{senators} - there is some interest Hate Crime, VAWA, Religion Freedom
Loft does not want to Religion
Negotiations have broken down

Legislative Options -

Hate Crimes Possible Announcements March 30, 2000

Some anniversary dates:

June 7, 1998: Death of James Byrd, Jr.

October 6-7, 1998: Matthew Shepard found tied to fence

July 2-4, 1999: Benjamin Smith goes on killing spree in Illinois and Indiana

April

New DOJ Report. The President could announce a new Department of Justice (DOJ) publication entitled "Hate Crimes Prevention and Intervention: Innovative State and Local Justice Programs." This is the first publication describing the success of hate crimes intervention programs that have been funded and supported by the Justice Department under this Administration. This publication will detail the objectives and results of five hate crimes prevention and intervention programs including programs in Los Angeles, California; Omaha, Nebraska; and the state of Maine. DOJ plans to release this publication to over 45,000 state, local, and tribal criminal justice policy makers and practitioners across the country. In addition, if time permits, we could have the President meet with a United States Attorney and a local prosecutor to discuss how well federal-state cooperation works in prosecuting hate crimes.

New Media Campaign (possibly near Easter). We are working to have the President announce some new public service announcement regarding hate crimes, possible near Easter. Five public service messages, some bearing the theme "Hate Crimes. It's not just offensive. It's criminal" have been developed on behalf of the Hate Crimes Working Group in the District of Columbia. The ads depict recollections of actual instances of hate crimes. DOJ will fund their production for local display in the District of Columbia. DOJ also will distribute 150,000 posters (30,000 of each scenario) when the campaign is launched. DOJ will also provide electronic disk copies of the advertisement material to local communities and law enforcement for use in their own anti-hate crime campaigns. These ads can be reproduced for any print medium from newsletters to television spots, but localities will have to come up with the money for the placements.

 **Roundtable on Hate on the Internet (end of April).** The President can convene a roundtable to discuss how hate is disseminated on the Internet and how to empower parents to have the tools to say "no" to hate on the Internet. For instance, there is kid's page on the World Church of the Creator website – the group that Benjamin Smith was affiliated with. We could work with Steve Case and AOL to come up with a way to disseminate tolerance messages more broadly over the Internet.

June or July

Bring together Tolerance Foundations. We could bring together some of the relatives of the hate crimes victims that have started foundations and have them work together on a project that teaches tolerance or simply highlight the good works that have sprung from tragedy. Some thought would be: (1) Sherialyn Byrdsong, widow of Ricky Byrdsong. Byrdsong, 43, a black former basketball coach at Northwestern University was killed by 21-year-old white supremacist, Benjamin Smith, in a three-day, two-state rampage that began July 2 and ended July 4, 1999. She has founded the Ricky Byrdsong Foundation, a non-profit in Evanston, Illinois, whose mission is to "arrest the growing epidemic of hate violence in our society;" (2) Relative of James Byrd, Jr. The Byrd family has started the James Byrd, Jr. Foundation for Racial Healing; (3) Judy Shepard. Mrs. Shepard has started a foundation in her son's honor to aid in the education of issues surrounding hate violence and sexual orientation.

Events with No Dates Attached

1. **Hate Crime Reporting. (Ready May)** The Department of Justice has commissioned a study by Northeastern University to analyze how law enforcement agencies report hate crimes. This study will also attempt to standardize law enforcement reporting practices in order to obtain better information about the frequency of hate crimes. It will also focus on barriers faced by local law enforcement in their efforts to report hate crimes. DOJ most likely be able to use some of the information in this study to create an action plan to improve report, which could be rolled out at the time the study is released. We could also, at the time the report is rolled out, issue a directive to DOJ to work with state and local enforcement to improve hate crimes reporting.
2. **Follow-up Conference or Roundtable to White House Conference on Hate Crimes.** The President could hold a conference or roundtable discussion with law enforcement, community groups, and the agencies to discuss what progress we have made since the White House Conference in November 1997. Despite the fact that there have been some regional hate crimes conferences, the groups, particularly the Anti-Defamation League, believe that it is important for the President to hold another conference. We could discuss what activities have taken place since the last conference. Specifically, the President could meet with some of the U.S. Attorneys Hate Crimes Working Groups that were created at the conference.
3. **"Prosecutor's Resource Guide for Responding to Hate Crimes." (Ready April 2000)** This prosecutor's guide, produced by the National District Attorneys Association, through its research arm, the American Prosecutors Research Institute (APRI), will discuss topics such as case screening and investigation; case preparation; trial strategies; and prevention efforts. DOJ plans to distribute this guide to the approximately 3000 local prosecutors' offices in the United States.

4. **Tolerance Materials for Schools.** Stephen Spielberg is developing tolerance materials for schools which use materials on the Holocaust. This could be a follow-up to the President's announcement on the public-private partnership that has developed a program for middle-school students to teach tolerance in the classroom and in their daily lives. The members of the partnership are AT&T, Court TV, the National Middle School Association, the Anti-Defamation League, and Cable in the Classroom, with assistance from the Departments of Justice and Education. Court TV is willing to develop tolerance materials for high school students.

**FAX****CONGRESSMAN
ROBERT A. UNDERWOOD****TO:** Ms. Laura Efurd**ORG:** Dep. Assistant to the President, Office of Public Liaison**DATE:** 11/8/99**PHONE:** 202.456.2930**FAX:** 202.456.6218**FROM:** Congressman Robert A. Underwood**PHONE:** (202) 225-1188**FAX:** (202) 226-0341**PAGES INCLUDING COVER:** 3

MESSAGE: Congressional Asian Pacific Caucus letter to
the President regarding hate crimes lanaguage in
the Commerce, Justice, State, and the Judiciary Appropriations.

Congress of the United States

Washington, DC 20515

November 8, 1999

Honorable William J. Clinton
President of the United States
The White House
1600 Pennsylvania Ave., N.W.
Washington, D.C. 20500

Dear Mr. President:

As members of the Congressional Asian Pacific Caucus, we are writing to express our strong support for the inclusion of hate crimes legislation as part of the negotiations on H.R. 2670, the FY 2000 Commerce, Justice, State and the Judiciary Appropriations bill. You cited this provision as one of your concerns when you vetoed the bill on October 25, 1999, and we commend you for your leadership on this issue.

As you know, the proposed hate crimes legislation would expand current hate crime laws to include discrimination based on gender, disability, and sexual orientation. Moreover, it would allow federal authorities more jurisdiction in investigating and prosecuting hate crimes. Such hate crimes legislation is particularly important in light of the rash of hate crimes committed in recent months.

We were pleased by the hate crimes legislation introduced in both houses and by the language included in the Senate-passed version of the Commerce, Justice, State, and Judiciary Appropriations bill. Unfortunately, the Senate provision was not included as part of the Conference Report on the bill. As Congress negotiates with the Administration, we urge you to ensure that hate crimes legislation remains a high priority as part of any final Commerce, Justice, State, and Judiciary Appropriations bill. We appreciate your attention to this matter.

Sincerely,

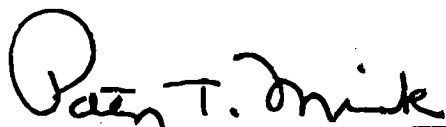


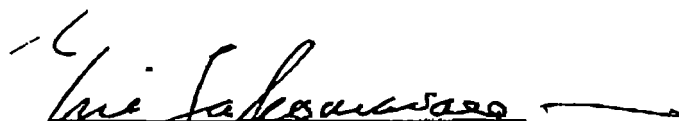
Congressman Robert A. Underwood
Chairman



Congressman David Wu
Vice-Chairman

President William J. Clinton
November 8, 1999
Page 2


Congresswoman Patsy Mink


Congressman Eni Faleomavaega


Congresswoman Nancy Pelosi

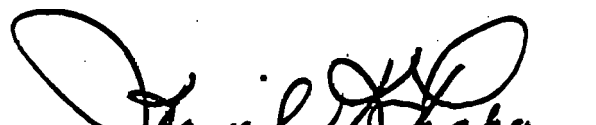

Congressman Neil Abercrombie


Congressman Pete Stark


Congressman Xavier Becerra


Congresswoman Anna Eshoo


Congressman Tom Lantos


Senator Daniel Akaka


Congressman Robert Matsui

THE WHITE HOUSE

WASHINGTON

***White House Public Liaison Office Briefing on
The Federal Hate Crimes Prevention Act***

Presidential Hall

July 12, 1999

Mary Beth Cahill

*Assistant to the President and
Director of White House Public Liaison Office*

Charles Ruff

Counsel to the President

Edward Correia

Special Counsel to the President for Civil Rights

Bill Lann Lee

Acting Assistant Attorney General for Civil Rights

Joel Johnson

Senior Advisor to the President for Policy and Communications

Hate Crimes Prevention Act

July 1999

Packet Contents

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- ✓ **Background And Supporting Information**
- ✓ **Statistics On Hate Crimes**
- ✓ **President Clinton Supports Hate Crimes Prevention Act**
- ✓ **State Attorneys General Support Hate Crimes Prevention Act**

Momentum Building For Hate Crimes Prevention Act: Federal Hate Crimes Legislation Has Bipartisan Support

July 1999

"All Americans deserve protection from hate. Nothing is more important to our country's future than our standing together against intolerance, prejudice and violent bigotry. Congress can give power to such shared values by passing the Hate Crimes Prevention Act. In so doing, all Americans can be made more safe and secure."

--President Bill Clinton
March 5, 1999

The Hate Crimes Prevention Act was recently re-introduced in the Senate and House. President Clinton first announced his support for the Hate Crimes Prevention Act during the White House Conference on Hate Crimes on November 10, 1997. The legislation would strengthen the ability of the Justice Department to prosecute hate crimes based on race, color, national origin, and religion and give the Department the power to prosecute certain hate crimes committed because of the victim's sexual orientation, gender, or disability.

U.S. And State Attorneys General Support Hate Crimes Prevention Act

Attorney General Janet Reno Said "I Urge Congress To Pass The Hate Crimes Prevention Act." Attorney General Janet Reno in a statement after Matthew Shepard's tragic death: *"Current federal law does not permit us to prosecute hate crimes based on an individual's gender, disability or sexual orientation. I urge Congress to pass the Hate Crimes Prevention Act this week, which would close the gap in the law."* [Statement of Attorney General Janet Reno on Hate Crimes Legislation (DOJ Press Release), 10/13/98 (emphasis added)]

Former Attorney General Dick Thornburgh Said "I Would Like To Express My Strong Support For The Passage Of...The Hate Crimes Prevention Act Of 1998." In a letter to Senate Judiciary Chairman Orrin Hatch, former Bush Administration Attorney General Dick Thornburgh said, *"I would like to express my strong support for the passage of Senate Bill No. 1529, the Hate Crimes Prevention Act of 1998...From my experiences as a Governor, the Attorney General, and as a parent of a child with a disability, I can attest to the importance of this legislation...Please add my name to your list of supporters for the passage of this important legislation."* [Letter to The Honorable Orrin G. Hatch, 9/29/98 (emphasis added)]

Twenty-Two State Attorneys General Said "We Strongly Urge Passage Of This Important Hate Crime Legislation." In a letter to Senate Judiciary chairman Orrin Hatch and ranking member Patrick Leahy, twenty-two members of the National Association of Attorneys General wrote: *"As state attorneys general, we are writing to express our enthusiastic support for the passage of Senate Bill No. 1529, the Hate Crimes Prevention Act of 1998...The amendment to 18 U.S.C. Section 245 would provide invaluable tools for the United States Department of Justice and United States Attorneys to combat hate crimes effectively. Therefore, we strongly urge passage of this important hate crime legislation."* [Letter to The Honorable Orrin G. Hatch and The Honorable Patrick J. Leahy, 3/5/98 (emphasis added)]

Momentum Building For Passage Of Federal Hate Crimes Legislation

Bipartisan Letter From Senate And House Members Urged Colleagues “To Join Us As An Original Co-Sponsor.” In a letter to members of the Senate and House, Republican Sen. Arlen Specter (PA), Sen. Gordon Smith (OR), Rep. Constance Morella (MD) and Rep. Michael Forbes (NY) joined Democratic Sen. Edward M. Kennedy (MA), Sen. Ron Wyden (OR), Sen. Charles Schumer (NY), House Minority Leader Richard Gephardt (MO) and Rep. John Conyers (MI) in urging support of the Hate Crimes Prevention Act. The letter stated: “We are writing to urge you to join us as an original co-sponsor of the Hate Crimes Prevention Act of 1999, and we hope that you will agree to join us as an original sponsor...The Hate Crimes Prevention Act of 1999 is a constructive and measured response to a problem that continues to plague our nation -- violence motivated by prejudice.” [“Dear Colleague” Letter, 3/9/99 (emphasis added)]

Senator Edward Kennedy Said “On This Issue, We Won’t Take ‘No’ For An Answer.”

In a March 11, 1999 press release, Senator Edward M. Kennedy (D-MA) said, “Congress has a responsibility to act this year to deal with the festering problem of hate crimes....The Hate Crimes Prevention Act that we are introducing today will make the federal government a full partner in the battle against hate crimes....On this issue, we won’t take “no” for an answer. With the help of the law enforcement community, the civil rights community, and the overwhelming majority of the American people, I’m confident we’ll prevail.” [Sen. Edward M. Kennedy Press Release, 3/11/99 (emphasis added)]

Senator Patrick Leahy Said “I Again Urge Prompt Consideration And Passage Of ‘The Hate Crimes Prevention Act.’” In March 11, 1999 statement, Senator Patrick Leahy (D-VT) said, “I again urge prompt consideration and passage of ‘The Hate Crimes Prevention Act.’ I cosponsored this measure last Congress and do so again this year. As the Ranking Member of the Judiciary Committee, I look forward to working on hearings next month on this important initiative.” [Statement by Sen. Patrick Leahy, 3/11/99 (emphasis added)]

Minority Leader Richard Gephardt Said He Will Work With Congressional Leaders “To Make The Hate Crimes Prevention Act The Law Of The Land.” In a March 11, 1999 press release, House Minority Leader Richard Gephardt (D-MO) said, “I would like to extend a hand to the Congressional leaders in the House and Senate and ask them to work with us to make the Hate Crimes Prevention Act the law of the land....I will implore my colleagues to act quickly and without delay because each day we wait is another day that justice is denied.” [Minority Leader Richard Gephardt Press Release, 3/11/99 (emphasis added)]

Rep. John Conyers Said “It Is Long Past Time That Congress Passed A Comprehensive Law Banning Such Contemptible Acts.” Representative John Conyers, Jr. (D-MI) during his introduction of the Hate Crimes Prevention Act of 1999: “At one time lynchings were commonplace in our Nation. Nearly 4,000 African Americans were tortured and killed between 1880 and 1930. Today, Americans are being tortured and killed not only because of their race, but also because of their religion, their disability, their sex, and their sexual orientation. It is long past time that Congress passed a comprehensive law banning such contemptible acts.” [Congressional Record, pg. E422, 3/11/99 (emphasis added)]

Four Senate Republicans And Fifteen House Republicans Cosponsor Hate Crimes Prevention Act.

The Hate Crimes Prevention Act currently has four Republican cosponsors in the Senate and fifteen Republican cosponsors in the House. Last year, the Hate Crimes Prevention Act had four Republican cosponsors in the Senate and nineteen Republican cosponsors in the House. With the exception of Sen. Alfonse D’Amato (NY), all of these members are currently serving in the 106th Congress. [Thomas, Library of Congress Website, Bill Summary & Status for the 106th Congress, S. 622 and H.R. 1082, Bill Summary & Status for the 105th Congress, S. 1529 and H.R. 3081]

Republican Senator Arlen Specter Said “Hate Crimes Legislation Is Necessary.”

In a March 11, 1999 statement, Senator Arlen Specter (R-PA) said, “[H]ate crimes legislation is necessary because a fair amount of the time on matters like this, or at least sometimes on matters like this, the local prosecutor, the district attorney, or the county attorney won’t act on the matter because it is too hot to handle. That’s why you need to have the federal government come in to act and to have jurisdiction to act.” [Statement by Sen. Arlen Specter, 3/11/99 (emphasis added)]

Republican Senator Gordon Smith Said “This Legislation Sends A Strong Message...That Violence Motivated By Prejudice Is Not Acceptable.” In a March 11, 1999 press release entitled “Sen. Smith Co-Sponsors Hate Crimes Legislation,” Senator Gordon Smith (R-OR) said, “Committing a violent crime against another human being based solely on categories is deplorable...This legislation sends a strong message to our country, and the international community, that violence motivated by prejudice is not acceptable, and that offenders will be punished to the fullest extent of the law. I also hope, that in some small way, this legislation will say that victims such as James Byrd Jr. and Matthew Shepard did not die in vain.” [Sen. Gordon Smith Press Release, 3/11/99 (emphasis added)]

Republican Rep. Connie Morella Said “These Vicious And Despicable Hate Crimes Should Be Subject To Federal Prosecution.” Rep. Connie Morella (R-MD) on the Hate Crimes Prevention Act of 1999: “This bipartisan legislation is an important part of our continuing effort to assure that people whose hate culminates in violence may be subject to federal prosecution...As we prepare to enter the 21st century, we have been shocked by the brutality of recent hate-motivated violence against James Byrd, Matthew Shepard, and most recently, Billy Jack Gaither. These vicious and despicable hate crimes should be subject to federal prosecution.” [Morella Press Release, 3/11/99 (emphasis added)]

Republican Senator Orrin Hatch Said Judiciary Committee Is “Going To Move On A Hate Crimes Bill.” Senate Judiciary chairman Orrin Hatch (R-UT) during a committee hearing: “There’s no excuse for anybody to be treated hatefully in our country today...The committee’s going to move on a hate crimes bill.” [Associated Press, 7/8/98 (emphasis added)]

➔ In a March 9, 1999 press release, Sen. Hatch stated: “I have become increasingly shocked and appalled by the level of viciousness associated with a type of criminal activity that is bigoted, ugly and downright un-American -- hate crimes...Accordingly, the Judiciary Committee will conduct hearings next month in an effort to determine what role the federal government might properly occupy in helping our states respond to these alarming crimes.” [Hatch Press Release on Hate Crimes Hearing, 3/9/99 (emphasis added)]

Republican Rep. Jim Kolbe Said “I Would Support” Hate Crime Legislation.

According to the Associated Press, Rep. Jim Kolbe (R-AZ) “said Congress should approve stalled hate-crime legislation in the wake of the slaying of a gay University of Wyoming student. Kolbe, a Republican from Tucson, said he co-sponsored such a bill this session but it will not be addressed before Congress adjourns. ‘Perhaps we can address that next year,’ he said. ‘I would support it.’” [Associated Press, 10/15/98 (emphasis added)]

Dozens Of National Organizations Endorsed Hate Crimes Prevention Act

The Hate Crimes Prevention Act is endorsed by dozens of national organizations, including the U.S. Conference of Mayors, the Leadership Conference on Civil Rights, the National Sheriff's Association, the Police Executive Research Forum, the Anti-Defamation League, People for the American Way, the Human Rights Campaign and the Americans for Democratic Action.

U.S. Conference Of Mayors President Deedee Corradini: "Conference Of Mayors Joins President Clinton's Call For Congress To Pass Federal Hate Crimes Legislation." According to a statement by U.S. Conference of Mayors President and Salt Lake City Mayor Deedee Corradini, "The Conference of Mayors joins President Clinton's call for Congress to pass federal hates crimes legislation as soon as possible...Failure to pass federal hates crimes legislation would signify our failure as a nation to accord each of our citizens that respect and value." [Statement by Deedee Corradini, Mayor, Salt Lake City (U.S. Conference of Mayors Press Release), Last Modified 2/23/99 (emphasis added)]

Leadership Conference On Civil Rights Said "We Urge You To Support Prompt Action On The Hate Crimes Prevention Act Of 1998." In a letter to Senate leaders, members of the Leadership Conference on Civil Rights (LCCR) wrote: "We are joined today under the umbrella of the Leadership Conference on Civil Rights (LCCR) to express our support for the Hate Crimes Prevention Act of 1998...We urge you to support prompt action on the Hate Crimes Prevention Act of 1998 before Congress adjourns for the year." The Leadership Conference includes prominent civil rights and religious leaders, corporate executives, law enforcement officers, educators and health professionals. Signatories included Kweisi Mfume of the NAACP, Bob Chase of the National Education Association (NEA), Dr. Joan Brown Campbell of the National Council of Churches, and Patricia Ireland of NOW. [Letter to The Honorable Trent Lott, The Honorable Thomas A. Daschle, The Honorable Orrin G. Hatch, and The Honorable Patrick J. Leahy, 10/8/98 (emphasis added)]

National Sheriffs' Association President Dan Smith Said "We Believe That S. 1529 Should Pass." According to National Sheriffs' Association President Dan Smith, "No American should live in fear of violent attack because of their ethnicity, religion or belief. That is why tough federal statutes are required to bolster inadequate state laws and why we believe that S. 1529 [Hate Crimes Prevention Act of 1998] should pass." [Letter to The Honorable Orrin Hatch, 7/8/98 (emphasis added)]

Police Executive Research Forum's Chuck Wexler: "The Hate Crime Prevention Act Will Help...Bring Those Who Commit Destructive Hate Crimes To Justice." In a letter to Hate Crimes Prevention Act sponsor Sen. Edward Kennedy, Police Executive Research Forum Executive Director Chuck Wexler wrote: "This letter is to express the Police Executive Research Forum's (PERF's) support for S. 1529, the Hate Crimes Prevention Act of 1998. As law enforcement officials who serve 40 percent of the nation's population, we see the devastating effects hate crime can have on victims and the public. The Hate Crime Prevention Act will help local, state and federal officials bring those who commit destructive hate crimes to justice." [Letter to the Honorable Edward Kennedy, 2/1/98 (emphasis added)]

Anti-Defamation League "Applauds Introduction Of Federal Hate Crimes Law."

In a press release entitled "ADL Applauds Introduction of Federal Hate Crimes Law," Anti-Defamation League National Chairman Howard Berkowitz and National Director Abraham Foxman said, "The HCPA would

provide a necessary backstop to state and local enforcement by permitting federal authorities to provide assistance in these investigations -- and by allowing federal prosecutions when necessary to achieve a just result." [ADL Press Release, 3/11/99 (emphasis added)]

People For The American Way Said "It's Time For Action Against Hate Crimes."

In a press release entitled "No More Excuses: It's Time For Action Against Hate Crimes," People for the American Way President Carole Shields stated: "We need to send the strongest possible message that hate crimes have no place in our country or our communities...This act is the first step toward creating a nation where life, liberty and the pursuit of happiness are guaranteed equally to all Americans." [People for the American Way Press Release, 3/11/99 (emphasis added)]

Human Rights Campaign's Winnie Stachelberg Said "I Urge You To Become An Original Cosponsor Of The Hate Crimes Prevention Act Of 1999." In letters to members of the Senate and House, Human Rights Campaign Political Director Winnie Stachelberg wrote: "On behalf of our 250,000 members nationwide, I urge you to become an original cosponsor of the Hate Crimes Prevention Act of 1999 that is scheduled for introduction later this week." ["Dear Senator" Letter, 3/8/99 (emphasis added)]

Americans For Democratic Action Said "HCPA Is Strongly Supported By ADA."

According to an Americans for Democratic Action (ADA) press release, "The HCPA is strongly supported by ADA...By passing the Hate Crimes Prevention Act quickly, the House and Senate can send a strong, b[i]-partisan message that hate and violence have no place in our country." [ADA Press Release, 3/12/99 (emphasis added)]

Victims' Families Support Federal Hate Crimes Legislation
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Matthew Shepard's Mother Judy Shepard Said "I Call On The Congress Of The United States To Pass This Legislation Right Away." Judy Shepard, mother of gay college student Matthew Shepard, on federal hate crimes legislation: "Hate crimes are perpetrated against a group of people, not an individual...It is a form of domestic terrorism. On behalf of my family, I call on the Congress of the United States to pass this legislation right away." More Shepard: "There is no guarantee that these laws will stop hate crimes from happening. But they can reduce them...They can help change the climate in this country, where some people feel it is okay to target specific groups of people and get away with it." Matthew Shepard, a University of Wyoming freshman, was pistol-whipped, lashed to a fence and left for dead last October. He died in a hospital five days later. [States News Service, 3/23/99 (emphasis added); Associated Press, 3/23/99]

James Byrd, Jr.'s Daughter Francis Renee Mullins Said "I Think There Should Be Federal Jurisdiction Over Crimes So Hateful." Francis Renee Mullins, daughter of James Byrd, Jr.'s, during a Senate Judiciary Committee hearing: "I think there should be federal jurisdiction over crimes so hateful...The men who murdered my father had a choice that morning. And they chose violence...Therefore, the laws of the land should punish them." James Byrd, Jr., an African American man from Jasper, Texas, was tied to a truck and dragged to his death by three white males in an alleged racially motivated incident. [Associated Press, 7/8/98 (emphasis added)]

President Clinton Supports Hate Crimes Prevention Act

July 1999

President Clinton first announced his support for the Hate Crimes Prevention Act during the White House Conference on Hate Crimes on November 10, 1997. Since then, President Clinton has repeatedly pushed for passage of hate crimes legislation.

July 6, 1999: President Clinton Said “Congress Should Pass The Hate Crimes Legislation.”

President Clinton during his remarks to the East St. Louis community in Illinois: *“I issue an appeal here from East St. Louis to every community and every citizen in this country: We must search the hearts of our citizens and search the strength of our communities, that Congress should pass the hate crimes legislation, but we should rid our hearts of hatred immediately.”* [Office of the Press Secretary, The White House, 7/6/99 (emphasis added)]

May 11, 1999: President Clinton Said “Help Us Pass The Hate Crimes Prevention Act This Year.”

President Clinton at the Hubert Humphrey Civil Rights Awards Dinner: *“The third thing I ask you to do is to help us pass the hate crimes prevention act this year....So I say to you, we need to do this for all Americans. We need to make a hate crimes prevention act and the employment nondiscrimination act the law of the land, because it will help us to move toward one America and it will help us to make a statement about what we are not, as well as what we are.”* [Office of the Press Secretary, The White House, 5/11/99 (emphasis added)]

April 6, 1999: President Clinton Said “Congress Should Pass This Law This Year.”

President Clinton during a White House event on hate crimes: *“...Congress should pass this law this year....The Hate Crimes Prevention Act would be important, substantively and symbolically, to send a message to ourselves and to the world that we are going into the 21st century determined to preach and to practice what is right.”* [Office of the Press Secretary, The White House, 4/6/99 (emphasis added)]

March 24, 1999: President Clinton Explained Why He Keeps “Fighting For Passage Of The Hate Crimes Legislation.” President Clinton: *“With all of our increasing diversity in America, I wanted an America that really reaffirmed the idea of community, of belonging; the idea that none of us can pursue our individual destinies as fully on our own as we can when we want our neighbors to do well, too; and that there is some concrete benefit to the idea of community that goes beyond just feeling good about living in a country where you're not discriminated against because of some predisposition or anything else that has nothing to do with the law, and nothing to do with how your neighbors live their lives; and that what we have in common is more important than what divides us. I still believe that's going to be one of the major questions facing this country in the 21st century, which is why I devoted so much time to that initiative on race, and why I keep fighting for passage of the hate crimes legislation...”* [Office of the Press Secretary, The White House, 3/23/99 (emphasis added)]

March 5, 1999: President Clinton Said "...I Will Continue To Work For Passage Of The Hate Crimes Prevention Act." In a statement on Billy Jack Gaither, President Clinton said, *"In times like this, the American people pull together and speak with one voice, because the acts of hatred that led to the deaths of such innocent men are also acts of defiance against the values our society holds most dear. That is why I will continue to work for passage of the Hate Crimes Prevention Act...All Americans deserve protection from hate. Nothing is more important to our country's future than our standing together against intolerance, prejudice and violent bigotry. Congress can give power to such shared values by passing the Hate Crimes Prevention Act. In so doing, all Americans can be made more safe and secure."* [Office of the Press Secretary, The White House, 3/5/99 (emphasis added)]

January 19, 1999: President Clinton Said "I Ask Congress To Make The...Hate Crimes Prevention Act The Law Of The Land." President Clinton during his 1999 State of the Union address: *"Discrimination or violence because of race or religion, ancestry or gender, disability or sexual orientation, is wrong, and it ought to be illegal. Therefore, I ask Congress to make the Employment Non-Discrimination Act and the Hate Crimes Prevention Act the law of the land."* [Office of the Press Secretary, The White House, 1/19/99 (emphasis added)]

December 10, 1998: President Clinton Said "I'd Like To Repeat My Support For...A Hate Crimes Prevention Act." President Clinton during the Human Rights Day presentation of the Eleanor Roosevelt Human Rights Award: *"I'd like to repeat my support for two top legislative priorities -- an employment nondiscrimination act that would ban discrimination against gays and lesbians in the workplace, and a hate crimes prevention act...All Americans are entitled to the same respect and legal protection, no matter their race, their gender, their sexual orientation. I agree with something President Truman once said, 'When I say Americans, I mean all Americans.'"* [Office of the Press Secretary, The White House, 12/10/98 (emphasis added)]

October 15, 1998: President Clinton Said "Yes, We Do Need A New Hate Crimes Law." President Clinton during a White House Conference on School Safety: *"The recent death of young Matthew Shepard in Wyoming makes it all too clear to us that violence still can be motivated by prejudice and hatred. Yes, we do need a new hate crimes law."* [Office of the Press Secretary, The White House, 10/15/98 (emphasis added)]

October 12, 1998: President Clinton Said "I Hope That Congress Will Pass The Hate Crimes Legislation." President Clinton: *"The public outrage in Laramie and all across America echoes what we heard at the White House Conference on Hate Crimes last year -- there is something we can do about this, Congress needs to pass our tough Hate Crimes Legislation." President Clinton added: "And I hope that Congress will pass the Hate Crimes Legislation."* [Office of the Press Secretary, The White House, 10/12/98 (emphasis added)]

October 10, 1998: President Clinton Said "It Is Not Too Late For Congress To...Pass The Hate Crimes Prevention Act." President Clinton in a statement on Matthew Shepard: *"Almost one year ago I proposed that Congress enact the Hate Crimes Prevention Act...There is nothing more important to the future of this country than our standing together against intolerance, prejudice, and violent bigotry. It is not too late for Congress to take action before they adjourn and pass The Hate Crimes Prevention Act. By doing so they will help make all Americans more safe and secure."* [Office of the Press Secretary, The White House, 10/10/98 (emphasis added)]

June 24, 1998: President Clinton Said “I Implore You To Move This Vital Piece Of Legislation...Without Delay.” In a June 24, 1998 letter to the Senate and House leadership, President Clinton stated: *“I am writing to urge the Senate (House) to act quickly this year to pass the Hate Crimes Prevention Act of 1998...The Hate Crimes Prevention Act will lead the way in making all Americans more safe and secure. I implore you to move this vital piece of legislation through the Senate (House) without delay.”* [Office of the Press Secretary, The White House, 6/24/98 (emphasis added)]

November 10, 1997: President Clinton Said He Will Help Make Hate Crimes Legislation “Law Of Our Land.” During the White House Conference on Hate Crimes, President Clinton showed his support for the Hate Crimes Prevention Act. President Clinton: *“We should make our current laws tougher to include all hate crimes that cause physical harm. We must prohibit crimes committed because of a victim’s sexual orientation, gender or disability. All Americans deserve protection from hate. I want to thank Senator Kennedy and Senator Specter who will soon introduce legislation to achieve these goals, and I want to tell you that I will do my best to help them see this legislation become law of our land.”* [Office of the Press Secretary, The White House, 11/10/97 (emphasis added)]

State Attorneys General Support Hate Crimes Prevention Act

July 1999

"As state attorneys general, we are writing to express our enthusiastic support for the passage of Senate Bill No. 1529, the Hate Crimes Prevention Act of 1998...The amendment to 18 U.S.C. Section 245 would provide invaluable tools for the United States Department of Justice and United States Attorneys to combat hate crimes effectively. Therefore, we strongly urge passage of this important hate crime legislation."

-- 22 State Attorneys General
March 5, 1998

In a letter to Senate Judiciary chairman Orrin Hatch and ranking member Patrick Leahy, twenty-two members of the National Association of Attorneys General supported the Hate Crimes Prevention Act.

22 State Attorneys General Who Support Hate Crimes Prevention Act

Scott Harshbarger
Attorney General of Massachusetts

Grant Woods
Attorney General of Arizona

Robert Butterworth
Attorney General of Florida

Andrew Ketterer
Attorney General of Maine

Hubert H. Humphrey, III
Attorney General of Minnesota

Joseph P. Mazurek
Attorney General of Montana

Philip T. McLaughlin
Attorney General of Montana

Heidi Heitkamp
Attorney General of North Dakota

William H. Sorrell
Attorney General of Vermont

Dan Morales
Attorney General of Texas

Gus F. Diaz
Attorney General of Guam

Richard Blumenthal
Attorney General of Connecticut

James Doyle
Attorney General of Wisconsin

J. Joseph Curran, Jr.
Attorney General of Maryland

Mike Moore
Attorney General of Mississippi

Frankie Sue Del Papa
Attorney General of Nevada

Peter Verniero
Attorney General of New Jersey

W.A. Drew Edmondson
Attorney General of Oklahoma

Jeffrey B. Pine
Attorney General of Rhode Island

Christine O. Gregoire
Attorney General of Washington

Darrell V. McGraw, Jr.
Attorney General of West Virginia

Jose A. Fuentes-Agostini
Attorney General of Puerto Rico

[Letter to The Honorable Orrin G. Hatch and The Honorable Patrick J. Leahy, 3/5/98]

The Hate Crimes Prevention Act: Background And Supporting Information

July 1999

Purpose

The Hate Crimes Prevention Act of 1999 would strengthen the existing federal hate crimes law in the following ways:

- It would expand the situations when the Department of Justice can prosecute defendants for violent crimes based on race, color, religion or national origin.
- It would authorize the Department of Justice to prosecute individuals who commit violent crimes against others because of the victim's sexual orientation, gender, or disability. Current federal law does not cover these cases at all.

Strengthening The Law Against Race And Religion-Based Crimes

Current law now limits prosecutions to situations where the victim is targeted because he is engaging in certain specified federally protected activities, such as serving on a jury, voting, or attending a public school. U.S. Attorneys have encountered difficulties in a number of prosecutions because of these limitations. The Act would broaden the statute and cover all violent crimes motivated by racial or religious hatred.

Extending The Act To Cover Sexual Orientation, Gender And Disability

The amended Act would cover sexual-orientation-based, gender-based and disability-based hate crimes where these crimes are motivated by discriminatory motives, that is, where it can be established that the defendant acted, at least in part, because of prejudice toward one of these groups, and where there is sufficient connection with interstate commerce. Motivation for the crime is a matter for the jury to determine. As is the case for every element of a criminal offense, prosecutors would have to prove motivation beyond a reasonable doubt.

Over forty states have hate crimes statutes. However, only 21 cover sexual orientation, 22 cover gender, and 21 cover disability. Extending the federal law would allow state and local authorities to take advantage of federal investigative resources and personnel in bringing cases based on state law. It would also allow state and local authorities to be authorized by the Department of Justice to bring cases based on federal law.

Even in states which have broad hate crimes statutes, the higher penalties available under the federal statute, the complexity of the investigation, the procedural advantages of a federal prosecution, or the failure of a state prosecution may mean that a federal prosecution is warranted.

Gender-based cases covered by the expanded Act may overlap with coverage of current state laws against violent crimes. However, the federal Act would apply only where there is additional evidence of animus

based on gender. The Act would generally not be used when state laws provide severe penalties, as in the case of rape. The more frequent use would be in cases of violent attacks against women where there is clear evidence of gender bias but state laws do not provide sufficient penalties. In addition, federal jurisdiction would also allow federal authorities to assist states in bringing their own case.

Federal And State Cooperation

State and local authorities bring the overwhelming majority of prosecutions of persons who commit violent acts toward racial and other minorities, and they would continue to do so under the Act. Federal jurisdiction functions as a backstop for state enforcement in order to ensure that justice is done in every case.

Federal jurisdiction allows the states to take advantage of Department of Justice resources and personnel, even if the state authorities ultimately bring the case based on state law. It also allows state and local authorities to bring a criminal case based on federal law after authorization by the Department of Justice.

Federal prosecutions under an expanded hate crimes law would occur primarily in these situations:

- After consultation between federal and local authorities, there is a consensus that a federal prosecution will be more effective, e.g., because of higher penalties, procedural advantages or the complexity of the case.
- State prosecutors decline to act or the state prosecution does not achieve a just result, and the evidence warrants a subsequent federal prosecution.

Punishing Conduct

The Act would apply to an individual who “wilfully causes bodily injury to any persons or, through the use of fire, a firearm, or an explosive device, attempts to cause injury to any person...” It does not apply to name calling or verbal abuse even if it amounts to hate speech.

The Supreme Court, in Wisconsin v. Mitchell, held that Congress and the states may decide to impose a particular penalty on bias-inspired conduct if it goes beyond protected speech. Causing or attempting to cause bodily injury is clearly not protected speech.

Statistics On Hate Crimes

July 1999

Approximately 50,000 hate crime incidents and 60,000 hate crime offenses have been reported since 1991. In 1997 alone, there were over 8,000 hate crime incidents reported -- nearly one hate crime every hour.

FBI Hate Crime Statistics

	1991	1992	1993	1994	1995	1996	1997	Total ('91-'97)
Total Hate Crime Incidents Reported	4,558	6,623	7,587	5,932	7,947	8,759	8,049	49,455
Total Hate Crime Offenses Reported	4,755	8,106	8,987	7,262	9,895	10,706	9,861	59,572
Participating Agencies	2,771	6,181	6,865	7,356	9,584	11,354	11,211	----
Number of States, including D.C.	32	42	47	44	46	50	49	----
% of U.S. Population Agencies Represent	N/A	51	58	58	75	84	83	----

**Note: A single criminal incident can involve more than one offense because multiple offenses may be committed in an incident.*

Motivations Of Offenses (%), 1991-1997

	1991	1992	1993	1994	1995	1996	1997	Total ('91-'97)
Racial Bias	62.3	62.5	64.4	61.0	62.4	63.2	59.8	62.2
Religious Bias	19.3	15.3	15.1	17.1	14.3	14.0	15.0	15.4
Sexual Orientation	8.9	11.7	11.1	10.9	12.8	11.7	13.9	11.9
Ethnicity/National Origin	9.5	10.4	9.4	10.9	10.3	10.9	11.0	10.4

Key Facts:

- **Nearly 50,000 Hate Crime Incidents Have Been Reported Since 1991.**
According to the FBI, there have been nearly 50,000 hate crime incidents reported since 1991.
- **Nearly 60,000 Hate Crime Offenses Have Been Reported Since 1991.**
According to the FBI, there have been nearly 60,000 hate crime offenses reported since 1991. Of the nearly 60,000 offenses, 62% were motivated by racial bias, 15% by religious bias, 12% by sexual-orientation bias, and 10% by ethnicity/national origin bias.
- **Over 8,000 Hate Crime Incidents Were Reported In 1997.**
In 1997, the latest year for which FBI figures are available, over 8,000 hate crime incidents were reported -- THAT'S NEARLY ONE HATE CRIME EVERY HOUR.
- **Nearly Two-Thirds Of Hate Crime Offenses Are Racially Motivated.**
According to the FBI, nearly two-thirds of hate crime offenses reported since 1991 are motivated by racial bias.

Source: Uniform Crime Reports Hate Crime Statistics, FBI, U.S. Department of Justice, 1991-1997

FIGHTING CRIME

The Division remains strongly committed to the vigorous prosecution of criminal violations of the civil rights laws, including hate crimes. In Fiscal Year 1996, the Division filed 42 cases involving racial violence charging 66 defendants, the highest number of cases and the second highest number of defendants ever charged in one year, and maintained an overall 89% conviction rate. Some cases of vicious hate crimes successfully prosecuted by the Division are:

Three defendants, one of whom is a racist skinhead and a member of the white supremacist group "South Bay Nazi Youth," were convicted of a civil rights conspiracy after they drove through the streets of Lubbock, Texas, hunting African-American men, luring them to the conspirators' car and shooting the men at close range with a short-barreled shotgun. One victim died, one was seriously wounded in the face and another had a finger blown off.

In Livingston, Texas, six defendants pled guilty to civil rights charges for beating randomly selected African-American men with a rifle and a rodeo belt buckle, and punching them repeatedly as they tried to escape. The defendants had been angered at seeing other black men at a night club in the presence of white women. The adult defendants were given prison sentences ranging from 20 to 43 months.

Five skinheads were sentenced to terms of imprisonment ranging from 16 to 49 months for conspiracy after beating an African-American man while he and his wife, who is white, were in a public park in Iowa.

Two defendants were sentenced to 81 months in prison after being convicted of conspiracy and housing interference in connection with a drive-by shooting into the homes of two African-American women in Alma, Georgia.

In Livermore Falls, Maine, two defendants were sentenced to 70 and 88 months following their guilty pleas to civil rights charges after threatening four Latino victims, chasing them by car away from the store, and firing shots at the victims' fleeing car, wounding one victim in the arm.

Church Arsons. The Assistant Attorney General for Civil Rights and the Assistant Secretary of the Treasury for Enforcement co-chair the National Church Arson Task Force (NCATF). The NCATF was established to investigate a rash of suspicious fires in houses of worship and also includes representatives from the FBI, the Bureau of Alcohol, Tobacco and Firearms, the United States Attorneys, the Community Relations Service, the Criminal Division, and the U.S. Marshals. The Task Force has deployed over 200 ATF and FBI investigators around the country to investigate these fires, and is also coordinating closely with state and local law enforcement officials in our prosecution efforts, and in our attempts to prevent additional fires.

As of November 26, 1997, at least 532 arsons at houses of worship since January 1995 have been reported to the National Church Arson Task Force. As a result of partnerships among federal, state and local law enforcement, many of the incidents investigated have been solved, mainly by a combination of federal and local arrests and prosecutions. Since 1995, arrests of 249 suspects have been made in connection with 187 fires at churches and other houses of

worship.

Racial Violence

FY 99 – filed 6 cases against 9 defendants (8/23/99)

FY 98 - 3 cases in 3 defendants

FY 97 – 3 cases in 4 defendants

But could 245 (I)

FY99 - 8/31/99 – 30 cases – 45 defendants – at least 30

FY 98 - 17 cases – 30 defendants

FY97 - 22 cases – 44 defendants

THE WHITE HOUSE

Office of the Press Secretary

For Immediate Release

October 13, 1999

STATEMENT BY THE PRESIDENT

It has been a year since the murder of Matthew Shepard, and two years since I first proposed to strengthen the nation's hate crime laws. During this time, hundreds of Americans have been injured or killed, simply because of who they are. In response to this epidemic of violence, people around the country have joined me in calling on Congress to pass this important legislation.

Earlier this year, the Senate passed my legislation, which, if enacted, would strengthen current law by making it easier to prosecute crimes based on race, color, religion and national origin and by expanding coverage to include crimes based on sexual orientation, gender and disability.

Congress has the opportunity to complete work on that legislation and to send it to me for signature. I call on Congress to do the right thing and enact hate crime legislation before the end of this session. The nation cannot afford to wait.

###

GOP plans to kill hate-crime legislation

By Sean Scully
THE WASHINGTON TIMES

Congressional Republican leaders plan to kill a measure expanding federal hate crimes to include sexual orientation, a provision quietly inserted into one of next year's budget bills by Senate Democrats.

While Republican leaders have long opposed the legislation, staffers say they are removing the provision as part of an effort to keep legislative language out of appropriations bills.

Democrats complained bitterly, saying Republicans were effectively promoting anti-homosexual violence.

"To say that America condones beating people up or destroying property because of hate is one of the low points of this Senate session," said Sen. Charles E. Schumer, New York Democrat.

Federal hate crimes are defined as efforts, under certain narrowly defined circumstances, to intimidate or injure people based on their race, ethnic origin or reli-

Proposal added to Senate budget bill

gion. The measure, part of the appropriations bill funding the Commerce, Justice, and State departments, would have added disability, sex and sexual orientation to the list of protected classes.

Opponents, however, say the bill greatly exceeds federal powers in the Constitution, and they question the propriety of including sexual orientation and other new categories.

"There are plenty of laws on the books already to protect these citizens," said Rep. Zack Wamp, Tennessee Republican and a member of the conference committee considering the budget bill with the hate crimes provision in it. "We don't need to create two classes of people" who are treated differently based on sexual orientation or other characteristics.

The Traditional Values Coalition, which has waged a vigorous campaign against the bill since it was introduced a year ago, said the

measure also appears to single out Christians, blaming those that disapprove of homosexuality on religious grounds for violence.

Supporters of the legislation have used a series of high-profile attacks in recent years, including the dragging death of a black man in Texas and the beating death of a homosexual student in Wyoming, to support their case.

But those cases have been successfully prosecuted by local officials without the federal hate crimes laws, said Andrea Sheldon Lafferty, executive director of the Traditional Values Coalition.

In the Texas case, both defendants now face execution. In Wyoming, one attacker pleaded guilty and is serving life in prison. A second man is now on trial and faces life in prison if convicted.

Supporters respond that many cases are unreported or unprosecuted and a federal hate crimes law would give U.S. attorneys the

ability to intervene or to cooperate with state authorities.

The Democratic measure does not ban biased or hateful speech, although racial epithets or other insults by an assailant could be used as evidence that a physical attack was motivated by prejudice or hatred.

While hate crimes have drawn national media attention, there are relatively few reported incidents.

The FBI reported 7,947 such attacks in 1995 and 11,039 in 1996, based on information from 9,500 law enforcement agencies nationwide. The vast majority of reported incidents — 61 percent in 1995, for example — are racial rather than sexual, ethnic or religious. Using the existing laws, the Justice Department prosecuted only 33 such cases between 1992 and 1997.

Wyoming is one of 11 states that have no clear-cut hate-crime legislation. Eighteen states have hate-crime laws but do not include sexual orientation in the definition.

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Statutory Provisions

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Comparison of FBI Hate Crime
Statistics 1991-1996

1. The following states also have statutes criminalizing interference with religious worship: CA, DC, FL, ID, MD, MA, MI, MN, MS, MO, NV, NM, NY, NC, OK, RI, SC, SD, TN, VA, WV.

2. "Other" includes mental and physical disability or handicap (AL, AK, AZ, CA, DC, DE, IL, IA, LA, ME, MA, MN, NE, NV, NH, NJ, NY, OK, RI, VT, WA, WI), political affiliation (DC, IA, LA, WV) and age (DC, IA, LA, VT).

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

4. Some other states have regulations mandating such training.

Charts and Graphs

State Hate Crimes Statutory Provisions

[Alabama - Idaho] [Illinois - Missouri] [Montana - Pennsylvania]
[Rhode Island - Wyoming]

Alabama - Idaho

	AL	AK	AZ	AR	CA	CO	CT	DC	DE	FL	GA	HI	ID
Bias-Motivated Violence and Intimidation	✓	✓	✓		✓	✓	✓	✓	✓	✓			✓
Civil Action				✓	✓	✓	✓	✓		✓			✓
Criminal Penalty	✓	✓	✓		✓	✓	✓	✓	✓	✓			✓
Race, Religion, Ethnicity ¹	✓	✓	✓		✓	✓	✓	✓	✓	✓			✓
Sexual Orientation			✓		✓		✓	✓	✓	✓			
Gender		✓	✓		✓			✓					
Other ²	✓	✓	✓		✓			✓	✓				
Institutional Vandalism	✓		✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	
Data Collection ³			✓		✓		✓	✓		✓			✓
Training for Law Enforcement Personnel ⁴			✓		✓								

Illinois - Missouri

	IL	IN	IA	KS	KY	LA	ME	MD	MA	MI	MN	MS	MO
Bias-Motivated Violence and Intimidation	✓		✓			✓	✓	✓	✓	✓	✓	✓	✓
Civil Action	✓		✓			✓			✓	✓	✓		✓
Criminal Penalty	✓		✓			✓	✓	✓	✓	✓	✓	✓	✓
Race, Religion, Ethnicity ¹	✓		✓			✓	✓	✓	✓	✓	✓	✓	✓
Sexual Orientation	✓		✓			✓	✓		✓		✓		
Gender	✓		✓			✓	✓			✓	✓	✓	
Other ²	✓		✓			✓	✓		✓		✓		
Institutional Vandalism	✓	✓		✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Data Collection ³	✓		✓		✓	✓	✓	✓	✓	✓	✓		
Training for Law Enforcement Personnel ⁴	✓		✓		✓	✓			✓		✓		

Montana - Pennsylvania

	MT	NE	NV	NH	NJ	NM	NY	NC	ND	OH	OK	OR	PA
Bias-Motivated Violence and Intimidation	✓	✓	✓	✓	✓		✓ ⁵	✓	✓	✓	✓	✓	✓
Civil Action		✓	✓		✓					✓	✓	✓	✓
Criminal Penalty	✓	✓	✓	✓	✓		✓	✓	✓	✓	✓	✓	✓
Race, Religion, Ethnicity ¹	✓	✓	✓	✓	✓		✓	✓	✓	✓	✓	✓	✓

7. The Utah Statute ties penalties for hate crimes to violations of the victim's constitutional or civil rights.

[illegible]

	RI	SC	SD	TN	TX	UT	VT	VA	WA	WV	WI	WY
Bias-Motivated Violence and Intimidation	✓		✓	✓	✓ ⁶	✓ ⁷	✓	✓	✓	✓	✓	
Civil Action	✓		✓	✓			✓	✓	✓		✓	
Criminal Penalty	✓		✓	✓	✓	✓	✓	✓	✓	✓	✓	
Race, Religion, Ethnicity ¹	✓		✓	✓			✓	✓	✓	✓	✓	
Sexual Orientation	✓						✓		✓		✓	
Gender	✓						✓		✓	✓		
Other ²	✓						✓		✓	✓	✓	
Institutional Vandalism	✓	✓		✓	✓			✓	✓		✓	
Data Collection ³	✓				✓			✓	✓			
Training for Law Enforcement Personnel ⁴	✓								✓			

Next: Map of State Statutes

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STATES WITH PENALTY-ENHANCEMENT
HATE CRIMES LAWS

*The District of Columbia has a penalty enhancement
Hate Crimes Law

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OFFICE OF THE GOVERNOR

PR99:210

FOR IMMEDIATE RELEASE

August 26, 1999

GOVERNOR DAVIS ANNOUNCES FORMATION OF PANEL TO COMBAT 'HATE GROUPS'

Appoints Former Secretary of State Christopher and Governor Deukmejian to Head Effort

SACRAMENTO – Governor Gray Davis today named former U.S. Secretary of State Warren Christopher and former Governor George Deukmejian to head a blue ribbon committee that will conduct a comprehensive study of current and potential laws relating to combating "hate groups" and paramilitary organizations operating in California.

"Hate groups that preach intolerance and transform their venom into violence are a threat to civilized society," Governor Davis said. "The proliferation of these groups, especially those with paramilitary intentions, strikes at the heart of this state's ideals. I am asking Secretary Christopher and Governor Deukmejian to suggest ways the state can lawfully curtail the unlawful acts of these dangerous bigots."

In a mission statement for the panel, the governor said:

"Groups, associations and organizations whose principal activities or purposes are to foster hatred or incite violent acts towards any segment of the population are a danger to our society.

"This danger is most critical when such 'hate groups' actually act out, or incite others to act out, their hatred with violence on ethnic minorities, racial or religious groups, people of a specific gender or sexual orientation, or towards other segments of our population. The vile rhetoric of these hate groups may also incite violent acts against law enforcement officers, the judiciary, civic and government officials."

Governor Davis' directive calls on former Secretary Christopher and Governor Deukmejian to conduct a comprehensive study and prepare a report that examines existing laws relating to possible criminal or civil liability of "hate groups", their leaders and members. It also asks Messrs. Christopher and Deukmejian to look at laws that could be enacted or implemented, within the constraints of the constitution, to minimize or eliminate entirely the harm done by "hate groups". Finally, it also seeks recommendation of additional laws or other measures that should be enacted or implemented with respect to "hate groups".

"I am very pleased that Governor Deukmejian and former Secretary of State Christopher have agreed to head up the effort of this extraordinarily important panel," continued Governor Davis. The governor also announced that Stanford University Law School Dean Kathleen Sullivan, a renowned constitutional scholar, also has agreed to serve on the committee. Other committee members will be named in the coming weeks.

Also on Thursday, Governor Davis announced the establishment of a civil rights Internet site by the Department of Fair Employment and Housing (DFEH). DFEH is the civil rights agency for the State of California. Its responsibilities are to accept, investigate, conciliate and litigate complaints of discrimination in employment, housing, public accommodations and bias-related hate violence. The Department enforces the Fair Employment and Housing Act, the Unruh Civil Rights Act and the Ralph Civil Rights Act. The Ralph Civil Rights Act provides protection from hate crimes. It prohibits violence or threats of violence based on race, color religion, ancestry, national origin, political affiliation, sex, sexual orientation, age, disability, or position in a labor dispute.

The DFEH web site contains information about the laws enforced by DFEH, the complaint process, office locations, how to file a complaint, pre-complaint questionnaires, DFEH's most frequently asked questions, procedures for obtaining DFEH publications, and employment opportunity bulletins. DFEH's web site is located at www.dfeh.ca.gov. DFEH also has a toll-free number, 1-800-884-1684.

Please see attached Mission Statement for the Blue Ribbon Panel on Laws Relating to Hate Groups.

###

GOVERNOR GRAY DAVIS • SACRAMENTO, CALIFORNIA 95814 • (916) 445-2841



OFFICE OF THE GOVERNOR

Blue Ribbon Panel on Laws Relating to Hate Groups

Mission Statement

Groups, associations and organizations whose principal activities or purposes are to foster hatred or incite violent acts towards any segment of the population are a danger to our society.

This danger is most critical when such "hate groups" actually act out, or incite others to act out, their hatred with violence on ethnic minorities, racial or religious groups, people of a specific gender or sexual orientation, or towards other segments of our population. The vile rhetoric of these hate groups may also incite violent acts against law enforcement officers, the judiciary, civic and government officials.

A comprehensive study of our laws relating to such hate groups, and the violent acts that are incited by them, would be of great benefit to the Executive, Legislative and Judicial Branches of our government in enacting, amending or administering our laws.

Accordingly, as Governor of the State of California, I have asked former U.S. Secretary of State Warren Christopher and former Governor George Deukmejian to conduct a comprehensive study and prepare a report with recommendations concerning the following principal areas:

- A review of existing laws relating to possible criminal or civil liability of hate groups, their leaders and members generally and specifically as they relate to the incitement of violent acts against ethnic minorities, racial or religious groups, people of a specific gender or sexual orientation, or towards other segments of our population as well as law enforcement officers, the judiciary, civic and government officials.
- A discussion of the laws or other measures that could be amended, enacted or implemented, within constitutional parameters, to minimize the influence of hate groups and violence incited by the doctrines they espouse.
- Any other relevant recommendations that they deem appropriate for our consideration in dealing with hate groups and hate group incited violence.

Secretary Christopher and Governor Deukmejian are authorized to seek the advice of any experts in constitutional law, law enforcement or any other relevant field that they deem necessary to complete their study.

**STATE OF CALIFORNIA
DEPARTMENT OF FAIR EMPLOYMENT AND HOUSING
2014 "T" STREET, SUITE 210
SACRAMENTO, CA 95814
(916) 227-2873
FAX (916) 227-2870**

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INSTRUCTIONS/MESSAGE:

John E. Thompson
08/12/99 10:37:46 AM

Record Type: Record

To: Mary L. Smith/OPD/EOP@EOP

cc: james boden/omb/eop@eop

Subject: Re: hate crimes budget request

Hate Crimes Funding (\$ in millions)

	<u>1999</u>	<u>2000 Request</u>	<u>Senate</u>	<u>House</u>
FBI - Hate Crimes Initiative	30	31	30	31
Civil Rights Division	1.7	2.4	1.8	1.8
Civil Rights Enforcement Partnerships*	0	1	0	0
TOTAL	31.7	34.4	31.8	32.8

*New grant program for Attorneys General. \$1m of the \$5m total is for hate crimes.

? Hate crimes analysis of diff. laws

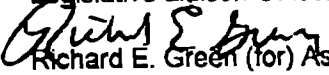
Total Pages: _____

LRM ID: REJ165

**EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
Washington, D.C. 20503-0001**

Tuesday, September 7, 1999

LEGISLATIVE REFERRAL MEMORANDUM

TO: Legislative Liaison Officer - See Distribution below
FROM:  Richard E. Green (for) Assistant Director for Legislative Reference
OMB CONTACT: Ronald E. Jones
E-Mail: Ronald_E._Jones@omb.eop.gov
PHONE: (202)395-3386 FAX: (202)395-3109
SUBJECT: JUSTICE Report on HR1082 Hate Crimes Prevention Act
DEADLINE: Noon Friday, September 10, 1999

In accordance with OMB Circular A-19, OMB requests the views of your agency on the above subject before advising on its relationship to the program of the President. **Please advise us if this item will affect direct spending or receipts for purposes of the "Pay-As-You-Go" provisions of Title XIII of the Omnibus Budget Reconciliation Act of 1990.**

COMMENTS: The attached letter responds to questions asked at the House Judiciary Committee's August 4th hearing on HR 1082.

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FAX RETURN of _____ pages, attached to this response sheet



Office of the Deputy Attorney General

Washington, D.C. 20530

The Honorable Henry J. Hyde
Chairman
Committee on the Judiciary
U.S. House of Representatives
Washington DC 20515

Dear Mr. Chairman:

It was a pleasure to see you and testify before you at the House Judiciary Committee's Hearing on Hate Crimes on August 4th. This is in response to the question asked by Congresswoman Shelia Jackson Lee at the end of my testimony. She asked for a response that would explain why H.R. 1082, the Hate Crimes Prevention Act of 1999 ("HCPA"), would not cover an incident where a man gets intoxicated at a bar, comes home and beats his wife.

To bring a federal action under the HCPA, there must be proof of bodily injury, a nexus to interstate commerce, and a gender-based motivation for the offense. This example would not satisfy the last two of these three elements.

First, there is not a sufficient interstate commerce nexus to trigger federal jurisdiction. The HCPA would cover only those incidents where the defendant or the victim traveled in interstate commerce, used an instrumentality of interstate commerce, engaged in an activity that affects interstate commerce, or the offense itself affected interstate commerce. Buying and consuming several drinks in a bar before the offense would not qualify under any of these criteria. In the context of church arson prosecutions, for example, the Department looks for evidence that the perpetrator traveled across state lines or that the church itself affects interstate commerce in some way, as through its membership or purchases.

Second, nothing in this example indicates that the attacker was motivated by bias against the victim because of her gender. While attacks of an extreme level of egregious violence or brutality may prompt an investigation into whether there are other indications of gender bias, a beating in and of itself is not an explicit expression of a general bias towards the victim's gender. In addition, we would not bring a case without examining any evidence of other motives for the attack. Such evidence can

rule out the possibility that the incident is a bias crime. The Department recognizes the concerns regarding federal jurisdiction over gender based crimes and would use its discretion wisely to prosecute only those cases that present the strongest evidence of gender-based bias.

I hope that this information is helpful. Do not hesitate to contact me if I can be of further assistance.

Sincerely,

Eric H. Holder, Jr.
Deputy Assistant Attorney General

cc: The Honorable John Conyers, Jr.
Ranking Minority Member

*Similar letter sent to
Rep. Jackson Lee*



Office of the Deputy Attorney General

Washington, D.C. 20530

The Honorable Sheila Jackson Lee
U.S. House of Representatives
Washington DC 20515

Dear Congresswoman Jackson Lee,

It was a pleasure to see you and to testify before you at the House Judiciary Committee's Hearing on Hate Crimes on August 4th. I am writing to answer the question that you posed to me at the end of the hearing. You asked for a response that would explain why H.R. 1082, the Hate Crimes Prevention Act of 1999 ("HCPA"), would not cover an incident where a man gets intoxicated at a bar, comes home and beats his wife.

To bring a federal action under the HCPA, there must be proof of bodily injury, a nexus to interstate commerce, and a gender-based motivation for the offense. This example would not satisfy the last two of these three elements.

First, there is not a sufficient interstate commerce nexus to trigger federal jurisdiction. The HCPA would cover only those incidents where the defendant or the victim traveled in interstate commerce, used an instrumentality of interstate commerce, engaged in an activity that affects interstate commerce, or the offense itself affected interstate commerce. Buying and consuming several drinks in a bar before the offense would not qualify under any of these criteria. In the context of church arson prosecutions, for example, the Department looks for evidence that the perpetrator traveled across state lines or that the church itself affects interstate commerce in some way, as through its membership or purchases.

Second, nothing in this example indicates that the attacker was motivated by bias against the victim because of her gender. While attacks of an extreme level of egregious violence or brutality may prompt an investigation into whether there are other indications of gender bias, a beating in and of itself is not an explicit expression of a general bias towards the victim's gender. In addition, we would not bring a case without examining

any evidence of other motives for the attack. Such evidence can rule out the possibility that the incident is a bias crime. The Department recognizes the concerns regarding federal jurisdiction over gender based crimes and would use its discretion wisely to prosecute only those cases that present the strongest evidence of gender-based bias.

I hope that this information is helpful. I appreciate your vigorous and consistent support on this issue. Do not hesitate to contact me if I can be of further assistance.

Sincerely,

Eric H. Holder, Jr.
Deputy Assistant Attorney General

In addition, she said, many of the estimated 15,000 to 25,000 residents of these sprawling, unregulated communities live in substandard housing, vulnerable to floods and the strong winds still swirling in the storm's wake.

Similar conditions, accompanying 1998's Tropical Storm Charley, wrought havoc in border communities further northwest in Del Rio, Texas, killing 18 people and pummeling their homes with 18 inches of rain.

In the former colonia of El Cenizo just south of Laredo, Webb County Deputy Sheriff Homero Rangel lifted his voice to be heard above the hubbub at the community center.

Rangel and other law enforcement officials were offering El Cenizo residents rides to shelter at a school in the neighboring community, Rio Bravo. About 30 residents had taken him up on the offer by Monday afternoon, he said.

"We take whoever shows up," Rangel said. "But some of them are afraid that somebody might go into their houses and steal what little they have."

In Laredo, a state of emergency was proclaimed by the mayor and scattered reports of flooding began to surface in the late afternoon. The storm's peak was scheduled to hit the city by midnight.

Hate Crime Laws Marked by Little Reporting, Few Prosecutions

By Mark Fritz

Los Angeles Times

A skinhead with dive-bombing Stukas and goose-stepping storm troopers tattooed on his torso ran into a West African immigrant at a downtown bus stop. He taunted, terrorized and finally shot the French-speaking newcomer because he couldn't stand his skin color.

Isn't this a hate crime? In the dictionary, perhaps, but not in Denver. Police chose not to submit a textbook attack on a man killed for being black to a federal program that has been trying, for nearly one frustrating decade, to measure bias-based crime in America.

What about a case in which yet another neo-Nazi slashes the throat of a computer operator, cracks open his skull with an ax handle and then burns the body because the victim made a pass at him weeks before? What about a trio of men who torch a black church after a KKK rally? Are these hate crimes?

Not in Alabama, which has a law against arson regardless of whether the flame thrower is wearing a hooded white robe or little black dress, a hate code that covers homicide but does not protect homosexuals, and zero tales of intolerance that police care to share with the rest of the country.

"They are trained on this and told about this, but I don't think they actually think about it," said Carol Roberts, an Alabama public information specialist who tallies the zeroes that local police agencies compile for the FBI's annual hate crime reports.

The failure of police and prosecutors to probe, report and punish a cross-burning or race rumble as hate crimes instead of, say, criminal mischief or assault not only has rendered many laws useless, it has confounded attempts by analysts to get a grip on the extent of bigotry-based mayhem.

A cluster of particularly heinous hate crimes from the dragging death of a black man in Texas to the bludgeoning of a gay student in Wyoming to the one-man riot of white racist Buford O. Furrow Jr. has triggered bursts of outrage and a bunch of bills, most of which flew uselessly out the window when the nation's legislatures shut down for the summer.

But the string of high-profile crimes overshadows how rarely authorities are willing to build a case on an intangible concept when a basic crime category may be safer, and how discriminating states can be when it comes to protecting people from a punch thrown with extreme prejudice.

If blind bigotry compels you to clobber a Teamster in Oregon, a kid in a wheelchair in New Jersey, an old woman in Indiana or any woman in Virginia, you theoretically face a harshly enhanced penalty because you're not just committing a crime against an individual, but against society.

If you march and chant in front of the house of a mixed-race married couple in Michigan, you could be committing a hate crime. Unless that couple is of the same gender.

Twenty-one states exclude sexual orientation from their laws. Others add age or gender, while some stick to race, creed and color. Eight have no hate crime laws at all. Oregon protects people from prejudice based on political party, purchasing power, union membership, social standing or marital status, to name a handful.

States generally use hate crime laws to enhance either by adding years to a sentence, limiting parole or elevating a misdemeanor to a felony.

Yet while hate laws look good on paper after they're passed by outraged lawmakers, experts in the field say it's not always a cop when you need to enforce one.

Boston and New Orleans both have about a half million people and

a history of disharmony, but the former reported 150 hate crimes to the federal government in 1997 and the latter just one. The city of Miami and state of Hawaii are among the most notable jurisdictions that don't participate in hate crime monitoring.

While only six out of every 10 police agencies voluntarily report bias crimes to the FBI, four out of five of those say they don't have any. In the South, only 6 percent of the police agencies acknowledge having investigated a crime motivated by bias, compared with 20 percent for the rest of the country. Nothing puzzles and appalls crime analysts more than Alabama, Arkansas and Mississippi, where police agencies collected their hate crimes from 1997 and shipped them off to their state capitals, where all the numbers were tallied and sent on to the FBI. The total? Zero.

This strains the credulity of Jim Nolan, the FBI analyst who crunches hate crime statistics and trains officers on how to spot, investigate and track hate crime. Yet nine years after Congress passed the Hate Crime Reporting Act so that police agencies would have standard criteria to apply to suspected hate crime, solid statistics still don't exist.

"We don't know if hate crimes are up or down," Nolan said.

After staring at page after page of statistical goose eggs from places where hate crimes are in fact as real as a rock to the head, the Justice Department is awaiting the results of a mammoth study of 2,300 jurisdictions to find out why so many police hate crime reports look like drawings of doughnut holes.

Though conclusions won't be ready until December, some trends are emerging, said Jack McDevitt, director of the Center for Criminal Justice Policy Research at Northeastern University in Boston, which was commissioned to do the study.

Among his observations:

Many police departments are put off by the extra FBI paperwork and determining a motive as elusive as bias. And they feel the media will blow a crime out of proportion if hate is mentioned as a cause.

Hate crimes have a low conviction rate about 15 percent because spraying a swastika on a synagogue or assaulting a swarthy stranger are, by their nature, hard to solve. And victims often bail out of the investigation because they fear retribution.

Though crime in general is down nationwide, hate crime seems to have merely leveled off in the cities and is rising in some suburbs, especially those in the midst of demographic change.

Though some experts say police treat hate crime the way they did domestic abuse a decade ago not very seriously McDevitt said raising awareness about gay-bashing is even tougher. "You've got to get them over their bias that it's OK, which a lot of them believe."

Police and prosecutors pursue the charge most likely to secure a conviction, and most don't have the expertise to make a hate crime case. Yet hate crime charges are routinely used to threaten a suspect into pleading guilty to something else, since carrying a bias rap into prisons teaming with race-based gangs can be as risky as a nap on the train tracks.

Local Officials Grapple With Definition of Hate Crime

Los Angeles Times

Some communities make hate crimes a priority. Chicago's Cook County and Los Angeles County each have more than two dozen prosecutors devoted to it. Cook County State's Attorney Richard A. Devine, who wrote a textbook on how to prosecute it, testified before the House Judiciary Committee that tough laws and enforcement had reduced county hate crimes.

What constitutes a hate crime isn't always clear. Los Angeles County counts as hate offenses violence between rival gangs of different ethnicity. Some police disagree.

Combustible Compton, south of Los Angeles, reported no hate crimes last year, even though race plays a role in gang warfare. "If a Latino and a black gang have an incident, is that a hate crime?" said Compton Police Chief Hourie Taylor. "It's complex. They have rivalries with gangs of their own ethnicities as well as with other ethnicities so it's difficult to say."

California Justices Reject Law on Indian Gaming

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Monday, August 23, 1999

Hate Crimes Hard to Track as Some Areas Report None

Justice: FBI tallies zeroes from many cities and even entire states.

Failure to include cases can thwart laws.

By MARK FRITZ, Times Staff Writer

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Hard to Enforce Hate Crime Laws

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Last year, of 1,800 hate-motivated offenses reported in California, police referred a third to prosecutors. Most copped pleas; only 13 people were found guilty as charged. In Los Angeles County, there was only one such conviction out of 668 offenses investigated. State prison officials say there are only six people serving time for major hate crimes.

"The fact that so few people get convicted of hate crimes undermines their purpose," McDevitt said. "Hate crimes are about messages. Offenders are trying to send

a message that we don't want you in our community. The community has to send a message back saying we don't agree."

Only 4 Out of 82 Bias Bills Became Law

Some tried. State lawmakers fired 82 hate crime bills at each other in the last year, yet only four became law, said Kelly Anders, a National Conference of State Legislatures lawyer. Vermont put bite into its law by allowing victims to sue their tormentors for civil damages if they can't get criminal verdicts. Gov. Howard Dean signed the bill because the criminal statute wasn't getting used.

Virginia added gender and sexual orientation to its list of victims. Arkansas and Illinois established hate crime commissions. Everything else was killed or shelved. Wyoming, which has no hate crime law, rejected eight different incarnations of the concept.

Congress is close to passing a bill to give Washington broader authority to intervene in bias crimes. The Senate approved it last month and the proposal is in the House Judiciary Committee. The bill also would broaden current law to include sexual orientation, age and gender.

Opponents argue that enhancing criminal penalties for crimes against special classes of victims only splinters society and that existing criminal laws are adequate. Yet a recent Gallup Poll showed that 70% of Americans believe a crime prompted by bigotry deserves harsher punishment.

The biggest hurdle is convincing local police to recognize

hate crimes and report them as such, Nolan said. "We have a standard definition. There's no reason why a jurisdiction shouldn't report a hate crime, regardless of [the state or local] law."

The FBI has been leaning on departments to do just that. Missing from the numbers, however, will be the November 1997 killing of Oumar Dia, who was standing at a Denver bus stop when he was accosted by 21-year-old Nathan Thill, a gas station employee with a shaved head who'd just had a few drinks at a strip joint and was looking for a black person to blow away.

Thill and another skinhead called Dia racist names, knocked his hat off, opened fire. Thill then shot a mother of two who had tried to intervene, paralyzing her.

Hate crime? "It's the Police Department's call," said Jeannie Ryland, senior crime information specialist for the state.

Denver police Lt. Frank Conner noted that Thill was convicted of homicide and ethnic intimidation. He said the homicide was reported to the FBI, since it was the primary charge, but that somebody in the department decided it wasn't necessary to fill out an FBI hate crime form.

Denver, where a skinhead killed a police officer just a few months before Dia died, reported four hate crimes to the FBI in 1997.

Still, that's four more than Alabama, Arkansas and Mississippi combined. In Alabama, for example, three young men were convicted in 1997 for burning down a black church two days after a Ku Klux Klan rally. One man had shouted, "Let's go burn the n----- church!" The crime didn't make the FBI report.

Neither will the death of Billy Jack Gaither, a 38-year-old gay man in rural Alabama killed by a couple of acquaintances, then tossed onto a ghastly pyre of burning tires. Authorities have convicted two men who said they killed him "because he was queer," but nobody added his name to the national list of hate crime victims.

A Coosa County sheriff's deputy said the case was more homicide than hate crime and referred inquiries to Dist. Atty. Fred Thompson, who said sexual orientation didn't fall under Alabama's hate crime provision.

Some communities make hate crimes a priority. Chicago's Cook County and Los Angeles County each have more than two dozen prosecutors devoted to it. Cook County State's Atty. Richard A. Devine, who wrote a textbook on how to prosecute such crimes, testified before the House Judiciary Committee that tough laws and enforcement had reduced county hate crimes.

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Minnesota is tough on hate crime, but what happens when a college student who claims she was beaten up by guys yelling lesbian slurs galvanizes a community to raise \$12,000 to fight

bias--then admits she made it up? Confusion, followed by no crime at all.

An insurance industry official recently told a House hearing about a rise in people trying to scam settlements by falsely claiming that their houses or cars were torched, broken into or defaced with spray-painted slurs.

For decades, hate crime debates have come and gone in cycles driven by sensational crimes that seem to be harbingers of worse things to come. The confluence of politics, awful anecdote and interest groups ready to convert a crime into a trend inevitably triggers calls for new laws, said Don Haider-Markel, a University of Kansas political scientist. "But like any sort of symbolic law, once it's passed it's generally ignored."

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Times staff writer Peter Y. Hong and researcher John Beckham contributed to this story.

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