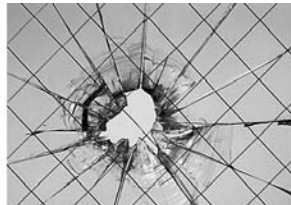




The United States



2008 Hate Crime Survey

About Human Rights First

Human Rights First believes that building respect for human rights and the rule of law will help ensure the dignity to which every individual is entitled and will stem tyranny, extremism, intolerance, and violence.

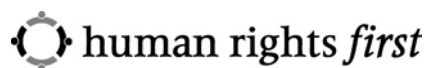
Human Rights First protects people at risk: refugees who flee persecution, victims of crimes against humanity or other mass human rights violations, victims of discrimination, those whose rights are eroded in the name of national security, and human rights advocates who are targeted for defending the rights of others. These groups are often the first victims of societal instability and breakdown; their treatment is a harbinger of wider-scale repression. Human Rights First works to prevent violations against these groups and to seek justice and accountability for violations against them.

Human Rights First is practical and effective. We advocate for change at the highest levels of national and international policymaking. We seek justice through the courts. We raise awareness and understanding through the media. We build coalitions among those with divergent views. And we mobilize people to act.

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HRF's Fighting Discrimination Program

The Fighting Discrimination Program has been working since 2002 to reverse the rising tide of antisemitic, racist, anti-Muslim, anti-immigrant, and homophobic violence and other bias crime in Europe, the Russian Federation, and North America. We report on the reality of violence driven by discrimination, and work to strengthen the response of governments to combat this violence. We advance concrete, practical recommendations to improve hate crimes legislation and its implementation, monitoring and public reporting, the training of police and prosecutors, the work of official anti-discrimination bodies, and the capacity of civil society organizations and international institutions to combat violent hate crimes. For more information on the program, visit www.humanrightsfirst.org/discrimination or email FD@humanrightsfirst.org.

2008 Hate Crime Survey

The United States is an excerpt from Human Rights First's *2008 Hate Crime Survey*, which includes sections examining six facets of violent hate crime in the 56 countries that comprise the Organization for Security and Cooperation in Europe (OSCE): *Violence Based on Racism and Xenophobia*, *Antisemitic Violence*, *Violence Against Muslims*, *Violence Based on Religious Intolerance*, *Violence Against Roma*, and *Violence Based on Sexual Orientation and Gender Identity Bias*. The Survey also examines government responses to violent hate crimes in sections on *Systems of Monitoring and Reporting* and *The Framework of Criminal Law* and includes a Ten-Point Plan for governments to strengthen their responses. The Survey also includes an in-depth look at the *Russian Federation*, *Ukraine*, and the *United States* and contains a *Country Panorama* section that profiles individual hate crime cases from more than 30 countries within the OSCE.

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The United States

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Executive Summary

Across the United States in 2007 and 2008, people motivated by prejudice acted violently to hurt individuals in vicious assaults, to damage homes and personal property, and to attack places of worship, cemeteries, community centers, and schools. The prejudices differ from case to case, and often multiple prejudices combine in a single crime. This report addresses in particular hate crimes motivated by racist and xenophobic bias, religious bias, sexual orientation bias (often called homophobia, and in this analysis embracing also gender identity bias), and bias based on disability—as well as crimes motivated by a combination of prejudices.

According to statistics published by the Federal Bureau of Investigation (FBI) for 2006, the latest year for which information is available, people of African descent comprised the largest number of victims of violent hate crime, reflecting longstanding patterns of such crimes in the United States. However, new trends of rising anti-immigrant violence were also part of the larger pattern of racism and xenophobia: anti-immigrant hate crimes took the form of personal assaults leading to serious injury or death, as well as threatening graffiti on homes and businesses. In these new patterns of violence, people of Hispanic origin, both immigrants and American citizens, faced rising levels of crime driven by prejudice and hatred.

Jews continue to be among the principal victims of racism combined with religious hatred and prejudice, with antisemitic crimes continuing at high levels. Antisemitic crimes ranged from attacks on synagogues and schools and vandalism of homes to physical assaults on religious and community leaders.

Racism and religious bias also conspired to drive attacks on people of Muslim origin, with arson attacks on mosques and Islamic community centers, and

attacks on ordinary citizens and immigrants who happen to be Muslims. These hate crimes placed people of Middle East and South Asian origins under threat whether or not they were Muslims, even as Muslims faced the double discrimination of racism and religious prejudice. Perpetrators of religious bias crimes also targeted Christian churches, their congregations, and clergy for crimes ranging from threatening graffiti to arson and deadly gunfire.

FBI hate crime data shows that attacks founded on sexual orientation continue to be characterized by a high level of violence, with a higher proportion of personal assaults than in other categories of hate crime. Nongovernmental monitors report a substantial increase in 2007 of violent attacks on lesbian, gay, bisexual, and transgender (LGBT) persons. Some of those attacked faced serious injury or death.

People with disabilities were targeted for ongoing abuse, torture, and murder. The number of attacks against disabled people is generally understood to be severely undercounted.

The perpetrators of the violence were motivated by views founded on prejudice and hatred—but the resulting hate crimes were objective acts of violence that would have constituted punishable offenses regardless of motivation. Bias-motivated incidents were more serious crimes because they represented criminal acts with greater resonance, reach, and consequences than most ordinary crimes—because they threatened and harmed not just the individual victims and their families but whole sectors of the population and the social fabric itself.

Although hate crimes are a serious and continuing problem in the United States, the situation in the U.S. differs in significant ways from that in most of the other

56 participating states in the Organization for Security and Cooperation in Europe (OSCE)—the region of focus of Human Rights First’s *2008 Hate Crime Survey*. Unlike in most other countries, the government of the United States has generally responded to hate crimes vigorously, in rhetoric and in action, putting in place a robust system of monitoring and reporting, as well as creating a sound legal base for prosecuting hate crimes as the more serious crimes that they are.

Nonetheless, there are some glaring omissions in the official response to hate crimes, and this report concludes with several recommendations to enhance that response. In particular, the adoption of the Local Law Enforcement Hate Crime Prevention Act would address some of the principle shortcomings on the current hate crime legislation.

I. Violent Hate Crimes on the Rise

Across the United States in 2007 and 2008, people motivated by prejudice acted violently to hurt individuals, to damage homes and personal property, and to attack places of worship, cemeteries, community centers, and schools.

In the latest report on hate crime in 2006, the FBI identified 7,722 incidents—a 7.8 percent rise from the documented 7,163 crimes in 2005. There was a 9.5 percent rise in hate crime victims, from 8,804 in 2005 to 9,642 in 2006. These incidents were reported by 2,105 police agencies across the country, out of 17,500 agencies participating in the UCR program.

The 2006 report found that 56 percent of hate crime victims—5,449 people—were “victims of hate crimes against persons,” in contrast to 59 percent in 2005 (5,190 people)—indicating no major change in the levels of personal violence reported. In 2006, much in keeping with past years, 43.2 percent were victimized by crimes against property; 81 percent of the latter were “acts of damage/destruction/vandalism.”

Of the 7,722 single-bias incidents reported to the FBI in 2006, 51.8 percent were motivated by a racial bias, 18.9 percent by a religious bias, 15.5 percent by a sexual orientation bias, 12.7 percent by an ethnicity/national origin bias, and 1 percent by a bias against disability.¹

Hate Crime in California

According to the state of California’s annual hate crime report for 2007, hate crime incidents rose 9.2 percent, from 1,306 in 2006 to 1,426 in 2007. The 1,426 incidents represented 1,931 offenses, with violent crimes increasing by 19.9 percent from 1,044 in 2006 to 1,252 in 2007. There were 679 property crimes in 2007. The report also provides data on hate crime incidents referred to prosecutors (443), and the outcome of these referrals—including criminal cases filed, cases filed as hate crimes, and the progress and outcome of hate crime cases.

The largest number of bias incidents was under the category “anti- race/ethnicity/national origin,” with 932 incidents or 65.4 percent of the total. Within this category there were 498 incidents of “antiblack” bias and 160 of “anti-Hispanic” bias. Antiblack hate crimes continued to be the largest category by bias motivation, accounting for at least 26 percent of all hate crime offenses annually since 1998, and over 30 percent in 2007. Antiblack hate crime offenses rose 15.6 percent, from 588 in 2006 to 680 in 2007. Anti-Hispanic offenses increased over 7 percent, from 218 in 2006 to 234.

The second largest number of incidents and offenses was motivated by sexual orientation bias, with a rise to 263 incidents, or 18.4 percent of the total. This represented an increase of 6.9 percent, from 246 in 2006 to 263 in 2007. Religious bias accounted for 203 incidents, or 14.2 percent of the total, of which 134 (66 percent) were anti-Jewish, 13 (6.4 percent) anti-Islamic, and 11 (5.4 percent) anti-Protestant. The data also covered 25 incidents of gender-bias crimes, of which 23 were motivated by antitransgender bias. There were 3 antidisability bias incidents recorded.²

II. Violence Based on Racism and Xenophobia

Monitors in the United States generally categorize incidents of racist and xenophobic violence by victim's race, ethnicity, or national origin, although there is often considerable overlap of these categories. Attacks motivated by racism and xenophobia are also often fueled by religious antipathy, gender bias, or other forms of prejudice.

The highest levels of violent hate crime continue to be directed toward members of the African-American community and others of African origin. In the latest report, covering 2006, the FBI found that over a third of the total victims of hate crime violence were targeted because of antiblack bias. A high incidence of racist attacks on black Americans is also reported by municipal and county hate crimes monitors.

In other racist and xenophobic attacks, hate crimes targeting people of Hispanic or Latino origin rose nationwide by one third since 2003.

Racist violence also targeted people of Asian origin. These included attacks on persons of South Asian origin, who were sometimes targeted in the belief they were Muslims and from the Middle East.

A. Hate Crimes Targeting Black Americans

A review of the record of antiblack hate crimes in 2007 and the first half of 2008 reveals a pattern of both serious crimes—including murder, sexual assaults, and beatings—and of everyday violence affecting daily lives of ordinary people, often at the hands of neighbors, coworkers, or fellow students; in their homes, schools, churches, and elsewhere in their own communities.

In many cases, hate crimes against black Americans echoed past policies, practices, and societal norms of

racial segregation. Black families faced harassment and violence expressly intended to drive them out of particular neighborhoods; black workers were made unwelcome in predominantly white workplaces, black students faced harassment and violence at schools, and black churches were targeted for racist graffiti and arson.

The FBI's hate crime report for 2006 recorded 3,332 victims of antiblack bias crimes, in 2,640 incidents. This represented 66.4 percent of the victims of racial bias crimes, and 34.5 percent of the 9,652 victims of hate crimes overall.³ Of 2,042 total offenses, 65 percent were crimes against persons (in contrast to 56.5 percent of such crimes among hate crime offenses overall). Higher rates were reported only in anti-Hispanic crimes (72.8 percent) and sexual orientation bias crimes (71 percent). The FBI breakdown identified one antiblack bias homicide and three cases of forcible rape. There were 395 cases of aggravated assault, 564 of simple assault, and 1,079 of intimidation. Crimes against property totaled 1,088, including 9 cases of arson and 980 cases of "destruction/damage/vandalism."⁴

Murder and Attempted Murder

Frequently reported hate crimes against black Americans took the form of physical assaults on individuals, including beatings, shootings, and stabbings. A number of these incidents led to arrests and prosecutions.

- In Baton Rouge, **Louisiana**, in August 2007, three men were charged with a hate crime and attempted murder for shouting racial epithets and allegedly firing a shotgun at two black Department of Public Works employees.⁵

- On June 11, 2008, in Marshfield, **Massachusetts**, an estimated dozen assailants shouted racial epithets at an African-American man, chased him, and then “kicked, stabbed and hit until he was nearly unconscious,” according to police. Four suspects were detained and faced hate crime and attempted murder charges.⁶
- On January 20, 2008, in Omaha, **Nebraska**, Brittany Williams, a 21-year-old African American college student, was shot to death at a local drive-in. Prosecutors noted that the murderer’s “own words—and the circumstances of the shooting—point to the [murder] as being race-based.”⁷
- In June 2008, in Eugene, **Oregon**, three young white men attacked a 59-year-old African-American man, beating him with a baseball bat. According to police reports, the victim suffered “facial, jaw and skull injuries” requiring extensive surgeries. The incident was investigated as a hate crime.⁸
- In Seattle, **Washington**, in March 2008, two white men yelling racial slurs attacked a 24-year-old black man at a bus stop. Police announced two arrests on charges of second-degree assault, first-degree robbery, and malicious harassment (the latter is based on Washington’s hate crime law).⁹

Hangman’s Nooses and Burning Crosses

Rope nooses and cross burnings are potent symbols of racist terror and intimidation and a reminder of the lynchings of African Americans that took place in the United States prior to the 1960’s civil rights movement. Regretably, these symbols are still employed to send messages of racial hatred, and figure in crimes of violence against persons and property motivated by racial bias. On September 1, 2006, two nooses were hung from a tree in a schoolyard in Jena, **Louisiana**, that set in motion protests and further noose-hanging incidents that continued throughout 2007.¹⁰ A

demonstration involving participants from across the United States was held in Jena on September 20, 2007, protesting the failure to address the noose incident as a hate crime and the disproportionate response by law enforcement authorities to offences attributed to black youths following the initial incident. The Southern Poverty Law Center documented as many as 50 incidents involving nooses in a “racist backlash” to the demonstration over the following months.¹¹

The intimidating use of the hangman’s noose, along with threatening graffiti and anonymous notes threatening violence, were increasingly reported at schools and colleges in the wake the Jena events. Incidents were recorded on campuses in Mobile, **Alabama**, Los Angeles, **California**, New London, **Connecticut**, Henniker, **Vermont**, Mount Pleasant, **Michigan**, and other cities.¹²

In April 2007, the Federal Bureau of Investigation’s *Hate Crime* website said twenty cross burnings, which are defined as a hate crime in most U.S. states, had been reported nationwide since October 2005. Special Agent Carlton L. Peeples, the acting chief of the Civil Rights Unit at the FBI Headquarters, declared that although the incidents were not common, “when they do take place, they have a huge impact—not just on the victim but on the entire community.”¹³

Threats and Violence at Home and in the Workplace

Black and interracial families frequently suffered vandalism, arson, threatening graffiti, verbal threats, and harassment in many parts of the United States. In some cases, racist harassment of neighbors escalated to personal assaults. Many cases of assaults and harassment also occurred in the workplace environment. The victims included county and municipal workers, medical professionals, clergy, and a wide range of other white and blue collar workers. Some of the most vicious attacks targeted individuals for their close relationship with black Americans, including interracial

couples and their children. The hangman's noose or the burning cross were sometimes used to deliver the message of racial hatred in the incidence of violence and property damage targeting black families.

- In Brentwood, **California**, in August 2007, attackers spray-painted and set alight the home of a black family. A vehicle stolen from the family at the same time was found partially “stripped and burned.”¹⁴
- In Aurora, **Colorado**, in December 2007, police charged a 51-year-old man with harassment of another person because “of that person’s actual or perceived race, color, religion, ancestry or national origin.” The man was allegedly responsible for hanging nooses and inserting razor blades in a black employee’s work belt at Arapahoe County Weatherization Department.¹⁵
- On July 19, 2008, a cross was set up and burned in the yard of an interracial couple with four children in Dudley, **North Carolina**. Police subsequently arrested a neighbor of the victimized family, Dixon Steward, who was charged with ethnic intimidation and a misdemeanor.¹⁶
- In Nashville, **Tennessee**, in January 2008, an unknown person set fire to a pile of newspapers on a man’s doorstep and placed a noose and cross atop the blaze.
- In Arlington, **Texas** on December 19, 2007, a woman attacked a black neighbor, Silk Littlejohn, striking her on the head with a piece of wood while hurling racial epithets. Racist graffiti—expressing dissatisfaction with Littlejohn’s presence in the neighborhood—was sprayed on the victim’s house after the incident. Police charged the 66-year-old woman with a hate crime assault.¹⁷

- In **Virginia** Beach, in August 2007, vandals painted racist epithets on a car that was then set on fire at the home of “a white woman who has biracial children.”¹⁸

B. Violence Targeting Hispanic/Latino Communities

Media reports and national and local data showed a dramatic rise in violence against people of Hispanic origin (Latinos).¹⁹ The violence has indiscriminately targeted both U.S. citizens and foreigners, and both legal and illegal immigrants, and has taken place amidst recent mainstreaming of anti-immigrant rhetoric and fears.

In the hate crime report for 2006, the Federal Bureau of Investigation said there were 819 victims of crimes targeting people of Hispanic origin, making up 62.8 percent of the 1,305 victims of hate crimes motivated by ethnicity or national origin in 2006. The 819 victims represented 8.5 percent of the total 9,652 victims of hate crimes. In contrast, there were 595 reported Hispanic victims in 2003, 6.5 percent of the total.²⁰

The Southern Poverty Law Center (SPLC) revealed a 35 percent rise in hate crimes against people of Hispanic origin between 2003 and 2006—based on an analysis of Federal Bureau of Investigation (FBI) crime reports.²¹ An FBI spokesman interviewed by *National Public Radio* confirmed the 35 percent rise. The incidents reported ranged from vandalism to violent assaults, arson, and murder.²² The SPLC report added that “experts believe that such crimes are typically carried out by people who think they are attacking immigrants.”²³

There were 576 anti-Hispanic incidents reported in 2006, of a total of 7,772, resulting in 770 offenses. Of these, 561, or 72.85 percent, were crimes against persons. There were also 5 cases of arson registered among the crimes against property.²⁴ As noted, the proportion of crimes against persons in cases of anti-

Hispanic bias was the highest of any category of racial or ethnic/national origin category—72.8 percent.

The recent rise in violent hate crime against Hispanics is further documented in 2007 statistics from the state of **California** and Los Angeles County, the most populous county in the United States. According to the state's annual hate crime report, anti-Hispanic offenses increased by seven percent, from 218 in 2006 to 234 in 2007. The Commission on Human Relations for Los Angeles County, California, which also produces an annual report on hate crimes, reported a 28 percent rise in such crimes targeting Hispanics from 2006 to 2007, resulting in a five-year high for such violence.

Racist attacks on immigrants of Hispanic origin may also have been seriously underreported by victims lacking confidence in local police and fearing sanctions based on their immigration status. Immigrant victims may be more likely to report serious crimes, but reluctant to take the risk of coming forward to report minor assaults and harassment and intimidation. This may explain the high proportion of violent hate crimes in the total number of bias attacks on people of Hispanic origin—71 percent nationwide in FBI statistics for 2006, 85 percent in Los Angeles County statistics for 2007 (where “anti-Latino crimes were the most likely to be violent”).²⁵ In 2007, the U.S. Bureau of Citizenship and Immigration Services has started to issue special visas to illegal immigrants who are victims of violent crimes in the United States, offering protection against deportation to those who cooperate with law enforcement agencies.²⁶

Murder and Serious Assault

In some of the most serious crimes reported, people of Hispanic origin—immigrants and U.S. citizens or residents—were victims of murder in racist attacks.

- On October 7, 2007, in Las Vegas, **Nevada**, a man reportedly ran over with a car and killed Mexican national Manuel Ramírez Rodríguez. Police de-

tained the suspect on charges of murder and said the killing was a hate crime, motivated by the victim's nationality.²⁷

- On July 12, 2008, in Shenandoah, **Pennsylvania**, Mexican immigrant Luis Ramírez was brutally murdered by a group of teenagers, who approached Ramírez and his American girlfriend in a park. The youths attacked Ramírez with punches and kicks, knocking him to the ground and continuing to kick him after he went into convulsions. Two high school students were charged with homicide and ethnic intimidation and a third was charged with aggravated assault, ethnic intimidation, and other crimes. Charges were pending against a fourth, a juvenile, as of the end of July. The Mexican American Legal Defense and Education Fund (MALDEF) requested the launching of a civil rights investigation by the Department of Justice and for federal monitors to be dispatched to the area, after local authorities expressed doubts that the incident involved racism.²⁸
- In July 2007 David Ritcheson committed suicide. The Mexican-American teenager was the victim of a brutal racially motivated attack in a town outside of Houston, **Texas**, in April 2006. The attackers broke his jaw, burned him with cigarettes, attempted to carve a swastika in his chest, and poured bleach on him. The most severe injuries were caused when they violently sodomized Ritcheson with a patio umbrella pole. Ritcheson was hospitalized and required thirty surgeries for his injuries, but never fully recovered from the physical and psychological trauma of the attack. He subsequently collaborated with the Anti-Defamation League in creating an antihate program at his high school, and one year after the attack testified before the U.S. House of Representative's Judiciary Committee in hearings concerning the strengthening of federal hate crime laws. Three months later Ritcheson committed suicide.²⁹ The accused were sentenced to life im-

prisonment and ninety years, respectively, for aggravated sexual assault; an appeal by one of the defendants was dismissed in March 2008.³⁰

Threats and Assaults on Families, Laborers, and Businesses

In many reported cases, vandals attacked the homes and property of Latino families. In some attacks, perpetrators targeted the people and institutions that provide assistance to Hispanic immigrants. In a number of cases, attacks were carried out against immigrant-owned businesses. In others, day laborers were kidnapped, on the promise of a job, and taken to remote sites and beaten. Incidents of serious violence against Hispanic Americans and immigrants have been reported in areas with large Hispanic populations, notably in the Southwest, and elsewhere in the United States. In San Diego, **California**, Deputy District Attorney Oscar Garcia, who specializes in hate crime prosecutions, confirmed that Hispanic Americans are being expressly targeted. Places at which migrant workers gather to meet employers were particular targets of racist abuse: “day labor sites seem to attract hate mongers who use that as an excuse and hide behind the flag and claim they’re merely trying to express political views.”³¹

- On August 10, 2007, in Seaside, **California**, a man posing as an employer, picked up Artemio Santiago Garcia, an immigrant from Oaxaca, Mexico, and drove him to an abandoned building. According to prosecutors, Blevins clubbed Santiago over the head with a flashlight and punched and kicked him repeatedly. Santiago was knocked unconscious and suffered severe injuries.³²
- On September 30, 2007, in Avon Park, **Florida**, attackers set fire to the home of a citizen of Hispanic origin and painted an obscene anti-Puerto Rican epithet on the wall of the garage.³³

- On May 4, 2007, in Gaithersburg, **Maryland**, attackers set fire to CASA de Maryland, center for immigrant assistance. The center had previously received repeated threats.³⁴
- On October 8, 2007, in Omaha, **Nebraska**, unknown attackers damaged the property of a Hispanic family, painting “white power” and a swastika on two vehicles and setting them on fire.³⁵
- On August 16, 2008, in Staten Island, **New York**, a man vandalized and damaged several shops and restaurants catering to a Mexican clientele, smashing into the windows with a vehicle. Community leaders expressed concern that “the rampage was motivated by ethnic hatred,” while there were no reported arrests.³⁶

The Context of Racist Anti-Immigrant Discourse

The dramatic rise in anti-Hispanic violence nationwide has fused longstanding racism with new strains of xenophobia. The violence has emerged in the context of anti-immigrant and anti-Mexican rhetoric in the news media, increasingly echoed by politicians and community leaders. Immigrants have been denigrated, dehumanized, and demonized.

A trend of rising anti-immigrant discourse within the political mainstream has helped fuel the increasingly virulent rhetoric of organized hate groups and may have contributed to the growing incidence of violence. Monitors report that the number of groups propagandizing racial supremacy and intolerance has risen sharply in recent years, with many recasting their public message to build upon more mainstream anti-immigrant sentiment.

The Southern Poverty Law Center (SPLC) reported a 48 percent rise in the growth of hate groups operating in the United States since 2000, which is attributed mainly “to the anti-immigrant fervor sweeping the country.” Some organized white supremacist and anti-immigrant

factions have been shown to have both advocated and engaged in racist violence. According to the SPLC, these groups are mainly responsible for the dramatic rise in violence toward people of immigrant origin.³⁷

A review of anti-immigrant rhetoric by the Anti-Defamation League (ADL) has identified a series of themes through which immigrants are vilified and demonized, including claims that immigrants are a deadly source of disease in the United States; that immigrants are disproportionately responsible for crime; and that immigrants intend to take over Texas and California. Citing the statements of media personalities, politicians, public officeholders, and leaders of anti-immigrant organizations, the ADL report concludes that “anti-immigrant propaganda and rhetoric, once the domain of hate groups, is now part of the lexicon used by anti-immigration advocacy organizations, politicians and media figures considered mainstream.”³⁸

C. Violence Targeting People of Asian Origin

Hate crimes targeting people of Asian (and Pacific Island) origin continued to be widely reported, while statistics on hate crimes targeting members of specific subgroups are very limited. People of South Asian origin (e.g. Indian, Pakistani, Bangladeshi) continued to be victimized by attacks impelled by racism. Additionally, people of South Asian origin—many of whom are not Muslims—were subjected to threatening vandalism and personal assaults motivated by anti-Muslim bias. Others attacked included Asian Americans of Chinese and other East Asian origins.

The Federal Bureau of Investigation’s report for 2006 identified 239 victims of “Anti-Asian/Pacific Islander” bias, in 181 incidents. The data was not further disaggregated to identify victims from particular areas in Asia. The victimization of other Asians is also reflected, however, in the FBI’s category of “anti-Islamic” bias crimes, although the absence of a further breakdown of

the data makes this impossible to quantify.³⁹ Although the U.S. Census Bureau also uses the combined category “Asian and Pacific Islander Populations” in reporting on the racial composition of the population of the United States, it has since 1997 included “Asian” as a separate census category.⁴⁰

- In San Dimas, **California**, in April, 2008, two men attacked and stabbed 22-year-old Yoo Sun in the back and the face, requiring an airlift for emergency medical treatment. A police spokesman said the attackers were shouting white power slogans. A 27-year-old and a 15-year old had been charged with attempted murder which was being investigated as a hate crime.⁴¹
- In July, 2008, in Albuquerque, **New Mexico**, attackers vandalized the automobile of a Sikh family with obscenities. The family also reported prior incidents of harassment.⁴²
- In January 2008 in Queens, **New York**, an attacker shouting xenophobic epithets assaulted a worshipper at a Sikh temple. David Wood, 36, was subsequently charged with “second-degree assault as a hate crime, second- and third-degree assault and second-degree aggravated harassment.”⁴³
- In Seattle, **Washington**, in December 2007, a man attacked a Sikh cab driver, shouting racial slurs and calling him a “terrorist.” A 21-year-old was arrested and subsequently charged with third-degree assault and one count of malicious harassment.⁴⁴

III. Violence Based on Religious Bias

Violence based on religious bias was widely reported in 2007–2008, with attacks on people of diverse confessions, on homes and property, and on places of worship, including Catholic, Protestant, and Mormon churches, mosques and prayer rooms of Islamic community centers, and synagogues.

In many cases, religious bias combined with racism and xenophobia. Jews victimized by antisemitism were targeted for both their religion and their identity as a people. Muslims were sometimes victimized because of both their religion and their ethnicity—with some anti-Muslim attacks targeting non-Muslims due to misperceptions. Churches with majority black congregations were attacked because of racist antipathy toward the attendees. Catholic churches were sometimes attacked for providing support to Hispanic immigrants.

In the report on 2006, the Federal Bureau of Investigation registered 1,462 “religious bias” incidents, a 19 percent rise from 2005. These incidents constituted 1,597 offenses, and resulted in 1,750 victims—a 25 percent rise over the 1,404 victims in 2005. Religious bias data is broken down further into “**anti-Christian**,” “**anti-Jewish**,” and “**anti-Muslim**” and categories, with the FBI recording increases in antisemitic and anti-Muslim incidents.

A. Antisemitic Violence

Antisemitic crimes in 2007 and 2008 included assaults on individuals and attacks on synagogues, schools, and Jewish community centers, and on the homes and automobiles of Jewish families. There were a number of particularly serious assaults on community leaders.

The FBI’s 2006 hate crime data identified 967 incidents of “anti-Jewish” bias (up from 845 in 2005), and 1,027 offenses (up from 900). There were 1,144 reported

victims, in contrast to 977 in 2005). Of the 324 crimes against persons (31 percent of the total offenses), there were 22 cases of aggravated assault, 58 of simple intimidation, and 244 of intimidation. There were 703 crimes against property, of which 672 were classed as destruction/damage/vandalism,” and 8 arson.⁴⁵

The Anti-Defamation League (ADL) reported a decline in antisemitic incidents for the third consecutive year in 2007.⁴⁶ The ADL registered 1,460 incidents for the year, a decline of 6 percent from the 1,554 in 2006, and down from a peak of 1,821 in 2004. There were 699 incidents of vandalism (which included cemetery desecration, graffiti, and other forms of property damage), and 761 of harassment (which in the ADL typology includes “physical or verbal assaults directed at individuals or institutions”). The ADL’s annual report also cited high levels of antisemitic harassment and vandalism at U.S. schools and universities.

Serious Assaults, Threats, and Harassment

In a disturbing number of cases, Jews were victims of antisemitic violence and intimidation at their homes, in the streets, and at community centers. Attacks on people who were “visibly Jewish,” in particular Jews wearing distinctive or religiously prescribed dress, were reported in many parts of the country.

- On February 15, 2007, Nobel Peace Prize winner Eli Wiesel, a Holocaust survivor and human rights activist, was physically assaulted at his hotel in San Francisco, **California**. In July 2008, court found 24-year-old Ethan Hunt, a reportedly self-proclaimed holocaust denier, guilty of a felony charge of false imprisonment as a hate crime and of misdemeanor counts of battery and elder abuse. Hunt was sentenced to two years imprisonment.⁴⁷

- In Los Angeles, **California**, on August 23, 2007, two Orthodox Jewish Yeshiva students were reportedly harangued with antisemitic remarks and shot with a pellet gun. One student was hit in the neck, and the other in a shoulder, but neither suffered a serious injury. No arrests were made, but public authorities denounced the attack as a hate crime. Los Angeles Councilman Jack Weiss called the attack “an absolute outrage” and made a promise to find the attackers. Mayor Antonio Villaraigosa had likewise condemned the crime.⁴⁸
- On October 9, 2007, Orthodox Rabbi Mordechai Moskowitz was beaten with an aluminum baseball bat in Lakewood, **New Jersey**.⁴⁹ The 53-year-old victim was hospitalized with head injuries in critical condition; the alleged perpetrator, a man with a history of mental illness, was detained.⁵⁰
- On December 11, 2007, four college students returning home from a Hannukah celebration were verbally abused, spat upon, and physically assaulted on a **New York** City subway train. Twenty-year-old Hassan Askari, a Muslim of Bangladeshi origin, intervened to protect them. Askari was then himself attacked. Police responded and arrested eight men and two women, aged 19 to 20, who were arraigned on charges of assault, menacing, harassment, and inciting a riot. Police were investigating whether the incident should be considered a hate crime.⁵¹

Attacks on Places of Worship and Cemeteries

As in past years, synagogues were a frequent target of attacks in 2007-2008, with vandalism and hateful graffiti targeting specific congregations and threatening the broader Jewish community. Cemeteries were also a major target of antisemitic vandalism.

In the year 2007, the Anti-Defamation League (ADL) found the swastika present “in hundreds of attacks against buildings, synagogues, cemeteries and private

homes.” In one case profiled by the ADL, in Brooklyn, **New York** City, a single vandal was alleged in September 2007 to having spray-painted swastikas and antisemitic slogans “in at least 23 different locations in Brooklyn Heights, including on two synagogues, an apartment building, several homes and cars.” The alleged perpetrator, Ivaylo Ivanov, was arrested in January 2008 and charged with hate crimes in connection with the incidents.⁵²

- In San Francisco, **California**, a swastika was found painted on the synagogue of Congregation Emanuel on April 2, 2007.⁵³
- In August 2007, a synagogue in Boca Raton, **Florida**, was defaced with a swastika.⁵⁴
- On May 13, 2007 vandals in Chicago, **Illinois**, damaged tombstones at the Rosemont Park Jewish Cemetery and marked a swastika on a tomb at the entrance to the cemetery.⁵⁵
- On September 5, 2007, more than two dozen grave markers were toppled at Jewish cemeteries in Springfield, **Massachusetts**.⁵⁶
- In July 2007, vandals attacked a synagogue on three occasions over several weeks, breaking 17 windows, in the Bronx, **New York** City.⁵⁷
- In April 2007, in Eugene, **Oregon**, intruders entered an Orthodox synagogue and damaged prayer books and two Torah scrolls. Four men were subsequently arrested and indicted for burglary; police said there was insufficient evidence to charge them with a hate crime.⁵⁸
- In November 2007, grave markers in a Jewish cemetery were defaced with swastikas and profanity in Collingdale, **Pennsylvania**.⁵⁹
- In June 2007 in Victoria, **Texas**, antisemitic graffiti, including swastikas, Nazi, and profane messages, was spray-painted on the front the historic Temple B’Nai Israel.⁶⁰

Violence at Schools and Universities

The Anti-Defamation League's annual audit for 2007 identified 197 antisemitic acts that were reported at K-12 schools nationwide; "these incidents took the form of swastikas and hate graffiti painted or written on desks, walls and other school property, name-calling, slurs, mockery, bullying and assaults, with some directed at teachers, as well as at Jewish students."

Antisemitism was also present on college and university campuses. The ADL reported 81 antisemitic incidents on college or university campuses in 2007, down from 88 in 2006. Incidents ranged from graffiti on the dormitory room doors of Jewish students and on Jewish fraternity houses to swastikas scratched into automobiles.⁶¹

- On January 3, 2008, and again on January 6, vandals targeted the Wheaton Woods Elementary School and surrounding areas in Montgomery County, **Maryland**, by spray-painting racist and antisemitic epithets around school property. Police said they were investigating the acts of vandalism as hate crimes.⁶²
- In June, 2007, vandals in Worcester, **Massachusetts**, smashed eight windows at the New Jewish Academy and painted a nearby public school with antisemitic graffiti. The Jewish school had been spray-painted repeatedly with antisemitic graffiti over the previous two weeks.⁶³
- In **Minnesota**, antisemitic graffiti and threatening drawings appeared on the campus of the St. Cloud State University in December, 2007. Swastikas were carved into doors of a multicultural center, and drawings of burning crosses and Ku Klux Klan hoods were found in the Student Center. Police were investigating the incidents.⁶⁴

B. Violence Against Muslims

Hate crime attacks on Muslims and Muslim institutions, including mosques and community centers, continued to be reported in 2007 and 2008. The prejudices underlying anti-Muslim violence are often a combination of racism, xenophobia, and religious intolerance. But the true numbers of incidents involving anti-Muslim religious bias are difficult to assess, not least because national and local monitoring systems that register bias attacks on individual Muslims tend to classify such attacks as founded primarily on racist or ethnicity/national origin bias. Most official monitoring systems make no practical provision for logging an incident as involving both racist and antireligious bias, and accordingly register each case as one or the other. Classification of crimes as anti-Muslim bias cases is generally reserved for that minority of cases involving Muslims who were targeted for wearing traditional dress or while attending a mosque, who were subjected to expressly anti-Muslim epithets, and others in which a religious bias was both explicit and unambiguous.

In a number of serious crimes committed in 2007 and the first half of 2008, the expressly antireligious/anti-Muslim dimension of attacks was shown in the selection of targets, notably in attacks on mosques and Muslim-owned businesses, and in the epithets used by the attackers.

The FBI's 2006 data on hate crimes included a category of "anti-Islamic" crimes, registering 156 incidents (up 22 percent from the 128 in 2005) and 191 offenses, with 208 victims (up 38 percent from 151 in 2005).

The FBI monitoring system does not identify specific Middle Eastern, South Asian, or East Asian minorities in statistical breakdowns of victims of attacks motivated by anti-Muslim bias. Consequently, official statistics do not reflect either the true extent of anti-Muslim bias in hate crimes, or the levels of victimization of particular population groups that are predominantly Muslim.

Assaults on non-Muslims, notably members of the Sikh community, are commonly accompanied by anti-Muslim and anti-Arab epithets, and can accordingly be logged as anti-Islamic/anti-Muslim attacks. In other cases, attacks on Muslims of South Asian origin may be classified as anti-immigrant incidents. As bias attacks on Arabs, South Asians, Sikhs, and other important demographic groups in the United States are not expressly reflected in disaggregated statistics in the hate crime statistics, such incidents are often categorized as “other ethnic/national origin” bias crimes.

Two nongovernmental organizations in the United States undertake regular monitoring and advocacy on behalf of victims of racial and religious violence and harassment from the Arab-American and Muslim communities.

In a 2008 report, the American-Arab Anti-Discrimination Committee (ADC) looked at hate crimes and discrimination targeting Arab-Americans from 2003 to 2007, following up on a previous report on the “backlash” violence that came in the immediate aftermath of the 9/11 terrorist attacks. The ADC found that although hate crimes had diminished from the extraordinary levels reported immediately after the terror attacks, but “serious incidents are occurring at . . . a greater frequency than during the late 1990’s and 2000.” According to the ADC, high levels of violence and intimidation are found to occur in the context of growing anti-Arab and anti-Muslim discourse in American “popular and political culture.”⁶⁵

Personal Assaults

- On September 11, 2007, tires were slashed on two vehicles belonging to the family of Samira Hussein, a school family services worker in Gaithersburg, **Maryland**. Hussein, who runs cultural sensitivity training programs for new public school teachers, is well-known as a speaker on the stereotyping of Arab and Muslim Americans. Ongoing attacks on the family reportedly date back to the 1990’s.⁶⁶
- On June 20, 2008, a group of men mocked and taunted a local Muslim businessman and his son at a gas station in Cleveland, **Ohio**, after hearing the victims say a prayer in Arabic. One of the assailants shot Fazliddin Yakubov three times in the abdomen; the incident was captured by a surveillance camera.⁶⁷ Local police sought the assistance of the FBI, which was investigating the attack as a hate crime, and an arrest was made on July 3. Police subsequently reported that a man had been charged for the attack.⁶⁸

Attacks on Places of Worship

In a number of cases in 2007 and 2008, Islamic centers and mosques were the target of violent hate crimes:

- In October 2007, in Bakersfield, **California**, windows were broken, cars smashed, and two worshippers received minor injuries when two drunken men entered the Islamic Center of San Joaquin Valley and disrupted a Ramadan prayer service. The FBI was assisting local authorities in an investigation of the attack as a hate crime.⁶⁹
- On August 12, 2007, arsonists in Antioch, **California**, set fire to the Islamic Center of the East Bay, largely destroying the center’s mosque. It was reported that the front windows of the mosque had been destroyed three times during the year and that the incidents had come in the context of repeated threatening phone calls.⁷⁰
- On April 12, 2007, the Islamic Education Center of Tampa, **Florida**, was set alight, destroying much of the interior. The ten-year-old mosque and community center had previously been vandalized, and FBI investigators were assisting local police and fire safety officers in the investigation.⁷¹
- On the night of February 9, 2008, a group of men attacked the Islamic Center Mosque in Columbia, **Tennessee**, spray-painting three swastikas and the

slogans “White Power” and “We run the world” on the walls, and then setting the building alight. The attackers threw a brick through a window and hurled two Molotov cocktails into the interior; the fire had completely destroyed the structure. Three men were detained in relation to the attack the same night, according to federal officials. In March 2008, Federal prosecutors brought charges under federal civil rights statutes and legislation specific to attacks on places of worship. On March 26, a federal grand jury indicted three men with “conspiracy to violate civil rights, destroying a house of worship, possession of a destructive device, use of fire to destroy a building and use of fire to commit a felony.” Federal officials said the accused had planned for a week to burn down the Islamic Center.⁷²

Attacks on Muslim-owned Business Establishments

Muslim-owned businesses were also attacked:

- On March 26, 2008, in Lenexa, **Kansas**, two men attacked a Muslim-owned Conoco gas station and a nearby convenience store with Molotov cocktails. In the initial attack, a man went into the gas station store and asked the clerk “if he was a Muslim.” The man proceeded to verbally harass the clerk and to throw a brick and a Molotov cocktail through the window. Police said the bomb “fizzled” before landing inside the store and that no fire damage resulted. A second attack on a nearby convenience store occurred as police investigated the incident. A suspect was detained and charged with “attempted aggravated arson and felony criminal damage” in relation to both incidents.⁷³
- In January 2008, three men entered the Blaine Dairy, a convenience store in Blaine, **Minnesota**, and threw a flaming Molotov cocktail at the Egyptian-born owner. The owner ducked behind shelves and suffered minor burns to his left hand, cuts, and

bruises, fleeing through smoke and flames only after he was sure the attackers had left. The building was heavily damaged.⁷⁴ In March, the FBI said it was investigating whether the attack was a hate crime, making no further comment.⁷⁵

C. Violence against Christians

The FBI’s 2006 data on hate crimes against Christian denominations were broken into anti-Catholic bias (76 incidents, 81 offenses, and 86 victims) and anti-Protestant bias (59 incidents, 52 offenses, and 65 victims), together accounting for 8.6 percent of victims.⁷⁶

Hate crimes targeting Christian denominations, generally involving vandalism and threatening graffiti, targeted Protestant, Catholic, and other churches. Vandals desecrated and destroyed religious statues in Catholic churches, while causing severe damage to the interiors of churches of several denominations. There were also numerous incidents of arson targeting places of worship, often accompanied by antireligious and racist graffiti. In a number of cases, members of the Church of Jesus Christ of Latter-day Saints (Mormons) suffered personal assaults motivated by bias against their religious beliefs and practice. Attacks on churches were also reported in which racism and anti-immigrant bias and xenophobia combined, including attacks on traditionally black churches and churches attended by Americans and immigrants of Hispanic origin.

Physical Assaults and Murder

A number of attacks were reported on individuals. Members of minority religions were also subjected to physical assaults.

- In Phoenix, **Arizona** in May, 2008, two teenagers attacked two Mormon youths with a pellet gun while shouting anti-Mormon epithets. Two teens, aged 15 and 16, were charged “with suspicion of

aggravated assault, disorderly conduct and underage drinking.”⁷⁷

- On July 27, 2008, in Knoxville, **Tennessee**, a man armed with a semi-automatic shotgun entered the Tennessee Valley Unitarian Universalist Church and opened fire on members of the congregation. The gunmen killed one person and seriously injured five others, one of whom subsequently died in the hospital. Two others received minor injuries. The attack was being investigated as a hate crime, with the assistance of the FBI: police said a letter from the attacker, who was detained at the scene, showed that the attack targeted the church’s “liberal views.”⁷⁸

Church Vandalism, Arson, and Desecration

The Church Arson Prevention Act makes it a federal crime to commit attacks on religious property or to obstruct persons in the exercise of their religious beliefs. The law extends to racially motivated church burnings and bombings as well as acts of desecration motivated by religious animus.⁷⁹ Attacks on churches involving vandalism and destruction of property occurred across the United States. In some of the most serious incidents in 2007 and 2008, churches were vandalized and then severely damaged or destroyed by fire.

- In January 2008, two young men reportedly attacked four local churches in and around Phoenix City, **Alabama**. Over the course of four days, the vandals set alight the Greater Peace and Goodwill Church in Crawford, the Concord Baptist Church in Salem, Greater Bethelpore Baptist Church Smiths Station, and the Woodland Baptist Church in Phoenix City.⁸⁰ A federal, state, and local multiagency task force announced the arrests of two 21-year-olds. In June 2008 Geoffrey Tyler Parquette pleaded guilty to “arson, burglary and criminal mischief” and was awaiting sentencing; a second defendant awaited trial for arson.⁸¹
- In early 2008, two churches were damaged with firebomb attacks in the San Fernando Valley area of **California**. On March 6, a Molotov cocktail caused limited damage to the Arleta Assembly of God Church. On April 20, a Molotov cocktail reportedly caused damage to the roof of the Church of the Nazarene in Panorama City.⁸²
- On September 30, 2007, vandals in Miami, **Florida**, broke into a church with a large congregation of Haitian immigrants, sprayed racial slurs on the building, and set it alight. Police said they were investigating the arson as a hate crime.⁸³
- In Portland, **Oregon**, in May 2007, vandals painted obscenities and ethnic slurs on cars, street signs, and the front door of a Mennonite church. Four young men were arrested and charged with “first-degree criminal mischief.”⁸⁴
- In Fulton Township, **Pennsylvania**, on January 29, 2008, vandals desecrated the Wakefield Bible Church, painting satanic and antireligious slogans and symbols on the walls, tearing up bibles, defacing religious paintings, and setting fire to a hymnal. A state policeman said “the vandalism falls into the categories of hate crimes and desecration of venerated objects, increasing the seriousness of the crime.”⁸⁵ A 17-year-old boy and a 15-year-old girl were subsequently charged with institutional vandalism, ethnic intimidation and burglary.⁸⁶
- In August 2008, unknown vandals defaced the entrance to the historic First Baptist Church of Chesterbrook, **Virginia**, with a racial epithet directed at its African-American congregation. Fairfax police reported the action and said it was investigating this and similar graffiti, possibly by the same person, on a nearby elementary school.⁸⁷
- In West Jordan, **Utah**, three arson attempts were reported on two churches in May and June 2008, targeting the St. Joseph the Worker Catholic Church and a Latter-day Saints church.⁸⁸

IV. Violence Based on Sexual Orientation and Gender Identity Bias

As in previous years, FBI hate crime data shows that attacks founded on sexual orientation continue to be characterized by a high level of violence, with a higher proportion of personal assaults than in other categories of hate crime. Nongovernmental monitors report a substantial increase in 2007 of violent attacks on lesbian, gay, bisexual, and transgender (LGBT) persons. Although 31 states and the District of Columbia have hate crime statutes that cover violence based on sexual orientation bias (homophobia), neither sexual orientation nor gender identity bias is covered in the federal laws on bias-motivated violent crimes. Thus, federal resources are not available to help local law enforcement agencies confront these crimes.

In FBI statistics for 2006 for single bias incidents, 15.5 percent resulted from sexual orientation bias (1,195 incidents with 1,472 victims, constituting 1,415 offences). Of the total incidents, 747 were motivated by antimale homosexual bias (62.2 percent) and 163 by antifemale homosexual bias (13.6 percent), with 238 classed simply as antihomosexual (20.7 percent). There were 21 incidents classed as antibisexual and 26 as antiheterosexual. As in past reports, there was a high proportion of personal violence in the reported crimes. Of 1,415 offences, there were 267 cases of aggravated assault and 395 of simple assault (and 338 of intimidation); crimes against persons totaled 1,004, or nearly 71 percent. This compares to 60 percent of crimes against persons out of all reported hate crime offenses.⁸⁹

In **California**, the annual report of the Los Angeles County's Commission on Human Relations found that in 2007 the second largest group of hate crimes (after those motivated by racism or ethnicity) was motivated

by sexual orientation, with 111 cases reported.⁹⁰ This was a 9 percent increase over 2006. The same report, in distinguishing those crimes involving violence, found that "all of the crimes targeting transgender victims (100%) were violent, followed by 76% of sexual orientation" in comparison to 71 percent of racial and 25 percent of religious crimes.⁹¹ Statistics for the State of California for 2007 also show that the second largest number of incidents and offenses was motivated by sexual orientation bias, with a rise to 263 incidents, or 18.4 percent of the total. This represented an increase of 6.9 percent, from 246 in 2006 to 263 in 2007.⁹²

The National Coalition of Anti-Violence Programs (NCAVP) monitors sexual orientation bias crimes, producing reports on "bias-motivated incidents targeting lesbian, gay, bisexual, transgender, queer, and questioning (LGBTQ)."⁹³ In the annual report covering 2007, the NCAVP cited 2,430 victims of "anti-LGBTQ" crimes, representing a 24 percent increase in the total number of victims reported in 2006. Reported murders more than doubled, from 10 in 2006 to 21, the third highest murder rate in the 10 years NCAVP has been doing the survey.

Among the many factors assessed in the NCAVP statistics is the police response, an important factor underlying the readiness of victims of hate crimes to seek police assistance. Police were known to have been called in 528 (29 percent) of the total cases reported to NCAVP in 2007. In these cases, "just over 46 percent of victims identified the law enforcement they interacted with as 'courteous' (176). 'Indifferent' was the attitude descriptor offered by 140 victims (37 percent). Forty two victims (11 percent) described police as 'verbally abusive.' Physical abuse from police was reported by 21

victims, with 18 of them identifying physical abuse happening in tandem with slurs.”⁹⁴

Murder and Serious Assault

In some of the most serious cases, individuals suffered brutal, lethal attacks. Some assaults included sexual abuse. Although no sexual orientation bias murders were acknowledged in 2006 in the FBI’s latest report, legal developments in 2007 included convictions for several such crimes.

- In Cicero, **Illinois**, in December 2007, an attacker assaulted, beat, and sodomized a gay man. Felipe Rivera, 43, was charged with sexual assault and a hate crime. Police said he had made a video-taped confession to the crime in which he said “he did this because he hates gay people and ‘this is what you get.’”⁹⁵

The following four murders motivated by sexual orientation bias were among those reported in 2007—although it is not known whether the FBI’s forthcoming report on 2007 will reflect these crimes.

- On March 14, 2007, in Wahneta, **Florida**, 25-year-old Ryan Keith Skipper was brutally murdered because he was gay. Skipper’s body—with 20 stab wounds and a slit throat—was found less than two miles from his home. William David Brown, Jr., aged 20, and Joseph Eli Bearden, aged 21, were later indicted on robbery and first-degree murder charges. According to a sheriff’s department affidavit, Ryan’s murder should be considered a hate crime since one of the men acknowledged the bias motivation.⁹⁶ The civil rights group Equality Florida said that “antigay hate crimes are at their highest level ever in the state and second only to racist attacks in overall numbers.” The office of Florida’s Attorney General reportedly confirmed that “hate crimes targeting LGBT Floridians have increased 33 percent in the most violent categories during the two most recently reported years.”⁹⁷

- On February 13, 2007 in Detroit, **Michigan**, 72-year-old Andrew Anthos, was riding a bus home and a stranger, apparently offended that Anthos was singing, asked Anthos if he was gay, followed him off a bus, and beat him with a pipe. Anthos died on February 23 after 10 days in a coma. Witnesses say the assailant, who had not been apprehended as of mid-July 2008, spewed antigay expletives in the course of the attack.⁹⁸
- On May 12, 2007, in Brooklyn, **New York**, 20-year-old Roberto Duncanson was stabbed to death by a teenager who barraged Duncanson with homophobic slurs and stabbed him four times. Five days later, 17-year-old Omar Willock was arrested and indicted on the charge of second-degree murder as a hate crime, which carries penalties of up to 25 years to life in prison.⁹⁹
- On June 4, 2007, in Montrose, **Texas**, Kenneth Cummings Jr., 46, was killed at his home. His body was found on June 16, burned and buried in a shallow grave on a ranch near San Antonio. The suspect, who told prosecutors that he killed Cummings because the victim was a homosexual, was being held on murder charges.¹⁰⁰

Progress was made in a number of cases of killings in previous years. In **New York City**, in November, 2007, a court sentenced three men to long prison sentences for manslaughter as a hate crime in the death of Michael Sandy, a gay man who was lured to a remote part of Brooklyn, attacked, and chased into a highway where he was struck by a vehicle.¹⁰¹

Violence Based on Gender Identity Bias

Among the most serious attacks reported were crimes motivated by bias based on gender identity. Some of these cases involved young students subject to ridicule in schools.

- On February 12, 2008, in Oxnard, **California**, a classmate shot 15-year-old Lawrence King at E.O.

Green Junior High School. King was pronounced brain-dead the following afternoon and was subsequently taken off of life support. According to his classmates, King did not conform to gender norms, often wearing makeup and jewelry to school. Prosecutors charged 14-year-old Brandon McInerney with the premeditated murder.¹⁰²

- In July, 2008, in Greeley, **Colorado**, a man attacked and murdered a transgender woman, 20-year-old Justin Zapata. Prosecutors said in August that 31-year-old Allen Ray Andrade would face first-degree murder and hate crime charges.¹⁰³
- On June 10, 2006 in **New York** City, four young men attacked and beat 39-year-old singer and recording artist Kevin Aviance, who cross-dresses for performances, while shouting antigay slurs. Two men were sentenced for assault as a hate crime, and two others to gang assault; sentences ranged from six to 15 years imprisonment.¹⁰⁴

Harassment and Threats

- In November 2007, in Redwood City, **California**, a vandal scrawled threatening antigay messages on the car and residence of a transgender woman; a 25-year-old woman was charged with a crime.¹⁰⁵
- In June 2008, in Macon County, **Illinois**, a man shouted homophobic slurs at his neighbors, a gay couple, while threatening them with a sword. He was found guilty of threatening actions as a hate crime.¹⁰⁶
- In Worcester, **Massachusetts**, in April 2008, a man and his adult children reportedly “forced their way into a man’s residence, struck him and used antigay epithets.” A 67-year-old, his daughter and his son were charged with “assault with intent to intimidate based on race, color, religion, national origin, sexual orientation or disability.”¹⁰⁷

V. Violence Based on Disability Bias

Individuals with disabilities face harassment, intimidation, and violence driven by prejudice and hatred, although by far the majority of these crimes never reach the attention of law enforcement officials or are recognized as hate crimes.

Federal law requires the compilation of statistics on disability bias crimes, but does not provide criminal penalties for such crimes—an omission that would be remedied by the enactment of the Local Law Enforcement Hate Crimes Prevention Act (see below).

Thirty states and the District of Columbia have statutes expressly addressing crimes motivated by disability bias. Other states, notably Ohio and Michigan, are now considering draft legislation to this effect, in response in part to public outrage over a recent series of horrifying crimes victimizing people with disabilities.¹⁰⁸ In Ohio, a bill was introduced in June 2008 that would grant people with disabilities protection under Ohio's hate crime law. The bill's sponsor said the initiative was prompted by a February attack on a high school student with learning disabilities.¹⁰⁹

The statistics of the FBI's annual hate crime report over recent years identify hate crimes based on disability bias as being no more than a small fraction of total hate crimes, with the percentage of disability bias incidents representing less than 1 percent of the total. In the FBI's 2006 hate crime reporting, there were 95 victims of disability bias crimes in 79 incidents. Of these, 21 were victims of "antiphysical" disability bias, and 74 of "antimental" disability bias.

Importantly, the Bureau of Justice Statistics, in a November 2005 report on hate crimes reported by victims in the National Crime Victimization Survey found that victims of 11.2 percent of recorded incidents reported disability bias as a motive. This is a signifi-

cantly greater percentage of disability bias incidents than is typically reported in FBI data based on police reports.¹¹⁰

The small numbers reported by the FBI are generally considered more a reflection of the relative invisibility of most hate crimes against disabled people than a true reflection of their occurrence. At the same time, some of the most horrific incidents of hate crimes targeting the disabled periodically appear in headlines of major newspapers, in particular when torture, sexual abuse, and murder are motivated by disability bias.

A May 2007 report by the National Council on Disability and other disability rights organizations, considering the data available on the crime victimization of people with disabilities, found that "persons with disabilities are victimized at much higher rates" than the general population.¹¹¹

In the groundbreaking and influential report on hate crime in the United States in 2004, the Leadership Conference on Civil Rights Education Fund identified crimes motivated by bias toward people with mental or physical disabilities as statistically the least likely to be reported. The report noted that:

The victim may be ashamed, afraid of retaliation, or afraid of not being believed. The victim may be reliant on a caregiver or other third party to report the crime, who in fact never does so. Or the crime may be reported, but there may be no reporting of the victim's disability, especially where the victim has an invisible disability that they themselves do not divulge.¹¹²

The reporting gap is also tied to popular perception of harassment, intimidation, and violence towards disabled persons leading to such crimes being "written off as abuse, or little more than teasing or pranks" and never directed to the criminal justice system. Even very

serious crimes—including rape, assault, and vandalism—are too frequently labeled as “abuse.”¹¹³

In July 2007, 42 national and state organizations of the National Disability Rights Network wrote to members of Congress urging the enactment of Local Law Enforcement Hate Crime Prevention Act. The measure “would grant agencies the authority to investigate and prosecute federal crimes based on the victim’s disability, whether real or perceived, and would authorize funding to states to help with the prosecution of Hate Crimes.”

The coalition noted that bias-motivated crimes against people with disabilities too often “have gone unreported and unprosecuted.” This was in part a consequence of “the special problems associated with investigating and prosecuting hate violence against someone with a disability” making the availability of federal resources for state and local authorities all that much more important to ensure that justice prevails.”¹¹⁴

Murder and Serious Assault

A series of incidents targeting individuals with disabilities involving extreme violence—including long periods of captivity, torture and sexual humiliation—reached the attention of the public in 2007. In April 2007, a civil jury in Linden, **Texas**, awarded close to \$9 million in damages to Billy Ray Johnson, a man with a learning disability who was severely injured in an assault in September 2003, suffering brain damage that left him requiring constant care. Johnson, who was then 42, had been lured to a party where he was taunted, knocked unconscious, put into the back of a pickup truck, and taken to be dumped at a roadside near a garbage dump.¹¹⁵ Two defendants were acquitted by a local jury of felony charges, and were convicted on lesser charges with a recommended sentence of probation. Two others were permitted to plead guilty to an “injury to a disabled individual by omission” charge, and testified against the co-accused. Three of the accused were sentenced to 30

days in the county jail; the fourth was sentenced to 60 days.¹¹⁶

In February 2008, six men in Alton, **Illinois** were arrested and charged with the torture and murder of Dorothy Dixon, 29, who was mentally disabled. The crimes were reported to have occurred between December 1, 2007, and January 31, 2008, when the victim was found dead in her apartment. In what a police spokesman described as “torturous treatment,” she was reportedly beaten, scalded, shot at with a pellet gun, and humiliated by being forced to run naked. She was beaten to death, and charges brought included “first-degree murder and intentional homicide of Dixon’s unborn child, heinous battery, aggravated battery and unlawful restraint.”

Some of the most serious attacks on people with disabilities were carried out by young people against other young people who were particularly vulnerable to abuse. On February 23, two teenagers broke into the home of 18-year-old Ashley Clark in Cincinnati, **Ohio**, who was described by authorities as disabled, and subjected her to horrifying abuse for six hours. Clark was subsequently found by police officers and her mother, bound and gagged, and bleeding from a series of wounds: “she had severe bruising on her hands, arms and face and was bleeding from her face and forehead.” The two suspects in the case, aged 16 and 17, were initially charged as juveniles with “felony counts of aggravated burglary, aggravated robbery, kidnapping, assault and vandalism,” although prosecutors were to seek the permission of the court for their trial as adults.¹¹⁷ Ohio hate crime laws do not provide for enhanced penalties for crimes motivated by disability bias.

VI. The Framework of Law

A. Federal Hate Crime Provisions

The Criminal Code of the United States Federal Government treats bias-motivated crimes as specific offenses. Federal hate crimes legislation, 18 USC 245, was first adopted in 1968 and allows federal authorities to investigate and punish crimes motivated by bias towards a person's race, religion, or national origin and because of a person's participation in one of six federally protected activities.¹¹⁸

The dual requirement of the federal statute, which obliges federal prosecutors to demonstrate that a hate crime was committed both because of bias and because of the victim's participation in a federally protected activity, limits the scope for federal prosecutions of hate crimes. Indeed, most hate crime prosecutions are undertaken under state laws. In more than one instance though, federal prosecutors have been unable to charge bias crime suspects at the federal level because of this statutory requirement. In other cases, prosecutions on federal charges failed because of the double requirements that crimes were both motivated by bias and intended to obstruct the victim's exercise of federally protected activities.

Other federal laws concerning hate crimes include the Church Arson Prevention Act of 1996, which prohibits intentional desecration or damage to religious property as well as interference with the enjoyment of any person's exercise of religious beliefs, and the Fair Housing Act of 1968, which prohibits "housing-related violence on the basis of race, color, religion, sex, handicap, familial status, or national origin," including such crimes as cross burnings, arson, fire bombings, vandalism to property, written and oral threats, and assaults on persons attempting to exercise their fair housing rights.¹¹⁹

B. The Local Law Enforcement Hate Crime Prevention Act

A range of nongovernmental organizations campaigned in 2007 for the enactment of the Local Law Enforcement Hate Crime Prevention Act of 2007 as a principal federal measure to address bias crimes in the United States, in particular by providing for enhanced federal assistance to local law enforcement. The law would also bring violent hate crimes based on sexual orientation, gender, gender identity, and disability bias within the scope of federal action to combat hate crime. Numerous members of the Leadership Conference on Civil Rights (LCCR), including Human Rights First, endorsed the bill.

The proposed law would also have eliminated the requirement that prosecutors must demonstrate that a victim was targeted expressly because of that person's participation in one of the six federally protected categories. A principal argument for the law is that it will provide needed federal resources, including funding and investigative support, for local law enforcement and prosecutors confronting these crimes. The contrast between the lack of a federal response in Wyoming after the October 12, 1998, homophobic murder of 21-year-old Matthew Shepard near Laramie, and investigations into the racist murder of James Byrd, Jr. in Texas, illustrates one reason why representatives of local law enforcement support largely support the current bill.

The Laramie, Wyoming Sheriff's Office had to furlough five deputies in order to cover the more than \$150,000 that it cost to investigate Matthew Shepard's murder. Yet when Jasper, Texas investigated the lynching of James Byrd, Jr., it received \$284,000 in federal funds because Byrd's murder was motivated by race, rather than sexual orientation. This need for broader training and assistance has prompted almost every major law enforcement organiza-

tion and 26 state attorneys general to support the legislation.¹²⁰

In advocating passage of the Act, the Leadership Conference on Civil Rights stated: “Current hate crimes law leaves federal prosecutors powerless to intervene in bias-motivated crimes when they cannot also establish that the crime was committed because of the victim’s involvement in a ‘federally protected activity,’ such as serving on a jury, attending a public school, or voting.”¹²¹ At the same time, while limited federal support is available to police and prosecutors at the state and local level to confront violent hate crimes, this assistance is not available in cases of sexual orientation, gender, gender identity, or disability bias crimes. Thus, there is now no federal back-stop to the efforts—or indifference—of local law enforcement and prosecutors to combat such crimes. The Act would also specifically provide for financial as well as nonfinancial “technical, forensic, and prosecutorial assistance” to state and local law enforcement bodies for investigating and prosecuting hate crimes. Further, the Act would bring the terms of federal criminal law regarding hate crimes into line with the monitoring requirements of the Hate Crime Statistics Act.¹²²

Those who have supported the bill include 28 state Attorneys General, leaders of the nation’s major police organizations and over 280 national law enforcement, professional, education, civil rights, religious, and civic organizations, including Human Rights First.¹²³ Supporters from the field of law enforcement include the National Coalition of Public Safety Officers, National Sheriff’s Association, Major Cities Chiefs Association, the National District Attorneys Association, Police Executive Research Forum (PERF), Police Foundation, the Texas Police Chiefs Association, the International Association of Chiefs of Police, and others. Law enforcement supporters have cited both the expanded federal assistance made available under the Act to help local law enforcement address hate crimes as well as the need to protect the “well-being of all citizens, regardless of their personal characteristics and values.”¹²⁴

Ultimately though, efforts to adopt the Local Law Enforcement Hate Crime Prevention Act of 2007 (LLEHCPA) were unsuccessful. The LLEHCPA which was passed by both houses of Congress, but was ultimately withdrawn in the face of a promised veto by President George W. Bush.¹²⁵

VII. Monitoring Violent Hate Crimes

The United States has been an international leader in the effective monitoring of violent hate crimes, through the incorporation of extensive reporting of these crimes through the Uniform Crime Reports (UCR) system. National hate crime monitoring was set in motion by the Hate Crime Statistics Act of 1990 (HCSA) which requires the Attorney General to collect data “about crimes that manifest prejudice based on race, religion, sexual orientation, or ethnicity.”¹²⁶ The HCSA was amended in 1994 with the passage of the Violent Crime and Law Enforcement Act, which obliged the Federal Bureau of Investigation (FBI) to collect statistics also on bias crime based on “disabilities,” both physical and mental.¹²⁷

The FBI’s annual reporting on hate crimes, generally released each November, has provided Congress and the states with the empirical data needed to inform strong and effective crime-control policy and lawmaking. For example, the UCR provides a breakdown of hate crime statistics to include incident, offense type, victim type, number of offenders, the apparent race of offenders (where reported), and location type. Annual reporting on this type of information has provided important indicators on progress toward protecting all in the United States against these most serious forms of violent discrimination.

Efforts have also long been undertaken to produce hate crime data in educational institutions, and those requirements have recently been upgraded to make the resulting data correspond more closely to data produced by the Federal Bureau of Investigation. The Higher Education Act of 1965 requires colleges and universities to report campus incidents, including violent, bias-motivated crimes, to the Office of Postsecondary Education (OPE). Reporting requirements have until recently been less rigorous than those of the

FBI and have resulted in inconsistencies between FBI and OPE hate crime statistics. With the passage of a new bill on July 31, 2008, amending the Higher Education Act of 1965, the U.S. Congress has mandated that the hate crimes data reported by campus security personnel must conform to the same standards as that reported by state and local authorities to the FBI.¹²⁸

Nevertheless, there are significant gaps in the federal reporting of hate crime that merit attention. One important gap is that there is no official data that tracks reported incidents through from arrests and prosecutions in order to give a more complete picture of the disposition of hate crime incidents in the courts, and the implementation of federal and state hate crime laws. Other gaps in hate crime reporting are discussed below.

A. Coverage of the FBI’s Uniform Crime Reports

In the UCR on hate crime in 2006, the FBI identified 7,722 incidents—a 7.8 percent rise from 2005. These incidents were reported by 2,105 police agencies across the country, out of the about 17,500 agencies participating in the UCR program. The program is voluntary, and local law enforcement agencies are not required by federal law to report. Indeed, nearly 90 percent of the some 17,500 agencies either opt out of its hate crime reporting dimension altogether or, while nominally participating, report zero bias crime incidents.

In line with previous years, in the report for 2006 almost 5,000 agencies opted out of providing data on hate crimes. Of the 12,620 agencies participating, just 2,105, or 16.7 percent in fact reported hate crimes, accounting for the 7,722 incidents logged. The

remaining 83.3 percent reported zero. Among those jurisdictions that reported zero hate crimes for 2006 were the states of Mississippi (which nominally participated in the UCR hate crime report) and Hawaii (which did not), as well as eight cities with a population over 250,000.¹²⁹ Even accepting the reports of zero hate crimes as well-founded, the extent of coverage by participating agencies was also sometimes further limited. Inclusion of statistics from agencies (and their identification as participating agencies) required reporting of no more than one month of crime statistics in the course of the year. Alabama, for example, had 42 participating agencies—but just one, from the small town of Atmore (pop. 7,598), reported a hate crime incident, giving a total of 1. Moreover, Alabama’s reporting agencies covered areas with a population of just 693,540 of the state’s 2006 census estimate of 4,599,030 people. In Georgia, 61 agencies participated, but only four filed incident reports—on 13 hate crime incidents.

The breakdown of participation provided in the 2006 FBI hate crime report provides considerable detail on its scope—and its limitations. This understandably highlights the positive: that participating agencies in the hate crime data collection program “represented over 255 million inhabitants, or 85.2 percent of the Nation’s population, and their jurisdictions covered 49 states, the District of Columbia, and Outlying Areas (Guam).” A further useful figure that is not provided, however, is the proportion of the U.S. population covered by those 2,105 jurisdictions that submitted data on one or more hate crime: this figure would presumably represent a much lower percentage of the population.

Provisions to fund and improve training of law enforcement agencies to monitor and combat hate crimes are an important part of the draft Local Law Enforcement Hate Crime Prevention Act of 2007. The FBI provides authoritative guidelines to local enforcement, in particular concerning standards to be applied in quarterly reports under the Uniform Crime Reports

system. FBI trainers have also played an important role in support for local law enforcement since the enactment of the Hate Crimes Statistics Act.¹³⁰

B. Distinguishing Racial Bias and Ethnicity/National Origin Bias

The FBI methodology makes a distinction between crimes with a racial bias and crimes with an ethnicity or national origin bias. The Uniform Crime Reports system initially adopted the term “ethnicity” expressly to refer to people who consider themselves Hispanic/Latino—a group that is not readily identified by “racial” criteria. The category has since been expanded, and “ethnicity/national origin bias” is now defined as “a preformed negative opinion or attitude toward a group of persons of the same race or national origin who share common or similar traits, languages, customs, and traditions, e.g., Arabs, Hispanics.”¹³¹

Thus, anti-Hispanic bias still falls under the category of “ethnic/national origin” bias, even as the latter has come increasingly to be applied to other population groups as well. Critics of the system have pressed for a further breakdown of this catchall category to reflect the actual levels of hate crime violence against discrete minority groups that are not expressly identified in the statistical reporting, i.e. Arab-Americans, Sikhs, and others of Middle Eastern or South Asian origins.

The opacity of the reporting system regarding attacks on people of Middle Eastern or South Asian origin became particularly problematic in the aftermath of the September 11, 2001, attacks on the United States, when backlash violence centered upon these population groups. The inclusion of a breakdown of violence against Muslims under religious-bias crimes (“anti-Islamic bias”) did little to ameliorate this reporting gap, insofar as crimes classed in this way include only those in which an element of religious bias predominated, as in attacks on mosques and Islamic community centers.

C. The National Crime Victimization Survey (NCVS)

In a system complementary to the Uniform Crime Reports, crime monitoring is also undertaken nationwide through the Department of Justice's National Crime Victimization Survey (NCVS). This collects data annually "from a nationally representative sample of 77,200 households comprising nearly 134,000 persons on the frequency, characteristics and consequences of criminal victimization in the United States."¹³² Importantly, NCVS collects information on crimes suffered by individuals and households, "whether or not those crimes were reported to law enforcement," estimates the proportion of each crime type reported to law enforcement, and summarizes the reasons for reporting or not reporting.¹³³

Although the annual NCVS survey produces an extraordinary quantity and quality of data, findings regarding hate crimes are published only years after data is collected. Annual summary reports of survey findings provide no hate crime data. For example, the Bureau's last major publication on hate crime data appeared in November 2005, and covered the period July 2000 through December 2003. The Bureau of Justice Statistics summary of NCVS findings for 2006, released in December 2007, provides no reference to hate crimes or to hate crime data.¹³⁴

Regardless of the delay, the NCVS findings on hate crimes are striking, and continue to be relevant for estimates of current levels of hate crimes, including those that are never actually reported to police. The November 2005 report concluded that

an annual average of 210,000 hate crime victimizations occurred from July 2000 through December 2003. During that period an average of 191,000 hate crime incidents involving one or more victims occurred annually. Victims also indicated that 92,000 of these hate crime victimizations were reported to police.

The 2005 report's findings are based on both NCVS data and the FBI's Uniform Crime Reports. The estimate of 210,000 "hate crime victimizations" must be contrasted with the average of slightly more than 7,000 hate crime incidents reported during the period covered in the FBI reports, based on information from local police jurisdictions. Equally significant, however, is the contrast between NCVS data on victimizations *reported* to the police—92,000—and the annual FBI figures for incidents registered as involving criminal offenses.

VIII. Recommendations

In order to strengthen its response to violent hate crime in the United States, Human Rights First makes the following recommendations to the U.S. government.

A. Strengthen Federal Law and Support for Local Law Enforcement

Congress should pass and the President should sign the Local Law Enforcement Hate Crimes Prevention Act (LLEHCPA) in order to provide support to local law enforcement officials in addressing the full range of violent hate crimes and facilitating federal involvement when local authorities are unable or unwilling to achieve a just result.

Congress should expand the mandate of the Community Relations Service of the Department of Justice to respond to community conflicts not only based on race, color, and national origin, but also to those based on religion, gender, sexual orientation, gender identity and disability—the full range of categories that will be covered by the Local Law Enforcement Hate Crime Prevention Act.

B. Improve Monitoring and Data Collection

In order to improve federal monitoring and data collection efforts under the Hate Crimes Statistics Act:

- The Federal Bureau of Investigation should:
 - update its reporting form and its 1999 publications *Training Guide for Hate Crime Data Collection and Hate Crime Data Collection Guidelines* to reflect recent realities and trends in hate crime incidents;

- collect and publish data on bias crimes directed at individuals on the basis of their gender and gender identity;
 - expand the categories for which data is collected and published by including sections for “Anti-Arab,” “Anti-Sikh,” and “Anti-Hindu,” as crime victim categories;
- The Department of Justice should take steps to increase awareness and understanding by local jurisdictions of the importance of reporting hate crimes to the FBI and otherwise encourage reporting by law enforcement agencies that have not participated, have underreported, or have reported zero hate crimes in the past. This could include increased federal resources for local law enforcement agencies that participate in hate crime reporting; efforts to increase participation in the FBI’s training for local enforcement in monitoring and combating hate crimes; and enhanced scrutiny of the performance for nominal participant agencies that consistently report zero hate crimes.

The Bureau of Justice Statistics in the Department of Justice should publish findings on hate crimes in its annual report on the findings of the National Crime Victimization Survey. Data and analysis from the information collected about hate crimes in the annual survey is required to better identify at-risk populations and the extent to which these crimes are underreported to law enforcement authorities.

The U.S. government should fund a representative national assessment of the disposition of hate crimes reported to the police, including the response of the police and other government agencies to those crimes as well as hate crime prosecutions at the Federal and state levels. This assessment should be done with the

input of civil society groups, victim advocacy organizations and other experts.

The Department of Education should improve campus hate crime reporting by implementing fully the amendments to the Higher Education Act (HEA) recently signed into law to bring Department of Education campus hate crime statistics into conformity with those collected by the FBI's Uniform Crime Report Program.

C. Expand Efforts to Prevent Hate Crimes and Encourage Reporting to the Police

The Departments of Justice and Education should fund tolerance education and hate crime prevention initiatives. Congress should direct or authorize the Department of Education to do so in any elementary and secondary school education reauthorization legislation.

The Department of Justice and/or the Department of Homeland Security should study the causes of the documented increase in bias-motivated violence against new immigrants, people who look like immigrants, and Hispanic Americans, and report publicly on the findings.

Senior political leaders and law enforcement officials at all levels of government should condemn violent hate crimes, incitement to violence, and the demonization of any community, including immigrants. They should take steps to work with victims, their communities, and civil society groups to build the confidence of victims to report violent hate crimes, including by making clear that everyone in the United States, regardless of immigration status, is protected under US law against violent hate crimes on the basis of race, ethnicity, and national origin.

The Department of Homeland Security should ensure that Immigration and Customs Enforcement officials and Customs and Border Patrol officers receive training in how to recognize, investigate, and report on hate crimes.

Section Endnotes

- ¹ U.S. Department of Justice, Federal Bureau of Investigation, Criminal Justice Information Services Division, *Hate Crime Statistics, 2006*, Fall 2007, <http://www.fbi.gov/ucr/hc2006/jurisdiction.html>.
- ² California Department of Justice, the California Justice Information Services, Bureau of Criminal Information and Analysis, *Hate Crime in California, 2007*, July 2008, <http://ag.ca.gov/cjsc/publications/hatecrimes/hc07/preface07.pdf>.
- ³ U.S. Department of Justice, Federal Bureau of Investigation, Criminal Justice Information Services Division, *Hate Crime Statistics, 2006*, Fall 2007, <http://www.fbi.gov/ucr/hc2006/table1.html>.
- ⁴ U.S. Department of Justice, Federal Bureau of Investigation, Criminal Justice Information Services Division, *Hate Crime Statistics, 2006*, Fall 2007, <http://www.fbi.gov/ucr/hc2006/table4.html>.
- ⁵ The Southern Poverty Law Center, *For the Record*, media reports from August 23, 2007, <http://www.splcenter.org/intel/hatewatch/fortherecord.jsp>.
- ⁶ "Four Charged With Hate Crimes In Beating; Racial Slurs Shouted During Beating, Police Say," *WCVB Boston*, June 14, 2008, <http://www.thebostonchannel.com/news/16607766/detail.html>.
- ⁷ John Ferak and Christopher Burbach, "Drive-through killing: Alleged racist motive stuns suspect's dad," *Omaha World-Herald*, February 1, 2008, http://www.omaha.com/index.php?u_page=2798&u_sid=10247258.
- ⁸ "White youths suspected in attack on black man," *KVAL CBS 13*, June 10, 2008, <http://www.kval.com/news/19719234.html>.
- ⁹ "2 men charged with hate crime," *the Seattle Times*, April 1, 2008, http://seattletimes.nwsourc.com/html/localnews/2004318862_dige01m.html.
- ¹⁰ 4,743 lynchings were documented between 1882 and 1968, with most of the victims black men. See Leslie Fulbright, "Resurgence of Nooses Reminds African Americans of Past Horrors," *the San Francisco Chronicle*, October 29, 2007, <http://www.commondreams.org/archive/2007/10/29/4883/>.
- ¹¹ Ashley Fantz, "Nooses found hanging around the nation, some with hateful notes attached," *CNN.com*, 1 November 2007, <http://edition.cnn.com/2007/US/11/01/nooses/index.html>.
- ¹² Cases profiled by the Southern Poverty Law Center's *For the Record* online database, <http://www.splcenter.org/intel/hatewatch/fortherecord.jsp>.
- ¹³ U.S. Department of Justice, Federal Bureau of Investigation, "Decidely Uncivil," Press Release, April 30, 2007, <http://www.fbi.gov/page2/april07/crossburn043007.htm>.
- ¹⁴ The Southern Poverty Law Center, *For the Record*, media reports from August 22, 2007, <http://www.splcenter.org/intel/hatewatch/fortherecord.jsp>.
- ¹⁵ Paula Woodward, "Two Deputies make hate-crime arrest," *9News.com*, December 19, 2007, <http://www.9news.com/news/article.aspx?storyid=83006>.
- ¹⁶ The North Carolina Human Relations Commission said this was the first reported cross burning in the state since 2006. *Ibid*.
- ¹⁷ "Prosecutors To Charge Arlington Woman, 66, With Hate Crime," *KXAS*, January 3, 2008, <http://www.nbc5i.com/news/14967011/detail.html>.
- ¹⁸ The Southern Poverty Law Center, *For the Record*, media reports from August 20, 2007, <http://www.splcenter.org/intel/hatewatch/fortherecord.jsp>.
- ¹⁹ Roberto Lovato, "The Media is the (Anti-Immigrant) Message: Sen. Menendez Calls for Study of Link Between Media and Hate Crimes," *Of América*, December 13, 2007, <http://ofamerica.wordpress.com/2007/12/13/the-media-is-the-anti-immigrant-message-sen-mendez-calls-for-study-of-link-between-media-and-hate-crimes>.
- ²⁰ U.S. Department of Justice, Federal Bureau of Investigation, Criminal Justice Information Services Division, *Hate Crime Statistics, 2006*, Fall 2007, <http://www.fbi.gov/ucr/03hc.pdf>.
- ²¹ David Holthouse and Mark Potok, *The Year in Hate: Active U.S. Hate Groups Rise to 888 in 2007*, the Southern Poverty Law Center, Spring 2008, <http://www.splcenter.org/intel/intelreport/article.jsp?aid=886>; and Brentin Mock, "Immigration Backlash: Violence Engulfs Latinos," the Southern Poverty Law Center, *Intelligence Project*, October 2007, http://www.splcenter.org/intel/news/item.jsp?site_area=1&aid=292.
- ²² National Public Radio, "Latino Hate Crimes on the Rise," *All Things Considered*, December 23, 2007, <http://www.npr.org/templates/player/mediaPlayer.html?action=1&t=1&islist=false&id=17563862&m=17563847>.
- ²³ David Holthouse and Mark Potok, *The Year in Hate: Active U.S. Hate Groups Rise to 888 in 2007*, the Southern Poverty Law Center, Spring 2008, <http://www.splcenter.org/intel/intelreport/article.jsp?aid=886>.
- ²⁴ U.S. Department of Justice, Federal Bureau of Investigation, Criminal Justice Information Services Division, *Hate Crime Statistics, 2006*, Fall 2007, <http://www.fbi.gov/ucr/hc2006/table4.html>.

- ²⁵ Los Angeles County Commission on Human Relations, *2007 Hate Crime Report*, <http://humanrelations.co.la.ca.us/hatecrime/data/2007%20Hate%20Crime%20Report.pdf>, p. 16.
- ²⁶ U.S. Bureau of Citizenship and Immigration Services, "New Rule for Nonimmigrant Victims of Criminal Activity Goes into Effect Tomorrow," Press Release, October 16, 2007, <http://www.uscis.gov/files/pressrelease/UvisaReminder16Oct07.pdf>.
- ²⁷ Associated Press, "Police: Killing of Mexican man a hate crime," *KOB.com*, October 14, 2007, <http://kob.com/article/stories/S225856.shtml?cat=517>.
- ²⁸ Keith Rushing, "Luis Ramirez's death Was Caused By Racism," Advancement Project, July 29, 2008, <http://www.justdemocracyblog.org/?p=718>.
- ²⁹ Brentin Mock, "Immigration Backlash: Violence Engulfs Latinos," the Southern Poverty Law Center, *Intelligence Project*, October 2007, http://www.splcenter.org/intel/news/item.jsp?site_area=1&aid=292.
- ³⁰ Katie Fairbank and Michael J. Mooney, "Teen's suicide puzzles friends," *the Dallas Morning News*, July 8, 2007, http://www.khou.com/news/local/stories/khou070708_tnt_ritchesonsuicide.55ce8813.html.
- ³¹ Amy Jackson, "New Numbers: Hate Crimes Against Latinos Have Jumped in San Diego," *KPBS News*, November 21, 2007, <http://www.kpbs.org/news/local/id=10274>, (accessed June 4, 2008).
- ³² Marina Police Department, "Suspect in Assault of Laborer Arrested," Press Release, August 13, 2007, [http://74.125.45.104/search?q=cache:laxL-UNzjxAJ:www.marinapolice.com/press/files/PressReleases%255C8-2007%2520\(August\)/August%252013,%25202007%2520-%2520Arrest%2520of%2520Day%2520Laborer%2520Assault%2520Suspect.pdf+suspect+in+assault+of+laborer+arrested+marina+police&hl=en&clnk&cd=1](http://74.125.45.104/search?q=cache:laxL-UNzjxAJ:www.marinapolice.com/press/files/PressReleases%255C8-2007%2520(August)/August%252013,%25202007%2520-%2520Arrest%2520of%2520Day%2520Laborer%2520Assault%2520Suspect.pdf+suspect+in+assault+of+laborer+arrested+marina+police&hl=en&clnk&cd=1) (accessed August 19, 2008).
- ³³ Scott Michels, "Hate Crimes Tied to Immigration Debate? Civil Rights Group Says Anti-Immigrant Rhetoric Driving Increase in Hate Crimes," *ABC News*, March 10, 2008, <http://www.abcnews.go.com/TheLaw/story?id=4421921&page=1>.
- ³⁴ Brentin Mock, "Immigration Backlash: Violence Engulfs Latinos," the Southern Poverty Law Center, *Intelligence Project*, October 2007, http://www.splcenter.org/intel/news/item.jsp?site_area=1&aid=292.
- ³⁵ Brentin Mock, "Immigration Backlash: Violence Engulfs Latinos," the Southern Poverty Law Center, *Intelligence Project*, October 2007, http://www.splcenter.org/intel/news/item.jsp?site_area=1&aid=292.
- ³⁶ Lisa Foderaro, "S.I. Rampage Raises Issue of Bias Crime," *the New York Times*, August 18, 2008, http://www.nytimes.com/2008/08/19/nyregion/19staten.html?_r=1&ref=nyregion&oref=slogin.
- ³⁷ David Holthouse and Mark Potok, *The Year in Hate: Active U.S. Hate Groups Rise to 888 in 2007*, the Southern Poverty Law Center, Spring 2008, <http://www.splcenter.org/intel/intelreport/article.jsp?aid=886>.
- ³⁸ The Anti-Defamation League, *Immigrants Targeted: Extremist Rhetoric Moves into the Mainstream*, 2007, http://www.adl.org/civil_rights/anti_immigrant/.
- ³⁹ U.S. Department of Justice, Federal Bureau of Investigation, Criminal Justice Information Services Division, *Hate Crime Statistics, 2006*, Fall 2007, <http://www.fbi.gov/ucr/hc2006>.
- ⁴⁰ U.S. Census Bureau, "Race Data: Racial and Ethnic Classification Used in Census 2000 and Beyond," <http://www.census.gov/population/www/socdemo/race/racefactcb.html>
- ⁴¹ Los Angeles County District Attorney's Office, "Bakersfield Man Charged with Alleged Hate Crime Stabbing in San Dimas," Press Release, May 13, 2008, <http://da.co.la.ca.us/mr/051308a.htm>.
- ⁴² "New Mexico Family Become Victims of Bias Crime," *News Blaze*, June 6, 2008, <http://newsblaze.com/story/20080606100807tsop.nb/topstory.html>.
- ⁴³ The Southern Poverty Law Center, *For the Record*, media reports from January 15, 2007, <http://www.splcenter.org/intel/hatewatch/forthecord.jsp>.
- ⁴⁴ Christine Claridge, "Kent man sentenced in hate-crime beating of Sikh cabdriver," *the Seattle Times*, April 19, 2008, http://seattletimes.nwsourc.com/html/localnews/2004359693_hatecrime19m.html.
- ⁴⁵ U.S. Department of Justice, Federal Bureau of Investigation, Criminal Justice Information Services Division, *Hate Crime Statistics, 2006*, Fall 2007, <http://www.fbi.gov/ucr/hc2006>.
- ⁴⁶ The Anti-Defamation League, "Anti-Semitic Incidents Decline For Third Straight Year In U.S., According To Annual ADL Audit," Press Release, March 19, 2008, http://www.adl.org/PresRele/ASUS_12/5246_12.htm.
- ⁴⁷ Associate Press, "Two-year sentence for accosting Elie Wiesel," *the San Francisco Chronicle*, August 18, 2008, <http://www.sfgate.com/cgi-bin/article.cgi?f=/n/a/2008/08/18/state/n171001D50.DTL>.
- ⁴⁸ "Police: Pellet Gun Fired At Rabbinical Students In Fairfax District," *KNBC*, August 24, 2007, <http://www.knbc.com/news/13970367/detail.html>.
- ⁴⁹ Chris Newmarker, "Beating of Rabbi Puts N.J. City on Edge," *ABC News*, October 11, 2007, <http://abcnews.go.com/US/wireStory?id=3720085>.

- ⁵⁰ Kareem Fahim, "As Orthodox Population Grows, So Do Tensions," *the New York Times*, December 10, 2007, http://www.nytimes.com/2007/12/10/nyregion/10lakewood.html?_r=1&pagewanted=print&oref=slogin.
- ⁵¹ Associated Press and Haaretz Service, "ADL commends N.Y. police for arrests in anti-Semitic subway attack," *Haaretz*, December 12, 2007, <http://www.haaretz.com/hasen/spages/933597.html>.
- ⁵² The Anti-Defamation League, "Anti-Semitic Incidents Decline For Third Straight Year In U.S., According To Annual ADL Audit," Press Release, March 19, 2008, http://www.adl.org/PresRele/ASUS_12/5246_12.htm.
- ⁵³ The Coordination Forum for Countering Antisemitism, "Swastika Painted On Jewish Temple in San Francisco," April 4, 2007, http://www.antisemitism.org.il/eng/events/21672/USA_-_Swastika_Painted_On_Jewish_Temple_in_San_Francisco.
- ⁵⁴ The Anti-Defamation League, "Florida: Anti-Semitic Incidents Decline in 2007," Press Release, March 5, 2007, http://www.adl.org/PresRele/ASUS_12/5243_12.htm.
- ⁵⁵ The Coordination Forum for Countering Antisemitism, "Jewish cemetery struck by vandals," May 13, 2007, http://www.antisemitism.org.il/eng/events/22266/USA_-_Jewish_cemetery_struck_by_vandals.
- ⁵⁶ The Coordination Forum for Countering Antisemitism, "Desecration of cemetery in Massachusetts," September 5, 2007, http://www.antisemitism.org.il/eng/events/24158/USA-desecration_of_cemetery_in_Massachusetts.
- ⁵⁷ The Anti-Defamation League, "Anti-Semitic Incidents Decline For Third Straight Year In U.S., According To Annual ADL Audit," Press Release, March 19, 2008, http://www.adl.org/PresRele/ASUS_12/5246_12.htm.
- ⁵⁸ The Coordination Forum for Countering Antisemitism, "Synagogue burgled and damaged in Oregon," April 22, 2007, http://www.antisemitism.org.il/eng/events/22146/USA-synagogue_burgled_and_damaged_in_Oregon.
- ⁵⁹ The Anti-Defamation League, "Anti-Semitic Incidents Decline For Third Straight Year In U.S., According To Annual ADL Audit," Press Release, March 19, 2008, http://www.adl.org/PresRele/ASUS_12/5246_12.htm.
- ⁶⁰ The Anti-Defamation League, "Anti-Semitic graffiti scrawled on Temple B'Nai Israel in Victoria," June 16, 2007, http://www.antisemitism.org.il/eng/events/22820/USA_%E2%80%93_Synagogue_targeted_with_anti-Semitic_graffiti.
- ⁶¹ The Anti-Defamation League, "Anti-Semitic Incidents Decline For Third Straight Year In U.S., According To Annual ADL Audit," Press Release, March 19, 2008, http://www.adl.org/PresRele/ASUS_12/5246_12.htm.
- ⁶² "Police Investigate Several Incidents of Racist Graffiti," *NBC-WRC*, January 8, 2007, <http://www.nbc4.com/news/10697137/detail.html>.
- ⁶³ The Anti-Defamation League, "Anti-Semitic Incidents Decrease in New England; in Massachusetts Remain Constant," Press Release, March 5, 2007, http://www.adl.org/PresRele/ASUS_12/5242_12.htm.
- ⁶⁴ The Associated Press, "Police Ramp Up Hate Graffiti Investigation," *WCCO-TV*, December 15, 2007, <http://wcco.com/crime/st.cloud.state.2.610973.html>.
- ⁶⁵ American-Arab Anti-Discrimination Committee, *Report on Hate Crimes and Discrimination Against Arab Americans: 2003-2007*, ADC-RI, Washington, DC: 2008.
- ⁶⁶ American-Arab Anti-Discrimination Committee, *Report on Hate Crimes and Discrimination Against Arab Americans: 2003-2007*, ADC-RI, Washington, DC: 2008, p. 11.
- ⁶⁷ Council on American-Islamic Relations, "CAIR Welcomes Arrest in Shooting of Ohio Muslim," Press Release, July 7, 2008, <http://www.cair.com/ArticleDetails.aspx?mid1=777&&ArticleID=25107&&name=n&&currPage=2>.
- ⁶⁸ "Man charged in shooting at Cleveland gas station," *the Plain Dealer*, July 7, 2008, http://blog.cleveland.com/metro/2008/07/man_charged_in_shooting_death_1.html.
- ⁶⁹ "FBI Investigating Bakersfield Mosque Attack as Hate Crime," *the Mercury News*, October 10, 2007, http://www.mercurynews.com/news/ci_7142190?nclick_check=1.
- ⁷⁰ Henry Lee and Marisa Lagos, "Muslim leaders call Antioch mosque fire 'act of terror,'" *San Francisco Chronicle*, August 13, 2007, <http://www.sfgate.com/cgi-bin/article.cgi?f=/c/a/2007/08/13/BAGKRRHRLH9.DTL>.
- ⁷¹ Abbie Vansickle, "Mosque burns; arson suspected," *the St. Petersburg Times*, April 13, 2007, http://www.sptimes.com/2007/04/13/Hillsborough/Mosque_burns_arson_su.shtml.
- ⁷² The Southern Poverty Law Center, "Anti-Islamic Terrorism: 'Aryans' Accused of Mosque Firebombing," *Intelligence Report*, Summer 2008, <http://www.splcenter.org/intel/intelreport/article.jsp?aid=919>.
- ⁷³ Council on American-Islamic Relations, "CAIR Welcomes Arrest in Shooting of Ohio Muslim," Press Release, July 7, 2008, <http://www.cair.com/ArticleDetails.aspx?mid1=777&&ArticleID=25107&&name=n&&currPage=2>.
- ⁷⁴ Bob Collins, "A problem grows in the north metro," *Minnesota Public Radio*, March 27, 2008, http://minnesota.publicradio.org/collections/special/columns/news_cut/archive/2008/03/a_problem_grows_in_the_north_m.shtml; and Tim

- Hennagir, "Blaine Dairy Store is heavily damaged in Sunday night fire Wednesday," *ABC Newspapers*, January 30, 2008, http://abcnewspapers.com/index2.php?option=com_content&do_pdf=1&id=1633.
- ⁷⁵ "Arson at convenience store in Blaine investigated as possible hate crime," *StarTribune*, March 12, 2008, <http://www.startribune.com/local/north/16629581.html>.
- ⁷⁶ U.S. Department of Justice, Federal Bureau of Investigation, Criminal Justice Information Services Division, *Hate Crime Statistics, 2006*, Fall 2007, <http://www.fbi.gov/ucr/hc2006/table1.html>.
- ⁷⁷ "Arizona teens attacked for being LDS," *ABC News*, May 07, 2008, http://www.abc4.com/news/local/story.aspx?content_id=f4d910fa-c065-4637-819c-2adcb90b030e.
- ⁷⁸ "Police: Church Targeted For Liberal Views," *NBC-WTJ*, July 28, 2008, <http://www.nbc6.net/news/17011543/detail.html?rss=ami&psp=news>.
- ⁷⁹ Michael McClintock, *Everyday Fears: A Survey of Violent Hate Crimes in Europe and North America*, Human Rights First, September 13, 2005, <http://www.humanrightsfirst.org/discrimination/pdf/everyday-fears-080805.pdf>, p. 126.
- ⁸⁰ Jay Reeves, "Two east Alabama men arrested in rural church arson spree," *the Anniston Star*, January 8, 2008, <http://www.annistonstar.com/breaking/2008/as-wireupdate-0107-0-8a07p4957.htm>.
- ⁸¹ "Man Pleads Guilty in String of East Alabama Church Arsons," *ABC News*, June 8, 2008, <http://www.abc3340.com/news/stories/0608/526690.html>.
- ⁸² "Attacks on Valley religious sites assailed," *the LA Daily News*, May 03, 2008, http://www.dailynews.com/news/ci_9138570.
- ⁸³ "Haitian Church Target Of Hate Crime, Police Say," *Local10.com*, October 1, 2007, <http://www.local10.com/news/14241308/detail.html>.
- ⁸⁴ Noelle Crombie, "Four arrested in vandalism spree In Southeast Portland," *the Oregonian*, May 17, 2007, http://blog.oregonlive.com/breakingnews/2007/05/at_least_a_dozen_cars_one_chur.html.
- ⁸⁵ "Satanic vandals desecrate church in Lancaster County, PA," *Truth Matters Inc.*, January 31, 2008, <http://truthmattersinc.blogspot.com/2008/01/satanic-vandals-desecrate-church-in.html>.
- ⁸⁶ "Teens Charged in Ransacking of Lancaster County Church," *ABC News*, January 31, 2008, <http://www.whtm.com/news/stories/0108/492203.html>.
- ⁸⁷ Martin Weil, "Racial Slur Defaces African American Church," *the Washington Post*, August 19, 2008, <http://www.washingtonpost.com/wp-dyn/content/article/2008/08/18/AR2008081802761.html>.
- ⁸⁸ Christine Young, "Saint Joseph the Worker damaged twice by arson," *the Intermountain Catholic*, June 6, 2008, <http://www.icatholic.org/indstory/2008/200823p11.html>.
- ⁸⁹ U.S. Department of Justice, Federal Bureau of Investigation, Criminal Justice Information Services Division, *Hate Crime Statistics, 2006*, Fall 2007, <http://www.fbi.gov/ucr/hc2006/>.
- ⁹⁰ Andre Coleman and Kevin Uhrich, "Hate by the numbers: Black/brown tensions likely to rise as hate crimes climb across the board," *the Pasadena Weekly*, August 7, 2008, http://www.pasadenaweekly.com/cms/story/detail/hate_by_the_numbers/6246/.
- ⁹¹ Los Angeles County Commission on Human Relations, *2007 Hate Crime Report*, <http://humanrelations.co.la.ca.us/hatecrime/data/2007%20Hate%20Crime%20Report.pdf>, p. 5.
- ⁹² California Department of Justice, the California Justice Information Services, Bureau of Criminal Information and Analysis, *Hate Crime in California, 2007*, July 2008, <http://ag.ca.gov/cjsc/publications/hatecrimes/hc07/preface07.pdf>.
- ⁹³ The National Coalition of Anti-Violence Programs, *Anti-Lesbian, Gay, Bisexual and Transgender Violence in 2007*, NCAVP, New York: 2008, http://www.ncavp.org/common/document_files/Reports/2007HVRReportFINAL.pdf.
- ⁹⁴ While not purporting to provide comprehensive or country-wide coverage, the NCAVP draws upon monitors in major cities including San Francisco, Chicago, Columbus, Ohio, Houston, Kansas City, Los Angeles, Milwaukee, and New York, and the states of Colorado, Massachusetts, Michigan, Minnesota, Pennsylvania, and Vermont. The National Coalition of Anti-Violence Programs, *Anti-Lesbian, Gay, Bisexual and Transgender Violence in 2007*, NCAVP, New York: 2008, http://www.ncavp.org/common/document_files/Reports/2007HVRReportFINAL.pdf.
- ⁹⁵ Ellyn Ong Vea, "Cicero man charged in vicious sex assault, hate crime," *Chicago Suburban News*, December 27, 2007, <http://www.mysuburbanlife.com/cicero/homepage/x1059345049>.
- ⁹⁶ Viki Nantz, "In Florida, hate crimes against gays and lesbians are among the most violent," *RyanSkipperDocumentary.com*, 2008, <http://www.ryanskipperdocumentary.com/>.
- ⁹⁷ Peter Cassels, "Killing Shocks Florida Gay Activists," *EDGE Boston*, April 4, 2007, <http://www.edgeboston.com/index.php?ch=news&sc=glbt&sc2=news&sc3=&id=19337>.
- ⁹⁸ Norman Sinclair, "Police seek man in hate crime death," *the Detroit News*, February 24, 2007, <http://www.detnews.com/apps/pbcs.dll/article?AID=/20070224/METRO/702240351/1003>.

- ⁹⁹ The National Coalition of Anti-Violence Programs, *Anti-Lesbian, Gay, Bisexual and Transgender Violence in 2007*, NCAVP, New York: 2008, http://www.ncavp.org/common/document_files/Reports/2007HVRReportFINAL.pdf.
- ¹⁰⁰ Paige Hewitt, "Murder suspect says he was doing God's work / Cypress man is being held in the June death of flight attendant," *the Houston Chronicle*, July 15, 2007, http://www.chron.com/CDA/archives/archive.mpl?id=2007_4384722 (accessed August 16, 2008).
- ¹⁰¹ Michael Brick, "Three Sentenced in Death of Gay Man," *the New York Times*, November 21, 2007, <http://www.nytimes.com/2007/11/21/nyregion/21plumb.html>.
- ¹⁰² Kathleen Wilson, McInerney pleads not guilty, lawyer calls charges "death sentence," *the Ventura County Star*, August 8, 2008, <http://www.venturacountystar.com/news/2008/aug/08/mcinerney-pleads-not-guilty/>.
- ¹⁰³ The Associated Press, "Weld DA treats slaying as hate crime," *the Denver Post*, July 31, 2008, http://www.denverpost.com/breakingnews/ci_10061302.
- ¹⁰⁴ The Associated Press, "Four Men Plead Guilty in an Antigay Attack," *the New York Times*, March 22, 2007, <http://www.nytimes.com/2007/03/22/nyregion/22beating.html>.
- ¹⁰⁵ The Southern Poverty Law Center, *For the Record*, media reports from November 12, 2007, <http://www.splcenter.org/intel/hatewatch/fortherecord.jsp>.
- ¹⁰⁶ Stacey Morgan, "Decatur Man Guilty of Hate Crime," *WCIA 3 News*, August 6, 2008, <http://illinoishomepage.net/content/fulltext/?cid=24531>.
- ¹⁰⁷ The Southern Poverty Law Center, *For the Record*, media reports from April 4, 2008, <http://www.splcenter.org/intel/hatewatch/fortherecord.jsp>.
- ¹⁰⁸ Chris Christoff, "Hate law expansion sought to make prosecutions easier," *the Detroit Free Press*, July 24, 2008, <http://www.freep.com/apps/pbcs.dll/article?AID=/20080724/NEWS06/807240370/1008/news06>.
- ¹⁰⁹ Alex Shebar, "Bill adds disability to hate crime law," *the Cincinnati Enquirer*, June 28, 2008, <http://news.cincinnati.com/apps/pbcs.dll/article?AID=/20080628/NEWS0108/806280355>.
- ¹¹⁰ Caroline Wolf Harlow, *Hate Crimes Reported by Victims and Police*, U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Statistics, November 2005, <http://www.ojp.usdoj.gov/bjs/abstract/hcrvp.htm>, table 2.
- ¹¹¹ The National Center for Victims of Crime, "Breaking the Silence on Crime Victims with Disabilities," Press Release, May 21, 2007, <http://www.ncvc.org/ncvc/main.aspx?dbName=DocumentViewer&DocumentID=42930>.
- ¹¹² The Leadership Conference on Civil Rights, *Cause for Concern: Hate Crimes in America*, 2004, http://www.civilrights.org/publications/reports/cause_for_concern_2004/.
- ¹¹³ Human Rights First, *2007 Hate Crime Survey*, September 2007, <http://www.humanrightsfirst.info/pdf/07601-discrim-hate-crimes-web.pdf>, p. 51.
- ¹¹⁴ The National Disability Rights Network, "Letter to Senators," July 30, 2007, <http://www.civilrights.org/assets/pdfs/ndm-senate-hate-crimes-letter-final.pdf> (accessed August 25, 2008).
- ¹¹⁵ Laura Parker, "A jury's stand against racism reflects hope," *USA Today*, April 26, 2007, http://www.usatoday.com/news/nation/2007-04-26-texas-town_N.htm.
- ¹¹⁶ The Southern Poverty Law Center, "Center Wins Justice for Billy Ray Johnson," Press Release, April 20, 2007, <http://www.splcenter.org/news/item.jsp?aid=250>.
- ¹¹⁷ Bob Driehaus, "Two Teenagers Are Accused of Torturing Ohio Woman," *the New York Times*, February 27, 2008, <http://www.nytimes.com/2008/02/27/us/27torture.html?fta=y&pagewanted=print>.
- ¹¹⁸ The 1968 "Federal Hate Crime Statute," 18 USC 245, outlines the six federally protected activities as follows: " (1) A student at or applicant for admission to a public school or public college; (2) A participant in a benefit, service, privilege, program, facility or activity provided or administered by a state or local government; (3) An applicant for private or state employment; a private or state employee; a member or applicant for membership in a labor organization or hiring hall; or an applicant for employment through an employment agency, labor organization or hiring hall; (4) A juror or prospective juror in state court; (5) A traveler or user of a facility of interstate commerce or common carrier; (6) A patron of a public accommodation or place of exhibition or entertainment, including hotels, motels, restaurants, lunchrooms, bars, gas stations, theaters, concert halls, sports arenas or stadiums."
- ¹¹⁹ Michael McClintock, *Everyday Fears: A Survey of Violent Hate Crimes in Europe and North America*, Human Rights First, September 13, 2005, <http://www.humanrightsfirst.org/discrimination/pdf/everyday-fears-080805.pdf>, p. 126.
- ¹²⁰ Winnie Stachelberg and Josh Rosenthal, "Taking on Hate Crimes," *the Center for American Progress*, December 3, 2007, http://www.civilrights.org/press_room/buzz_clips/civilrightsorg-stories/op-ed-taking-on-hate-crimes.html.
- ¹²¹ The Leadership Conference on Civil Rights, "Vote 'Yes' to Instruct DoD Conferees to Support the Local Law Enforcement Enhancement Act," Advocacy Letter, September 28, 2004, <http://www.civilrights.org/library/advocacy-letters/dod-authorization-bill-h-r-4200llea-s-966.html>.

¹²² The National Coalition for the Homeless and the National Law Center on Homelessness and Poverty, *Hate, Violence, And Death On Main Street USA: A Report on Hate Crimes and Violence Against People Experiencing Homelessness 2007*, April 2008, <http://www.nationalhomeless.org/getinvolved/projects/hatecrimes/index.html>, p. 41.

¹²³ For a complete list, see Leadership Conference on Civil Rights, "LLEHCPA Supporter List," <http://www.civilrights.org/issues/hate/llehcpa-supporter.html> (accessed August 11, 2008). See also, House of Representatives, Local Law Enforcement Hate Crime Protection Act of 2007, Report together with Dissenting Views [To accompany H.R. 1592], April 30, 2007, <http://www.civilrights.org/assets/pdfs/House-Judiciary-Committee-Report-on-LLEHCPA.pdf>.

¹²⁴ The National Sheriffs' Association describes itself as "the voice of 3,087 elected sheriffs across the country and the largest association of law enforcement professionals in the United States." See Sheriff Ted Kamatchus [the Association's President], letter to members of Congress, in support of the Bill, <http://www.civilrights.org/assets/pdfs/sheriffs-letter.pdf>.

¹²⁵ A veto threat was issued by President Bush on May 3, 2007, in the form of a Statement of Administration Policy, stating that the Hate Crimes Bill raised "constitutional concerns." A statement contradicting this assertion was prepared by a coalition of legal scholars and submitted to the Senate for consideration. "Letter from legal scholars contradicts White House on Hate Crimes Bill," July 31, 2007, Hate Crimes Bill, S. 1105 and H.R. 1592, <http://www.hatecrimesbill.org/2007/07/>.

¹²⁶ 28 U.S.C. 534.

¹²⁷ The FBI's collection of data on the disability bias crimes began on January 1, 1997. Human Rights First, 2007 Hate Crime Report Card: the United States, September 2007, http://www.humanrightsfirst.org/discrimination/hate-crime/country/count_u.asp.

¹²⁸ Chris Johnson, "Campus and FBI hate crime reporting to be uniform," *Human Rights Campaign*, August 1, 2008, <http://www.hrcbackstory.org/2008/08/campus-and-fbi.html>.

¹²⁹ The information about 8 cities over 250,000 not participating in the HCSA comes from comparing two charts from the FBI – the total number of Group 1 cities (over 250,000) from Crime in the United States-72-and the total number of Group 1 cities in the 2006 annual hate crime report-64. See U.S. Department of Justice, Federal Bureau of Investigation, Criminal Justice Information Services Division, *Hate Crime Statistics, 2006*, Fall 2007, <http://www.fbi.gov/ucr/hc2006/>; and U.S. Department of Justice, Federal Bureau of Investigation, Criminal Justice Information Services Division, *Hate Crime Statistics, 2005*, Fall 2006, <http://www.fbi.gov/ucr/hc2005/>.

¹³⁰ U.S. Department of Justice, Federal Bureau of Investigation, Criminal Justice Information Services Division, *Hate Crime Statistics, 2006*, Fall 2007, <http://www.fbi.gov/ucr/hc2006/>; and U.S. Department of Justice, Federal Bureau of Investigation, Criminal Justice Information Services Division, *Hate Crime Statistics, 2005*, Fall 2006, <http://www.fbi.gov/ucr/hc2005/>.

¹³¹ U.S. Department of Justice, Federal Bureau of Investigation, Criminal Justice Information Services Division, *Hate Crime Statistics, 2006*, Fall 2007, <http://www.fbi.gov/ucr/hc2006/>; and U.S. Department of Justice, Federal Bureau of Investigation, Criminal Justice Information Services Division, *Hate Crime Statistics, 2005*, Fall 2006, <http://www.fbi.gov/ucr/hc2005/>.

¹³² U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Statistics, "Crime and Victims Statistics," <http://www.ojp.usdoj.gov/bjs/cvict.htm>.

¹³³ U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Statistics, "The Nation's two crime measures," <http://www.ojp.usdoj.gov/bjs/pub/html/ntcm.htm>.

¹³⁴ Michael Rand and Shannan Catalano, "Criminal Victimization, 2006," *Bulletin*, U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Statistics, December 2007, <http://www.ojp.usdoj.gov/bjs/pub/pdf/cv06.pdf>.



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