



A Policymaker's Guide to Hate Crimes

U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Assistance

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Despite the best efforts of political and community leaders to foster tolerance and understanding, deep-seated racial tensions continue to plague the Nation. News stories of bias-motivated incidents fill the national pages of major U.S. newspapers. A rash of arsons at African-American churches in the South, for example, has spurred the Federal Government to launch a major investigation that, so far, has led to the arrest of 120 suspects. Of the 298 Federal arson investigations carried out between January 1995 and November 1996, approximately 43 percent involved fires at black churches, although white churches far outnumber black churches in the Nation. Political and religious leaders said that the disproportionate number of black churches being burned indicated that the Nation was experiencing a serious wave of hate crimes. While the hate crime problem has moved up the political agendas of policymakers at every level of government in recent years, the phenomenon is hardly new. From the Romans' persecution of Christians and the Nazis' "final solution" for the Jews to the "ethnic cleansing" in Bosnia and genocide in Rwanda, hate crimes have shaped and sometimes defined world history. In the United States, racial and religious biases largely have inspired most hate crimes. As Europeans began to colonize the New World in the 16th and 17th centuries, Native Americans increasingly became the targets of biasmotivated intimidation and violence. During the past two centuries, some of the more typical examples of hate crimes in this Nation include the lynchings of African Americans, cross burnings to drive black families from predominantly white neighborhoods, assaults on homosexuals, and the painting of swastikas on Jewish synagogues. For the purposes of this monograph, hate crimes, or bias-motivated crimes, are defined as offenses motivated by hatred against a victim based on his or her race, religion, sexual orientation, handicap, ethnicity, or national origin. While such a definition may make identifying a hate crime seem like a simple task, criminal acts motivated by bias can easily be confused with forms of expression protected by the U.S. Constitution. In recent years hate crimes and related legal issues have received a significant amount of coverage and commentary in the news media. As a result of several dramatic incidents of hate crimes and domestic terrorism, public awareness and concern over biasmotivated crimes have heightened, and the topic has steadily moved up the political agendas of leaders at every level of government. These developments have led Attorney General Janet Reno to seek an assessment of laws and strategies designed to fight, gauge, and prevent bias-motivated offenses; this monograph both reflects and helps meet that commitment. A Policymaker's Guide to Hate Crimes is the product of a review of recent literature on hate crimes, interviews with hate crime experts, and attendance at congressional hearings and a planning meeting on hate crimes and terrorism. It is meant to explain, in layperson's terms, the scope and nature of the Nation's hate crime problem and to provide a general overview of the current responses to hate crimes by local, State, and Federal government agencies; law enforcement authorities; and civil rights groups. This monograph examines the significant strides made by the Federal Government in creating a baseline of raw data on hate crimes and the problems that impede the reporting of hate crime incidents. In addition, the monograph summarizes current State laws and U.S. Supreme Court decisions regarding hate crimes. Preventive measures and tactics for dealing with hate crime offenders also are discussed with references to vanguard programs in specific communities. We hope that this monograph will educate and guide public officials in developing policies that address one of the Nation's most insidious problems.

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