

NLWJC - Kagan

DPC - Box 040 - Folder 001

Race-Hate Crimes [4]

Race-hate crimes

Ek -
Status on
hate crimes &
civil rights.
Tom

MEMORANDUM

TO: ELENA KAGAN
FROM: TOM FREEDMAN, MARY L. SMITH
RE: SUMMARY OF HATE CRIME CONFERENCE
DATE: OCTOBER 6, 1997

SUMMARY

The White House Conference on Hate Crimes will be held on November 10. The Conference is mostly in fine shape, but there are some issues that need vetting. The legislative options are listed in Section IV.D of this memo. It would be helpful if we could talk to you about what option to push. The non-legislative package comes in three parts: outreach, including hate crimes working groups, data collection, and educational initiatives. The Attorney General is currently reviewing the non-legislative options.

As for the format of the Conference, it is expected that the Attorney General will make opening remarks in the morning, following which remarks the participants would take part in break-out groups of approximately 30 each. Some of the suggested topics for the break-out groups are listed below. The topics center around areas such as education, data collection, law enforcement, and community responses to hate crimes. In the afternoon, the President would make an announcement regarding hate crimes based on legislative and non-legislative proposals. Following or before the President's remarks, one participant from each of the break-out groups would report back on what was discussed.

There are two logistical issues still being resolved in the White House Hate Crimes Working Group meetings: (1) the allocation of participants in the various groups, namely, whether the number of advocates should be reduced in order to increase the number of law enforcement members who will be able to participate, and (2) the choice of an appropriate location with the current favorite being the National Education Association building.

Below is a summary of some of the areas of the conference, including (1) suggested location; (2) number of participants; (3) topics of breakout groups; and (4) the President's announcements.

I. SUGGESTED LOCATION

The suggested location is the National Education Association headquarters. The auditorium holds approximately 400 persons. The conference planners are somewhat limited in their choice of location because it is desirable to find a site that is near the White House, as either

a breakfast or evening reception at the White House is planned.

II. PARTICIPANTS IN CONFERENCE (Total of approximately 210)

A. EDUCATION (about 20 participants)

- Academics, teachers, principals, experts, psychologists, students

B. ENFORCEMENT (about 60 participants)

- Prosecutors, police, judges, attorneys general

C. ADVOCACY (about 85 participants)

- National civil rights organizations
- Organized labor
- African-American
- gays/lesbian
- religious
- Hispanic
- Asian American
- women
- disabled
- Native American
- white ethnic
- youth

D. OFFICIAL (about 40 participants)

- Administration (includes WH, DOJ, DoEd, HHS, Treasury, HUD, DOD, Labor)
- Governors
- Mayors
- Congress
- state and local elected officials
- Federal

E. VICTIMS (only 5 or so)

III. SUGGESTED TOPICS FOR BREAKOUT GROUPS

There will probably be seven breakout groups with approximately 30 participants each.

1. Role of the Schools (K-12) in preventing and responding to hate crimes
2. Role of Colleges and Universities in preventing and responding to hate crimes
3. Role of Law Enforcement in responding to hate and bias crimes
4. Coordinated Response of Law Enforcement, Victims, and Communities in improving collection of statistics regarding hate crimes
5. Hate Crimes in Public and Private Housing: Causes and Prevention Strategies
6. Responding to the needs of victims of hate and bias crimes
7. Research and Evaluation: What Works in Preventing Hate and Bias Crimes
8. Community Responses to hate and bias crimes

IV. PRESIDENTIAL ANNOUNCEMENTS

There are basically four main areas in which the Department of Justice is tackling hate crimes: (1) outreach to the community; (2) statistical collection; (3) educational initiatives; and (4) possible legislation.

A. OUTREACH: HATE CRIMES WORKING GROUPS

- DOJ is proposing federal-state-local partnerships that would coordinate the prosecution of hate crimes. Members of the working groups would be the U.S. Attorney's offices, the FBI, state and local law enforcement, state and local prosecutors, schools, and advocacy groups. In addition to prosecuting hate crimes, the groups would seek to increase enforcement of hate crime laws, to maximize reporting of hate crimes, and to educate the public about hate crimes.
- FBI has proposed seeking additional funding in the FY99 budget to add approximately 193 new FBI agents to investigate hate crimes.

B. STATISTICS REGARDING HATE CRIMES

- DOJ is also exploring several possibilities to improve the collection of statistics regarding hate crimes.

C. EDUCATIONAL INITIATIVES

- Northeastern University's Center for Criminal Justice Policy Research reports that approximately 65% of violent hate crimes are committed by boys and young men under the age of 20.
- The Department of Education's Office of Civil Rights is working with the National Association of Attorneys General to develop a manual that will catalog all of the various resources that are available to assist school

administrators and teachers in addressing bias crimes and racial and ethnic tensions in school settings.

- Middle-school curriculum entitled “Healing the Hate” (already developed by Educational Development Corporation and funded jointly by DOJ and Department of Education) should be disseminated to schools.
- Middle-school curriculum on hate crimes should be placed on the Department of Education’s website.
- Given the statistics that suggest that a large portion of hate crimes are committed by school-age males, DOJ could work with Education’s National Center for Educational Statistics to explore mechanisms for collecting information on hate-based violence in schools.
- Elevate awareness of hate-based violence in the educational community through a PSA campaign, conferences, workshops, articles, and the Internet.

D. PROPOSED LEGISLATION

DOJ has proposed five legislative options for amending 18 U.S.C. § 245, the principal federal hate crimes statute, to expand federal hate crimes jurisdiction to include bias crimes committed because of the victims’s sexual orientation, disability, and gender.

Option 1

- Option 1 is the most far-reaching of the five options. It would add sexual orientation, gender, and disability as protected categories. It would require proof of a Commerce Clause nexus in the least restrictive manner.
- Concerns about Option 1 are that it would federalize most rapes and would greatly increase the federal resources needed to prosecute these hate crimes. The FBI estimates that the proposed bill could require \$38.5 million per year to hire 219 additional agents. However, others at DOJ believe that the additional cost to the FBI would be substantially less than the estimate.

Option 2

- Option 2 also would add sexual orientation, gender, and disability as protected activities. Unlike Option 1, however, Option 2 would require proof of a highly restrictive Commerce Clause nexus for hate crimes based on religion, gender, sexual orientation, or disability. Specifically, Option 2 would require that the defendant “travel[ed] across a State line in

connection with the offense.”

- Option 2 could greatly limit the number of gender-based incidents that would satisfy its strict Commerce Clause element. It is possible then that Option 2 could add gender as a protected category without overwhelming the resources of the FBI and DOJ. However, the interstate travel requirement contained in Option 2 likely would have the effect of excluding the great majority of bias incidents committed because of the victim’s sexual orientation, gender, or disability.

Option 3

- Option 3 presents a middle ground between Options 1 and 2. Option 3 would require proof of the strict “interstate travel” Commerce Clause nexus for gender-based hate crimes, but would require proof of only the broader Commerce Clause nexus of Option 1 for crimes based on religion, sexual orientation, or disability. The advantage of Option 3 is that it would give DOJ broad jurisdiction over hate crimes based on sexual orientation and disability and more limited jurisdiction over hate crimes based on gender, thereby avoiding much of the limited resources problem with Option 1.
- One concern of Option 3 is that it would distinguish between treatment of hate crimes based on gender and treatment of hate crimes based on sexual orientation or disability without any clear constitutional or policy basis for doing so. Option 3 also probably would encounter political opposition from women’s groups that want gender added on the same terms as other categories.

Option 4

- Option 4 would add gender, sexual orientation, and disability as protected categories and would apply the broad Commerce Clause element from Option 1 to all three categories. However, unlike Option 1, Option 4 would attempt to address the resource issue by including statutory language requiring proof of gender-based animus, making it clear that not every rape or sexual assault was a gender-based hate crime covered by the statute.

Option 5

- Option 5 would add sexual orientation and disability as protected categories, but it would omit gender-based hate crimes altogether.
- Option 5 would almost surely face even stiffer political opposition than Option 3 or 4. The coalition of outside groups is adamant that gender be included. In addition, Senator Kennedy’s staff has indicated that he will not introduce a bill that does not include gender.

Memorandum

MEMORANDUM

TO: ELENA KAGAN
FROM: TOM FREEDMAN, MARY L. SMITH
RE: STATUS OF HATE CRIME NON-LEGISLATIVE PROPOSALS
DATE: OCTOBER 27, 1997

SUMMARY

This memorandum summarizes the status of hate crimes proposals from the various agencies. Some of these proposals will be ready for announcement at the White House Conference on Hate Crimes on November 10. The four main announcements at the Conference will be: (1) the legislative proposal; (2) the approximately 193 new FBI agents; (3) the Hate Crimes Working Groups in the approximately 100 U.S. Attorney districts; and (4) the Make 'Em Initiative at HUD.

DEPARTMENT OF JUSTICE

I. PROSECUTION AND ENFORCEMENT

DOJ is proposing federal-state-local partnerships that would coordinate the prosecution of hate crimes centered in the approximately 100 U.S. Attorney Offices throughout the country. Members of the working groups would be the U.S. Attorney's offices, the FBI, state and local law enforcement, state and local prosecutors, schools, and advocacy groups. In addition to prosecuting hate crimes, the groups would seek to increase enforcement of hate crime laws, to maximize reporting of hate crimes, and to educate the public about hate crimes. Status: ready for announcement at the Conference

Coordinate Partnerships + Advocacy group.

FBI has proposed seeking additional funding in the FY99 budget to add approximately 193 new FBI agents to investigate hate crimes.

analytic center

15.9 million Key piece

Encourage hate crimes training for law enforcement. In order to encourage police academies nationwide to include hate crime as part of their basic training, DOJ, in partnership with the National Association of Attorneys General and others, plans on allocating funds so that state and local law enforcement can attend federal training on hate crimes. Status: Could be announced at Conference

made parat to st hoc chrs.

for subcommittee Law enforcement. Pol Dept. initiative

Best practices guide for working groups. DOJ plans to distribute to each of the

Main Why? This is one of books of main advocacy groups. On printing process.

3/16/97
Rt - great # of 0

dissemination plan

No announcement
needs more
refinement

hate crimes working groups a best practices guide. Status: Could be announced at Conference, but will not be completed.

Modify "backstop" policy. In "sensitive" cases, the modified policy would replace the presumption in favor of state prosecution with a balanced consideration that may at times support federal (or joint) action rather than state action. This modification, however, would not mandate that federal prosecution become the norm. Status: ready for announcement at the Conference

- **Prosecutors' Manual.** The National Institute of Justice is currently conducting a survey of 800 district attorneys offices to identify the policies and practices prosecutors use in hate crimes cases. The report, *Prosecutorial Response to Bias-motivated Crime*, is expected to be available in October 1997. Status: Publication of book in Spring 1998 could be announced at Conference.

II. STATISTICS REGARDING HATE CRIMES

- DOJ currently collects hate crimes under the Hate Crimes Statistics Act ("HCSA"). There is an annual report that comes out. DOJ is checking whether we could announce the numbers at the conference on November 10.
- **Support Existing HCSA Implementation through the Uniform Crime Reporting ("UCR") and National Incident Based Reporting System ("NIBRS").** DOJ has submitted a budget enhancement of \$35 million for FY 1999 to provide for further implementation of the NIBRS system, which will assist 35 large law enforcement agencies in converting to the NIBRS system (which will provide "incident-based" crime statistics rather than mere tallies currently available) and will also provide for preparation of a series of analyses of hate crimes. Status: at OMB ???
- **Add Hate Crimes Questions to the National Crime Victimization Survey ("NCVS").** In 1998, BJS is instituting an extension of the NCVS to eleven cities, and BJS and the COPs Office have committed to adding hate crime-related questions to that supplement. Beginning in 1999, hate crime inquiries will be a part of the annual survey conducted each spring. Status: ready for announcement at Conference (check?)
- **Study to Research Impediments to Hate Crime Data Collection and Methods to Improve.** BJS has issued an approximately \$100,000 solicitation for a study aimed at improving collection of statistics on hate crimes and methods to improve reporting. The contract is expected to be awarded sometime in November. Status: ready for announcement at Conference

III. EDUCATIONAL INITIATIVES

- **Teacher's guide for hate crimes awareness.** DOJ and Education are working on materials which would include a teacher's guide, setting forth five or six specific suggestions for age-appropriate classroom activities or discussions for teachers to use at the elementary, middle-school, and secondary levels. **Status: getting draft on October 28 from Bill Modzeleski at Education**
- **Design a national survey to gather statistical information on the occurrence of hate-based violence in public schools.** Given the statistics that suggest that a large portion of hate crimes are committed by school-age males, DOJ could work with Education's National Center for Educational Statistics to explore mechanisms for collecting information on hate-based violence in schools. **Status: ???**
- The Department of Education's Office of Civil Rights is working with the National Association of Attorneys General to develop a manual that will catalog all of the various resources that are available to assist school administrators and teachers in addressing bias crimes and racial and ethnic tensions in school settings.
- Middle-school curriculum entitled "Healing the Hate" (already developed by Educational Development Corporation and funded jointly by DOJ and Department of Education) should be disseminated to schools.
- **PSAs. Status: Not ready.**
- **Hate Crimes Internet Site.**
- Middle-school curriculum on hate crimes should be placed on the Department of Education's website.
- Elevate awareness of hate-based violence in the educational community through a PSA campaign, conferences, workshops, articles, and the Internet.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

- **Make 'em Pay Initiative.** Within the Hate Crimes Task Force, HUD will proactively make victims aware of their right to a civil remedy and will then bring lawsuits on behalf of victims in order to help them recover from perpetrators of hate crimes in the housing context. This initiative will not require new money, but will merely be implemented by a reallocation of existing resources and will be supplemented in funding by costs recovered by HUD. **Status: Ready for announcement at the Conference.**

MEMORANDUM

TO: ELENA KAGAN
FROM: TOM FREEDMAN, MARY L. SMITH
RE: SUMMARY OF HATE CRIME CONFERENCE
DATE: OCTOBER 16, 1997

SUMMARY

This memo gives you an overview of the White House Conference on Hate Crimes which will be held on November 10. The Conference is mostly in fine shape, but there are some issues that need vetting. The legislative options are listed in Section III.D of this memo. The Department of Justice is coming over for a meeting on Monday, October 20, at 11 a.m. to discuss which legislative option, if any, to pursue. DOJ would like a firm answer from the White House as to whether the Administration should pursue a particular legislative option or merely broad policy principles. When DOJ presents the options to the Attorney General, they would like to brief her on the White House's position.

As for the format of the Conference, it is expected that the Attorney General will make opening remarks in the morning, following which remarks the participants would take part in break-out groups of approximately 30 each. Some of the suggested topics for the break-out groups are listed below. The topics center around areas such as education, data collection, law enforcement, and community responses to hate crimes. In the afternoon, the President would make an announcement regarding hate crimes based on legislative and non-legislative proposals. Following or before the President's remarks, one participant from each of the break-out groups would report back on what was discussed.

Below is a summary of some of the areas of the conference, including (1) suggested location; (2) topics of breakout groups; and (3) the President's announcements.

I. SUGGESTED LOCATION

The suggested location is George Washington University.

II. SUGGESTED TOPICS FOR BREAKOUT GROUPS

There will probably be seven breakout groups with approximately 30 participants each.

1. Role of the Schools (K-12) in preventing and responding to hate crimes

2. Role of Colleges and Universities in preventing and responding to hate crimes
3. Role of Law Enforcement in responding to hate and bias crimes
4. Coordinated Response of Law Enforcement, Victims, and Communities in improving collection of statistics regarding hate crimes
5. Hate Crimes in Public and Private Housing: Causes and Prevention Strategies
6. Responding to the needs of victims of hate and bias crimes
7. Research and Evaluation: What Works in Preventing Hate and Bias Crimes
8. Community Responses to hate and bias crimes

III. PRESIDENTIAL ANNOUNCEMENTS

There are basically four main areas in which the Department of Justice is tackling hate crimes: (1) outreach to the community; (2) statistical collection; (3) educational initiatives; and (4) possible legislation.

A. OUTREACH: HATE CRIMES WORKING GROUPS

- DOJ is proposing federal-state-local partnerships that would coordinate the prosecution of hate crimes. Members of the working groups would be the U.S. Attorney's offices, the FBI, state and local law enforcement, state and local prosecutors, schools, and advocacy groups. In addition to prosecuting hate crimes, the groups would seek to increase enforcement of hate crime laws, to maximize reporting of hate crimes, and to educate the public about hate crimes.
- FBI has proposed seeking additional funding in the FY99 budget to add approximately 193 new FBI agents to investigate hate crimes.

B. STATISTICS REGARDING HATE CRIMES

- DOJ is also exploring several possibilities to improve the collection of statistics regarding hate crimes.

C. EDUCATIONAL INITIATIVES

- Northeastern University's Center for Criminal Justice Policy Research reports that approximately 65% of violent hate crimes are committed by boys and young men under the age of 20.
- The Department of Education's Office of Civil Rights is working with the National Association of Attorneys General to develop a manual that will catalog all of the various resources that are available to assist school administrators and teachers in addressing bias crimes and racial and ethnic

tensions in school settings.

- Middle-school curriculum entitled “Healing the Hate” (already developed by Educational Development Corporation and funded jointly by DOJ and Department of Education) should be disseminated to schools.
- Middle-school curriculum on hate crimes should be placed on the Department of Education’s website.
- Given the statistics that suggest that a large portion of hate crimes are committed by school-age males, DOJ could work with Education’s National Center for Educational Statistics to explore mechanisms for collecting information on hate-based violence in schools.
- Elevate awareness of hate-based violence in the educational community through a PSA campaign, conferences, workshops, articles, and the Internet.

D. PROPOSED LEGISLATION

DOJ has proposed five legislative options for amending 18 U.S.C. § 245, the principal federal hate crimes statute, to expand federal hate crimes jurisdiction to include bias crimes committed because of the victims’s sexual orientation, disability, and gender.

Option 1

- Option 1 is the most far-reaching of the five options. It would add sexual orientation, gender, and disability as protected categories. It would require proof of a Commerce Clause nexus in the least restrictive manner.
- Concerns about Option 1 are that it would federalize most rapes and would greatly increase the federal resources needed to prosecute these hate crimes. The FBI estimates that the proposed bill could require \$38.5 million per year to hire 219 additional agents. However, others at DOJ believe that the additional cost to the FBI would be substantially less than the estimate.
- Supported by the Civil Rights Division, Office of Policy Development, the Office of Intergovernmental Affairs, the Office of Legislative Affairs, the Violence Against Women Office, and the Office of Victims of Crime.

Option 2

- Option 2 also would add sexual orientation, gender, and disability as protected activities.

Unlike Option 1, however, Option 2 would require proof of a highly restrictive Commerce Clause nexus for hate crimes based on religion, gender, sexual orientation, or disability. Specifically, Option 2 would require that the defendant “travel[ed] across a State line in connection with the offense.” This interstate travel requirement is similar to interstate travel requirements contained in the criminal provisions of the Violence Against Women Act and in a former version of 18 U.S.C. §247, the religious hate crimes statute.

- Option 2 could greatly limit the number of gender-based incidents that would satisfy its strict Commerce Clause element. It is possible then that Option 2 could add gender as a protected category without overwhelming the resources of the FBI and DOJ. However, the interstate travel requirement contained in Option 2 likely would have the effect of excluding the great majority of bias incidents committed because of the victim’s sexual orientation, gender, or disability.

Option 3

- Option 3 presents a middle ground between Options 1 and 2. Option 3 would require proof of the strict “interstate travel” Commerce Clause nexus for gender-based hate crimes, but would require proof of only the broader Commerce Clause nexus of Option 1 for crimes based on religion, sexual orientation, or disability. The advantage of Option 3 is that it would give DOJ broad jurisdiction over hate crimes based on sexual orientation and disability and more limited jurisdiction over hate crimes based on gender, thereby avoiding much of the limited resources problem with Option 1.
- One concern of Option 3 is that it would distinguish between treatment of hate crimes based on gender and treatment of hate crimes based on sexual orientation or disability without any clear constitutional or policy basis for doing so. Option 3 also probably would encounter political opposition from women’s groups that want gender added on the same terms as other categories.

Option 4A

- Option 4A would add gender, sexual orientation, and disability as protected categories and would apply the broad Commerce Clause element from Option 1 to all three categories. However, unlike Option 1, Option 4 would attempt to address the resource issue by including statutory language requiring proof of gender-based animus, making it clear that not every rape or sexual assault was a gender-based hate crime covered by the statute.
- Option 4 is controversial in that some groups argue that all rapes have an inherent element of gender bias. Furthermore, the exclusion of rapes and other sexual assaults that lack additional indicia of gender-based bias may be inconsistent with the federal interest in prosecuting certain gender-based crimes. For instance, a serial rapist, even one who rapes in many states, might evade federal prosecution as long as he didn’t say or do anything

that evinced a gender-bias over and above the bias inherent in rapes themselves.

- Option 4 might not significantly reduce the FBI's investigative burden as compared to Option 1. The FBI might have to investigate to determine whether evidence of animus was present.

Option 4B

- Option 4B is the same as Option 4A except that it would apply the proof of animus restriction to religion, sexual orientation, and disability, as well as gender.
- Supported by the Attorney General's Advisory Committee (comprised of U.S. Attorneys), the Executive Office of the United States Attorneys, and the Federal Bureau of Investigation.

Option 5

- Option 5 would add sexual orientation and disability as protected categories, but it would omit gender-based hate crimes altogether.
- Option 5 would almost surely face even stiffer political opposition than Option 3 or 4. The coalition of outside groups is adamant that gender be included. In addition, Senator Kennedy's staff has indicated that he will not introduce a bill that does not include gender.
- Supported by the Criminal Division.

Option 6

- Merely support broad policy principles that gender, disability, and sexual orientation should be included in an appropriate and constitutional fashion.

M E M O R A N D U M

TO: ELENA KAGAN

FROM: TOM FREEDMAN, MARY L. SMITH

**RE: POTENTIAL CANDIDATES FOR PARTICIPANTS ON PRESIDENTIAL
PANEL AT HATE CRIME CONFERENCE**

DATE: OCTOBER 31, 1997

SUMMARY

We envisioned that there would be two speakers to introduce the President, one student and one law enforcement officer. In addition, the President would preside over a panel that would include seven members -- a student, a religious leader, a victim and community leader, a state legislator, a teacher, a law enforcement officer, and a Republican.

SPEAKERS TO INTRODUCE THE PRESIDENT

It would be nice to have two speakers to introduce the President -- one student and one law enforcement official. We recommend the following:

1. **CHUENEE (pronounced sha nay') SAMPSON:** Ms. Sampson is an African-American student at Duke University. As a high school student in Crown Heights, NY, she became a peer trainer with the Anti-Defamation League ("ADL") and participated in facilitating workshops. She helped start the program Students Against Violence Everywhere ("SAVE") while in high school. Ms. Sampson has experienced racial and ethnic violence throughout her life. As a middle-school student in Brooklyn, she experienced skinheads throwing bottles at the buses that brought her to school. While at Duke University, Ms. Sampson has continued to work with children, primarily in an educational capacity. Ms. Sampson volunteers in a middle school and works with learning centers in low-income areas. Recently, at the school where she volunteers, Ms. Sampson saw two eight- or nine-year olds, a white girl and black boy, fighting because the little girl called the boy "a poor black boy." Ms. Sampson was surprised to see children so young fighting over race. Ms. Sampson is quite articulate, has an incredible amount to experience in the area, and would be an excellent choice to introduce the President. She comes highly recommended from ADL.

2. **BILLY JOHNSTON.** Billy Johnston is a Senior Associate for Police and Community Programs in Boston. He has worked extensively in the hate crimes unit in Boston, and has recently won an award for his involvement with hate crimes.

CANDIDATES FOR MEMBERS OF THE PRESIDENT'S PANEL DISCUSSION

1. **PETER BARANT.** Mr. Barant is a white principal in New York state. He has worked extensively with hate crimes in the community. He started an anti-violence group called *E Pluribus Unum*. Of approximately seven teachers identified by the Department of Education, Mr. Barant seemed the strongest. Nonetheless, we are continuing to vet him.

2. **TAMMY SCHNITZER.** Ms. Schnitzer is a Jewish women who was the victim of an anti-Semitic hate crime in Billings, Montana. When Ms. Schnitzer saw that the hate crimes in Billings were targeted toward only the Jewish residents, Ms. Schnitzer galvanized the entire community by encouraging, Jews and non-Jews alike, to display menorah in the windows of their homes. Ms. Schnitzer's extraordinary efforts were the subject of a television movie, *Not in Our Town*.

3. **SHELLA KUEHL.** Ms. Kuehl is a white lesbian California state legislator. As a young girl, Ms. Kuehl appeared on the television series *Dobey Gillis*. As a legislator, she has been an outspoken advocate of the gay community and has been involved extensively with the California hate crimes statute.

4. **RAYMOND REYES.** Mr. Reyes is a sixteen-year-old Phillipino boy from Seattle, Washington. Mr. Reyes has worked with the ADL's Children of Dreams program. In March, Mr. Reyes traveled to Israel with the ADL's program. This trip changed his outlook on life. Mr. Reyes continues his work with the ADL program. Mr. Reyes has been a speaker for the ADL and was highly recommended by him. A tape from his May 1997 speech in Washington, D. C., demonstrates that he is an engaging and effective speaker.

5. **BILLY KYLE.** Mr. Kyle is a black church leader in Nashville, Tennessee. Mr. Kyle and Martin Luther King, Jr., were close friends and were contemporaries in the civil rights movement. Mr. Kyle was highly recommended as the best candidate for religious leader by Ben Johnson in OPL.

6. **ARTURO VENEGAS, JR.** Mr. Venegas is Hispanic, and is the Chief of Police of the Sacramento Police Department. The Sacramento Police Department has developed a model program to deal with hate crimes in the community. Mr. Venegas was the hands-down choice by the Department of Justice as a member of law enforcement to introduce the President. DOJ reports that Mr. Venegas is a dynamic and energetic speaker.

7. We are still looking for a prominent Republican to fill a space.

Other thoughts were:

1. Karen Narasaki, National Asian Pacific American Legal Consortium.
2. Legislator who helped pass Louisiana hate crimes statute.
3. Gregory Durden. Mr. Durden is a black prosecutor who is head of the Office of Civil Rights in the Florida Attorney General's office.

THE WHITE HOUSE

WASHINGTON

November 7, 1997

THE WHITE HOUSE CONFERENCE ON HATE CRIMES

Date: November 10, 1997
Location: Breakfast - East Room
Conference - George Washington University
Time: Breakfast - 9:30 am - 9:50 am
Conference - 11:30 am - 1:30 pm
From: Bruce Reed/Maria Echaveste

I. PURPOSE

To call national attention to the problem of hate crimes, highlight effective law enforcement and educational strategies to address this problem, and announce significant new federal initiatives to prevent and punish hate crimes.

II. BACKGROUND

You will host a breakfast for conference participants at the White House, make the opening address at the conference, and chair a panel discussion in which the Attorney General, the Secretary of Education, and seven others will join.

In the afternoon, members of the Cabinet and other senior Administration officials will chair a number of concurrent working sessions to examine various aspects of the hate crimes issue. Afterward, the Attorney General will chair a closing panel to discuss ideas and themes from the working sessions. Participants will attend a closing reception at the United States Holocaust Museum.

In your opening remarks, you will make the following policy announcements:

- Support for legislation to expand the principal federal hate crimes statute to prohibit hate crimes based on gender, sexual orientation, and disability. (The law currently prohibits only hate crimes based on race, color, religion, and national origin.);
- Creation of hate crimes working groups in every U.S. Attorney's district in the nation to coordinate federal, state, local, and private efforts to respond to and prevent hate crimes;
- Assignment of more than 40 additional FBI agents and federal prosecutors to enforce hate crimes laws and creation of a Civil Rights Analytical Center to

collect data and analyze trends in hate violence.

- Enhanced prosecution of civil cases, including increased penalties, against perpetrators of housing-related hate-crimes;
- Improved reporting of hate crimes statistics through the expansion of the National Crime Victimization Survey to include inquiries on hate crimes; and
- New educational materials, including a Department of Education resource manual on hate crimes for schools and a Department of Justice website designed for children.

III. PARTICIPANTS

Briefing Participants:

Sylvia Mathews
Rahm Emanuel
Bruce Reed
Maria Echaveste
Elena Kagan
Richard Socarides
Marsha Scott
Jordan Tamagni

White House Breakfast Participants (with speaking role):

Attorney General Reno

Conference Participants (with speaking role):

Vice President Gore
Attorney General Reno
Secretary Riley
Stephen Tracktenberg, President of George Washington University
Officer William Johnson, Retired Boston Police Officer
Chunee Sampson, Student Duke University
Peter Berendt, Principal, Mamaroneck Avenue Elementary School, NY
Hon. Sheila James Kuehl, President Pro Tempore, California State Assembly
Reverend Samuel Billy Kyles, Monumental Baptist Church, TN
Raymond Delos Reyes, Student, Franklin High School, Seattle, WA
Tammie Schnitzer, Survivor of hate crime, Billings, Montana
Arturo Venegas, Jr., Chief of Police, Sacramento Police Department, CA
Hon. Grant Woods, Arizona Attorney General, AZ

Members of the audience will include approximately 350 leaders from the law enforcement, civil rights, anti-violence, youth, education, and religious communities. Hate crime victims and students from George Washington University will also be in attendance. The event will

be broadcast via satellite to over 50 sites throughout the country.

IV. PRESS PLAN

Breakfast - Closed Press.

Conference - Open Press.

V. SEQUENCE OF EVENTS

White House Breakfast Sequence of Events:

- YOU will briefly meet the panel participants in the Green Room.
- YOU will be announced into the East Room accompanied by the Attorney General.
- Attorney General Reno will make welcoming remarks and introduce YOU.
- YOU will make remarks, and then depart.

Conference Sequence of Events:

- YOU will be announced onto the stage accompanied by Vice President Gore, President Tracktenberg, Officer William Johnson, Student Chuenee Sampson.
- President Tracktenberg will make remarks and introduce Officer William Johnson.
- Officer Johnson will make remarks and introduce the Vice President.
- The Vice President will make remarks and introduce Chuenee Sampson.
- Chuenee Sampson will make remarks and introduce YOU.
- YOU will make remarks, and then take your seat with other panelists. (The Vice President and other introducers will depart the stage.)

***SEE ATTACHED SCRIPT FOR SEQUENCE OF SPEAKERS ON PANEL.**

VI. REMARKS

Provided by Speechwriting

VII. ATTACHMENTS

- Sequence of panel speakers and suggested questions.
- Bios of panelists.
- Conference Agenda.
- Background material on hate crimes.

Sequence and Suggested Questions for Panel Discussion

- The Attorney General will introduce panelists, who will each make opening statements.
- After all opening statements, you will lead the discussion by asking any of the below questions.
- Secretary Riley will close the panel discussion.

Peter Berendt, Principal, Mamaroneck Avenue Elementary School, Mamaroneck, NY.

- What is the best way to teach children how to be more aware of diversity and the problem of hate crimes?
- What initiatives is your school undertaking? What incidents prompted what you are doing?

Hon. Sheila Kuehl, President Pro Tempore, California State Assembly.

- Why do you think hate crimes statutes are important?
- What advice would you give other legislators to get hate crimes legislation passed?
- What kind of statistics does your state keep with respect to hate crimes?

Samuel Billy Kyles, Pastor, Monumental Baptist Church, Memphis, Tennessee.

- What role can the religious community play in combating and preventing hate crimes?
- In your 30-year involvement with hate crimes, do you think people's attitudes have changed?

Raymond Delos Reyes, sophomore, Franklin High School, Seattle, Washington.

- How did you get involved with ADL's Children of the Dream program? What have you done in that program?
- What do you think reaches students the most in helping them understand the problem of hate crimes?
- What have you experienced that has made the biggest impact on your attitudes?

Tammie Schnitzer, Billings, Montana.

- Do survivors of hate crimes suffer a different kind of injury than victims of other crimes do?
- What steps would you recommend to get whole communities involved in responding to hate crimes?

Arturo Venegas, Jr., Chief of Police, Sacramento Police Department, Sacramento, CA.

- Is it difficult to investigate and prosecute hate crimes cases? Why?
- What strategies should law enforcement use in bringing hate crimes cases?
- Do you find that victims often do not want to report hate crimes?

Grant Woods, Arizona Attorney General.

- Have you experienced any difficulties in Arizona with regard to the enforcement of hate crimes legislation?
- What is the best way to generate widespread support for the enactment and enforcement of hate crimes legislation?

Panel Participants

Peter Berendt, Principal, Mamaroneck Avenue Elementary School, Mamaroneck, New York. Following a series of hate crimes in the community, Mr. Berendt convened the *E Pluribus Committee* to address the underlying diversity issues facing the school community. His school is currently engaged in a multi-year comprehensive diversity awareness program. Mr. Berendt's school is working closely with the Anti-Defamation League in this effort.

Hon. Sheila Kuehl, President Pro Tempore, California State Assembly. Sheila Kuehl represents the 41st Assembly District in Encino, CA. She was the first openly gay or lesbian member of the California State Legislature and is the sponsor of legislation to prohibit discrimination against gay and lesbian students in California Public Schools. Kuehl was a pioneering civil rights attorney and professor who worked on woman's and gay and lesbian civil rights issues.

Samuel Billy Kyles, Pastor, Monumental Baptist Church, Memphis, Tennessee. Mr. Kyles is an outspoken advocate against hate crimes and plays an important role in the religious community's efforts to further civil rights. Mr. Kyles is a member of Ecumenical Minister's Task Force. He was a close friend of Dr. Martin Luther King and was with Dr. King during his last hours.

Raymond Delos Reyes, sophomore, Franklin High School, Seattle, Washington. Mr. Reyes has worked with the ADL's Children of the Dream program. In March, Mr. Reyes traveled to Israel with the ADL's program. Mr. Reyes is also a member of the Peer Mediation Training Program at his high school.

Tammie Schnitzer, Billings, Montana. Ms. Schnitzer is a Jewish woman who was the victim of one of several anti-Semitic hate crimes in Billings, Montana. She responded by persuading the entire community -- Jews and non-Jews alike -- to display menorahs in the windows of their home. Ms. Schnitzer's efforts were depicted in a television movie, *Not in Our Town*.

Arturo Venegas, Jr., Chief of Police, Sacramento Police Department, Sacramento, California. Mr. Venegas helped to develop the Sacramento Police Department's model program to deal with hate crimes in the community.

Grant Woods, Arizona Attorney General. As a Republican, Mr. Woods has coordinated bipartisan support for hate crimes enforcement. He backed one of the first and strongest hate crime bills in the country. Mr. Woods also was the most visible Republican proponent of the Martin Luther King Holiday.

THE WHITE HOUSE CONFERENCE ON HATE CRIMES
MONDAY, NOVEMBER 10, 1997

- 9:00 - 10:00 a.m. **Breakfast -- The White House**
Remarks by the Attorney General and the President
- 11:30 - 12:00 **Welcoming Remarks -- Stephen J. Trachtenberg**
President of The George Washington University
- Remarks by William Johnston, Boston Police Department (Ret.)**
- Remarks by the Vice President**
- Remarks by Chuenee Sampson, Duke University**
- Remarks by the President**
- 12:00 - 1:30 **Panel Discussion**
The President
The Attorney General
The Secretary of Education
Peter Berendt, Principal, Mamaroneck Avenue Elementary School, NY
Honorable Sheila Kuehl, California State Assembly
Reverend Samuel Billy Kyles, Memphis, Tennessee
Raymond Delos Reyes, Franklin High School, Seattle, WA
Tammie Schnitzer, Billings, MT
Chief Arturo Venegas, Jr., Sacramento Police Department, CA
Honorable Grant Woods, Attorney General, State of Arizona
- 1:30 - 2:15 **Lunch and Information Resource Fair***
Colonial Commons Ballroom
Lunch is underwritten by a gift to the George Washington
University by USA Network
- 2:30 - 4:00 **Discussion Groups -- Fourth Floor**
1. Hate Crimes in Schools (K-12): Prevention and Response (Secretary Riley);
2. Hate Crimes on Campus: Prevention and Response (Director Raines);
3. Law Enforcement Response to Hate Crimes (Attorney General Reno);
4. Understanding the Problem: Improving Hate Crime Statistics (Deputy
Attorney General Holder)
5. Hate Crimes in Public and Private Housing (Secretary Cuomo);
6. Community Responses to Hate Crimes (Secretary Glickman); and
7. Counteracting Organized Hate (Secretary Slater).

4:15 - 5:15 Closing Panel
The Attorney General
The Secretary of Agriculture
The Secretary of Housing and Urban Development
The Secretary of Transportation
The Secretary of Education
The Director, Office of Management and Budget
The Deputy Attorney General

6:00 - 7:30 Reception
Sponsored by The White House
and The United States Holocaust Memorial Museum
Host Committee for Reception:
American Jewish Committee, Anti-Defamation League,
Arab American Institute, Asian Pacific American Legal Consortium,
Consortium of Citizens with Disabilities, Fund for a Feminist Majority,
Human Rights Campaign, Justice for All,
National Association for the Advancement of Colored People,
The National Conference, National Congress of American Indians,
National Council of La Raza, National Gay and Lesbian Task Force,
National Italian American Foundation, National Urban League,
NOW Legal Defense and Education Fund

*Note: The materials distributed by conference participants do not necessarily reflect the opinions, findings or recommendations, nor do they necessarily represent the official position or policies, of the U.S. Government.

HATE CRIME: AN OVERVIEW

Definition

Hate crimes are variously defined in federal and state laws as acts (or threats) of force directed against people or property because of a particular characteristic of the victim, such as the victims' race, ethnicity, religion, gender, disability, or sexual orientation. Hate crimes are also acts of violence against the group of people who share the characteristic, and they often have devastating and lasting psychological and emotional effects. Hate crimes can exacerbate tensions between different groups in the community and with law enforcement.

Level of Hate Crime

Data on the level of hate crimes by public and private sources are incomplete, but reflect a serious national problem that may be getting worse. Fewer than half of the states require data collection, and even where collection is mandatory, complete reporting is rare. Data are underreported because the most likely targets of hate crime are often the least likely to report incidents to the police because of fear of an insensitive or hostile response. Some jurisdictions may also be reticent to compile hate crime data because acknowledging such activity may exacerbate racial tensions in the community and embarrass the community.

- **FBI Hate Crimes Statistics:** The FBI began reporting hate crime statistics in 1991, based on race, ethnicity, religion, and sexual orientation, pursuant to the Hate Crimes Statistics Act of 1990 (disability was added to the categories in 1994). Data are collected voluntarily by local jurisdictions and reported to the FBI. In 1991, the FBI reported 4,755 crimes, collected from 2,771 agencies. The latest FBI report reflects an increase in 1995 to:
 - 7,947 incidents, reported by 9,584 agencies across the country.
 - 4,831 based on race
 - 2,988 against African-Americans
 - 1,226 against Whites
 - 355 against Asian/Pacific Islanders
 - 814 based ethnicity or national origin
 - 516 against Hispanics
 - 1,277 based on religion
 - 1,058 against Jews
 - 1,019 based on sexual orientation
- **Church Burnings:** The National Church Arson Task Force reported over 500 arsons, bombings and attempted bombings at houses of worship since January 1995. Some 37% of these involved churches attended by African-Americans.
- **Private Statistics:** Several private organizations also track hate crimes. The information from these groups varies from the FBI data because many incidents are

not reported to the police, and several of the organizations report verbal harassment as hate crime incidents even though they are not considered crimes in most states. Outlined below are highlights of some of the more recent surveys by private organizations.

- **Cross Burnings:** Klanwatch documented 51 cases of cross-burnings in the United States in 1996, up from 29 in 1995. The targets of the incidents included black families, interracial couples, and gays.
- **Anti-Semitic Incidents:** The Anti Defamation League reported 1,722 incidents in 1996, a decline for the second straight year. The data showed a rise in vandalism and a decline in acts of harassment.
- **Sexual Orientation:** The National Coalition of Anti-Violence Programs cited 2,529 incidents of hate crime based on sexual orientation in 1996, up 134 incidents from 1995.
- **Asian Americans:** The National Asian Pacific American Legal Consortium reported 534 incidents against Asian Pacific Americans in 1996, an increase of 17% from 1995.

Offenders

According to a 1993 Northeastern University study, almost 58 percent of offenders committed their crimes for the "thrill." Offenders were predominantly white teenage males; 91% did not know the person they were attacking; and a majority of these attacks were spontaneous, and not the result of a planned incident. A second category, "reactive" hate crimes, accounted for 41% of incidents. Offenders perceive themselves as protecting their neighborhood, their workplace, or their college campus from outsiders. Most such offenders were white males, often acting alone, who did not know their victims. The third category are committed by offenders who perceive themselves to be on a mission, and who are likely to join a hate group and commit violent acts.

Characteristics of Hate Crimes

A review of hate crimes data reveals certain characteristics:

- Hate crimes involve a higher level of assaults against persons than crimes generally. 45-55% of bias crimes are personal assaults, whereas only ten percent of overall crimes are assaults.
- Hate crimes are more violent than crimes generally. Assaults causing physical injury occur in 74% of bias crimes, versus 29% of non-bias crimes. Hospitalization is required in 30% of bias crimes versus only 7% of non-bias

crimes.

- Attacks are often preceded by a series of confrontations and incidents that escalate in severity.
- Hate crimes are more likely than other criminal activity to be committed by groups of perpetrators.
- Most crimes against persons are committed by someone the victim knows; hate crimes, however, are more likely to be committed by strangers.
- The majority of hate crimes are committed by young males against persons of other races. It is estimated that about one-half of all hate crimes are committed by persons younger than 20.
- Only a small minority of offenders are members of a hate group, but the involvement of hate groups is still significant. Members of such groups have been involved in some of the most violent crimes. Moreover, the encouragement of violence against minority groups can provide the justification for hate crimes.

Hate Crime Statutes in the States

Thirty-eight states and the District of Columbia have enacted laws that address bias-motivated violence and intimidation. These laws generally fall into three categories: prohibiting specified intimidating actions; prohibiting behavior motivated by certain types of bias; and enhancing penalties for criminal acts motivated by certain types of bias. Twenty one states criminalize interference with religious worship.

Federal Investigations and Prosecutions

There are several Federal statutes providing jurisdiction to prosecute hate crimes. The federal criminal civil rights statutes provide for prosecution of conspiracies to interfere with federally protected rights (18 U.S.C. 241), the use of force or threat of force to injure or intimidate someone in the enjoyment of specific rights (such as voting, employment, education, use of public facilities)(18 U.S.C. 245), and criminal housing interference (42 U.S.C. 3631). In addition, the Church Arson Protection Act of 1996 amended the criminal civil rights statutes to facilitate prosecutions of racially motivated arsons and other acts of desecration against houses of worship (18 U.S.C. 247). Federal prosecutors can also seek enhanced penalties against persons who commit federal criminal offenses motivated by bias.

THE CLINTON ADMINISTRATOR: DRAWING A LINE AGAINST HATE CRIMES

The Clinton Administration: Fighting Hate in Our Communities

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

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

Fighting Hate Crimes Through Tough Law Enforcement:

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

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

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

orientation. The ATF, for example, has investigated the bombing of predominantly gay bars and nightclubs.

Sensible Gun Regulation Helps Stem the Flow Of Firearms that Can Fuel Hate Group Activity. Many organized hate groups use guns to carry out violent offenses covered by hate crime statutes. Treasury bureaus work to intercept gun shipments into the U.S. and to regulate the illegal sale and possession of firearms by potential perpetrators of hate crimes and other offenses.

Prosecuting Hate Crimes Aimed At Our Houses of Worship:

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

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

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

Working with Communities Against Hate:

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

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

Understanding the Problem of Hate Crimes:

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

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

**PRESIDENT CLINTON ANNOUNCES NEW LAW ENFORCEMENT
AND EDUCATIONAL INITIATIVES TO COMBAT HATE CRIMES**
November 10, 1997

President Clinton today convened a White House Conference on Hate Crimes to call national attention to the problem of hate crimes, highlight effective law enforcement and educational strategies, and announce new federal initiatives to prevent and punish hate crimes. The initiatives focus on: expanding federal hate crimes legislation; ensuring effective and coordinated enforcement of hate crimes laws; promoting improved collection of data on hate crimes; and educating the public -- especially youth -- about the harm caused by hate crimes.

Expanding Federal Hate Crimes Law

The President announced his support for new federal legislation, which will soon be introduced by Senators Kennedy and Specter, to expand the principal federal hate crimes statute. The current statute prohibits any use of force that is based on a person's race, color, religion, or national origin and that is intended to interfere with certain specified federally protected activities. The proposed legislation would make illegal any act of force based on these prohibited characteristics and leading to bodily injury, even if the act did not interfere with federally protected activities. Further, the proposed legislation would prohibit any hate crime causing bodily injury that is based on sexual orientation, gender, or disability, as long as there is a connection with interstate commerce.

Ensuring Effective and Coordinated Enforcement of Hate Crimes Law

Creating a Network of Local Hate Crime Working Groups. The President announced that each U.S. Attorney in the United States will establish a local hate crimes working group in his or her district. These working groups -- essentially federal-state-local partnerships -- will include representation from the U.S. Attorney's office, the FBI, state and local law enforcement and prosecutors' offices, educators, and community groups. The groups will ensure close coordination on hate crimes investigations and prosecutions among responsible law enforcement agencies; promote training of police, investigators, and prosecutors in identifying and dealing with hate crimes; encourage victims to report hate crimes; and educate the public about the harm they cause. A National Hate Crimes Working Group, located at the Department of Justice in Washington, D.C., will coordinate the work of all working groups across the country and distribute, on an ongoing basis, information on promising practices.

Additional FBI Agents and Federal Prosecutors for Hate Crimes Enforcement. The President announced that the Justice Department will add upwards of 50 FBI agents and federal prosecutors to enforcing hate crimes laws. This addition will more than double the number of

federal agents and prosecutors currently assigned to this work.

Hate Crimes Training for Law Enforcement. The President announced the development of a model training curriculum on hate crimes for investigators and other law enforcement officials. In addition to using these materials to train federal law enforcement agents and prosecutors, the Justice Department will make these materials available to local and state law enforcement training centers.

Make 'em Pay Initiative. The President announced an initiative to assist victims of housing-related hate crimes to seek monetary remedies from the perpetrators. The Department of Housing and Urban Development will act to increase the size of penalties payable by perpetrators of housing-related hate crimes, and HUD and the Department of Justice will assist the victims of such crimes to bring actions to collect these penalties.

Improving Data on Hate Crimes

The President announced plans to add questions about hate crimes to the National Crime Victimization Survey, an annual survey conducted by the Department of Justice's Bureau of Justice Statistics to measure levels of crime through a national sampling of victims of crime. This measure will bring hate crimes into line with other crimes for purposes of data collection. Expanded questioning regarding hate crimes will also be a part of a pilot project to take place next spring to improve the NCVS.

Educating Our Children About Hate Crimes

The President announced that the Departments of Justice and Education will distribute to every school district in the country a manual for educators that encourages schools to confront hate-motivated behavior among students; promotes development of comprehensive responses to prejudice and violence; and makes educators aware of resources that can be used for this purpose. The President also announced the creation of a new Department of Justice website, "Hateful Acts Hurt Kids," addressing prejudice, discrimination, and related issues in an interactive, graphic format designed for children in kindergarten through fifth grade, as well as their parents and teachers.

Race-hate crimes

Make 'Em Pay: Informing victims, perpetrators and the community at large - Perpetrators of housing-related acts of hate violence and intimidation will pay civil damages and civil penalties for their acts of hate.

Make 'Em Pay is designed to create a new intensified focus on HUD's commitment to combat housing-related hate violence and acts of intimidation. HUD will aggressively invoke its Fair Housing Act authority to make perpetrators pay civil damages to victims and civil penalties to the government.

Victims of housing-related hate violence and acts of intimidation seldom pursue civil avenues of relief because they are unaware of the federal government's authority to pursue and obtain civil relief for them. This lack of awareness results in an underreporting of incidents of housing-related hate activity. HUD will inform individuals about their right to civil redress by posting a World Wide Web page that provides Make 'Em Pay information and a tip form to transmit information on housing-related hate activity to HUD, by opening HUD's toll-free fair housing complaint number to Make 'Em Pay complaints, and by highlighting Make 'Em Pay during the Department's public celebration of the 30th anniversary of the Fair Housing Act next spring.

To demonstrate its commitment to effectively preserve and pursue each and every victim's right to civil redress, HUD will:

- Develop national reporting partnerships with civil rights, advocacy, and enforcement organizations to identify and track housing-related hate violence and acts of intimidation.
- Condition future grant agreements and NOFAs under the Fair Housing Initiatives and Fair Housing Assistance programs on a requirement to report housing-related hate activities directly to HUD.
- Partner with DOJ to receive information on all housing-related hate activity for the pursuit of civil remedies where appropriate.

To ensure vindication of the public's right to a society free of acts of hate violence and intimidation, HUD will

- Significantly increase the amount of civil penalties sought against perpetrators of these acts of hate.
- Develop new regulations which clearly provide for award of civil penalties for each act of housing-related hate violence or intimidation.

A new HUD internal task force is dedicated to:

- **Monitoring the progress of Make 'Em Pay investigations, civil prosecutions, and outreach efforts.**
- **Compiling a monthly internal report documenting incidents of housing-related hate activity collected by way of the Department's outreach efforts and aggressive pursuit of information on hate incidents.**
- **Developing and implementing Make 'Em Pay training programs for fair housing groups, recipients of HUD funds, and HUD staff on the pursuit, investigation and prosecution of housing-related hate activity.**



U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
OFFICE OF THE SECRETARY
WASHINGTON, D.C. 20410-0001

November 6, 1997

TO: Tom Freedman, The White House
Paul Weinstein, The White House

FROM: Jacquie Lawing, Deputy Chief of Staff, HUD *Jacquie Lawing*

RE: Belle, West Virginia Hate Violence Case

On October 21, 1997, the Department of Housing and Urban Development charged members of the Hobbs family of Belle, West Virginia with violating the Fair Housing Act by taking action to deny their black neighbors access to their own property and by threatening to physically harm them. Early last year, the Smith's and their three young children, who are black, bought land next to the Hobb's home as the site for their mobile home. Since then, the Smith's allege that the Hobbs have repeatedly threatened and harassed them. A HUD investigation supported the Smiths' assertions that individual members of the Hobbs family erected a steel cable to block the Smiths from bringing their mobile home to the lot they owned, intimidated the Smiths with threats of violence and racial slurs - the senior John Hobbs threatened the family with a gun and knife and threatened to put poisonous snakes in their yard, and erected a cross adorned with hanging, black, painted, plastic ducks near the Smith's land.

HUD is aggressively pursuing and civilly prosecuting these and similar acts of housing-related violence and intimidation. Our Make 'Em Pay initiative - which I understand may be highlighted at the White House's Conference on Hate Crimes on Monday - will intensify this focus and further evidence HUD's commitment to combat this housing-related hate activity. If you are interested in presenting the Smith's story as a tangible illustration of the egregiousness of this hate activity and/or Make 'Em Pay's potential to identify and redress similar activity, HUD would be pleased to facilitate contact with the Smith family. If you are interested in knowing more about HUD's Make 'Em Pay initiative, please feel free to contact Mercedes Márquez, who has been working closely with Tom and staff of the Domestic Policy Council, at 708-2467.



Race-hate crimes



U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
THE SECRETARY
WASHINGTON, D.C. 20410-0001

November 4, 1997

MEMORANDUM

TO: ERSKINE BOWLES, CHIEF OF STAFF

CC: SYLVIA MATHEWS
JOHN PODESTA
THURGOOD MARSHALL, JR.
ANN LEWIS
BRUCE REED
RAHM EMANUEL
RON KLAIN

FROM: ANDREW CUOMO *AC*

SUBJECT: SPECIAL ANNOUNCEMENT DURING CONFERENCE ON HATE CRIMES

During the Conference on Hate Crimes at the White House on Monday, we encourage the President to announce HUD's new "Make 'Em Pay" initiative which will make the people who commit housing-related hate crimes pay civil penalties. We had brought this opportunity to your attention last month and believe this Monday's conference is the perfect venue. We have been providing detailed information to Thomas Freedman and Mary Smith of the Domestic Policy Council staff. Mary indicated that the President is likely to include the initiative in his remarks.

The "Make 'Em Pay" initiative reflects the President's vision for *One America* and is a key tactic for fulfilling the President's directive to double the number of fair housing enforcement actions during his second term.

Following the President's remarks at the Conference on Hate Crimes, we would hold a press conference at HUD to amplify his announcement of the "Make 'Em Pay" initiative. Please let us know (a) whether the President will be announcing this initiative and, if so, what background materials you may need and (b) whether you agree a press conference at HUD is the most appropriate way to amplify the President's announcement.

Details on "Make 'Em Pay" Initiative

Hate crimes prevent Americans from living where they want to live and keep America divided. To continue HUD's support of the President's vision for *One America*, HUD's "Make 'Em Pay" initiative will beef up efforts to take civil action against perpetrators of housing-related

hate crimes and acts of intimidation. By pursuing civil action, HUD makes the guilty parties pay for any property damage as well as physical or psychological harm to the victims, whether or not the Department of Justice is able to pursue criminal action.

Housing-related hate crimes and acts of intimidation often go unreported because many victims do not know the federal government can help them. To address this problem, "Make Em Pay's" outreach and education strategy will inform the public of their right to civil redress. To implement the strategy, HUD will:

- require organizations receiving HUD's fair housing grants to notify the Department of any hate crimes in their area,
- pro-actively follow-up on media reports of hate crimes,
- strengthen coordination with the Department of Justice, and
- establish a 1-800 hotline and Internet web page to assist victims and educate the general public on hate crimes in America.

DATA COLLECTION

CURRENT STATUS: Under the Hate Crime Statistics Act, data on hate crimes based on race, ethnicity, religion, sexual orientation and disability are collected by the FBI, from voluntary state and local participants.

While the number of participating jurisdictions has grown since data collection began in 1991, the quality of the data is dismal. Roughly 85% of the participants reported no hate crime in their jurisdiction. While some of these jurisdictions likely did not have incidents, others likely did. Many jurisdictions do not provide training on how to collect and analyze hate crime data, and do not provide support (either monetary or leadership) for the collection of data.

Collection of data through local jurisdictions yields benefits beyond acquisition of number of incidents. It allows national policy makers to track the geographic trends of hate crime. Collecting hate crime data from official police reports has resulted in more attention of this social problem by police. The training for police officers to learn to identify correctly and respond to bias crimes has increased awareness of the seriousness of the issue. Police officers are becoming more sensitive to the issue of hate crime, and the collection of data serves as a common ground for police and victim advocacy groups. Collection of data through local jurisdictions also benefits victim advocacy and victim services groups in their efforts to seek local funding for services on behalf of victims of hate and bias crimes.

PROPOSALS FOR IMPROVEMENT: Proposals include using the following methods to improve the existing data collection program, but not to replace it.

— **Creating local hate crime working groups through U.S. Attorney's offices.** The proposal to have each U.S. Attorney's office initiate (or join an existing) hate crime working group will bring together federal, state, and local law enforcement officials with community leaders to address the problems of hate crime and to work on prevention and solutions before a crisis forces these groups to come together.

A key benefit of the working group is that local law enforcement can be asked by the working group whether they report hate crimes data to the FBI. If they do not, then the working group can encourage reporting. Agencies already participating can be encouraged by the working group to improve their efforts. Community groups can also use the working group to cross check whether hate crimes they know are reported to local police are also reported as hate crime statistics to the FBI.

— **Adding "hate crimes" to the annual National Crime Victimization Survey (NCVS).** The Bureau of Justice Statistics (BJS) will add questions to the NCVS for victims of personal crimes and vandalism to inquire whether the victim believes the incident was "bias-motivated." The questions will obtain information on the reasons the respondent believes the incident was committed because of his/her race, religion, ethnicity, sexual orientation or "other unspecified," and will determine which category of bias applies. Gathering data through this sampling method will provide additional information on the national problem of hate crimes.

Gathering nationwide information through a sampling will **not**, however, provide law enforcement and community leaders with the data they need to address hate crimes in any given community. The sampling method was considered by the FBI when it created protocols for data collection in the early 1990s, but the local reporting method was adopted instead, because it gives both local law enforcement and community groups the information they need to monitor and combat hate crimes in the local jurisdiction.

— **Fund research on impediments to hate crime data collection and methods to improve collection.** BJS will issue a solicitation to fund research on identifying the reasons why victims are reluctant to report hate crimes, how crimes are identified and verified by police departments, the characteristics of police departments which report hate crimes effectively, and which police departments are participating in the national program. The solicitation will seek recommendations on methodologies and procedures which will improve the quality and accuracy of data collected under the HCSA, and will suggest improvements in the geographic coverage of hate crime statistics and recommend procedures which will result in reliable trend data.

Summary of NCVS

The Bureau of Justice Statistics' National Crime Victimization Survey (NCVS), which began in 1973, provides a detailed picture of crime incidents, victims and trends. After a substantial period of research, the survey, in 1993, completed an intensive methodological redesign. The redesign was undertaken to improve the questions used to uncover crime, update the survey methods and broaden the scope of crimes measured. The redesigned survey collects detailed information on the frequency and nature of the crimes of rape, sexual assault, personal robbery, aggravated and simple assault, household burglary, theft and motor vehicle theft. It does not measure homicide or commercial crimes (such as burglaries of stores).

U.S. Census Bureau personnel interview all household members at least 12 years old in a nationally representative sample of approximately 49,000 households (about 101,000 persons). Households stay in the sample for three years and are interviewed at 6-month intervals. New households rotate the sample on an ongoing basis.

The NCVS collects information on crimes suffered by individuals and households, whether or not those crimes were reported to law enforcement. It estimates the proportion of each crime type reported to law enforcement, and it summarizes the reasons that victims give for reporting or not reporting.

The survey provides information about victims (age, sex, race, ethnicity, marital status, income and educational level), offenders (sex, race, approximate age, and victim-offender relationship) and the crimes (time and place of occurrence, use of weapons, nature of injury and economic consequences). Questions also cover the experiences of victims with the criminal justice system, self-protective measures used by victims, and possible substance abuse by offenders. Supplements are added periodically to the survey to obtain detailed information on topics like school crime.

The first data from the redesigned NCVS were published in a BJS bulletin in June 1995. BJS publication of NCVS data includes "Criminal Victimization in the United States," an annual report that covers the broad range of detailed information collected by the NCVS. BJS publishes detailed reports on topics such as crime against women, urban crime, and gun use in crime. The NCVS data files are archived at the National Archive of Criminal Justice Data at the University of Michigan to enable researchers to perform independent analysis.

Questions from the NCVS will be part of an effort to test the effectiveness of surveying by telephone. This "Random Digit Dialing (RDD)" project will begin in January, 1998, and continue through March. However, it is simply being tested and no long term plans for it replacing the current NCVS methods are being considered. Also, questions related to hate crime will be added to the NCVS, as soon as they are tested thoroughly and are deemed satisfactory by BJS. The addition of these questions currently is projected for July, 1998.

FEDERAL BUREAU OF INVESTIGATION HATE CRIMES RESOURCE REQUIREMENTS

The FBI has submitted a request in the FY '99 Budget to enhance the Civil Rights Program by 136 positions, including 65 Agents, and \$13,024,000. This request, currently under review by OMB, was to be the first of three identical budget enhancements to the Civil Rights Program, based upon our view that the hate crimes problem in the U.S. was not being addressed and very little was being done by the Federal government to proactively work with local law enforcement and the community to prevent and deter all civil rights violations through training, education and formalized partnerships.

This FY '99 Budget request reflected our first year plans for the Civil Rights Unit which had been formulated in a three-year active plan in the fall of 1996. Included in that plan was the creation of a Hate Crimes Unit. This unit has been established and has been fully staffed and functioning as of August, 1997. Planned for FY '98 is the creation of a Civil Rights Analytical Center, which would provide operationally based analysis of hate crimes data to better utilize and direct investigative resources.

Briefly summarized hereafter is the planned utilization of the resources requested in the FY '99 Budget:

Personnel: 65 Agents (136 positions total, including analytical and support personnel)

- One Agent to each of 48 Field Offices and two agents to those 8 Field Offices having the largest hate crimes problems.
- One Agent position would be utilized as the Unit Chief of the Civil Rights Analytical Center.
- Remaining non-Agent personnel to be utilized to handle initial hate crimes complaints; gather data/intelligence from law enforcement and community groups and report and analyze that information; and support Agent duties and responsibilities.
- Eight analysts would be assigned to the Civil Rights Analytical Center.

Civil Rights Analytical Center:

- Gather, collate, and analyze information provided by our 56 Field Offices regarding hate crime activity in all regions of the country.
- Establish liaison with national advocacy groups, law enforcement organizations, and academics to work on ways to better train and educate the community and law enforcement to prevent the hate crimes and solve them more quickly should they occur.

- Research and evaluate gangs and hate groups to better predict and identify hate crime activity in specific geographic areas.
- Coordinate with the FBI's Domestic Terrorism Section on possible hate crimes activity by those individuals/organizations.

In summary, the FBI's Budget request was predicated solely on our internal plans to improve our response to the hate crimes problem. This request, if approved, will not provide additional resources that can be used until sometime late in FY '99 given the practicalities of hiring and training new Agents. The extraordinary demands of the Hate Crimes Initiative will, for the remainder of FY '98, cause some difficulties for the FBI. It will be particularly acute if new hate crimes legislation is passed.

DANA - You may be able to use some of what is set out in this. Also, the '99 Budget has some good info.

FEDERAL BUREAU OF INVESTIGATION
HATE CRIMES BUDGET ENHANCEMENT REQUEST

Background: On November 1, 1996, Director Freeh presented the FBI's three year plan to enhance the Civil Rights Program (CRP) to Attorney General (AG) Reno. Included in that plan was a proposed increase of 192 Agents and commensurate analytical and general support increases. This plan, which mirrors the Attorney General's Hate Crimes Initiative, provided for a proactive approach to Civil Rights matters, particularly Hate Crimes, emphasizing better reporting of incidents, more investigations, education of the community and law enforcement, and formalizing working partnerships with the community. The FBI's 1999 Budget submission, to date approved by the Department of Justice (DOJ) and currently under review at the Office of Management and Budget (OMB), includes an enhancement of 136 positions, including 65 Agents and \$15,963,000, for the Civil Rights Program. This is the first of three identical planned yearly increases of the CRP, pursuant to the aforementioned CRP Plan.

The 1999 Budget request was predicated solely on our plan to incrementally expand the CRP over a three year period; however, in May 1997 the AG's Hate Crimes Working Group (HCWG) was established. Utilizing the same concepts of the FBI plan, the HCWG has made findings and recommendations to the AG that will expedite most of what the FBI had planned to do over three years, necessitating an increase in resources sooner than was anticipated. The cornerstone of both the FBI plan and the AG's Hate Crimes Initiative is the formation of Hate Crimes Working Groups in each of the 94 Districts, chaired by the United States Attorney, with participation of the FBI, local law enforcement, and the community. These working groups will address the hate crimes problem in terms of enforcement (investigation); data collection; training; prevention/education; and community outreach - all of which will require varying degrees of FBI involvement.

Hate Crimes Problem: Data collected under the Hate Crimes Statistics Act (HCSA) for 1996 reflect that 10,702 hate crime offenses occurred of which 88 percent involved victimization based on race, religion, or ethnicity. The remaining 1,284 offenses (12 percent) were based on sexual orientation. These figures are based upon voluntary reporting by law enforcement agencies.

Only 11,355 of the 16,000 police agencies report under the HCSA and, of those participating only 1,834 reported one or more offenses. There is universal agreement that hate crimes are vastly underreported, for example, Alabama did not report any hate crimes, Arkansas - 1, New Hampshire - 1, North Dakota - 1, Alaska - 1, Mississippi - 3, etc., under the HCSA. Contacts with organizations that trade hate crimes committed against their respective constituencies indicate victimization levels far exceeding those reported by law enforcement sources. This highlights the distrust that many victims have for law enforcement and the lack of understanding many police and others have concerning the nature of these crimes.

In addition to the unaddressed hate crimes problem that exists within the protected classes of race, religion and ethnicity as defined in current Federal statutes, the potential passage

of a new bill, which adds gender, sexual orientation, and disability, would create a potentially enormous new area of Federal hate crimes. There is no feasible way to empirically judge what the impact would be on the FBI. The number of crimes which would have to be evaluated to determine if each met the statutory and prosecutive guidelines to initiate an investigation is staggering. For example, in 1996 there were 95,769 forcible rapes reported, over 1,200 bias crimes based on sexual orientation, and an unknown number against persons with disabilities. Even the number of crimes motivated by bias against sexual orientation is deceiving as a number of studies have shown that only 14.9 percent of the victims are willing to report crimes to the police.

In summary, the Federal hate crimes problem in the U.S., within the current parameters as defined by T.18 USC, Section 245, is believed to be significant based on the limited data collection available. The lack of a comprehensive and valid system to collect and evaluate this crime problem, coupled with law enforcement's frequent miscategorization of these crimes and the victims' reluctance to report them, has hindered the FBI's ability to address them.

This situation will be further exacerbated should new Federal hate crimes legislation be passed adding gender, sexual orientation and disability as protected classes. Based upon the limited data available through the Uniform Crime Report, the potential number of cases requiring investigation by the FBI could be significant. Equally problematic would be the evaluation process that the FBI would have to do on every complaint to determine if an investigation was warranted.

Whether or not new legislation is passed, the FBI will require additional resources to make a discernable impact on this disease that attacks the foundation of our society.

FBI Resource Requirements: As previously noted, the FBI had formulated a three year plan to expand the Civil Rights Program, based upon an identified need to proactively address hate crimes and police brutality/misconduct issues through enhanced data collection and analysis of the problem, training and education of law enforcement and the community, more and better investigations, and forging partnerships with community groups. Additional resources have been requested in the 1999 Budget and will be requested in the succeeding two years; however, this request was based solely on FBI internal plans to improve the Civil Rights Program and did not take into account the subsequent decision to establish a Hate Crimes Initiative nor the possibility that new Federal legislation would be introduced expanding jurisdiction.

The FBI's 1999 Civil Rights Program Budget request includes a 136 position (65 Agent) increase and \$15,963,000. This would allow for an increase of one Agent in 48 of our Field Offices and two in the eight offices which have the highest hate crimes workload. It would also provide for Field Office analytical and support personnel to assist in operationally-based proactive functions, as well as provide staffing for the creation of a Civil Rights Analytical Center at FBI Headquarters. This center would collect and analyze data to identify crime problems and geographic "hot spots" for more effective utilization of investigative resources, as well as provide our Field Offices with innovative ways to interact with the community, prevent hate crimes, and train law enforcement. The proactive aspects of the FBI's plan, with emphasis

Based upon the foregoing, the following additional resources are request:

Personnel

158 Agents (157 Field/1 HQ)	27,808,000
110 Analysts (102 Field/8 HQ)	11,893,200
102 General Support	<u>3,760,332</u>
Total (Personnel)	\$43,461,532

Training

Cultural Sensitivity/Diversity (250 @\$1,000)	250,000
Rape Investigation (120 @ \$1,000)	120,000
Hate Crimes Management (60 @ \$1,000)	<u>60,000</u>
Total (Training)	\$430,000



U.S. Department of Justice
Office of Policy Development

Race-hate
crimes

Washington, D.C. 20530

October 23, 1997

MEMORANDUM

TO: Eldie Acheson, OPD
David Ogden, OAG
Dana Hyde, ODAG
Rose Ochi, CRS
Gale Farquhar, CRS
Shay Bilchik, OJJDP
Doug Dodge, OJJDP
Stuart Ishimaru, CRT
Anita LaRue, IGA
Michael Gordon, OPA

FROM: Katrina Weinig, OPD *K.W.*

SUBJECT: Review of "Manual for Educators on Preventing Youth Hate Crime," and cover letter

In conjunction with the Department's Hate Crime Working Group, we have been working with the Department of Education's Office of Safe and Drug-Free Schools to develop a "Manual for Educators on Preventing Youth Hate Crime."

The Manual is intended to encourage schools and school districts to confront hate-motivated behavior among students; to promote development of comprehensive, programmatic responses to prejudice and violence; and to provide educators with various resources to undertake such responses. The Manual will take the form of a 24-page, 8" x 3 1/2", center-stapled booklet. It is proposed that the Manual be sent to each of the country's 16,000 school districts, along with a cover letter from the Attorney General and Secretary Riley. Printing and mailing costs will be covered by the Department of Education.

It is hoped that the Manual will be ready for mailing in early November, in order to coincide with the White House Conference on Hate Crime on November 10. The White House has indicated that the President would like to announce the publication of the Manual at the Conference. While our first priority is to produce a high-quality document that is useful to educators, we are nevertheless under some pressure to complete the Manual by October, 31 in order to allow time for printing by November 10.

A working draft of the Manual, and of the proposed cover letter, is attached for your review and comment. The Manual is a "work in progress," and will no doubt undergo extensive revisions. However, I would appreciate receiving your comments by Wednesday, October 29.

Thank you.

DRAFT

Dear [School Superintendent],

- In Pensacola, Florida, three white teenagers with baseball bats went on a "wilding" spree targeting gays and African Americans, and beat a man to death because they thought he was gay.
- In Princes Bay, New York, a gang of teenagers attacked a youth with high-pressure water guns, while yelling anti-Semitic slurs.
- In Houston, as a 15-year-old Vietnamese refugee walked down the street, two 18-year-olds jumped from a car shouting "White power," and beat him. "God, forgive me for coming to this country," the boy said before he died.
- In Chicago, two 11-year-old boys pointed a toy rifle at a black woman and yelled racial slurs at her.
- In the South, more than 50 African-American churches were burned to the ground between January, 1995 and August, 1995.

Intolerance and prejudice are often talked about as though they happen somewhere else to someone else, but never in our own community. We tend to avoid these subjects because they are confusing and painful to us, both as individuals and as Americans. Yet incidents such as those described above have happened in every state in the nation. Each year, thousands of Americans are victimized because of their race or color, ethnicity, religion, gender, sexual orientation or disability.

Young people are frequently both the perpetrators and victims of such hate-based violence. However, prejudice and violence are neither uncontrollable nor inevitable. They are learned attitudes and behaviors. It is possible to create and maintain the kinds of conditions in our schools, homes, workplaces, and other social structures in which prejudice and violence are not learned in the first place or, if learned, can be unlearned. We must take action now to create such conditions, if we ever hope to reduce the incidence of hate-based violence that this country is experiencing.

Educators can play a vital role in preventing the development of the prejudice and stereotyping that leads to hate crime. By creating a Climate of respect throughout the school, and by conducting Classroom discussions and other activities that sensitize young people to various forms of prejudice, both subtle and extreme, educators can root out prejudice before it has a chance to take hold of a student's heart and mind.

We have enclosed with this letter a **Manual on Preventing Hate Crime**. The Manual has been designed for use by educators, and includes a description of the nature and scope of the hate crime problem; elements and examples of effective, school-based hate prevention programs; examples of anti-bias activities for the classroom; and a bibliography of resources for educators, including organizations, web sites, literature and videos.

It is our hope that the Manual will assist school districts as well as individual schools to confront hate-motivated behavior among students; to develop comprehensive responses to prejudice and violence; and to promote in their students an appreciation and respect for cultural differences.

* * *

Hate crime, and the prejudice, ignorance, and fear which lead to such crime, threatens the democratic principles on which our society is based, and frays the ties that are essential to safe and healthy communities. In an effort to address these issues, President Clinton hosted a White House Conference on Hate Crime earlier this month, at which civil rights leaders, law enforcement officers, educational and religious leaders, policymakers, and others met to develop strategies to address the causes and effects of hate crime.

We hope that you will join in these efforts to eliminate hate from our society, and that you will find useful the **Manual on Preventing Hate Crime**.

Sincerely,

Janet Reno
Attorney General

Richard M. Riley
Secretary of Education

P.S. If you have any questions or comments about the **Manual on Preventing Hate Crime**, or wish to order more copies, please call XXXXX.

Manual for Educators on Preventing Youth Hate Crime

Outline:

I. Introduction

Box: Hate Crime Statistics

II. Elements of Effective School-Based Hate Prevention Programs

III. Sample Hate Prevention Programs

IV. Classroom Activities and Discussion Topics

V. Resources:

- A. Organizations*
- B. Web Pages*
- C. Bibliography*
- D. Videos*
- E. Glossary*

Note: The Manual will also be punctuated with brief examples of real-life hate incidents involving kids in the school context.

I. Introduction

A hate crime is the embodiment of intolerance, a feat of violence. Perpetrators of hate crime pick their targets for no reason other than a victim's race, color, gender, religion, national origin, sexual orientation, or disability. The crime is the manifestation of the hate.

Every year, tens of thousands of Americans are victims of such hate crimes. And each one of these crimes has a ripple effect in our communities. The injustice and pain of such crimes tears at the fabric of our democratic society, creating fear and intergroup tensions that ultimately effect all of us.

Schools are not immune from such violence and intolerance. Teenagers and young adults account for a significant proportion of the country's hate crimes--both as perpetrators and as victims. Hate-motivated behavior, whether in the form of ethnic conflict, exclusion, harassment, graffiti, taunts, or hate slurs, is becoming more apparent on school grounds. And, throughout the country, hate groups actively work to recruit children to their ranks.

But the good news is that, working together, schools, families, law enforcement, and communities can prevent the development of the prejudicial attitudes and violent behaviors that lead to hate crimes. Research shows that children are not born with such attitudes; they are learned. Prejudice and violence can be reduced or even eliminated by instilling in children an appreciation and respect for each other's differences, and by helping them to develop empathy, conflict resolution and critical thinking skills. And by teaching children that even subtle forms of hate are inherently wrong, we can hope to prevent more extreme acts of hate in the future.

Educators thus have a tremendous opportunity to help break the cycle of prejudice and violence that leads to hate crime. A number of school districts, and individual schools, have already taken action to create comprehensive, anti-hate policies and programs that involve every facet of the school community--students, parents, teachers, staff and administrators. These schools have worked to create a school climate where hateful acts are not tolerated, and to provide an equitable, supportive, and safe environment for all students.

This Manual is intended to encourage more schools and districts to confront and eliminate hate-motivated behavior on campus. It is intended to promote discussion, planning, immediate action and long-term responses to the prejudice and violence that lead to hate crime. By understanding what hate-motivated behavior is and how best to respond, schools can become a powerful force in bringing such incidents to an end.

Box: The FBI reports that in 1996, about 10,700 hate crimes took place in the United States--approximately 29 such crimes per day. About 70 percent of these were crimes against the person; about 30 percent were property crimes. One out of every five crimes against the person were violent crimes (e.g., murder, rape or assault). Most hate crimes were motivated by the victim's race (63 percent) or religion (14 percent). The remainder were motivated by the victim's sexual orientation, ethnicity or disability. The existing body of research in this area strongly indicates that a substantial number of these crimes were committed by males under age 20.

Box: School enrollment in 1997 has risen to a record 52.2 million students. Over the course of the next ten years, public high school enrollment is expected to increase by 13 percent. Many of these students will be enrolled in schools with increasing numbers of students from different cultures. It is estimated that by the year 2007, Hispanic students will outnumber African American students by 2.5 percent. The numbers of Asian and Native American students are also expected to increase dramatically. The percentage of Caucasian students is expected to decline from 66 percent in 1997, to 61 percent in 2007. Within 25 years, 50 percent of all students will belong to a minority group.

Source: U.S. Department of Education, National Center on Education Statistics; U.S. Department of Commerce, Bureau of the Census, Population Projection Branch.

II. Elements of Effective School-Based Hate Prevention Programs

- 1. Develop partnerships with families and community organizations.** Hate crime prevention cannot be accomplished by schools alone. School districts are encouraged to develop partnerships with other youth serving organizations, parent groups, law enforcement agencies, businesses, advocacy groups, and religious organizations. Such partnerships can help identify resources available to school personnel to address hate incidents; raise community awareness of the issue; and ensure that youth receive a consistent message throughout the day that hate-motivated behavior will not be tolerated.
- 2. Develop a hate prevention policy to distribute to every student, every student's family, and every employee of the school district.** An effective hate prevention policy will establish a school climate in which racial, religious, ethnic, gender and other differences are respected and appreciated. The policy should be developed with the input of teachers, students, parents, community members, and school administrators. It should include a description of the types of behavior prohibited under the policy; the roles and responsibilities of students and faculty in preventing and reporting hate incidents or crimes; the range of possible consequences for engaging in this type of behavior; distinctions between violations of criminal law and school policy; and locations of resources in the school and community where students can go for help. Every student should be informed of the contents of the school district's policy on hate crime on an annual basis.
- 3. Provide hate prevention training to all staff, including teachers, administrators, school security personnel, and support staff.** A holistic hate prevention policy will involve all school personnel in creating a school climate where prejudice and hate are **not** acceptable. All school employees, including teachers, administrators, support staff, bus drivers, and security staff, should be aware of the various manifestations of hate, and be competent to address hate incidents. Training should include anti-bias and conflict resolution methods; procedures for identifying and reporting hate crime incidents; strategies for preventing hate incidents from erupting; and resources available to assist in dealing with these incidents.
- 4. Ensure that all students receive hate prevention training through age-appropriate classroom activities.** Prejudice and discrimination are learned attitudes and behaviors. Neither is uncontrollable or inevitable. By teaching children that even subtle forms of hate, such as name-calling, ethnic jokes, stereotyping and exclusion, are hurtful and inherently wrong, we can hope to prevent more extreme, violent manifestations of hate in the future. Through structured classroom activities and programs, children can begin to develop empathy, while practicing the critical thinking and conflict resolution skills needed to recognize and appropriately respond to the various manifestations of hate behavior.
- 5. Develop a range of sanctions for those who violate school hate crime policies.** School districts are encouraged to take a strong position against all manifestations of hate, from the subtle (*e.g.*, slurs, taunts, ethnic jokes) to the more extreme (*e.g.*, graffiti, vandalism, discrimination, threats of violence, violence). School districts can develop a wide range of sanctions to respond to such incidents, such as community service, or completion of a

research paper on an issue related to hate. It should also be made clear to students, families, and school personnel that school officials will call the police to respond to more serious incidents.

6. **Collect and use data to focus district-wide hate prevention efforts.** Collection of data on the occurrence of school-based hate incidents or crimes will assist administrators and teachers to implement effective hate prevention policies and programs. To obtain such data, school districts may include questions regarding hate crime on surveys they conduct related to school crime and discipline, or collect incident-based data on specific hate crimes. In the latter case, school districts are encouraged to work closely with local law enforcement personnel to obtain uniform and consistent data on hate crime.

III. Sample Hate Prevention Programs

Introduction being drafted by DOEd

New Jersey Department of Education: Project PRIDE

In 1995, 885 bias incidents against African Americans, Hispanics, and Jews were reported in the State of New Jersey. In response, the State Department of Education's Office of Bilingual and Equity Issues, in conjunction with the Holocaust Education Commission, the NAACP, the National Conference of Christians and Jews, the Anti-Defamation League, and county Human Relations Commissions, developed Project PRIDE (Peace, Respect, Inclusion, Diversity and Equity).

PRIDE's goal is to eliminate bias incidents from public schools. To achieve this goal, PRIDE trains parents, students and teachers to understand the dynamics of institutional racism, discrimination, bias crime, and hate-motivated conflict. Key aspects of the Project include conflict resolution training for teachers and other school staff; anti-bias and conflict resolution training for students; and school-wide support for principles of non-violence.

PRIDE is currently being used in 122 New Jersey school districts. NJDOE hopes to implement PRIDE on state-wide in coming years. Model PRIDE programs are highlighted on the NJDOE web site: [Address]

Contact: Iliana Okum, Project Director. 609/292-8777.

Los Angeles, California: Educating for Diversity

In 1992, the Los Angeles Unified School District (LAUSD) approved a plan to address diversity and cultural issues in its schools. The Board of Education's action plan, *Educating for Diversity: A Framework for Multicultural and Human Relations Education*, was implemented in 1994 and includes guidelines, strategies, and resources for addressing these issues in the district's instructional program.

The LAUSD plan consists of a multi-prong approach that addresses the needs of teachers, administrators, students, and the community. Teams of teachers from each school site receive training on district data collection procedures. Teachers also receive training in "*Facing History and Ourselves*," and a 32-hour training course, "*Focus on the Multicultural Classroom*." In addition, the district has implemented "*The California 3Rs Project*," a teacher and community civic education program designed to foster greater diversity awareness and discussion, especially on issues of religious diversity. School counselors receive additional training on working with victims of hate crimes, and parents are offered a one-day orientation on family and human relations issues.

Two classroom curricula have been implemented to improve students' understanding of and respect for diversity. Sixth and Ninth Graders receive a 10-20 week curriculum entitled "*Healthy Relations*," which emphasizes multicultural and human relations sensitivity, gender

relations, conflict resolution, peer mediation, and media literacy. "*Different and the Same*," a video series on racism, has been provided as a teaching tool in the elementary school grades.

Contact:

San Diego, Omaha, Staten Island, Los Angeles: Stop the Hate

Stop the Hate, developed by the Anti-Defamation League's A WORLD OF DIFFERENCE Institute, is being pilot tested in one high school and several feeder schools in San Diego, Omaha, Staten Island, and Los Angeles.

Stop the Hate is designed to combat hate-related incidents by altering how schools respond to intergroup tensions. The program is based on the premise that the first step which schools must take to stop hate violence is to acknowledge the reality of hate crimes. Schools must then establish a uniform "code of conduct" that is consistently enforced and clearly communicates that acts of hate will not be tolerated by the school community.

Stop the Hate provides comprehensive, anti-bias training for high school students, teachers, administrators, parents and community members. A key component of the program is prevention training for all stakeholders--including development of the necessary skills to identify, understand, and effectively prevent hate crimes. Youth are directly involved in the program as trainers and peer leaders.

Contact: Marjorie Green, Project Director. 310/446-8000.
www.adl.org/AWOD/AWOD.html

Oakland, Richmond and Berkeley Counties, California: Youth Together Project

The Youth Together Project was developed by a coalition of human rights groups, teachers, school administrators, parents, and students, in response to reports of increasing racial and ethnic tensions among youth in the Oakland, Richmond and Berkeley County schools.

The Project aims to foster cross-cultural understanding between different ethnic groups; establish preventative programming designed by and for youth; and influence hate crime policy within participating school districts. To accomplish this, students are grouped into multicultural teams, to examine individual stereotypes and prejudices through group discussions and cooperative learning activities. This approach is based upon the theory that the key to resolving ethnic tensions among students is to understand student perspectives on race, power, and privilege; and that cooperative learning activities and contact with other ethnic groups will promote inter-group understanding. Thus, teams work together to implement a collectively designed, model hate and violence prevention program, such as a peer education program.

During its first year, the Project recruited and trained 75 students from five high schools (15 students from each school) to serve on the multi-cultural teams. Over a one-year period, the teams developed, conducted and analyzed a survey of 2,500 Bay Area students' views on violence and racial tension in their schools. The team members then published educational materials on issues of race, equity, and school violence. These materials are available upon request.

Contact: Margareta Lin, Project Director. 510/834-9455. www.arc99.com

Howard County, Maryland Public Schools: Signal Incident Program

The Signal Incident Intervention Program was adopted by the Howard County Maryland Public School System to help ensure an educational atmosphere founded upon interpersonal and intergroup understanding, communication, and peaceable resolution of conflict.

A "Signal Incident" occurs whenever an epithet is used by parties engaged in a conflict situation that implicates race, ethnicity, religion, gender, sexual orientation, disability or socioeconomic status; or whenever any party perceives the conflict to be discriminatory in nature. Signal Incidents are "teachable moments" that allow the parties engaged in conflict to learn alternative behavior.

The school district has developed a Signal Incident Manual, which assists educators and students to identify and respond to actual or perceived conflicts that are discriminatory in nature, and to evaluate school climate. The school district has also developed training and intervention tools for use by teachers and students, including materials that are used with students that are to be disciplined due to a "Signal Incident."

Contact: Dr. Eileen Woodbury, Project Director. 410/313-6679.

Tucson Unified School District: El Hogar de la Paz

According to data collected by the Arizona Department of Public Safety, the number of reported hate crimes in Arizona has increased dramatically since 1991. While the Tucson Unified School District does not compile statistics on hate crime, school officials believe that school-based hate crime is also increasing.

In response to these signs of escalating violence in the schools and community, the six largest school districts in Pima County (covering metropolitan Tucson) established El Hogar de la Paz. Most recently, this collaborative violence prevention project has supported initiatives designed to counter bias and hate, including alternative programs for offending students, hate crime curricula, technical assistance to school districts to develop hate prevention programs, and diversity training for students, staff and parents.

Contact: Dennis Noonan, Project Director. 520/512-3084.
<http://instech.tusd.k12.az.us/peace/index.htm>

IV. Classroom Activities and Discussion Topics

The following activities illustrate the sort of classroom projects that can help students develop empathy, critical thinking skills, and an awareness and appreciation for diversity. A number of anti-bias curricula have been developed by various organizations which contain additional activities; these curricula are listed in the Bibliography at the end of this Manual.

In order to be most effective, such classroom activities should be part of a comprehensive hate prevention strategy that involves all members of the school community--including the student body, parents, school administration, and perhaps law enforcement and community organizations. Issues such as prejudice, discrimination, and hate crime cannot be effectively addressed in the classroom alone. Rather, classroom lessons must be reinforced by the school community, and beyond.

It can also be difficult sometimes for teachers and students to discuss issues such as prejudice and discrimination, particularly in a multicultural setting. Therefore, prior to engaging in these or other anti-bias teaching activities, teachers may wish to receive diversity or conflict resolution training.

A. Elementary School Activities

Reading books aloud is an excellent way to prompt classroom discussions about the diversity of cultures, traditions and lifestyles in our society. Books also help children to develop empathy, by helping them to understand the points of view of other people.

For an annotated bibliography of multicultural children's literature, contact A. World of Difference Institute, Anti-Defamation League, 823 United Nations Plaza, New York, NY, 10017. 212/885-7800.

Encouraging children's critical thinking ability may be one of the best antidotes to prejudice. Help children recognize instances of prejudice, discrimination, and stereotyping, and discuss appropriate responses to such attitudes and behaviors when they encounter them. Newspapers, magazines, movies, and television news and entertainment shows can provide opportunities for classroom discussion.

For a pamphlet on how to talk to young children about prejudice and discrimination, contact the National PTA, 300 North Wabash Avenue, Suite 2100, Chicago, IL, 60611. 312/670-6782.

Even young children can work together to create positive change through community-oriented projects. Class projects such as painting over graffiti, writing letters to a television station that promotes stereotyped programming, or working together to develop a classroom code of conduct (e.g., "No child shall be

teased or excluded because of his or her race, religion, accent, ethnicity, disability, gender or appearance.") all affirm childrens' ability to take a stand against prejudiced thinking.

For 86 additional hate prevention activities for elementary grades, ask for *"Teacher, They Called Me A _____!"*, available from the Anti-Defamation League, Hohokus, NJ. 800/343-5540; or for *Starting Small: Teaching Tolerance in Preschool and the Early Grades*, available from Teaching Tolerance, Montgomery, AL. 334/264-7310.

B. Middle and Secondary School Activities

Ask students to use critical viewing skills to identify stereotyping in the media. Many television shows, magazine advertisements, music, and films contain subtle or obvious messages of racism, discrimination, and prejudice. Most people are in contact with these various forms of media on a daily basis. Because of their power and pervasiveness in our culture, the media can influence the way people act and the decisions they make. However, the media can also be used as a positive tool to promote equality, and can be effective in teaching us about human injustice.

Have students watch at least one hour of television and record their observations about how each of the following groups act, what jobs they have, and what products they advertise: men/women; African Americans; Asian Americans; Hispanic Americans; Native Americans; European Americans; gay men/lesbians. Have students present their observations to the class. Ask, Do the programs and commercials show people acting as they do in real life? Which groups of people do the programs stereotype most, and how? Do you think these programs and commercials influence the way people think about certain groups? If so, how? How could television show all kinds of people more realistically and be more respectful of diversity?

For more hate prevention activities for middle school students, ask for *Healing the Hate: A National Bias Crime Prevention Curriculum for Middle Schools*, available from the Department of Justice's Office of Juvenile Justice and Delinquency Prevention, 800/638-8736; or *The Prejudice Book*, available from the Anti-Defamation League, Hohokus, NJ. 800/343-5540.

By learning what youth and communities can do to reduce or prevent hate violence, students learn that their choices and actions can have an impact. People working together to stop hate violence across the nation have made a big difference. The movement against hate groups and hate violence includes hundreds of national, regional and local organizations. In particular, young people can bring to a community an increased awareness of the problems of prejudice. For example, after the murder of an African American in Reno, Nevada, a student founded Teens Against Racial Prejudice.

To convey the power of community mobilization against hate, show the video *Not In Our Town*, which demonstrates community resistance to anti-Semitism in Billings, Montana. Ask, Who are the victims, bystanders, and perpetrators in this film? What form of resistance did the community initiate? How did the organized hate group members react to the union of Jews and non-Jews in the community? Do you think it is true that the community "found a weapon more powerful than [the KKK's]?" What was it, and what made it more powerful? Has this, or another, type of bigotry ever occurred in your community? What, if any, forms of community action were used to combat it?

For more on community mobilization projects, see *Teaching Tolerance Magazine*, a free semiannual magazine providing educators with resources for promoting interracial and intercultural understanding. Teachers and other educators can subscribe free of charge using official school letterhead. 334/264-7310.

By understanding the various manifestations of hate throughout our nation's history, students learn to recognize it in contemporary society. Members of racial and religious groups, immigrants, women, the disabled, and gays and lesbians have been the targets of bigotry at various times in our country's history. Regardless of the specific identity or characteristics of the victims or perpetrators, however, there are elements common to all forms of intolerance and persecution.

Have students research historical incidents of bigotry against particular racial or religious groups, and present their reports to the class. Ask, What do these reports show about why some people do not accept individuals who are different than them? How have individual groups, and society as a whole, responded to acts of intolerance (e.g., Civil Rights Laws, Hate Crime laws)?

For additional activities on the historical role of hate, try *Free At Last: A History of the Civil Rights Movement and Those Who Died in the Struggle*, available from Teaching Tolerance, Montgomery, AL. 334/264-7310; *Facing History and Ourselves*, from Facing History and Ourselves National Foundation, Inc., Brookline, MA. 617/232-1595.

V. **RESOURCES**

A. **Organizations**

Anti-Defamation League (ADL). The ADL is a human relations organization with 31 regional offices across the country. ADL is dedicated to promoting intergroup cooperation and interfaith understanding. Over the past decade, ADL has become a leading resource in crafting responses to hate violence. ADL has developed several K-12 curricula, numerous fact sheets and research materials, and has worked with schools across the country to design holistic, school-wide policies to foster cultural awareness and increased appreciation for diversity. ADL materials may be ordered from its *Anti-Bias/Diversity Catalog for Classroom and Community*. 823 United Nations Plaza, New York, NY, 10017. 212/490-2525.

Center for Democratic Renewal. CDR is a national clearinghouse of information on the white supremacist movement, and provides training to schools, churches, community organizations, and law enforcement agencies. Over 40 publications are available, including the resource manual, *When Hate Groups Come To Town*, and the bimonthly newsletter, *The Monitor*. P.O. Box 50469, Atlanta, GA, 30302. 404/221-0025.

Community Relations Service (CRS). CRS, a component of the Department of Justice, was established by the Civil Rights Act of 1964 to prevent or resolve community conflicts arising from actions or policies perceived to be discriminatory on the basis of race, color or national origin. CRS provides a variety of services to schools and other community organizations, including conflict resolution training for students, teachers and school administrators, conciliation, and mediation, designed to strengthen the fabric of our increasingly diverse society. U.S. Department of Justice, Washington, D.C., 20530. 202/305-2935.

Educators For Social Responsibility (ESR). ESR creates and disseminates publications and programs for teachers and students emphasizing dialogue, critical thinking skills, nonviolent conflict resolution, social responsibility, and cooperation. ESR is nationally recognized for its leadership in intergroup relations, violence prevention, and character education. Teachers guides, textbooks, and videos are available. 23 Garden Street, Cambridge, MA, 02138. 800/370-2515.

Green Circle Program. The Program develops programs to promote awareness, understanding, and appreciation of diversity in groups and schools across the country. These programs encourage young people ages 12 - 18 to explore the dynamics of difference and discrimination, language, stereotypes, and the impact of historical and current events. 1300 Spruce Street, Philadelphia, PA. 215/893-8400.

National Association for the Advancement of Colored People (NAACP). The NAACP has over 2,200 chapters nationwide. Its principal objective is to ensure the educational, political, social, and economic equality of minority group citizens of the United States. The NAACP is committed to achieving these goals through non-violence. 4805 Mount

Hope Drive, Baltimore, MD, 21215. 410/359-8900.

National Conference (NC). Formerly known as the National Conference of Christians and Jews, the NC was founded in 1927 to combat racism and religious bigotry, and to improve communications between different American communities. Its publication *Actions Speak Louder Than Words: A Skills-Based Curriculum for Building Inclusivity* is designed for use in elementary and middle schools. 71 Fifth Avenue, New York, NY, 10003. 212/807-8440.

National Hate Crime Prevention Project. The Project has developed *Preventing Hate Crime: A Multidisciplinary Approach*, which brings together educators, law enforcement and victim assistance professionals, policymakers, members of the religious community, and youth to develop strategies to prevent hate crime in their community. The Project has also partnered with the Congress of National Black Churches to respond to the arsons of African American Churches, has formed a Hate Crime Prevention Information Sharing Network, and developed *Healing the Hate: A National Bias Crime Curriculum for Middle Schools*. 55 Chapel Street, Newton, MA, 02158-1060. 800/225-4276; 617/969-7100.

Study Circles Resource Center. SCRC helps communities use study circles--small, democratic, highly participatory discussions--to discuss and engage in problem solving on issues such as race, crime, education, youth issues, and American diversity. SCRC is currently working with over 50 communities nationwide to plan and implement study circle programs on race relations. Several SCRC materials are available free of charge for use in middle and upper grades: *Can't We All Just Get Along?*; *Youth Issues, Youth Voices*; and *Towards a More Perfect Union*. P.O. Box 203, Pomfret, CT, 06258. 860/928-2616.

B. Web Pages

Federal Sites

Federal Bureau of Investigation Hate Crimes Report
<http://www.fbi.gov/ucr/hatecm.htm>

U.S. Department of Justice, KidsPage
<http://www.usdoj.gov/kidspage/bias>

U.S. Department of Education, Office for Civil Rights
<http://www.ed.gov/offices/ocr>

State/Local Sites

Montgomery County Committee on Hate Violence
<http://www.members.aol.com/OneMC4All/ndx.html>

Washington State Safe Schools Coalition
http://members.tripod.com/~claytoly/ssp_home

Non-Profit/Other

Anti-Defamation League
<http://www.adl.org>

National Gay & Lesbian Task Force
<http://www.nglftf.org/main.html>

Not in Our Town
<http://www.igc.org/an/niot/>

Improving America's Schools Education Reform Institute: Creating A Better School Environment
<http://www.ncbe.gwu.edu//iasconferences//institutes//environment>

Teaching Tolerance
<http://www.splcenter.org/teachingtolerance.html>

Institute on Race and Poverty: Center on Speech, Equity and Harm
<http://www.umn.edu/irp>

Urban Education Web
<http://eric.web.tc.columbia.edu>

C. Bibliography

In addition to the resources noted elsewhere in this Manual, the following publications may be helpful:

A. Curricula and Instructional Materials

"1997 Hate Crimes Laws." Anti-Defamation League (1997). 800/343-5540.

A Policymaker's Guide to Hate Crimes. Bureau of Justice Assistance, U.S. Department of Justice. (March, 1997). 800/688-4252.

An American Testament: Letters to the Burned Churches. Includes discussion guide. Anti-Defamation League (1996). 800/343-5540.

Creating Safe Schools for Lesbian and Gay Students: A Resource Guide for School Staff. Tripod, Inc. (April, 1997).

Facing History and Ourselves. Facing History and Ourselves National Foundation, Inc., Brookline, MA. 617/232-1595.

Free At Last: A History of the Civil Rights Movement and Those Who Died in the Struggle. Teaching Tolerance, Montgomery, AL. 334/264-7310.

Hands Across Campus. American Jewish Committee, Washington D.C. Suitable for grades 6-12. 202/785-4200.

Hate Crime: A Sourcebook for Schools Confronting Bigotry, Harassment, Vandalism, and Violence. Bodinger-delbriarte, Christina and Sancho, Anthony. Philadelphia: Research for Better Schools (1992). Southwest Regional Laboratory.

Healing the Hate: A National Bias Crime Prevention Curriculum for Middle Schools. Department of Justice Office of Juvenile Justice and Delinquency Prevention, Washington, D.C. 800/638-8736.

PEARLS (People Empowered to Address Real Life Situations): Violence Prevention and Victim Assistance for Adolescents. Friedman, Lucy. Victim Services, New York, NY. Suitable for grades 8-12. 212/577-7700.

Prejudice in Group Relations: Teacher's Manual. Abrahamson, Brant and Smith, Fred C. The Teacher's Press, Tucson, AZ. Suitable for grades 8-12. 602/744-1911.

Prejudice Reduction and Hate Crimes Prevention: An Annotated Bibliography of Resources for Teachers and School Administrators. New Jersey Department of Education, Division of Student Services, Office of Bilingual Education and Equity Issues (August, 1997).

Pride in Who We Are: Compendium of Model Programs. New Jersey Department of Education, Division of Student Services, Office of Bilingual Education and Equity Issues (1997).

Project TEAMWORK--Athletes Against Violence Initiative: Empowering Students to More Effectively Deal with Racism, Prejudice, Bias and Conflict. Northeastern University's Center for the Study of Sport in Society, Boston, MA. Suitable for grades 6-12. 617/373-4025/4566.

Starting Small: Teaching Tolerance in Preschool and the Early Grades. Teaching Tolerance, Montgomery, AL. 334/264-7310.

Stop the Hate. El Hogar de la Paz. Tucson Police Dept., Pima County/Tucson Anti-Hate Crimes Task Force, Tucson Unified School District (1997).

"*Teacher, They Called Me A _____!*" Anti-Defamation League, Hohokus, NJ. 800/343-5540.

Teaching Tolerance Magazine. Free semiannual magazine. Teachers and other educators can subscribe free of charge using official school letterhead. Teaching Tolerance, Montgomery, AL. 334/264-7310.

The Prejudice Book. Anti-Defamation League, Hohokus, NJ. 800/343-5540.

Tolerance for Diversity of Beliefs: A Secondary Curriculum Unit. Social Science Education Consortium, Boulder, CO. Suitable for grades 8-12. 303/492-8154.

WE: Lessons on Equal Worth and Dignity, the United Nations and Human Rights. Elliott, RoAnne and Simon, Ken. United Nations Association of the United States, Minneapolis, MN, 1992. Suitable for grades 4-9. 612/333-2824.

B. Books

Ethnic Conflicts in Schools. Banfield, S. Springfield, NJ: Enslow Books (1995).

Facing Racial and Cultural Conflicts: Tools For Rebuilding Community. Washington D.C.: Program for Community Problems (1992).

It's Our World, Too: Stories of Young People Who Are Making A Difference. Hoose, Phillip. New York: Little, Brown and Co. (1993).

Multicultural Education in a Pluralistic Society. Gollnick, D.M., and Chinn, P.C. Columbus, OH: Merrill (1990).

Multiethnic Education: Theory and Practice. Banks, J.A. Needham Heights, MA: Allyn & Bacon (1988)

Perpetrators, Victims, Bystanders. Hilberg, Raul. HarperCollins (1992).

Preventing Prejudice: A Guide for Counselors and Educators. Ponterotto, G.J. and Pederson, B.P. Newbury Park, CA: Sage Publications (1993).

Recognizing America's Diversity as a National Resource. Common Destiny Alliance.

The Hate Crime. Karas, P. New York: Avon Books (1995).

The Price We Pay: The Case Against Racist Speech, Hate Propaganda and Pornography. Lederer, L. New York: Hill and Wang (1995).

The White Power Movement: America's Racist Hate Groups. Landau, E. Brookfield, CT: Millbrook Press.

D. Videos

Suitable for elementary school:

Starting Small. A video-and-text teacher training kit including exemplary tolerance education programs for use by early childhood educators. Free, one per school upon written request on letterhead from an elementary principal, day care director or teacher education department chairperson. 58 Minutes. Teaching Tolerance, 400 Washington Avenue, Montgomery, AL, 36104. 334/264-7310.

Suitable for middle school and high school:

Babakiueria. A satire where the roles of blacks and whites are reversed. A fleet of black settlers arrive to colonize an area inhabited by white natives. Designed to foster empathy. International. 30 Minutes. Landmark Films, Inc.; 3450 Slade Run Drive, Falls Church, VA, 22042. 1-800/342-4336.

Blue Eyed. A updated version of the ground-breaking controlled experiment in anti-racist training with black and white students initiated by Jane Elliott in 1968. Repeating the role reversal experiment 28 years later the workshop confirmed that pseudo-scientific explanations of inferiority, culturally biased IQ tests, and blatant discrimination can have devastating effects on minority achievement. The original participants acquired life long empathy and sensitivity to the ills of racism. Free facilitator's guide available. 93 Minutes. California Newsreel; 149 9th Street, #420; San Francisco, CA, 94103. 415/621-6196.

Names Can Really Hurt Us. A series of vignettes in which high school students describe incidents of prejudice and discrimination demonstrate that although not all acts of prejudice rise to the level of a crime, they are hateful and hurtful to the victims. Anti Defamation League Materials Library, 22-D Hollywood Ave., Hohokus, NJ, 07423. 800/343-5540.

Not in Our Town. Award-winning PBS documentary showing how the town of Billings, Montana responded to an anti-Semitic hate incident with a community-wide show of support for the intended victims. The Working Group, 5867 Ocean View Drive, Oakland, CA, 94618. 510/547-8484.

The Shadow of Hate. A video-and-classroom guide for secondary students. This Academy Award nominated documentary chronicles the legacy of violence and prejudice in U.S. History against various racial and ethnic groups and women. Free, one per school upon written request on letterhead from principal, university department, or community organization upon written request. 40 Minutes. Teaching Tolerance, 400 Washington Avenue, Montgomery, AL, 36104. 334/264-7310.

Skin. A nationally-acclaimed dramatization of real life incidents, showing the problems minority teenagers encounter in their relationships with teachers, other students and

employers, because of their race or ethnicity. Landmark Films, Inc., 3450 Slade Run Drive, Falls Church, VA, 22042. 800/342-4336.

Skin Deep. Chronicles the experiences of a diverse and divided group of college freshman as they explore their prejudices, bare their wounds, and try to understand each other's racial attitudes. California Newsreel, 149 Ninth Street, #420, San Francisco, CA, 94103. 415/621-6196.

Suspect. An African American businessman's encounter with a Latino cab driver who is reluctant to take him to his home in Harlem reveals prejudice and perceptions between minorities. Landmark Films, Inc., 3450 Slade Run Drive, Falls Church, VA, 22042. 800/34-4336.

A Time for Justice. An Academy Award-winning documentary that surveys the Civil Rights Movement through historical footage. Video and classroom guide. 38 Minutes. Direct Cinema Limited. P.O. Box 10003, Santa Monica, CA, 90410-10003. 1-800/525-0000.

Trouble Behind. Searches for the origins of today's racism in the past brutality and present-day denial of the seemingly typical town of Corbin, Kentucky, home of Kentucky Fried Chicken. Helps viewers to confront underlying causes and persistence of racism in America. Free facilitator's guide available. 56 Minutes. California Newsreel; 149 9th Street, #420; San Francisco, CA, 94103. 415/621-6196.

E. Glossary

Discrimination: An action based on certain prejudices or stereotypes. Discrimination may take various forms, ranging from teasing and denigration, to exclusion from activities, clubs, housing or employment.

Harassment: Conduct (*e.g.*, physical, verbal, graphic or written) that is persistent, severe or pervasive, so as to limit an individual's participation in school programs, activities or services.

Hate crime: A criminal offense (*e.g.*, vandalism, arson, assault, murder) in which the victim is intentionally selected because of his or her race, color, religion, national origin, gender, disability or sexual orientation. Such a crime may be a violation of federal law, as well as the laws of many states.

Prejudice: An attitude or opinion about a person or group based solely on that person's race, color, religion, accent, ethnicity, gender, disability, or other external characteristic. Prejudice amounts to pre-judging a person who you don't yet know.

Scapegoating: Blaming an individual or group, such as for a crime or social problem, when the fault actually lies elsewhere. Prejudicial attitudes and stereotypes can lead to scapegoating.

Stereotype: An oversimplified generalization about an individual or group, based on the belief that all people in a certain group will act in the same way. When someone says that all members of a particular race, religion, ethnic group, gender or other group are "lazy," "rude," "cheap," "criminal" or "good at math," he or she is expressing a stereotype. All groups have individuals who demonstrate these characteristics. To label an entire group based on the actions of a few of its members is to stereotype.

Tolerance: The recognition and acceptance of the beliefs, practices or behaviors of other people that differ from your own.