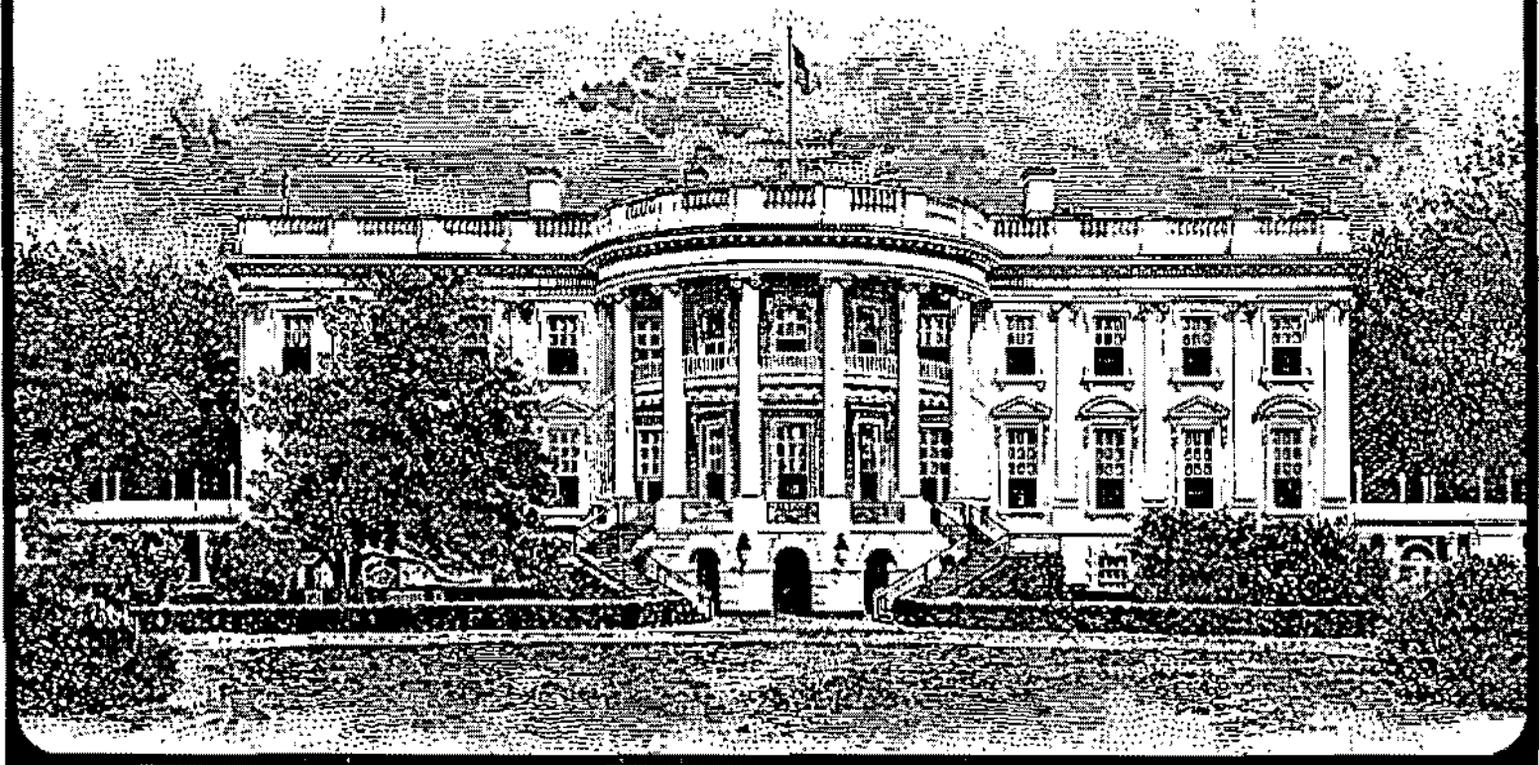


THE
WHITE HOUSE
CONFERENCE ON
HATE CRIMES

NOVEMBER 10, 1997



**THE WHITE HOUSE CONFERENCE
ON HATE CRIMES**

NOVEMBER 10, 1997

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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
Chuence 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.

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.

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

Participants

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Bedford Heights, OH

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Acting Assistant Secretary for Public Housing
The Department of Housing and Urban
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Virginia Markell
President Elect
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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.

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THE CLINTON ADMINISTRATION: DRAWING A LINE AGAINST HATE CRIMES

The Clinton Administration: Fighting Hate in Our Communities

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

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Background on
White House Conf.
on Hate Crimes

THE WHITE HOUSE
WASHINGTON
November 6, 1997

THE PRESIDENT HAS SEEN
11-7-97

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MEMORANDUM FOR THE PRESIDENT

FROM: BRUCE REED
MARIA ECHAVESTE

SUBJECT: WHITE HOUSE CONFERENCE ON HATE CRIMES

On November 10, you will host the White House Conference on Hate Crimes at George Washington University. This memorandum outlines the structure of the conference, as well as the policy initiatives that we recommend you announce there.

Purpose and Structure of the Conference

The White House Conference on Hate Crimes is designed to call national attention to the problem of hate crimes and to highlight effective law enforcement and educational strategies to address this problem.

Breakfast in the East Room. The Conference will begin with a breakfast in the East Room for the approximately 350 participants. The Attorney General will introduce you, and you will make brief welcoming remarks.

Morning Session. The morning session will begin with welcoming remarks by Stephen Trachtenberg, President of George Washington University. The Vice-President will then speak briefly. The following people will introduce you and the Vice President:

- Chuenec Sampson, student, Duke University, North Carolina. As an African-American high school student in Crown Heights, NY, Ms. Sampson became a peer trainer with the Anti-Defamation League ("ADL"). She helped start the *Students Against Violence Everywhere* ("SAVE") while in high school. Ms. Sampson continues to work with children in low-income areas.
- William Johnson, retired police officer, Boston Police Department. Mr. Johnson has worked extensively in the hate crimes unit in Boston, and recently won an award for his involvement.

During your remarks, you will announce several new law enforcement and prevention initiatives, including a proposal to expand the principal federal hate crimes statute. These

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initiatives are detailed later in this memorandum.

Following your remarks, you will moderate a panel discussion with the Attorney General, the Secretary of Education, and seven other participants. Each of the seven participants listed below will give brief opening remarks:

- 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 diversity issues facing the school community. His school currently is engaged in a comprehensive diversity awareness program.
- Tammie Schnitzer, Billings, Montana. Ms. Schnitzer is a Jewish woman who was the victim of an anti-Semitic hate crime in Billings, Montana. In response, Ms. Schnitzer successfully encouraged Jews and non-Jews alike to display menorahs in the windows of their homes. Ms. Schnitzer's efforts were the subject of a television movie, *Not in This Town*.
- Hon. Sheila Kuehl, President Pro Tempore, California State Assembly. Ms. Kuehl is the first openly gay or lesbian member of the California State Assembly and the author of legislation to prohibit discrimination against gay and lesbian students in California public schools. Ms. Kuehl also has been an outspoken advocate condemning violence against women.
- Raymond Delos Reyes, sophomore, Franklin High School, Seattle, Washington. Mr. Reyes has worked with the ADL's Children of the Dreams program and is a member of a peer mediation training program at his high school.
- Samuel Billy Kyles, Pastor, Monumental Baptist Church, Memphis, Tennessee. Mr. Kyles is an outspoken advocate of civil rights and plays an important role in the religious community's efforts to erase hate crimes. Mr. Kyles is a member of Ecumenical Minister's Task Force. He also was a close friend of Dr. Martin Luther King and was with Dr. King during the last hours of his life.
- Arturo Venegas, Jr., Chief of Police, Sacramento Police Department. 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. Mr. Woods was a strong advocate for one of the first and strongest hate crime bills in the country and was the most visible Republican proponent of the Martin Luther King Holiday.

Afternoon Session. The afternoon session will consist of seven breakout sessions of approximately fifty participants each. Each of these sessions will address a different aspect of

the hate crimes issue and will be moderated by a Cabinet Secretary or senior government official. The topics and moderators of the breakout sessions are:

1. Hate Crimes in Schools (K-12): Prevention and Response (Secretary Riley);
2. Hate Crimes on Campus: Prevention and Response (Franklin 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).

Following the breakout sessions, the Attorney General will host a panel, consisting of the six other moderators of the breakout groups. This panel discussion will highlight the issues and ideas that surfaced during the breakout sessions. Following the panel discussion, the Attorney General will make concluding remarks.

Satellite Sites. People at approximately 45 satellite sites across the country will view your remarks and the morning panel discussion. The satellite hosts have planned customized programs for the afternoon to complement the morning program. Some members of your Race Advisory Board are participating in the programs occurring at the satellite sites.

Policy Announcements to be Made at the Conference

We recommend that you make the following policy announcements, which focus on the expansion of the federal hate crimes legislation, the improvement of law enforcement mechanisms to fight hate crimes, and the dissemination of educational materials on this issue.

Legislation. You can announce the Administration's support for legislation to expand the principal federal hate crimes statute. The law currently prohibits hate crimes only on the basis of race, color, religion, or national origin. Your proposed amendment would extend the law to prohibit hate crimes based on gender, sexual orientation, and disability. (To satisfy constitutional concerns, the law would require proof of interstate commerce in this new class of cases.) Senator Kennedy and Senator Spector are expected to introduce this legislation shortly after the Conference.

There is some concern that extension of the statute to gender-motivated hate crimes--which might lead to the inclusion of all rapes and sexual assaults--would greatly expand the number of cases requiring investigation by federal agents. In order to address this concern, the Administration supports several limiting principles that would reduce the number of cases actually investigated and prosecuted by the federal government. Guidance to federal investigators and prosecutors, for example, might suggest investigation and prosecution of gender-motivated hate crimes only in cases that appear to involve the most egregious evidence of

11-7-97

gender-based bias. In addition to rebutting charges that the proposed amendment would lead to the federalization of much "ordinary" crime, such guidance also would greatly reduce the cost associated with federal enforcement. (Given the low probability that this amendment will pass this year -- as well as a fair degree of confidence that, if necessary, DOJ can enforce it with existing resources -- DOJ is not requesting any funds in 1999 to implement this legislation.)

Enforcement. We also recommend that you announce a package of law enforcement proposals, including:

- Creation of a Network of Local Hate Crime Working Groups. Under this proposal, each U.S. Attorney would either establish a local hate crime working group in his or her district, or if such a body already exists, actively participate in the group. These working groups--essentially federal-state-local partnerships-- would include representation from the U.S. Attorney's office, the FBI, state and local law enforcement, state and local prosecutors' offices, and advocacy groups. In addition to addressing law enforcement strategies, the groups would seek to educate the public about hate crimes. A National Hate Crimes Working Group, located at the Main Justice, would coordinate the work of all the working groups across the country. As part of this coordinating function, the National Hate Crimes Working Group would distribute, on an ongoing basis, information on promising practices.
- Additional FBI Agents for Hate Crimes Enforcement. This proposal involves assigning over 40 FBI agents and prosecutors to the task of hate crimes enforcement. OMB and Justice are currently discussing whether Justice needs additional monetary resources to effect this policy. (The cost of the agents and prosecutors is approximately \$4 million; DOJ has asked for about \$13 million in FY99 for hate crimes/civil rights activities.) We plan to try to avoid this budgetary issue by simply saying that the amount of additional resources required, if any, will be settled in the normal budget process.
- Hate Crimes Training for Law Enforcement. DOJ has developed a model law enforcement training curriculum on hate crimes that can be incorporated into programs at local and state law enforcement training centers. This curriculum includes three course segments -- one for law enforcement officers, one for investigators, and one for others in the law enforcement field. You can direct DOJ to make this curriculum available for use across the country in 30 days.
- Make 'em Pay Initiative. HUD has developed an initiative to assist victims of hate crimes and discrimination in housing to seek monetary damages from the perpetrators. HUD has created a unit that will bring civil suits on behalf of residents of public and private housing who have suffered hate crimes and other discrimination. This initiative will require no new money.

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Improved Reporting of Hate Crimes Statistics. The National Crime Victimization Survey is 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. At present, it does not include questions about hate crimes. Beginning in 1998, the Department of Justice will include questions related to hate crime in NCVS. The survey will inquire whether the victim believes the incident was bias-motivated and why. (The Government currently does attempt to gather hate crimes statistics, but by a notably less effective mechanism.) Expanded questioning regarding hate crimes will also be a part of a pilot project to take place next spring to improve the NCVS.

Education. You can also announce two new educational initiatives. First, the Departments of Justice and Education have proposed a manual for educators on preventing youth hate crime that encourages schools to confront hate-motivated behavior among students; promotes development of comprehensive, programmatic responses to prejudice and violence; and makes educators aware of resources that can be used for this purpose. The Departments intend to send this resource guide to every school in the country. Second, the Department of Justice has created a new 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. This site will be available for viewing at the Conference.

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 Soearides
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
Chuennee 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 women 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 Chuence 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 Schmitzer, 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 ADMINISTRATION: DRAWING A LINE AGAINST HATE CRIMES

The Clinton Administration: Fighting Hate in Our Communities

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

**WHITE HOUSE CONFERENCE ON HATE CRIMES
QUESTIONS AND ANSWERS
NOVEMBER 10, 1997**

Q: What is a hate crime?

A: As a general matter, a hate crime is a crime committed against a person or property that is motivated by bias against the victim's race, color, religion, gender, national origin, sexual orientation, disability, or familial status. However, it is important to understand that hate crimes are defined by various federal and state criminal statutes, and these statutory definitions differ in their particulars from jurisdiction to jurisdiction. The principal federal hate crimes statute, for example, is currently limited to crimes committed because of the victim's race, color, religion or national origin; it does not include crimes committed because of the victim's gender, sexual orientation, or disability.

Q: What policies did the President announce at the Hate Crimes Conference?

A: The President announced several initiatives to ensure effective law enforcement, including the creation of working groups in every U.S. Attorney's district in the country to improve coordination among local, state, and federal prosecutors; the addition of new FBI agents and prosecutors to work on enforcement of hate crimes laws; the development of model curriculum for training law enforcement officers to deal with hate crimes; and the establishment of a new program at the Department of Housing and Urban Development to ensure that perpetrators of housing-related hate crimes pay money damages to their victims. The President also announced support for expanding the principal federal hate crimes statute to prohibit hate crimes based on gender, sexual orientation, and disability.

Q: What specific changes to current federal law is the President supporting?

A: 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.

Q: How many hate crimes are there each year? Are hate crimes increasing?

A: In 1991, there were 4,558 reported incidents of hate crimes; in 1995, there were 7,947 reported incidents of hate crimes; and in 1996, there were 8,759 reported incidents. But these statistics almost certainly under-report hate crimes to a significant extent, and the rise in the number of reported incidents may be due to improvements in reporting, rather

than to increases in crime. There are two reasons for thinking that current statistics under-report hate crime. First and most important, submission of hate crimes data to the FBI is voluntary, and many law enforcement agencies do not submit data at all or submit incomplete data. In addition, many victims of hate crimes fail to report the incidents because of fear, humiliation, or language difficulties. For example, 60% of the victims of anti-gay incidents who reported their incidents to private tracking groups did not report the incidents to the police, in many cases because of a fear of mistreatment or unwanted exposure.

Q: Is the Hate Crimes Conference part of the Race Initiative?

A: The Hate Crimes Conference addresses many of the ideas that the President will consider as part of the Race Initiative -- in particular, the enormous harms caused by intolerance and prejudice. The Hate Crimes Conference, however, addresses not only racial differences, but also differences in religious beliefs, sexual orientation, gender, and disability. Members of the President's Initiative on Race are actively participating in the Hate Crimes Conference as well as at some of the 50 or so satellite sites across the country.

Q: What is the Administration doing about hate on the Internet?

A: It is important to distinguish between hate crime and hate speech. Speech on the Internet is protected by the Constitution. The Clinton Administration is not regulating the Internet. However, there are many organizations such as the Anti-Defamation League that are working in cooperation with software companies such as America Online to develop programs for use by parents to be able to protect their children by filtering out hate sites.

Q: Didn't the Clinton Administration overreact to the church arson problem?

A: No. President Clinton established the National Church Arson Task Force (NCAFT) in June 1996 to oversee the investigation and prosecution of arsons at houses of worship around the country because federal authorities noticed an increase in the number of arsons reported toward the end of 1995, especially at African American churches in the South. Since January 1995, there have been 240 arrests and over 100 convictions, though not all the incidents were racially motivated. The Clinton Administration identified a serious crime problem and responded swiftly to it, ensuring close coordination among law enforcement agencies and effective prosecutions.

Q: Why isn't the President increasing penalties for hate crimes?

A: The Clinton Administration has already increased penalties for hate crimes in the Sentencing Enhancement Act, passed as part of the 1994 crime bill, which authorizes the imposition of enhanced sentences for federal crimes found to have been motivated by race, color, religion, national origin, sexual orientation, gender, or disability. The Act became effective in November 1995.

Proposed Legislation

Q: Why is this legislation needed?

A: The legislation is needed for two compelling reasons. First, the problem of hate crimes based on sexual orientation, disability, and gender are serious, and are currently not covered under federal law. Second, the Department of Justice has been hindered in its efforts to prosecute racial hate crimes because of the need to show that the victim was engaged in a federally protected activity such as enrolling in or attending any public school or college. This amendment will ensure that all Americans are protected under federal law from any hate crimes causing serious bodily injury.

Q: Why is federal hate crimes legislation necessary at all? Shouldn't this really be a matter for local prosecutors?

A: The federal government has an important supporting role to play in prosecuting hate crimes. As a matter of longstanding practice, federal officials defer to state prosecutors to make the initial determination whether to bring a hate crimes case. But the problem of hate crimes is serious enough to warrant providing the federal government with authority to act if local prosecutors fail to respond adequately. And the proposed legislation will ensure that the federal government has this necessary authority.

Q: Won't this expansion of the new federal hate crimes statute require extra resources?

A: Any new criminal law requires new resources to enforce it, and this one is no exception. The Administration will work to ensure that its new responsibilities are carried out as efficiently as possible.

Q: Doesn't providing protections based on sexual orientation legitimize the gay lifestyle?

A: No. Whatever their views about homosexuality or about providing antidiscrimination protections to gays and lesbians, all people of good will should agree that people should not be subject to physical attack based on their sexual orientation. People in this country have a fundamental right to be safe and to live without fear of violence. This statute ensures that people will receive this protection.

Q: Won't the addition of gender to the federal hate crimes legislation federalize all rapes?

A: No. The bill does not make every rape a federal crime. In addition to the violent act, there must be evidence of bias toward the victim because of the victim's gender and a showing that the offense implicates interstate commerce. Prosecutors may be able to prove these

elements in some rapes: for example, in the case of a serial rapist who travels from state to state, and whose conduct, including language used and mutilation, suggests a gender bias. But most rape cases will not be covered under the proposed federal hate crimes statute. The Department of Justice will develop internal guidance on this issue to ensure that federal prosecutors do not use the statute inappropriately.

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.