

# Stand Up to Hate Crimes by MARCIA J. WEISS

“We must be vigilant about hate crimes,” said then U.S. Attorney General Loretta E. Lynch at an interfaith event in December 2016. “This work is never finished.” Lynch contended that Americans must work hard and continuously to investigate and prosecute hate crimes.

“Hate crimes demand a priority response,” affirms the Anti-Defamation League, “because of their special emotional and psychological impact on the victim and the victim’s community.”

Unfortunately, the majority of hate crimes go unreported and, even when reported, many go unpunished.

The Southern Poverty Law Center, which monitors the activities of domestic hate groups and offers the Teaching Tolerance program, counted 867 cases of hateful harassment or intimidation in the 10 days following the November presidential election. About 12 percent of the total were anti-Semitic incidents. The numbers have declined somewhat since then, but hate crimes abound in schools, the workplace, places of worship and on the street. In 2015, there was a 67-percent increase in hate crimes committed against Muslim Americans, as well as increased hate crimes against Jews, African Americans and LGBT individuals.

The most recent data from the U.S. Department of Justice’s Bureau of Statistics show that U.S. residents experience about 260,000 hate crime victimizations annually. Yet the FBI reports 5,850 criminal incidents and 6,885 related offenses in 2015. Clearly there needs to be better tracking and reporting of hate crimes to understand what’s happening in our communities, to evaluate the effectiveness of the hate crime laws and to obtain the necessary resources to combat these crimes.

The FBI defines hate crimes as “a criminal offense against a person or property motivated in whole or part by an offender’s bias against race [the most common], religion, disability, sexual orientation, ethnicity, gender or gender identity.” A U.S. Department of Justice study classifies hate crime

offenders into four categories according to psychological and situational motivations: thrill-seeking (motivated by the desire for excitement), defensive (protecting neighborhood from perceived outsiders), retaliatory (acting in response to a hate crime, either real or perceived) and mission (so strongly committed to bigotry that the offender makes hate a career).

State legislatures passed hate crime statutes in the late 1980s and early 1990s in response to an increase in crime motivated by prejudice. Most states, as well as the federal government, have hate crime statutes but the definition of a hate crime varies from state to state. Some smaller jurisdictions and police departments have their own form of hate crime ordinances. Certain states, such as Wisconsin, have “penalty-enhancing” statutes. That is, when a victim is chosen intentionally and solely based on race, religion, disability, sexual orientation or national origin, the defendant receives a more severe punishment than in the absence of these criteria. Ohio offenders who choose victims entirely on the basis of the above criteria are charged with “ethnic intimidation,” the gravity and punishment of which are higher than the base offense.

The question arises about whether hate crimes fall under First Amendment protection as freedom of speech. The Supreme Court has ruled that First Amendment rights can yield to the public good in certain instances and that the right to freedom of speech or freedom of expression is not absolute. Hate crime legislation, drafted properly, does not violate the First Amendment. Hate crime laws punish acts, not beliefs, thoughts or protected speech.

Hate crimes rank highest in the FBI’s civil rights program not only because of their devastating impact on families and communities, but also because groups preaching hatred and intolerance can also nurture terrorism. The Matthew Shepard and James Byrd, Jr., Hate Crimes Prevention Act of 2009 expanded the role of the FBI in investigating hate crimes. This landmark legislation also provides

funding and technical assistance to state, local and tribal jurisdictions to investigate and prosecute hate crimes.

We must also be vigilant about hate crimes on college campuses.

“In recent weeks, students have reported a rise in hate speech and bigotry on campus,” said Eric Fingerhut, president and CEO of Hillel, in a December 27 article in *The Jewish Week*. “While Jews are not the only group that has been targeted, many of these incidents have in fact been directed at Jewish students.” There are the “increasingly violent and abusive tactics of the anti-Israel movement. ... We’ve been aggressively calling attention to a new form of bigotry where some in the anti-Israel movement want to bar Jewish students from social justice coalitions unless they condemn the Jewish state’s mere existence. Another is the presence of white nationalists disseminating racist and bigoted rhetoric on college campuses.”

A 2016 study conducted by the AMCHA Initiative, an organization that seeks to combat anti-Semitism on college campuses, found the number of incidents involving “the suppression of Jewish students’ freedom of speech and assembly” doubled from last year. Hillel and AMCHA (Hebrew for “your people”) educate Jewish students on ways to engage in meaningful dialogue with those of diverse backgrounds, and they encourage college administrators to respond quickly and strongly to hate crimes.

Loretta Lynch warned that hate crime incidents “should be of the deepest concern to every American because hate crimes don’t just target individuals. They tear at the fabric of our communities, and they also stain our dearest ideals and our nation’s very soul.”

**TAKE ACTION!** Watch for incidents of hate crime where you live, work or worship. Don’t be a bystander. Report hate crime to the authorities. Support efforts to prevent and prosecute these crimes.

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