



**Statement by Anti-Defamation League  
Senate Judiciary Subcommittee on Constitution,  
Civil Rights and Human Rights  
on  
Hate Crimes and the Threat of Domestic  
Extremism**

**September 19, 2012**

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We are pleased to submit this statement in support of vigorous enforcement of the Matthew Shepard and James Byrd Jr. Hate Crimes Prevention Act (HCPA) and expanded, coordinated police – community efforts to track and respond to domestic terrorism and improve hate crime data collection efforts. The horrible bias-motivated murders of Sikhs in their house of worship in Oak Creek, Wisconsin last month demonstrate, once again, the tragic impact of hate crimes – and the critical importance of partnerships between government and community groups to effectively prevent and respond to domestic extremism and hate crimes.

**The Anti-Defamation League**

Since 1913, the mission of ADL has been to "stop the defamation of the Jewish people and to secure justice and fair treatment to all." Dedicated to combating anti-Semitism, prejudice, and bigotry of all kinds, defending democratic ideals and promoting civil rights, ADL is proud of its leadership role in the development of innovative materials, programs, and services that build bridges of communication, understanding, and respect among diverse racial, religious, and ethnic groups.

Over the past three decades, the League has been recognized as a leading resource on effective responses to violent bigotry, conducting an annual *Audit of Anti-Semitic Incidents*, and drafting model hate crime statutes for state legislatures. We were privileged to lead a broad coalition of civil rights, religious, educational, professional, law enforcement, and civic organizations working in support of the HCPA for more than a decade.

**The Impact of Hate Violence**

All Americans have a stake in effective response to violent bigotry. These crimes demand priority attention because of their special impact. Bias crimes are designed to intimidate the victim and members of the victim's community, leaving them feeling fearful, isolated, vulnerable, and unprotected by the law. Failure to address this unique type of crime often causes an isolated incident to explode into widespread community tension. The damage done by hate crimes, therefore, cannot be measured solely in terms of physical injury or dollars and cents. By making members of minority communities fearful, angry, and suspicious of other groups – and of the power structure that is supposed to protect them – these incidents can damage the fabric of our society and fragment communities.

**Punishing Bias-Motivated Violence: The Framework for Hate Crime Laws**

Criminal activity motivated by bias is distinct and different from other criminal conduct. These crimes occur because of the perpetrator's bias or animus against the victim on the basis of actual or perceived status – the victim's race, color, religion, national origin, sexual orientation, gender, gender identity, or disability is the *reason* for the crime. In the vast majority of these incidents, no crime would have occurred at all, were it not for the victim's personal characteristic.

**Analogous to anti-discrimination civil rights laws.** Hate crime laws are best viewed as a criminal law parallel to the thousands of federal, state, and local laws that prohibit invidious discrimination because of race or other identifying characteristic. In language, structure, and application, the majority of the nation's hate crime laws are directly analogous to anti-discrimination civil rights laws.

For example, Title VII of the Civil Rights Act of 1964, as amended, prohibits various discriminatory employment actions "*because of*" the employee's or prospective employee's race, color, religion, sex, or national origin. One relevant section of the Fair Housing Act, 42 U.S.C. §3604 (a), prohibits interference with housing choices "*because of* [the victim's] race, color, religion, sex, familial status, or national origin." Further, a number of current federal criminal laws punish intentional discrimination on the basis of race, religion, or other characteristic. For example, by enacting 18 U.S.C. §242, the Reconstruction Era Congress made it a crime to deprive a person of constitutional rights "by reason of his color, or race" 18 U.S.C. § 245 makes it a crime to intentionally injure, intimidate, or interfere with any person's enjoyment of a federal right or benefit (or attempt to do so) "because of his race, color, religion, or national origin" and because the person is engaged in an enumerated federally-protected activity. And the HCPA, 18 U.S.C. § 249 (a) (1) states:

Whoever, whether or not acting under color of law, willfully causes bodily injury to any person or, through the use of fire, a firearm, a dangerous weapon, or an explosive or incendiary device, attempts to cause bodily injury to any person, **because of** the actual or perceived race, color, religion, or national origin of any person.....

As with workplace and housing civil rights laws, the prohibited conduct under hate crime laws is the intentional selection of the victim for targeted, discriminatory behavior on the basis of the victim's actual or perceived personal characteristics.

**Comparable to other status crimes.** Many federal and state criminal laws provide different penalties for crimes depending on the victim's particular status. Virtually every criminal code provides enhanced penalties for crimes directed at the elderly, or the very young, or teachers on school grounds, or law enforcement officials. Legislators have legitimate and neutral justifications for selective protection of certain categories of victims – and enhanced criminal penalties – based on their judgment of the social harm these crimes cause.

**Consistent with the First Amendment.** The First Amendment does not protect violence – and it does not prevent the government from imposing criminal penalties for violent discriminatory conduct directed against victims on the basis of their personal characteristics. Hate crime laws do not punish speech. Americans are free to think, say, and believe whatever they want. It is only when an individual commits a crime because of those biased beliefs and intentionally targets another for violence or vandalism that a hate crime statute can be triggered. In *Wisconsin v. Mitchell*, 508 U.S. 476 (1993), the U.S. Supreme Court unanimously upheld the constitutionality of the Wisconsin penalty-enhancement statute – effectively removing any doubt that state legislatures may properly increase the penalties for criminal activity in which the victim is intentionally targeted because of his/her race, religion, sexual orientation, gender, or ethnicity.

**Deterrent Impact.** Law enforcement officials have come to recognize that strong enforcement of these laws can have a deterrent impact and can limit the potential for a hate crime incident to explode into a cycle of violence and widespread community disturbances. In partnership with human rights groups and civic leaders, law enforcement officials have found they can advance police-community relations by demonstrating a commitment to be both tough on hate crime perpetrators and sensitive to the special needs of hate crime victims.

**Punishment to fit the crime.** Laws shape attitudes. Bigotry cannot be outlawed, but hate crime laws demonstrate an important commitment to confront and deter criminal activity motivated by prejudice. Hate crime laws – like anti-discrimination laws in the workplace – are color-blind mechanisms which allow society to redress a unique type of wrongful conduct in a manner that reflects that conduct's seriousness. Since hate violence has a uniquely serious impact on the community, it is entirely appropriate for legislators to acknowledge that this form of criminal conduct merits more substantial punishment.

### **State Hate Crime Laws**

At present, forty-five states and the District of Columbia have enacted hate crime penalty-enhancement laws, many based on an ADL model statute drafted in 1981. Currently, however, only thirty states and the District of Columbia include sexual orientation-based crimes in their hate crimes statutes; only twenty-six states and the District of Columbia include coverage of gender-based crimes; only thirteen states and the District of Columbia include coverage of gender-identity based crimes, and only thirty states and the District of Columbia include coverage for disability-based crimes. And five states – Arkansas, Georgia, Indiana, South Carolina, and Wyoming – have no hate crime statute at all. A chart of state hate crimes statutory provisions is included at **Appendix A**.

### **The Matthew Shepard and James Byrd, Jr. Hate Crimes Prevention Act (HCPA) Public Law 111-84, Division E**

The HCPA is the most important, comprehensive, and inclusive hate crime enforcement law enacted in the past 40 years. The Anti-Defamation League played a lead role in coordinating sustained advocacy efforts by a broad coalition of civil rights, religious, educational, professional, law enforcement, and civic organizations working in support of the HCPA for more than a dozen years until its enactment. Under the leadership of President Obama, Attorney General Holder, and a number of champions in Congress – led by the late Edward Kennedy (D-MA) – this legislation was signed into law on October 28, 2009. The HCPA closes gaps in current federal enforcement authority, encourages partnerships between state and federal law enforcement officials to more effectively address hate violence, and provides limited expanded authority for federal hate crime investigations and prosecutions when local authorities are unwilling or unable to act.

The HCPA complements existing federal criminal civil rights statutes, and is patterned after 18 U.S.C. §245 – one of the primary statutes used to combat racial and religious bias-motivated violence. Enacted in 1968, 18 U.S.C. §245 prohibits intentional interference, by force or threat of force, with the enjoyment of a federal right or benefit (such as voting, going to school, or working) on the basis of race, color, religion, or national origin.

Under 18 U.S.C. §245, the government must prove both that the crime occurred because of a person's membership in a protected group, such as race or religion, and *because* (not *while*) he/she was engaging in a federally-protected activity. This unwieldy, overly-burdensome dual requirement prevented the government from investigating and prosecuting a significant number of cases in the past. And prior to enactment of the HCPA, federal authorities were

unable to involve themselves in cases involving death or serious bodily injury resulting from crimes directed at individuals because of their sexual orientation, gender, gender identity, or disability.

The HCPA addressed both of these deficiencies. First, the HCPA eliminated the overly-restrictive obstacles to federal involvement by permitting prosecutions without having to prove that the victim was attacked because he/she was engaged in a federally-protected activity. Second, the new law provides new authority for federal officials to work in partnership with state and local law enforcement authorities to investigate and prosecute cases in which the bias violence occurs because of the victim's actual or perceived sexual orientation, gender, gender identity, or disability.

State and local authorities investigate and prosecute the overwhelming majority of hate crime cases – and will continue to do so even with the HCPA on the books. From 2000- 2010, for example, the FBI documented almost 84,000 hate crimes. During that period, however, the Justice Department brought fewer than 170 cases under 18 U.S.C. § 245. But many of those federal cases were incredibly important, including cases involving organized hate groups, cases with special community or national impact, and cases in which local authorities lacked the resources, or the will, to vindicate justice. The HCPA gives local law enforcement officials important new tools to combat violent, bias-motivated crimes in their jurisdictions. Federal support – through training or direct assistance grants – will help ensure that bias-motivated violence is effectively investigated and prosecuted. Since its enactment in October 2009, the Justice Department has investigated dozens of cases, and, to date, has brought HCPA charges in about a dozen cases.

### **Implementation of the HCPA**

We applaud the Justice Department's initial outreach, training, education, and enforcement of the HCPA. Under the leadership of Attorney General Holder and Assistant Attorney General for Civil Rights Tom Perez, Justice lawyers have worked with FBI officials, US Attorneys, and professionals from the Community Relations Service to organize a series of dozens of training programs on the new tools the Act provides, enforcement strategies, and community engagement – including training programs in each of the five states with no hate crime laws. Several thousand state and local law enforcement officials have been trained at these sessions. In addition, the Justice Department, in coordination with several lead US Attorneys, has vigorously defended the HCPA in both facial and as applied constitutional challenges.

In addition, since HCPA enactment, ADL and lead members of the hate crime coalition have worked in close coordination with the FBI in developing and updating training and outreach materials to assist in the implementation of the HCPA's new Hate Crime Statistics Act (HCSA) mandate – collecting hate crime data on crimes directed against individuals because of their gender or gender identity, and hate crimes committed by or against juveniles.

### **The Disturbing Prevalence of Hate Violence: The Hate Crime Problem in America in 2012**

The FBI has been tracking and documenting hate crimes reported from federal, state, and local law enforcement officials since 1991 under the Hate Crime Statistics Act of 1990 (HCSA). Though clearly incomplete, the Bureau's annual HCSA reports provide the best single national snapshot of bias-motivated criminal activity in the United States. The Act has also proven to be a powerful mechanism to confront violent bigotry, increasing public awareness of the problem and sparking improvements in the local response of the criminal justice system to hate violence – since in order to effectively report hate crimes, police officials must be trained to identify and respond to them.

In 2010, the most recent report available, the FBI documented 6,628 hate crimes reported by almost 15,000 law enforcement agencies across the country – nearly one hate crime every hour of every day. Of the 6,628 total incidents, 3,135 were motivated by racial bias (47.3 percent) 1,277 by sexual orientation bias (19.3 percent); 847 by ethnicity/national origin bias (12.8 percent); and 43 were reported to have occurred against disabled individuals (0.65 percent). In addition, 1,322 (19.9%) of all reported crimes were motivated by religious bias. Of special concern to the Anti-Defamation League is the fact that of the incidents motivated by religious bias in 2010, 887 (67%) were directed against Jews and Jewish institutions – accounting for 13.4% of the total number of reported hate crimes in 2010. Overall, reported hate crimes directed against individuals because of race, religion, sexual orientation, and national origin all increased slightly – with a significant increase in the number of reported anti-Islamic crimes. The FBI's 2010 HCSA report is available here: <http://www.fbi.gov/about-us/cjis/ucr/hate-crime/2010>. An ADL chart which compiles and details the findings from the annual FBI HCSA reports from 2000-2010 is included as **Appendix B**.

Very few states systematically collect statistics on these categories of hate crimes. There are real consequences to this failure. Studies have demonstrated that victims are more likely to report a hate crime if they know a special reporting system is in place. Yet, studies by the National Organization of Black Law Enforcement Executives (NOBLE) and others have revealed that some of the *most* likely targets of hate violence are the *least* likely to report these crimes to the police. In addition to cultural and language barriers, some immigrant victims, for example, fear reprisals or deportation if incidents are reported. Many new to America come from countries in which residents would never call the police –

*especially* if they were in trouble. Gay, lesbian, and transgender victims, facing hostility, discrimination, and, possibly, family pressures, may also be reluctant to come forward to report these crimes.

The HCSA data we have certainly understates the true number of hate crimes committed in our nation. On one hand, participation in the FBI's national reporting program (which, like the rest of the UCR Program, is voluntary) has increased over the years. As of 2010, 14,977 federal, state, and local law enforcement agencies voluntarily reported hate crime data to the FBI – the highest participation in the HCSA program since its inception. Yet, on the other hand, less than 2,000 of these participating agencies – 13 percent – reported even a single hate crime to the FBI, significantly fewer than in 2009 and the fewest number of agencies reporting one or more hate crimes since 2002. Moreover, as in past years, the vast majority of the *participating* agencies (87%) affirmatively reported 0 (zero) hate crimes to the FBI. In fact, in 2010, police departments in 80 cities over 100,000 in population either did not report hate crime data to the FBI at all or affirmatively reported zero hate crimes. An ADL chart which lists these 80 jurisdictions is included as **Appendix C**.

### **Notable, Disturbing Trends**

In the immediate aftermath of the September 11 terrorist attacks, the nation witnessed a disturbing increase in attacks against American citizens and others who appeared to be of Muslim, Middle Eastern, and South Asian descent. Although the FBI HCSA program collects information about bias motivated crimes directed at Muslims, it does not collect separate data on hate crimes directed against Arabs, Sikhs, or Hindus. As evidenced by the recent tragic bias-motivated murders at the Sikh Gurdwara in Oak Creek, Wisconsin, there is substantial evidence that Sikhs have been targeted for violence because of their religious practices, appearance, and apparel, including the distinctive beards, turbans, and head coverings worn by many observant Sikhs. Just four days after the September 11 attacks, Balbir Singh Sodhi, a Sikh American, was murdered in Phoenix by an individual who irrationally acted against him in the mistaken belief that he was in some way connected with this terrorism. In March, 2011, two elderly Sikhs wearing traditional turbans were shot and killed on a street in Elk Grove California.

In addition, it is especially disturbing that reported crimes directed against Hispanics increased from 483 in 2009 to 534 in 2010. In fact, according to the FBI, in five of the last seven years, the number of violent assaults against Hispanics, legal, and undocumented immigrants – and those perceived to be immigrants – increased. ADL has identified a disturbing increase in the number of these hate crimes committed by white supremacists and other far-right extremists in our report, "Extremists Declare 'Open Season' on Immigrants: Hispanics Target of Incitement and Violence." That report is available here: [http://www.adl.org/main/Extremism/immigration\\_extremists.htm](http://www.adl.org/main/Extremism/immigration_extremists.htm)

Clearly these hate crime numbers do not speak for themselves. Behind each and every one of these statistics is an individual or a community targeted for violence for no other reason than race, religion, sexual orientation, disability, or national origin.

### **Homegrown Haters: Domestic Extremist Threats in the United States in 2012**

Next year, the Anti-Defamation League will be celebrating our 100<sup>th</sup> anniversary. For some 75 of those years, one of the most important ways ADL has pursued its mission has been to monitor extremist groups and movements of all types and to combat the problems that they cause, including problems related to criminal activity, violence, and terrorism.

ADL's Center on Extremism has experts on right-wing extremism, left-wing extremism, religious extremism, and other sources of extremism as well. Every year ADL trains more than 10,000 law enforcement officers on subjects ranging from white supremacy and anti-government extremism to domestic Muslim extremism to radical environmental and animal rights groups. ADL has no agenda or bias when it comes to extremist threats; we oppose any movement that threatens to undermine the democratic foundations that protect all our rights.

### **Domestic Extremist Threats in the United States**

Because of its large population and complex culture and economy, the United States typically faces several simultaneous domestic extremist threats at any given time. Any given movement may see its fortunes rise or fall due to a number of circumstances, ranging from popular sentiment to effective law enforcement. However, there are always several extremist movements actively engaging in criminal activity, including crimes of violence.

During the course of the past decade, four extreme domestic movements have posed particular threats to the peace and safety of our nation. These movements are:

- 1) Domestic Muslim extremists;
- 2) Radical animal rights and environmental extremists;
- 3) White supremacists; and

#### 4) Right-wing anti-government extremists

In addition to these major threats, other extreme movements have also produced violent acts in recent years, including radical anti-abortion extremists, radical anti-immigration extremists, and anarchists.

Of these threats, the newest on the scene are domestic Muslim extremists, emerging in the aftermath of the 9/11 terror attacks and the ensuing conflicts in Iraq and Afghanistan. Embracing radical interpretations of Islam, the adherents of this nascent movement have often sought to attack targets in the United States or to fight with or provide material support to terror organizations abroad.

Several hundred American citizens have been arrested during the past decade for engaging in such activities. Thanks to the Internet, many were influenced to attempt violent action at the urging of terrorist organizations and their ideologues abroad, including Americans such as Anwar al-Awlaki and Samir Khan. Though these two individuals are thought to have been killed in drone strikes in 2011, others have stepped forward to take their place.

Domestic Muslim extremists have plotted or attempted to destroy government buildings, infrastructure targets, military installations, Jewish institutions, and “soft” targets such as shopping malls. Fortunately, most such conspirators have proven to be of the “high intent, low capability” type, rendering them vulnerable to sting operations by law enforcement agencies purporting to offer extremists the missing resources they need to carry out their deadly intentions. Such preventive law enforcement actions have saved many lives. However, on those occasions when domestic Muslim extremists have eschewed grandiose plots or conspiracies and adopted simpler, more straightforward tactics, the results have been far deadlier, as the murderous shooting incidents in 2009 at Fort Hood, Texas, and Little Rock, Arkansas illustrated. There is no doubt that domestic Muslim extremists are a troubling threat worthy of the attention of the government and law enforcement.

Another threat that emerged in the early 2000s was the threat posed by two single-issue extremist movements. Single-issue extremism can come from the left, the right, or other sources. But what all single-issue extremist movements share is that they are a smaller extreme wing of a much larger mainstream movement. Millions of Americans oppose abortion, for example, but only a tiny minority of Americans are so extreme that they are willing to kill or to bomb to support such views.

The two single-issue extremist movements that surged early this century were the extreme ends of the environmental and animal rights movements, exemplified by loosely-organized groups such as the Earth Liberation Front and Animal Liberation Fronts (ELF/ALF). Under the banner of ELF/ALF, activists engaged in dozens of arsons and firebombings, attacking targets ranging from SUV dealerships to research facilities and laboratories to housing developments, causing many millions of dollars’ worth of property damage. Though, for the most part, environmental and animal rights extremists avoided violence targeting people, a widespread campaign of intimidation and violence by animal rights extremists against university scientists and researchers was marked by numerous acts of harassment, vandalism, and a series of firebombings and attempted firebombings deliberately putting lives at risk.

The number and scope of such attacks, combined with the difficulties law enforcement initially faced in investigating such crimes, warranted the attention given to these single-issue movements by the Justice Department under the Bush administration. That attention ultimately allowed law enforcement to bring to justice many perpetrators of such attacks.

#### **Right-Wing Extremism Resurgent**

Though many extremist movements have posed threats to the United States in the past decade, perhaps the most troubling development in the past few years has been the strong resurgence of right-wing extremism that emerged towards the end of 2008 and the beginning of 2009. Today, three and a half years into this resurgence, it is clear that the threat of right-wing extremist violence, ranging from hate crimes to acts of terrorism, is higher than it has been in many years.

The extreme right in the United States is largely divided into two slightly overlapping spheres. In one sphere are the white supremacist movements—there are five major white supremacist movements in the United States today. In the other sphere are the three main anti-government extremist movements (often collectively known as the “Patriot” movement). These anti-government extremists are not anti-government in the sense that they want government reform or want less government or are opposed to a particular administration. Rather, they are anti-government in the sense that they believe that an evil conspiracy has infiltrated and subverted part or all of our government, and what Americans think of as the legitimate government is actually a tyrannical, illegitimate government. From these beliefs have sprung movements such as the militia movement and the “sovereign citizen” movement.

There are three main reasons for the resurgence of right-wing extremism in the United States over the past several

years. The first reason was the election of President Barack Obama in 2008. White supremacists, not surprisingly, became agitated at the election of an African-American president, while anti-government extremists incorporated Obama into their “New World Order” conspiracy theories. The second reason was the recession and related housing crisis that also began in late 2008. Anti-government extremists in particular were able to exploit the poor economic situation. The third reason was simply that it had been a decade since the last major resurgence of right-wing extremism (roughly 1994-1999) had died down. In other words, the country was “due” another cycle of right-wing violence.

The resurgence did not affect all extremists in the same way. The anti-government extremist movements became greatly agitated and angry, and also experienced a considerable growth in numbers. The number of militia groups tracked by ADL more than quintupled from 2008 to 2012, for example. The extreme “sovereign citizen” movement, whose adherents acknowledge virtually no governmental authority over them at all, grew at an even greater rate.

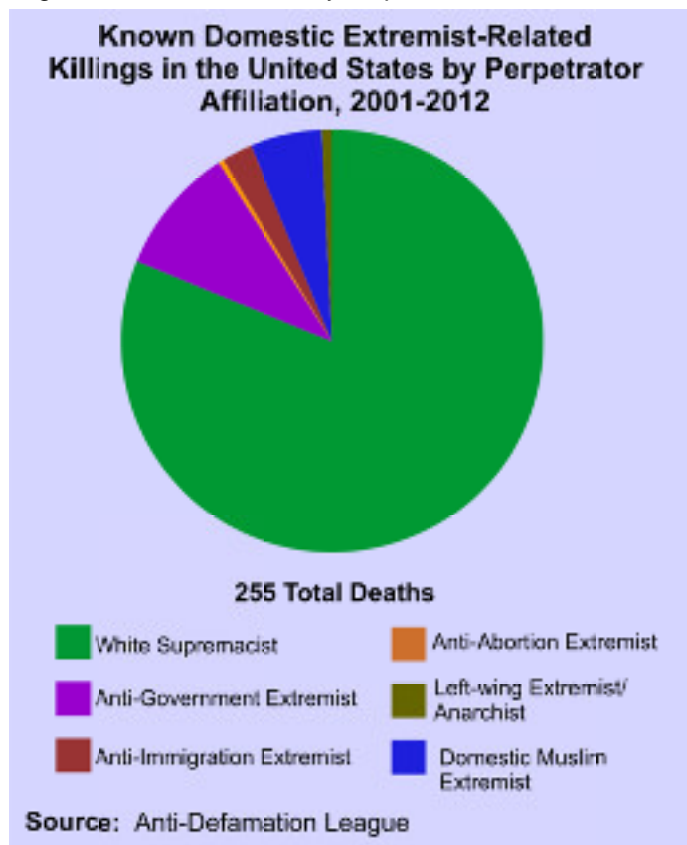
White supremacists experienced the same growth in agitation and anger levels that anti-government extremists did, but luckily did not experience the same growth in numbers. The numbers of white supremacists have remained more or less stable over the past several years. However, white supremacists have engaged in many shocking acts of violence during this timeframe.

### Right-Wing Extremist Violence in the United States

Even before the resurgence that began in 2009, right-wing extremists were already responsible for much of the domestic extremist-related violence in the United States, whether in the form of hate crimes, domestic terrorist acts or plots, or other forms of violence. This is not very surprising, given the long historical presence of such movements in the country, as well as their relative sizes compared to other extremist movements.

However, the extent of right-wing violence in the United States is not often fully appreciated. Though high-profile incidents like the tragic shootings at the Sikh Gurdwara in Oak Creek in August 2012 garnered considerable media attention, many acts of right-wing violence receive only local or regional coverage by the media. Thus the average American tends to underappreciate the threat from right-wing extremists.

Since the most extreme form of violence is to kill someone, one way to measure extremist-related violence is to look at extremist-related murders and killings. The Anti-Defamation League tracks known extremist-related deaths (from all domestic sources of extremism, dating back to 1970). The true number of such deaths can never be known, as the extremist connections to many murders often take years to come to light or may never emerge at all. However, for the period 2001-2012, ADL has identified at least 255 lethal incidents in which the perpetrator(s) are known or believed to have been domestic extremists of some affiliation.



When one examines the affiliations of the suspected perpetrators of these deaths (see chart), what becomes immediately obvious is that the vast majority of domestic extremist-related deaths this century have come at the hands of right-wing extremists. Indeed, almost 94% of these killings have been at the hands of adherents of one or more of the various right-wing extremist movements in the United States. By far the most lethal extremists have been adherents of the white supremacist movements, who are thought to be responsible for 81% of the 255 known deaths.

There are several reasons for the extreme level of lethality of white supremacists:

- 1) White supremacists frequently commit hate crimes and in the United States they find a target-rich environment.
- 2) White supremacists are almost as likely to attack law enforcement and government targets as are anti-government extremists.

- 3) A number of white supremacists target members of their own groups whom they suspect are potential informants or “weak links.”
- 4) Many white supremacists are simply more likely to be violent. Not only do a number of white supremacists engage in lethal levels of violence while engaging in traditional (i.e., non-ideological) criminal activities, but quite a few have also committed lethal acts of domestic violence as well.

Some of the most shocking killings by white supremacists in the past few years include:

- Oak Creek, Wisconsin, August 2012: White supremacist Wade Michael Page opens fire at a Sikh temple, killing six and wounding four more before fatally shooting himself after being wounded by police. Page was a member of the Hammerskins, a racist skinhead group.
- Washington, Oregon, California, September-October 2011: White supremacists David Pedersen and Holly Grigsby allegedly embark upon a multi-state spree of violence, killing four people in three states before being apprehended. Prosecutors claim that, when apprehended, they were on their way to Sacramento to attack Jewish individuals or targets.
- Cooperstown, North Dakota, January 2011: White supremacist Daniel Wacht murders and decapitates a 54-year-old university researcher, burying the head in a crawl space in his basement. Wacht – who would be sentenced to life in prison without possibility of parole – was said by authorities to have wanted to kill someone or blow something up in order to start a white supremacist group.
- Phoenix, Arizona, October 2009: Travis Ricci and Aaron Schmidt, members of the Vinlanders Social Club, a violent racist skinhead group, open fire on an interracial couple walking down the street, fatally wounding the woman.
- Washington, D.C., June 2009: White supremacist James von Brunn opens fire with a rifle inside the United States Holocaust Memorial Museum, killing a security guard before being incapacitated by return fire from another guard. Von Brunn died before standing trial.
- Pittsburgh, Pennsylvania, April 2009: White supremacist Richard Poplawski murders three Pittsburgh police officers and engages in a shoot-out with police that wounds a fourth before he is apprehended. He is later convicted of three counts of first-degree murder and sentenced to death.
- Brockton, Massachusetts, January 2009: Keith Luke, an unaffiliated white supremacist, allegedly kills two Cape Verdean immigrants and rapes and shoots a third. After being apprehended by police, Luke allegedly admits that he had planned to kill as many Jews as possible at a local synagogue and then kill himself.

Right-wing extremists have been involved in countless other criminal incidents in recent years, ranging from assaults and attempted murders to bombings and fire-bombings to attacking government buildings (in one case, even flying a plane into an IRS building in Austin, Texas).

The last time the United States experienced a similar surge in right-wing extremism was in the mid-to-late 1990s. At that time, adherents of various right-wing extremist movements engaged in a variety of conspiracies and plots to commit major acts of violence. With a new wave of right-wing extremism sweeping the United States, this phenomenon has emerged again. The first such incident, heralding what was to come, occurred in October 2008. Two racist skinheads were arrested in Tennessee for engaging in preparatory actions for a plot that envisioned shooting 88 African-American high school students at a local school (the number 88 is symbolically important to white supremacists, as it is code for “Heil Hitler”), decapitating 14 more students (as the number 14 is code for a popular white supremacist slogan), and attempting to assassinate then-Presidential candidate Barack Obama.

More plots and conspiracies followed, including a militia plot in Alaska to kill judges and law enforcement officers, a militia plot in Georgia to attack government buildings (and to use the biological toxin ricin), and an alleged conspiracy by a racist skinhead group in Florida to engage in paramilitary training with the intention of committing civil disorder, among others. Most recently, prosecutors in Georgia have revealed an alleged plot by a militia cell within the U.S. military to engage in a variety of violent acts, including attacking a dam, poisoning crops, and assassinating President Barack Obama. Members of the group are also accused of having murdered two people in late 2011.

### **The Threat to Law Enforcement**

The victims of this recent resurgence of right-wing extremism have included ethnic, racial, and religious minorities of all sorts; government officials and employees; physicians and personnel at clinics providing abortions; and many others, none deserving to be the victims of right-wing violence.

Among the victims targeted by right-wing extremists are law enforcement officers, the very people who serve and protect communities across America. In recent years, dozens of law enforcement officers have been slain or wounded by right-wing extremists.



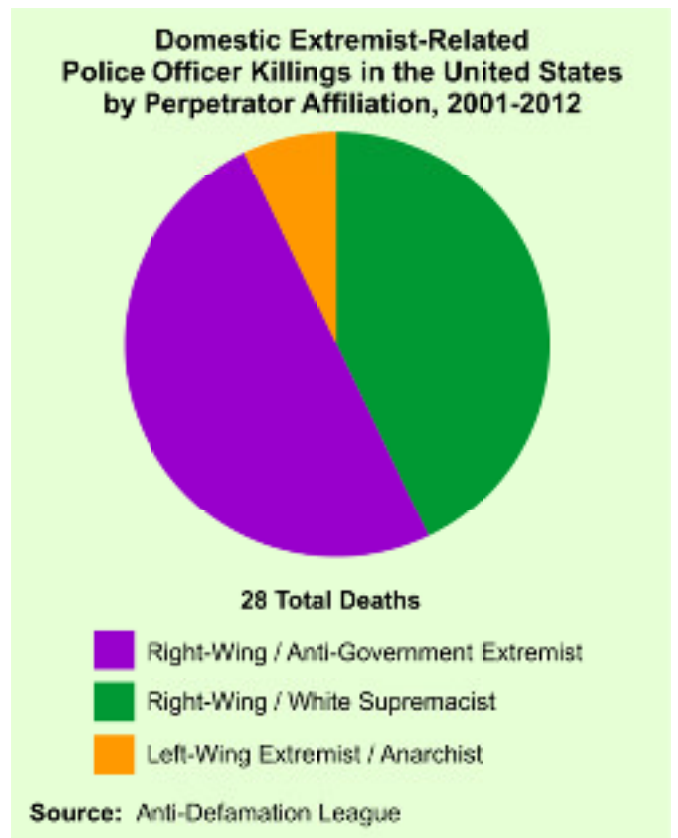
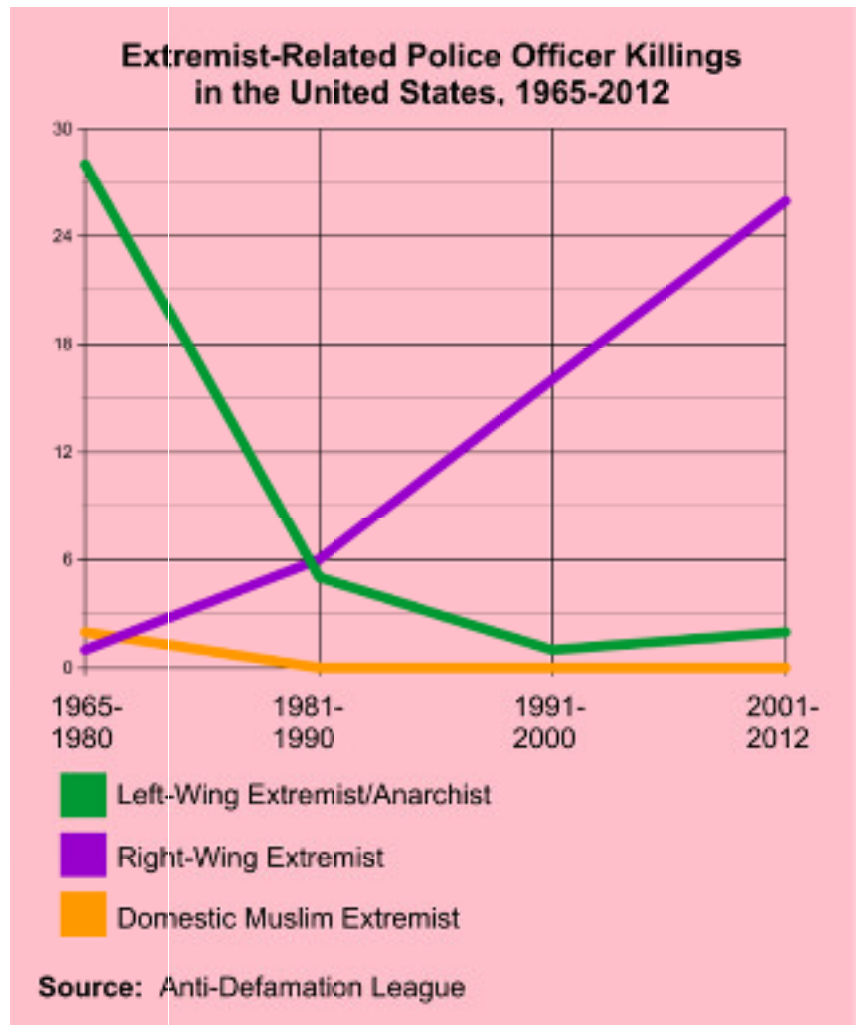
The example of Oak Creek Police Lieutenant Brian Murphy provides a striking example of the risks that our nation's law enforcement officers put themselves in at the hands of extremists. Lt. Murphy was one of the first officers to arrive at the scene of the Sikh Gurdwara in Oak Creek, Wisconsin, after white supremacist Wade Michael Page opened fire on worshippers there, killing and wounding many of them. Spotting the shooter, Lt. Murphy attempted to fire at Page but missed. At the same time, Page shot at Lt. Murphy, hitting him in the throat and dropping him to the ground. But Page did not stop there. He circled around to approach Lt. Murphy from behind, shooting him again. From close range, Page continued to fire at the downed officer, hitting him 15 times. Lt. Murphy's body armor stopped only three of the bullets and he was lucky to survive.

Other officers have unfortunately not been so lucky. Many officers have paid the ultimate price for protecting America's citizens from violent extremists. From the mid-1960s through the early 1980s, the majority of law enforcement officers killed by domestic extremists in the United States were killed by left-wing extremists (see chart). However, the long-term trend over the course of the past quarter century has been one of increasing violence against law enforcement at the hands of right-wing extremists.

In the 21<sup>st</sup> century, right-wing extremists (both anti-government extremists and white supremacists) have committed the vast majority of the 28 extremist-related officer killings in the United States that ADL has been able to document (see chart).

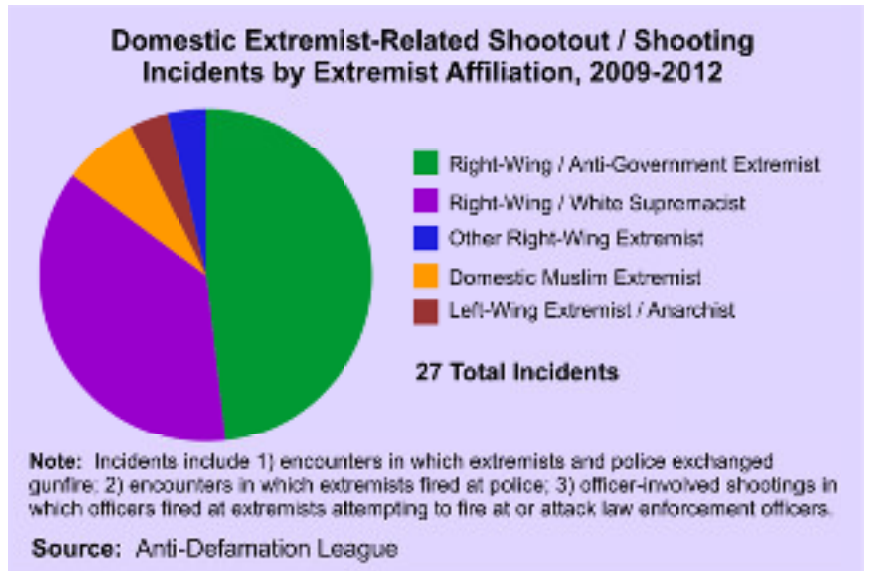
In some cases extremists have ambushed law enforcement officers. In other cases, extremists (especially anti-government extremists) have responded with lethal violence to routine law enforcement activities such as residence visits or traffic stops for minor violations. In many cases, the slain officers had encountered extremists engaged in criminal activity or on the run from the law. Extremists can be particularly deadly to law enforcement in such encounters because they have all of the motivations to violence in such an incident that a traditional criminal might have, but may also have ideological reasons for being hostile or violent towards law enforcement.

The resurgence of right-wing extremism since 2009 has resulted in a similar surge of violent encounters between police and right-wing extremists. ADL has identified as many as 27 separate incidents since 2009 in which police were involved in shootouts with domestic extremists (of all types; see chart). Most of the incidents involved shootouts (i.e., exchanges of gunfire) with extremists, while a smaller number



involved encounters in which extremists fired at police or encounters in which officers fired at extremists who had attempted to fire or draw a weapon or engage in other violent actions towards police.

Once more, right-wing extremist-related incidents constituted the vast majority of such encounters between 2009 and 2012, killing or seriously wounding many law enforcement officers. Law enforcement awareness of the dangerousness of such encounters has increased since the spring of 2010, when two anti-government “sovereign citizens” killed two police officers and wounded two more in two related shooting incidents in West Memphis, Tennessee. Although these shootouts received considerable media attention, there is still a significant lack of awareness among law enforcement of the risks that extremists pose to their safety and lives.



### **The Holistic Approach to Combating Violent Extremism**

The United States has a population of over 310 million people; in a country this size, even the fringe of the fringe constitute a significant number of people. Moreover, lessons painfully learned from Oklahoma City in 1995 to Fort Hood in 2009 demonstrate that it does not take very many people motivated by extremist anger to cause a great deal of harm and misery. That is the nature of terrorism.

Because of the size and complexity of the United States, there will always be political, social, ethnic, religious, or nationalistic movements within the country that have adherents willing to commit violent acts to further their cause or to strike at their perceived enemies. It is true that, working together, Americans can significantly limit the harm such extremist movements may cause. When citizens speak with a united voice, when leaders from different parties come together to enact effective legislation, when governments – city, state, and federal – cooperate with each other, when law enforcement agencies share intelligence, it is remarkable what can be achieved.

When it comes to countering extremism and terrorism, however, experience has shown that one of the most counterproductive things our nation can do is to concentrate on countering one form of extremism and terrorism at the expense of others. The United States does not just have a “Muslim extremist problem.” It does not just have a “right-wing extremist problem.” It faces problems from many forms of domestic extremism – and ignoring or denying some in order to focus on others does the United States little service. Citizens and leaders of all backgrounds and persuasions must speak with a common voice to let all extremists know that the only way to change American policies, laws, or society is through peaceful, democratic processes. No form of ideological violence can be tolerated.

### **Conclusion**

The fundamental cause of bias-motivated violence in the United States is the persistence of racism, bigotry, homophobia, and anti-Semitism. Unfortunately, there are no quick, complete solutions to these problems. Complementing state hate crime laws and prevention initiatives, the federal government has an essential leadership role to play in confronting criminal activity motivated by prejudice and in promoting prejudice reduction initiatives for schools and the community. And effective responses to hate violence by public officials and law enforcement authorities can play an essential role in deterring and preventing these crimes. Ultimately, the impact of all bias crime initiatives will be measured in the response of the criminal justice system to the individual act of hate violence.

## An ADL Action Agenda to Confront Hate Violence and Domestic Extremism

### Support Comprehensive Implementation of the Matthew Shepard and James Byrd, Jr. Hate Crimes Prevention Act (HCPA)

- The Justice Department should file appropriate cases under the HCPA – and vigorously defend the constitutionality of the Act when challenged.
- The Justice Department, including the FBI and the Community Relations Service, should continue inclusive education and outreach to state and local law enforcement officials on the components of the HCPA and the new tools available under the Act to combat violent, bias-motivated crimes.
- The FBI should revise and update its Hate Crime Data Collection Guidelines and Training Manual to accompany the new FBI Hate Crime Statistics Act categories mandated by the HCPA – gender, gender identity, and crimes committed by and against juveniles. The Bureau should then provide training for federal and state law enforcement officials on the new Manual – and ensure that state and local law enforcement officials begin reporting on the new categories as of January 2013.

### Improve Federal Hate Crime Data Collection Efforts

- Justice Department officials, including US Attorneys, FBI officials, and Community Relations Service professionals, should prioritize comprehensive participation in the HCPA – with special attention devoted to underreporting large agencies that either do not participate in the HCPA program at all or erroneously affirmatively report zero (0) hate crimes.
- The FBI should collect separate data on hate crimes directed against Sikhs as part of the HCPA. There is substantial evidence that Sikhs have been specifically targeted for discrimination and violence because of their religious practices, appearance, and apparel, including the distinctive beards, turbans, and head coverings worn by many observant Sikhs. The Equal Employment Opportunity Commission (EEOC) currently collects and publishes separate data on anti-Sikh religious discrimination complaints. A chart of EEOC religious discrimination complaints is included at **Appendix D**. A mandate that the FBI collect specific hate crime data on hate crimes directed against Sikhs, Arabs, and Hindus will increase public awareness of these crimes, encourage victims in these communities to report these crimes, and expand relationships between law enforcement authorities and the communities.
- In cooperation with the Department of Education, the FBI should work with colleges and universities to improve campus hate crime reporting. In 2008, Congress required the crime categories campuses are mandated to report to the Department of Education parallel those collected by the FBI's HCPA Program. Comprehensive campus reporting will benefit both parents and children by providing them with a more accurate sense of campus safety.
- The Department of Justice and the FBI should work with disability rights organizations to raise awareness and provide training on how people with disabilities can navigate the criminal justice system effectively in an effort to improve disability-based hate crime reporting by police agencies.

### Expand Coordinated Federal Efforts to Track and Respond to Domestic Terrorism

- The Department of Homeland Security should expand its focus and research on domestic violent extremism. The 2009 DHS HVE report warning about the threat of increased right-wing extremist violence in the wake of President Obama's election and the recession has, unfortunately, proven tragically prescient. That report, which was withdrawn in the face of conservative criticism, demonstrates the kind of strategic analysis provided by the HVE branch that can help our nation's law enforcement community deal with the problems that violent domestic extremist movements are creating.
- The Department of Homeland Security should be required to prepare an annual report to Congress on the various sources of domestic terrorism and extremism-related violence in the United States. Complementing FBI analyses, DHS should be in a position to provide a steady stream of reports and bulletins to help protect our nation and our community from all domestic threats of terrorism and violence, including the threat of right-wing domestic terrorism.
- The League's research on the prevalence of violent domestic terrorism reveals that the great majority of

murders committed by domestic extremists since 2000 have been committed by non-Muslim extremists. Singling out the Muslim American community for special scrutiny or suspicion would be discriminatory, offensive, ineffective, and counterproductive.

- In cooperation with the FBI, DHS should convene a summit specifically focusing on online radicalization – across the ideological spectrum – and strategies to counter it.

#### **Convene a White House Summit on Hate Crime.**

- The first White House Conference on Hate Crime in 1997 proved to be a powerful and productive coordination and organizing event for the Administration, Congress, civil and human rights activists, and the law enforcement community. The Administration has clearly demonstrated the value of marshaling an “all hands on deck” approach to national concerns in its extraordinary efforts to raise awareness and prevent bullying in schools. In the aftermath of the tragic bias-motivated murders at the Sikh Gurdwara in Wisconsin, with 9/11 backlash crimes and crimes targeting immigrants and those who look like immigrants continuing at a disturbing pace, now is the time for the President to call stakeholders together to raise awareness, promote new initiatives, and identify programs and effective prevention strategies that work.

#### **Provide Funding for Anti-Bias Programs and Research**

- To be effective, hate crime laws must be complemented with prevention, education, and training initiatives designed to reduce prejudice. The Federal government has a central role to play in funding program development in this area and promoting awareness of inclusive anti-bias education initiatives that work.

#### **Demonstrate International Leadership**

- The United States should continue to play a leadership role in international organizations, especially the Organization for Security and Cooperation in Europe (OSCE) and its Office for Democratic Institutions and Human Rights (ODIHR). The United States should encourage international cooperation to confront racism, anti-Semitism, homophobia, and xenophobia.
- The United States should designate the Justice Department's Civil Rights Division as the Hate Crime Point of Contact for the OSCE.

## Selected Resources on Hate Crime Response and Counteraction

### **The Matthew Shepard and James Byrd, Jr. Hate Crimes Prevention Act: Public Law 111-84, Division E**

[http://frwebgate.access.gpo.gov/cgi-bin/getdoc.cgi?dbname=111\\_cong\\_public\\_laws&docid=f:publ084.pdf](http://frwebgate.access.gpo.gov/cgi-bin/getdoc.cgi?dbname=111_cong_public_laws&docid=f:publ084.pdf)

The most important new federal hate crime enforcement law in the past forty years. The HCPA strengthens existing federal hate crime laws by authorizing the Department of Justice to assist local authorities in investigating and prosecuting certain bias-motivated crimes. In addition, the law provides authority, for the first time, for the federal government to prosecute some violent bias-motivated crimes directed against individuals on the basis of their sexual orientation, gender, gender identity, or disability.

### **FBI**

*Hate Crime Statistics, 2010*

<http://www.fbi.gov/about-us/cjis/ucr/hate-crime/2010>

The FBI's most recent annual hate crime report, with data collected from almost 15,000 state and local police departments

*Hate Crime Data Collection Guidelines*

<http://www.fbi.gov/about-us/cjis/ucr/hate-crime/hcguidelinesdc99.pdf>

The FBI's guidelines for law enforcement agencies regarding the classification and collection of hate crime data

*Hate Crime Data Collection Training Guide*

<http://www.fbi.gov/about-us/cjis/ucr/hate-crime/trainguidedc99.pdf>

The FBI's training manual for law enforcement agencies, with model reporting procedures and training examples

### **Department of Education**

*Preventing Youth Hate Crime,*

<http://www.ed.gov/pubs/HateCrime/start.html>

A resource that describes effective school-based hate crime prevention programs

### **Department of Education/National Association of Attorneys General**

*Protecting Students from Harassment and Hate Crime,*

<http://www.ed.gov/offices/OCR/archives/Harassment/harassment.pdf>

A detailed guide designed to help schools develop a comprehensive approach to protecting students from harassment and hate-motivated violence.

### **Department of Justice**

*Addressing Hate Crimes: Six Initiatives That Are Enhancing the Efforts of Criminal Justice Practitioner,*

<http://www.ncjrs.gov/pdffiles1/bja/179559.pdf>

This Bureau of Justice Assistance report highlights six innovative law enforcement initiatives to respond to violent hate crime.

*Hate Crime Training: Core Curriculum for Patrol Officers, Detectives, and Command Officers*

<http://www.justice.gov/archive/crs/pubs/hct.pdf>

A comprehensive hate crime training curriculum prepared by the International Association of Directors of Law Enforcement Standards and Training, the National Association of Attorneys General, the Justice Department, and the Treasury Department

*A Policymaker's Guide to Hate Crimes,*

<http://www.ncjrs.gov/pdffiles1/bja/162304.pdf>

This resource highlights the use of hate crime laws and problems that impede reporting hate crime incidents.

### **The International Association of Chiefs of Police:**

*Responding to Hate Crimes: A Police Officer's Guide to Investigation and Prevention:*

<http://www.theiacp.org/PublicationsGuides/LawEnforcementIssues/Hatecrimes/RespondingtoHateCrimesPoliceOfficersGuide/tabid/221/Default.aspx>

A comprehensive guide for officers on definitions and policies and procedures to respond to hate violence.

*Hate Crime in America Summit Recommendations:* <http://www.theiacp.org/tabid/299/Default.aspx?id=139&v=1>

Recommendations from the 1998 IACP Summit on Hate Crime in America

### **National District Attorneys Association**

*A Local Prosecutor's Guide for Responding to Hate Crimes*

[http://www.ndaa.org/pdf/hate\\_crimes.pdf](http://www.ndaa.org/pdf/hate_crimes.pdf)

The single best resource designed to assist local prosecutors handling hate crime investigations and prosecutions.

### **Anti-Defamation League**

*Matthew Shepard and James Byrd, Jr. Hate Crimes Prevention Act (HCPA): What You Need to Know*

[http://www.adl.org/combating\\_hate/What-you-need-to-know-about-HCPA.pdf](http://www.adl.org/combating_hate/What-you-need-to-know-about-HCPA.pdf)

This document provides an outline of HCPA – why it was needed and how the law works to protect the rights of all.

*An Introduction to Hate Crime Laws*

[http://www.adl.org/combating\\_hate/Introduction-to-Hate-Crime-Laws.pdf](http://www.adl.org/combating_hate/Introduction-to-Hate-Crime-Laws.pdf)

A primer on the purpose and utility of federal and state hate crime laws

*How to Combat Bias and Hate Crimes: an ADL Blueprint for Action*

<http://www.adl.org/blueprint.pdf>

A compilation of the best ADL resources, programs, and education initiatives designed to combat bias and hate crimes

*Hate Crime Laws*

<http://www.adl.org/99hatecrime/intro.asp>

A comprehensive overview of the history of hate crime legislation, including the ADL Model Hate Crime Law and an interactive map of the nation's state hate crime laws

*Hate Crime Laws: Punishment to Fit the Crime*

<http://www.dissentmagazine.org/article/?article=3278>

A robust defense of hate crime laws by the League's Washington Counsel.

### **Leadership Conference on Civil and Human Rights**

*Confronting the New Faces of Hate: Hate Crimes in America 2009*

[http://www.protectcivilrights.org/pdf/reports/hatecrimes/lccref\\_hate\\_crimes\\_report.pdf](http://www.protectcivilrights.org/pdf/reports/hatecrimes/lccref_hate_crimes_report.pdf)

This trailblazing report provides the most recent national survey of the hate crime problem in America.

### **Organization of Chinese Americans**

*Responding to Hate Crimes: A Community Action Guide, 2<sup>nd</sup> Edition*

<http://www.ocanational.org/images/stories/docscenter/ocahatecrime2006.pdf>

The best guidebook for community organizing and response to hate violence, with step-by step guidelines, checklists, internet resources, and best practices.

## Selected ADL Resources on Extremism and Organized Hate Groups in America

*ADL's Blog on Extremism & Terrorism*

<http://blog.adl.org/extremism>

*Al Qaeda in the Arabian Peninsula*

[http://www.adl.org/main\\_Terrorism/al\\_Qaeda\\_arabian\\_peninsula.htm](http://www.adl.org/main_Terrorism/al_Qaeda_arabian_peninsula.htm)

*Al Shabaab's American Recruits*

[http://www.adl.org/main\\_Terrorism/al\\_shabaab\\_american\\_recruits.htm?Multi\\_page\\_sections=sHeading\\_3](http://www.adl.org/main_Terrorism/al_shabaab_american_recruits.htm?Multi_page_sections=sHeading_3)

*American Muslim Extremists: A Growing Threat to Jews*

[http://www.adl.org/main\\_Terrorism/muslim\\_extremists\\_jews.htm](http://www.adl.org/main_Terrorism/muslim_extremists_jews.htm)

*Animal Rights Extremists Target the University of California*

[http://www.adl.org/main\\_Extremism/university\\_of\\_california\\_animal\\_rights\\_extremism.htm](http://www.adl.org/main_Extremism/university_of_california_animal_rights_extremism.htm)

*Anti-Abortion Violence: America's Forgotten Terrorism*

[http://www.adl.org/main\\_Extremism/anti\\_abortion\\_violence\\_terrorism.htm](http://www.adl.org/main_Extremism/anti_abortion_violence_terrorism.htm)

*The Aryan Circle: Crime in the Name of Hate*

<http://www.adl.org/extremism/Aryan-Circle-Report.pdf>

*Backgrounder: ACT! for America*

[http://www.adl.org/main\\_Interfaith/act\\_for\\_america\\_gabriel.htm](http://www.adl.org/main_Interfaith/act_for_america_gabriel.htm)

*Backgrounder: Stop Islamization of America*

[http://www.adl.org/main\\_Extremism/pamela-geller-stop-islamization-of-america.htm](http://www.adl.org/main_Extremism/pamela-geller-stop-islamization-of-america.htm)

*Bigots on Bikes: The Growing Links between White Supremacists and Biker Gangs*

[http://www.adl.org/extremism/ADL\\_CR\\_Bigots\\_on\\_Bikes\\_online.pdf](http://www.adl.org/extremism/ADL_CR_Bigots_on_Bikes_online.pdf)

*Criminal Proceedings: A Timeline of U.S. Terror Cases*

[http://www.adl.org/main\\_Terrorism/american\\_muslim\\_extremists\\_criminal\\_proceedings.htm?Multi\\_page\\_sections=sHeading\\_1](http://www.adl.org/main_Terrorism/american_muslim_extremists_criminal_proceedings.htm?Multi_page_sections=sHeading_1)

*Ecoterrorism: Extremism in the Animal Rights and Environmentalist Movements*

[http://www.adl.org/learn/ext\\_us/Ecoterrorism.asp](http://www.adl.org/learn/ext_us/Ecoterrorism.asp)

*Extremism in Florida: The Dark Side of the Sunshine State*

<http://www.adl.org/learn/extremismfloridainside.pdf>

*Homegrown Extremism after 9/11*

[http://www.adl.org/main\\_Extremism/911\\_homegrown\\_extremism.htm](http://www.adl.org/main_Extremism/911_homegrown_extremism.htm)

*The Lawless Ones: The Resurgence of the Sovereign Citizen Movement*

[http://www.adl.org/learn/sovereign\\_movement/sovereign\\_citizens\\_movement\\_report.pdf](http://www.adl.org/learn/sovereign_movement/sovereign_citizens_movement_report.pdf)

*Post-9/11 Islamic Extremism in the U.S.*

[http://www.adl.org/main\\_Terrorism/911\\_islamic\\_extremism.htm](http://www.adl.org/main_Terrorism/911_islamic_extremism.htm)

*Rage Grows in America: Anti-Government Conspiracies*

[http://www.adl.org/special\\_reports/rage-grows-in-America/default.asp](http://www.adl.org/special_reports/rage-grows-in-America/default.asp)

*Responding to The Call: Al Qaeda's American Recruits*

[http://www.adl.org/main\\_Terrorism/al\\_qaeda\\_american\\_recruits.htm](http://www.adl.org/main_Terrorism/al_qaeda_american_recruits.htm)

*Richard Poplawski: The Making of a Lone Wolf*

[http://www.adl.org/learn/extremism\\_in\\_the\\_news/White\\_Supremacy/poplawski%20report.htm](http://www.adl.org/learn/extremism_in_the_news/White_Supremacy/poplawski%20report.htm)

*Selected White Supremacist Criminal Incidents, 2009-2012*

[http://www.adl.org/main\\_Extremism/White\\_Supremacist\\_Criminal\\_Incidents.htm](http://www.adl.org/main_Extremism/White_Supremacist_Criminal_Incidents.htm)

Updated September, 2012



## ANTI-DEFAMATION LEAGUE STATE HATE CRIME STATUTORY PROVISIONS



| State         | Penalty Enhancement *1  | Penalty Enhancement for Crimes Motivated by: |                    |        |                 |            |  | Civil Action  | Data Collection *3  | Police Training *4   | Institutional Vandalism                       | Cross Burning |
|---------------|---|--|--------------------|--------|-----------------|------------|--|---|---|--|---|---------------|
|               |   | Race, Religion, Ethnicity                    | Sexual Orientation | Gender | Gender Identity | Disability | Other *2                                       |   |   |  |   |               |
| Alabama       | <a href="#">AL ST § 13A-5-13 (1993)</a>   | ✓  |                    |        |                 | ✓          |  |   |   | <a href="#">AL ST § 13A-11-12 (1977)</a>   | <a href="#">AL ST § 13A-6-28 (2003)</a>       |               |
| Alaska        | <a href="#">AS § 12.55.155 (1996)</a>   | ✓  |                    | ✓      |                 | ✓          |  |   |   |  |   |               |
| Arizona       | <a href="#">AZ ST § 13-701</a>  | ✓  | ✓                  | ✓      |                 | ✓          |  | <a href="#">AZ ST § 41-1750</a>   | <a href="#">AZ ST § 41-1750</a>   | <a href="#">AZ ST § 13-1604 (1994)</a>   | <a href="#">AZ § 13-1707</a>                  |               |
| Arkansas      |   |  |                    |        |                 |            | <a href="#">AR ST § 16-123-106</a>             |   |   | <a href="#">AR ST § 5-38-301</a><br><a href="#">AR ST § 5-71-215</a>                       |   |               |
| California    | <a href="#">CA PENAL § 422.7</a><br><a href="#">CA PENAL § 422.75</a>             | ✓  | ✓                  | ✓      | ✓               | ✓          | <a href="#">CAL. CIV. CODE § 52</a>            | <a href="#">CA PENAL § 13023 (2005)</a>   | <a href="#">CA PENAL § 13519.6 (2005)</a>                                     | <a href="#">CA PENAL § 594.3 (2005)</a><br><a href="#">CA PENAL § 11413</a>                | <a href="#">CA PENAL § 11411 (1982)</a>       |               |
| Colorado      | <a href="#">CO ST § 18-9-121 (1988)</a>   | ✓  | ✓                  |        | ✓               | ✓          | <a href="#">CO ST § 13-21-106.5 (1991)</a>     |   |   | <a href="#">CO ST § 18-9-113</a>   |   |               |
| Connecticut   | <a href="#">CT ST § 53a-40a</a>   | ✓  | ✓                  | ✓      | ✓               | ✓          | <a href="#">CT ST § 52-571c (1995)</a>         | <a href="#">CT ST § 29-7m</a>   | <a href="#">CT ST § 4a-2c (1999)</a><br><a href="#">CT ST § 7-294n (2001)</a> | <a href="#">CT ST § 46a-58 (1984)</a>  | <a href="#">CT ST § 46a-58 (1984)</a>         |               |
| Delaware      | <a href="#">DE ST TI 11 § 1304 (1995)</a>   | ✓  | ✓                  |        |                 | ✓          |  |   |   | <a href="#">DE ST TI 11 § 1331</a>   | <a href="#">DE ST TI § 805</a>                |               |
| DC            | <a href="#">D.C. Code § 22-3703</a>   | ✓  | ✓                  | ✓      | ✓               | ✓          | <a href="#">D.C. Code § 22-3704</a>            | <a href="#">D.C. Code § 22-3702</a>   |   | <a href="#">D.C. Code § 22-3312.02 (1983)</a>  | <a href="#">D.C. Code § 22-3312.02 (1983)</a> |               |
| Florida       | <a href="#">FL ST § 775.085 (1992)</a>  | ✓  | ✓                  |        |                 | ✓          | <a href="#">FL ST § 775.085 (1992)</a>         | <a href="#">FL ST § 877.19 (1996)</a>   |   | <a href="#">FL ST § 806.13 (1995)</a>  | <a href="#">FL ST § 876.17 (1951)</a>         |               |
| Georgia       |   |  |                    |        |                 |            |  |   |   | <a href="#">GA ST § 16-7-26 (1968)</a>   | <a href="#">GA ST § 16-11-37 (1974)</a>       |               |
| Hawaii        | <a href="#">HI ST § 706-662 (1972)</a>  | ✓  | ✓                  | ✓      | ✓               | ✓          |  | <a href="#">HI ST § 846-52 (2001)</a><br><a href="#">HI ST § 846-53 (2001)</a><br><a href="#">HI ST § 846-54 (2001)</a> |   | <a href="#">HI ST § 711-1107 (1993)</a>  |   |               |
| Idaho         | <a href="#">ID ST § 18-7903 (1983)</a>  | ✓  |                    |        |                 |            | <a href="#">ID ST § 18-7903 (1983)</a>         | <a href="#">ID ST § 67-2915</a>   |   | <a href="#">ID ST § 18-7902 (1983)</a>   | <a href="#">ID ST § 18-7902 (1983)</a>        |               |
| Illinois      | <a href="#">IL ST CH 720 § 5/12-7.1 (1996)</a>                                    | ✓  | ✓                  | ✓      |                 | ✓          | <a href="#">IL ST CH 720 § 5/12-7.1 (1996)</a> | <a href="#">IL ST CH 20 § 2605/2605-390 (2000)</a>  | <a href="#">IL ST CH 20 § 2605/2605-390 (2000)</a>                            | <a href="#">IL ST CH 720 § 5/21-1.2</a>  | <a href="#">IL ST CH 720 § 5/12-7.6</a>       |               |
| Indiana       |   |  |                    |        |                 |            |  | <a href="#">IN ST 10-13-3-38 (2003)</a>   |   | <a href="#">IN ST § 35-43-1-2</a>  |   |               |
| Iowa          | <a href="#">IA ST § 712.9 (1992)</a>  | ✓  | ✓                  | ✓      |                 | ✓          | <a href="#">IA ST § 729A.5 (1992)</a>          | <a href="#">IA ST § 692.15 (1996)</a>   | <a href="#">IA ST § 729A.4 (1992)</a>   |  |   |               |
| Kansas        | <a href="#">KS ST 21-4716 (1994)</a>  | ✓  | ✓                  |        |                 | ✓          |  |   |   | <a href="#">KS ST 21-4111</a>  |   |               |
| Kentucky      | <a href="#">KY ST § 532.031 (1998)</a>  | ✓  | ✓                  |        |                 |            |  | <a href="#">KY ST § 17.1523 (2007)</a>  | <a href="#">KY ST § 15.334</a>  | <a href="#">KY ST § 525.110 (1992)</a><br><a href="#">KY ST § 525.113 (1998)</a>           |   |               |
| Louisiana     | <a href="#">LA R.S. 14:107.2 (1997)</a>   | ✓  | ✓                  | ✓      |                 | ✓          | <a href="#">LA RS 9:2799.2 (1986)</a>          | <a href="#">LA R.S. 15:1204.4 (1997)</a>  | <a href="#">LA R.S. 40:2403</a>   | <a href="#">LA R.S. 14:225</a>   | <a href="#">LA R.S. 14:40.4 (2003)</a>        |               |
| Maine         | <a href="#">ME ST T. 17-A § 1151 (1995)</a>                                       | ✓  | ✓                  | ✓      |                 | ✓          | <a href="#">ME ST T. § 4682</a>                | <a href="#">ME ST T. 25 § 1544</a>  |   | <a href="#">ME ST T. 17-A § 507 (1976)</a>   |   |               |
| Maryland      | <a href="#">MD CRIM LAW § 10-306 (2002)</a>                                       | ✓  | ✓                  |        | ✓               | ✓          |  | <a href="#">MD PUBLIC SAFETY § 2-307 (2003)</a>   |   | <a href="#">MD CRIM LAW § 10-302 (2002)</a><br><a href="#">MD CRIM LAW § 10-305 (2002)</a> |   |               |
| Massachusetts | <a href="#">MA ST 265 § 39 (1997)</a>   | ✓  | ✓                  |        | ✓               | ✓          | <a href="#">MA ST 266 § 127B (1989)</a>        | <a href="#">MA ST 22C § 33 (1991)</a><br><a href="#">MA ST 22C § 34 (1991)</a><br><a href="#">MA ST 22C § 35 (1991)</a> | <a href="#">MA ST 6 § 116B (2002)</a>   | <a href="#">MA ST 266 § 98 (1960)</a><br><a href="#">MA ST 266 § 127A (1989)</a>           |   |               |
| Michigan      | <a href="#">MI ST 750.147b (1989)</a>   | ✓  |                    | ✓      |                 |            | <a href="#">MI ST 750.147b (1989)</a>          | <a href="#">MI ST 28.257a</a>   |   | <a href="#">MI ST 750.147b (1989)</a>  |   |               |
| Minnesota     | <a href="#">MN ST § 609.749 (1995)</a><br><a href="#">MN ST § 609.2231 (1989)</a> |  |                    |        |                 |            |  |   |   | <a href="#">MN ST § 609.595</a><br><a href="#">MN ST § 609.5631</a>                        |   |               |
| Mississippi   | <a href="#">MS ST § 99-19-301 (1994)</a>  | ✓  |                    | ✓      |                 |            |  |   |   | <a href="#">MS ST § 97-17-39 (1993)</a>  |   |               |

\*1. The following states also have statutes criminalizing interference with religious worship: AR, CA, DC, FL, ID, MD, MA, MI, MN, MS, MO, NV, NM, NY, NC, OK, RI, SC, SD, TN, VA, WV.

\*2. "Other" includes political affiliation ( CA, DC, IA, LA, WV), age ( CA, DC, FL, IA, HI, KS, LA, ME, MN, NE, NM, NY, VT)

\*3. States with data collection statutes which include sexual orientation are AZ, CA, CT, DC, FL, HI, IL, IA, MD, MI, MN, NV, NM, OR, TX and WA; those which include gender are AZ, CA, DC, HI, IL, IA, MI, MN, NJ, RI, TX, and WA.

\*4. Some other states have administrative regulations mandating such training.

\*5 The Utah statute ties penalties for hate crimes to violations of the victim's constitutional or civil rights.

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# ANTI-DEFAMATION LEAGUE STATE HATE CRIME STATUTORY PROVISIONS



| State          | Penalty Enhancement *1   | Penalty Enhancement for Crimes Motivated by: |                    |        |                 |            |          | Civil Action                              | Data Collection *3                       | Police Training *4                         | Institutional Vandalism   | Cross Burning                             |
|----------------|--|--|--------------------|--------|-----------------|------------|----------|---|--|--|---|---|
|                |  | Race, Religion, Ethnicity                    | Sexual Orientation | Gender | Gender Identity | Disability | Other *2 |   |  |  |   |   |
| Missouri       | <a href="#">MO ST 557.035 (1999)</a>   | ✓  | ✓                  | ✓      | ✓               | ✓          | ✓        | <a href="#">MO ST 537.523 (1988)</a>      |  |  | <a href="#">MO ST 574.085</a>   | <a href="#">MO ST 565.095 (2004)</a>      |
| Montana        | <a href="#">MT ST 45-5-222 (1982)</a>  | ✓  |                    |        |                 |            |          |   |  |  | <a href="#">MT ST 45-5-221 (1989)</a>   |   |
| Nebraska       | <a href="#">NE ST § 28-111</a>   | ✓  | ✓                  | ✓      |                 | ✓          | ✓        | <a href="#">NE ST § 28-113 (1997)</a>     | <a href="#">NE ST § 28-114</a>           |  | <a href="#">NE ST § 28-111</a>  |   |
| Nevada         | <a href="#">NV ST 193.1675 (1997)</a><br><a href="#">NV ST 207.185 (1995)</a>    | ✓  | ✓                  |        |                 | ✓          |          | <a href="#">NV ST 41.690</a>              | <a href="#">NV ST 179A.175</a>           |  | <a href="#">NV ST 206.125</a>   |   |
| New Hampshire  | <a href="#">NH ST § 651:6 (1995)</a>   | ✓  | ✓                  | ✓      |                 | ✓          |          |   |  |  |   |   |
| New Jersey     | <a href="#">NJ ST 2C:16-1 (2008)</a>   | ✓  | ✓                  | ✓      | ✓               | ✓          | ✓        | <a href="#">NJ ST 2A:53A-21 (1995)</a>    | <a href="#">NJ ST 52:9DD-9</a>           | <a href="#">NJ ST 52:9DD-9</a>             | <a href="#">NJ ST 2C:33-9 (1979)</a><br><a href="#">NJ ST 2C:33-11</a>                                    | <a href="#">NJ ST 2:C:33-10 (1995)</a>    |
| New Mexico     | <a href="#">NM ST § 31-18B-3 (1978)</a>  | ✓  | ✓                  | ✓      | ✓               | ✓          | ✓        |   | <a href="#">NM ST § 31-18B-4</a>         | <a href="#">NM ST § 31-18B-5 (2003)</a>    | <a href="#">NM ST § 30-15-4</a>   |   |
| New York       | <a href="#">NY PENAL § 485.10 (2000)</a>   | ✓  | ✓                  | ✓      |                 | ✓          | ✓        |   | <a href="#">NY EXEC § 837 (2009)</a>     |  | <a href="#">NY PENAL § 240.31</a>   |   |
| North Carolina | <a href="#">NC ST § 14-3 (1993)</a><br><a href="#">NC ST § 14-401.14</a>         | ✓  |                    | ✓      |                 |            |          | <a href="#">NC ST § 99D-1</a>             |  |  | <a href="#">NC ST § 14-144 (1995)</a><br><a href="#">NC ST § 14-62.2</a><br><a href="#">NC ST § 14-49</a> | <a href="#">NC ST § 14-12.12</a>          |
| North Dakota   | <a href="#">ND ST § 12.1-14-04</a>   | ✓  |                    | ✓      |                 |            |          |   |  |  |   |   |
| Ohio           | <a href="#">OH ST § 2927.12 (1987)</a>   | ✓  |                    |        |                 |            |          | <a href="#">OH ST § 2307.70 (1990)</a>    |  |  | <a href="#">OH ST § 2927.11 (1986)</a>  |   |
| Oklahoma       | <a href="#">OK ST T. 21 § 850 (1992)</a>   | ✓  |                    |        |                 | ✓          |          | <a href="#">OK ST T. 21 § 850 (1992)</a>  | <a href="#">OK ST T. 21 § 850 (1992)</a> |  | <a href="#">OK ST T. 21 § 1765 (1921)</a>   | <a href="#">OK ST T. 21 § 1174</a>        |
| Oregon         | <a href="#">OR ST § 166.155 (1989)</a><br><a href="#">OR ST § 166.165 (1989)</a> | ✓  | ✓                  |        | ✓               |            | ✓        | <a href="#">OR ST § 30.198</a>            | <a href="#">OR ST § 181.550</a>          | <a href="#">OR ST § 181.642</a>            | <a href="#">OR ST § 166.075 (1971)</a>  |   |
| Pennsylvania   | <a href="#">18 PA ST § 2710 (1982)</a>   | ✓  |                    |        |                 |            |          | <a href="#">42 PA ST § 8309 (1997)</a>    | <a href="#">37 PA ST § 53.11</a>         |  | <a href="#">18 PA ST § 5509</a><br><a href="#">18 PA ST § 3307 (1994)</a>                                 |   |
| Rhode Island   | <a href="#">RI ST § 12-19-38 (1998)</a>  | ✓  | ✓                  | ✓      |                 | ✓          |          | <a href="#">RI ST § 9-1-35 (1985)</a>     | <a href="#">RI ST § 42-28-46 (1994)</a>  | <a href="#">RI ST § 42-28.2-8.1 (1993)</a> | <a href="#">RI ST § 11-44-31 (1986)</a>   |   |
| South Carolina |  |  |                    |        |                 |            |          |   |  |  | <a href="#">SC ST § 16-11-535</a><br><a href="#">SC ST § 16-11-110</a>                                    | <a href="#">SC ST § 16-7-120</a>          |
| South Dakota   | <a href="#">SD ST § 22-19B-1 (1993)</a>  | ✓  |                    |        |                 |            |          | <a href="#">SD ST § 20-9-32</a>           |  |  | <a href="#">SD ST § 22-19B-2</a>  | <a href="#">SD ST § 22-19B-2</a>          |
| Tennessee      | <a href="#">TN ST § 40-35-114 (1989)</a>   | ✓  | ✓                  | ✓      |                 | ✓          |          | <a href="#">TN ST § 4-21-701</a>          |  |  | <a href="#">TN ST § 39-17-311</a><br><a href="#">TN ST § 39-14-301 (1989)</a>                             |   |
| Texas          | <a href="#">TX PENAL § 12.47 (1993)</a>  | ✓  | ✓                  | ✓      |                 | ✓          |          | <a href="#">TX CRIM PRO Art. 42.037</a>   | <a href="#">TX GOVT § 411.046 (1991)</a> |  | <a href="#">TX PENAL § 28.03</a><br><a href="#">TX PENAL § 28.08</a>                                      |   |
| Utah *5        | <a href="#">UT Code § 76-3-203.3</a>   |  |                    |        |                 |            |          |   | <a href="#">UT Code § 53-10-202</a>      |  |   |   |
| Vermont        | <a href="#">VT ST T. 13 § 1455 (1990)</a>  | ✓  | ✓                  | ✓      | ✓               | ✓          | ✓        | <a href="#">VT ST T. 13 § 1466 (1990)</a> |  |  |   | <a href="#">VT ST T. 13 § 1456 (1990)</a> |
| Virginia       | <a href="#">VA ST § 18.2-57</a>  | ✓  |                    |        |                 |            |          | <a href="#">VA ST § 8.01-42.1</a>         | <a href="#">VA ST § 52-8.5 (1988)</a>    |  | <a href="#">VA ST § 18.2-127</a><br><a href="#">VA ST § 18.2-138</a>                                      | <a href="#">VA ST § 18.2-423</a>          |
| Washington     | <a href="#">WA ST 9A.36.080 (1993)</a>   | ✓  | ✓                  | ✓      | ✓               | ✓          |          | <a href="#">WA ST 9A.36.083 (1993)</a>    | <a href="#">WA ST 36.28A.030</a>         | <a href="#">WA ST 43.101.290</a>           | <a href="#">WA ST 9.61.160</a>  | <a href="#">WA ST 9A.36.080 (1993)</a>    |
| West Virginia  | <a href="#">WV ST § 61-6-21 (1993)</a>   | ✓  |                    | ✓      |                 |            | ✓        |   | <a href="#">WV ST § 81-11-8.2.4</a>      |  |   |   |
| Wisconsin      | <a href="#">WI ST 939.645 (1996)</a>   | ✓  | ✓                  |        |                 | ✓          |          | <a href="#">WI ST 895.443</a>             |  |  | <a href="#">WI ST 943.012 (1996)</a>  |   |
| Wyoming        |  |  |                    |        |                 |            |          |   |  |  |   |   |
| <b>TOTALS</b>  | 46   | 45   | 31                 | 27     | 14              | 31         | 20       | 31  | 31                                       | 14   | 43  | 20  |

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\*2. "Other" includes political affiliation ( CA, DC, IA, LA, WV), age ( CA, DC, FL, IA, HI, KS, LA, ME, MN, NE, NM, NY, VT)

\*3. States with data collection statutes which include sexual orientation are AZ, CA, CT, DC, FL, HI, IL, IA, MD, MI, MN, NV, NM, OR, TX and WA; those which include gender are AZ, CA, DC, HI, IL, IA, MI, MN, NJ, RI, TX, and WA.

\*4. Some other states have administrative regulations mandating such training.

\*5 The Utah statute ties penalties for hate crimes to violations of the victim's constitutional or civil rights.

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| Comparison of FBI Hate Crime Statistics (2010-2000) |        |        |        |        |        |        |        |        |        |        |        |
|---|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|
|   | 2010   | 2009   | 2008   | 2007   | 2006   | 2005   | 2004   | 2003   | 2002   | 2001   | 2000   |
| <b>Participating Agencies</b>                       | 14,977 | 14,422 | 13,690 | 13,241 | 12,620 | 12,417 | 12,711 | 11,909 | 12,073 | 11,987 | 11,690 |
| <b>Agencies Reporting 1 or more Hate Crime</b>      | 1,949  | 2,034  | 2,145  | 2,025  | 2,105  | 2,037  | 2,046  | 1,967  | 1,868  | 2,106  | 1,892  |
| <b>Total Hate Crime Incidents Reported</b>          | 6,628  | 6,604  | 7,783  | 7,624  | 7,722  | 7,163  | 7,649  | 7,489  | 7,462  | 9,730  | 8,063  |

| Offenders' Reported Motivations (2010-2000) |            |            |            |            |            |             |             |             |             |            |            |
|---|------------|------------|------------|------------|------------|-------------|-------------|-------------|-------------|------------|------------|
|   | 2010       | 2009       | 2008       | 2007       | 2006       | 2005        | 2004        | 2003        | 2002        | 2001       | 2000       |
| <b>Racial Bias</b>                          | 3,135/47.3 | 3,119/48.5 | 3,992/51.3 | 3,870/50.8 | 4,000/51.8 | 3,919/ 54.7 | 4,402/ 57.5 | 3,844/ 51.3 | 3,642/ 48.8 | 4,367/44.9 | 4,337/53.8 |
| <i>Anti-Black</i>                           | 2,201/33.2 | 2,284/34.6 | 2,876/36.9 | 2,658/34.9 | 2,640/34.2 | 2,630/ 36.7 | 2,731/35.7  | 2,548/ 34.0 | 2,486/33.3  | 2,899/30   | 3,884/35.8 |
| <i>Anti-White</i>                           | 575/8.7    | 545/8.3    | 716/9.2    | 749/9.8    | 890/11.5   | 828/ 11.6   | 829/10.8    | 830/ 11.1   | 719/9.6     | 891/9.1    | 875/10.9   |
| <i>Anti-Asian / Pacific Islander</i>        | 150/2.3    | 126/1.9    | 137/1.8    | 188/2.5    | 181/2.3    | 199/ 2.8    | 217/2.8     | 231/3.1     | 217/2.9     | 280/2.9    | 281/3.5    |
| <b>Religious Bias</b>                       | 1,322/19.9 | 1,303/19.7 | 1,519/19.5 | 1,400/18.4 | 1,462/18.9 | 1,227/ 17.1 | 1,374/18.0  | 1,343/ 17.9 | 1,426/19.1  | 1,828/18.8 | 1,472/18.3 |
| <i>Anti-Jewish</i>                          | 887/13.4   | 931/14.1   | 1,013/13.0 | 969/12.7   | 967/12.5   | 848/ 11.8   | 954/12.5    | 927/ 12.4   | 931/12.5    | 1,043/10.7 | 1,109/13.8 |
| <i>Anti-Jewish</i>                          | 58/0.9     | 51/0.8     | 75/1.0     | 61/0.8     | 76/1.0     | 58/0.8      | 57/0.8      | 76/1.0      | 53/0.7      | 38/0.4     | 56/0.7     |
| <i>Anti-Protestant</i>                      | 41/0.6     | 38/0.6     | 56/0.7     | 57/0.8     | 59/0.8     | 57/0.8      | 38/0.5      | 49/0.7      | 55/0.7      | 35/0.4     | 59/0.7     |
| <i>Anti-Islamic</i>                         | 160/2.4    | 107/1.6    | 105/1.3    | 115/1.5    | 156/2.0    | 128/1.8     | 156/2.0     | 149/2.0     | 155/2.0     | 481/4.9    | 28/0.4     |
| <i>Anti-Other Religion</i>                  | 123/1.9    | 109/1.7    | 191/2.5    | 130/1.7    | 124/1.6    | 93/1.3      | 128/1.7     | 109/1.5     | 198/2.7     | 181/1.9    | 172/2.1    |
| <i>Anti-Multiple Religions, Group</i>       | 48/0.7     | 57/0.9     | 65/0.8     | 62/0.8     | 73/1.0     | 39/0.5      | 35/0.5      | 24/0.3      | 31/0.4      | 45/0.5     | 44/0.5     |
| <i>Anti-Atheism/ Agnosticism</i>            | 5/0.1      | 10/0.2     | 14/0.2     | 6/0.1      | 7/0.1      | 4/0.1       | 6/0.1       | 9/0.1       | 3/0.04      | 5/0.1      | 4/0.05     |
| <b>Ethnicity / National Origin</b>          | 847/12.8   | 777/11.8   | 894/11.5   | 1,007/13.2 | 984/12.7   | 944/ 13.2   | 972/12.7    | 1026/ 13.7  | 1,102/14.8  | 2,098/21.6 | 911/11.3   |
| <i>Anti-Hispanic</i>                        | 534/8.1    | 483/7.3    | 561/7.2    | 595/7.8    | 576/7.5    | 522/ 7.3    | 475/6.2     | 426/5.7     | 480/6.4     | 597/6.1    | 557/6.9    |
| <b>Sexual Orientation</b>                   | 1,277/19.3 | 1,223/18.5 | 1,297/16.7 | 1,265/16.6 | 1,195/15.5 | 1,017/ 14.2 | 1,197/15.6  | 1,239/ 16.5 | 1,244/16.7  | 1,393/14.3 | 1,299/16.1 |
| <b>Disability</b>                           | 43/0.65    | 96/1.5     | 78/1.0     | 79/1.0     | 79/1.0     | 53/ 0.74    | 57/0.74     | 33/0.44     | 45/0.59     | 35/0.36    | 36/0.45    |

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Compiled by the Anti-Defamation League's Washington Office from information collected by the FBI: [http://www.fbi.gov/about-us/investigate/civilrights/hate\\_crimes/](http://www.fbi.gov/about-us/investigate/civilrights/hate_crimes/)

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### FBI HCSA Did Not Report (DNR) and Zero Reporting

| Group 1 DNR-2010 |                   |                |                |                |                |                |
|------------------|-------------------|----------------|----------------|----------------|----------------|----------------|
| City             | Population (2010) | 2010 Incidents | 2009 Incidents | 2008 Incidents | 2007 Incidents | 2006 Incidents |
| 1 Honolulu, HI   | 950,268           | DNR            | DNR            | DNR            | DNR            | DNR            |
| 2 Louisville, KY | 637,428           | DNR            | DNR            | 5              | 2              | 2              |
| 3 Toledo, OH     | 315,647           | DNR            | DNR            | DNR            | DNR            | DNR            |
| 4 Lexington, KY  | 300,069           | DNR            | DNR            | 20             | 7              | 10             |

| Group 2 DNR-2010    |                   |                |                |                |                |                |
|---------------------|-------------------|----------------|----------------|----------------|----------------|----------------|
| City                | Population (2010) | 2010 Incidents | 2009 Incidents | 2008 Incidents | 2007 Incidents | 2006 Incidents |
| 1 Birmingham, AL    | 231,009           | DNR            | DNR            | DNR            | DNR            | DNR            |
| 2 Baton Rouge, LA   | 226,001           | DNR            | DNR            | DNR            | DNR            | DNR            |
| 3 Columbus, GA      | 184,576           | DNR            | 0              | DNR            | DNR            | DNR            |
| 4 Overland Park, KS | 178,669           | DNR            | DNR            | DNR            | DNR            | DNR            |
| 5 Jackson, MS       | 174,153           | DNR            | DNR            | DNR            | DNR            | DNR            |
| 6 Kansas City, KS   | 143,867           | DNR            | DNR            | DNR            | DNR            | DNR            |
| 7 Olathe, KS        | 126,090           | DNR            | DNR            | DNR            | DNR            | DNR            |
| 8 Topeka, KS        | 125,306           | DNR            | DNR            | 2              | DNR            | DNR            |
| 9 Evansville, IN    | 116,541           | DNR            | DNR            | 0              | 2              | 1              |
| 10 South Bend, IN   | 104,182           | DNR            | DNR            | 1              | DNR            | 0              |
| 11 Lafayette, LA    | 115,378           | DNR            | DNR            | DNR            | DNR            | DNR            |

| Group 1- Reporting Zero 2010 |                   |                |                |                |                |                |
|------------------------------|-------------------|----------------|----------------|----------------|----------------|----------------|
| City                         | Population (2010) | 2010 Incidents | 2009 Incidents | 2008 Incidents | 2007 Incidents | 2006 Incidents |
| 1 Jacksonville, FL           | 822,414           | 0              | 2              | 3              | 1              | 3              |
| 2 Miami, FL                  | 440,482           | 0              | 0              | 0              | 0              | 0              |
| 3 New Orleans, LA            | 356,317           | 0              | 0              | 0              | 4              | DNR            |
| 4 Tampa, FL                  | 347,830           | 0              | 5              | 2              | 13             | 18             |
| 5 Newark, NJ                 | 280,379           | 0              | 2              | 3              | 1              | 1              |
| 6 Mobile, AL                 | 255,178           | 0              | 1              | 0              | 0              | DNR            |

| Group 2- Reporting Zero-2010  |                   |                |                |                |                |                |
|-------------------------------|-------------------|----------------|----------------|----------------|----------------|----------------|
| City                          | Population (2010) | 2010 Incidents | 2009 Incidents | 2008 Incidents | 2007 Incidents | 2006 Incidents |
| 1 St. Petersburg, FL          | 243,666           | 0              | 3              | 3              | 1              | 3              |
| 2 Chandler, AZ                | 241,826           | 0              | 2              | 0              | 4              | 7              |
| 3 Winston-Salem, NC           | 232,928           | 0              | 0              | 0              | 0              | 0              |
| 4 Laredo, TX                  | 230,674           | 0              | 0              | 0              | 0              | 0              |
| 5 Lubbock, TX                 | 227,867           | 0              | 0              | 0              | 0              | 0              |
| 6 Reno, NV                    | 222,242           | 0              | 5              | 1              | 3              | 4              |
| 7 Hialeah, FL                 | 217,995           | 0              | 0              | 2              | 0              | 2              |
| 8 Irvine, CA                  | 217,193           | 0              | 3              | 9              | 2              | 5              |
| 9 Gilbert, AZ                 | 215,215           | 0              | 0              | 5              | 7              | 3              |
| 10 Savannah-Chatham Metro, GA | 210,744           | 0              | 0              | DNR            | DNR            | DNR            |
| 11 Fayetteville, NC           | 208,263           | 0              | 2              | 2              | DNR            | 0              |
| 12 Irving, TX                 | 206,308           | 0              | 0              | 0              | 0              | 0              |
| 13 Montgomery, AL             | 203,966           | 0              | DNR            | 0              | DNR            | DNR            |
| 14 Shreveport, LA             | 199,900           | 0              | 0              | 0              | DNR            | 0              |

Compiled by the Anti-Defamation League's Washington Office from information collected by the FBI.

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[www.adl.org](http://www.adl.org)

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|    |                          |         |   |     |     |     |     |
|----|--------------------------|---------|---|-----|-----|-----|-----|
| 15 | Little Rock, AR          | 192,922 | 0 | 0   | 0   | 1   | 0   |
| 16 | Amarillo, TX             | 190,393 | 0 | 0   | 0   | 0   | 0   |
| 17 | Knoxville, TN            | 185,554 | 0 | 4   | 9   | 10  | 9   |
| 18 | Huntsville, AL           | 183,357 | 0 | 0   | 0   | 0   | DNR |
| 19 | Brownsville, TX          | 180,040 | 0 | 0   | 0   | 0   | 0   |
| 20 | Grand Prairie, TX        | 166,866 | 0 | 0   | 0   | 0   | 0   |
| 21 | Joliet, IL               | 150,723 | 0 | 2   | 1   | DNR | DNR |
| 22 | Pembroke Pines, FL       | 147,343 | 0 | 0   | 0   | 0   | 1   |
| 23 | Pasadena, TX             | 145,713 | 0 | 2   | 0   | 0   | 0   |
| 24 | Hayward, CA              | 144,509 | 0 | 0   | 0   | 0   | 0   |
| 25 | Salinas, CA              | 144,242 | 0 | 3   | 2   | 2   | 0   |
| 26 | Hollywood, FL            | 142,793 | 0 | 0   | 1   | 0   | 1   |
| 27 | Elk Grove, CA            | 142,330 | 0 | 3   | 4   | 3   | 0   |
| 28 | Cary, NC                 | 141,461 | 0 | 1   | 0   | 1   | 2   |
| 29 | Orange, CA               | 137,606 | 0 | 4   | 3   | 4   | 5   |
| 30 | Syracuse, NY             | 136,284 | 0 | 0   | 1   | DNR | DNR |
| 31 | McAllen, TX              | 134,623 | 0 | 0   | 0   | 0   | 0   |
| 32 | Mesquite, TX             | 133,964 | 0 | 0   | 0   | 0   | 0   |
| 33 | Fullerton, CA            | 133,139 | 0 | 7   | 1   | 2   | 4   |
| 34 | Carrollton, TX           | 130,862 | 0 | 2   | 5   | 5   | 1   |
| 35 | Cedar Rapids, IA         | 129,605 | 0 | 0   | 3   | 0   | 1   |
| 36 | Waco, TX                 | 127,039 | 0 | 0   | 0   | 2   | 0   |
| 37 | Elizabeth, NJ            | 126,494 | 0 | 1   | 2   | 3   | 0   |
| 38 | Stamford, CT             | 122,933 | 0 | 0   | 2   | 2   | 3   |
| 39 | Killeen, TX              | 122,557 | 0 | 6   | 1   | 0   | 1   |
| 40 | Victorville, CA          | 117,057 | 0 | 0   | 0   | 0   | 0   |
| 41 | Frisco, TX               | 113,686 | 0 | 1   | 2   | 1   | 0   |
| 42 | Santa Clara, CA          | 112,917 | 0 | 1   | 1   | 2   | 1   |
| 43 | Athens-Clarke County, GA | 112,851 | 0 | DNR | DNR | DNR | DNR |
| 44 | Inglewood, CA            | 112,100 | 0 | 3   | 2   | 1   | 0   |
| 45 | Midland, TX              | 109,791 | 0 | 2   | 6   | 3   | DNR |
| 46 | Flint, MI                | 109,245 | 0 | 9   | 44  | 34  | 18  |
| 47 | Waterbury, CT            | 108,489 | 0 | 0   | 0   | 0   | 0   |
| 48 | Allentown, PA            | 108,473 | 0 | 0   | 0   | 0   | 0   |
| 49 | Westminster, CO          | 108,383 | 0 | 1   | 0   | 0   | 1   |
| 50 | Elgin, IL                | 107,731 | 0 | 2   | 1   | 1   | DNR |
| 51 | Fairfield, CA            | 104,202 | 0 | 1   | 1   | 0   | 4   |
| 52 | Erie, PA                 | 104,077 | 0 | 0   | 1   | 0   | 1   |
| 53 | Richardson, TX           | 104,051 | 0 | 0   | 1   | 0   | 1   |
| 54 | Lowell, MA               | 103,065 | 0 | 2   | 0   | 3   | 1   |
| 55 | Wilmington, NC           | 102,649 | 0 | 0   | 0   | DNR | 0   |
| 56 | Gresham, OR              | 102,540 | 0 | DNR | 0   | 0   | 0   |
| 57 | Daly City, CA            | 101,939 | 0 | 2   | 1   | 2   | 1   |
| 58 | Odessa, TX               | 101,580 | 0 | 1   | 0   | 0   | 0   |
| 59 | West Palm Beach, FL      | 101,267 | 0 | 0   | 0   | 0   | 0   |

Compiled by the Anti-Defamation League's Washington Office from information collected by the FBI.

More information about ADL's resources on response to hate violence can be found at the League's Website:

[www.adl.org](http://www.adl.org)

Updated November, 2011

# Appendix D

## Religion-Based Charges Filed with EEOC, FY 1998-2011

|                                       | Fiscal year | 2011  | 2010  | 2009  | 2008  | 2007  | 2006  | 2005  | 2004  | 2003  | 2002  | 2001  | 2000  | 1999  | 1998  |
|---------------------------------------|-------------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|
| <b>Fiscal Year Total</b>              |             | 4,150 | 3,796 | 3,389 | 3,268 | 2882  | 2534  | 2349  | 2494  | 2534  | 2575  | 2132  | 1950  | 1818  | 1,792 |
| Reasonable accommodation charges      |             | 492   | 686   | 296   | 481   | 373   | 363   | 302   | 307   | 290   | 361   | 286   | 269   | 253   | 219   |
| % of charges reasonable accommodation |             | 11.9% | 18.1% | 8.7%  | 14.7% | 12.9% | 14.3% | 12.9% | 12.3% | 11.4% | 14.0% | 13.4% | 13.8% | 13.9% | 12.2% |
| <b>7th Day Adventist</b>              |             |       |       |       |       |       |       |       |       |       |       |       |       |       |       |
| <b>Fiscal Year Total</b>              |             | 132   | 133   | 95    | 121   | 97    | 105   | 84    | 109   | 99    | 101   | 110   | 99    | 82    | 99    |
| Reasonable accommodation charges      |             | 59    | 65    | 28    | 40    | 32    | 37    | 34    | 44    | 32    | 45    | 43    | 43    | 26    | 42    |
| % of charges reasonable accommodation |             | 44.7% | 48.9% | 29.5% | 33.1% | 33.0% | 35.2% | 40.5% | 40.4% | 32.3% | 44.6% | 39.1% | 43.4% | 31.7% | 42.4% |
| % of all FY religious charges         |             | 3.2%  | 3.5%  | 2.8%  | 3.7%  | 3.4%  | 4.1%  | 3.6%  | 4.4%  | 3.9%  | 3.9%  | 5.2%  | 5.1%  | 4.5%  | 5.5%  |
| <b>Catholic</b>                       |             |       |       |       |       |       |       |       |       |       |       |       |       |       |       |
| <b>Fiscal Year Total</b>              |             | 183   | 221   | 182   | 206   | 177   | 118   | 122   | 135   | 145   | 118   | 143   | 134   | 101   | 118   |
| Reasonable accommodation charges      |             | 16    | 38    | 17    | 24    | 18    | 11    | 18    | 16    | 14    | 15    | 23    | 10    | 11    | 10    |
| % of charges reasonable accommodation |             | 8.7%  | 17.2% | 9.3%  | 11.7% | 10.2% | 9.3%  | 14.8% | 11.9% | 9.7%  | 12.7% | 16.1% | 7.5%  | 10.9% | 8.5%  |
| % of all FY religious charges         |             | 4.4%  | 5.8%  | 5.4%  | 6.3%  | 6.1%  | 4.7%  | 5.2%  | 5.4%  | 5.7%  | 4.6%  | 6.7%  | 6.9%  | 5.6%  | 6.6%  |
| <b>Jewish</b>                         |             |       |       |       |       |       |       |       |       |       |       |       |       |       |       |
| <b>Fiscal Year Total</b>              |             | 403   | 359   | 344   | 327   | 288   | 282   | 281   | 275   | 260   | 317   | 294   | 282   | 287   | 276   |
| Reasonable accommodation charges      |             | 60    | 75    | 25    | 40    | 41    | 38    | 26    | 34    | 18    | 38    | 29    | 27    | 27    | 32    |
| % of charges reasonable accommodation |             | 14.9% | 20.9% | 7.3%  | 12.2% | 14.2% | 13.5% | 9.3%  | 12.4% | 6.9%  | 12.0% | 9.9%  | 9.6%  | 9.4%  | 11.6% |
| % of all FY religious charges         |             | 9.7%  | 9.5%  | 10.2% | 10.0% | 10.0% | 11.1% | 12.0% | 11.0% | 10.3% | 12.3% | 13.8% | 14.5% | 15.8% | 15.4% |
| <b>Muslim</b>                         |             |       |       |       |       |       |       |       |       |       |       |       |       |       |       |
| <b>Fiscal Year Total</b>              |             | 880   | 798   | 806   | 665   | 607   | 594   | 507   | 504   | 598   | 720   | 330   | 284   | 282   | 285   |
| Reasonable accommodation charges      |             | 92    | 98    | 70    | 87    | 90    | 67    | 61    | 27    | 48    | 62    | 47    | 35    | 33    | 26    |
| % of charges reasonable accommodation |             | 10.5% | 12.3% | 8.7%  | 13.1% | 14.8% | 11.3% | 12.0% | 5.4%  | 8.0%  | 8.6%  | 14.2% | 12.3% | 11.7% | 9.1%  |
| % of all FY religious charges         |             | 21.2% | 21.0% | 23.8% | 20.3% | 21.1% | 23.4% | 21.6% | 20.2% | 23.6% | 28.0% | 15.5% | 14.6% | 15.5% | 15.9% |
| <b>Protestant</b>                     |             |       |       |       |       |       |       |       |       |       |       |       |       |       |       |
| <b>Fiscal Year Total</b>              |             | 260   | 312   | 231   | 282   | 258   | 233   | 206   | 228   | 241   | 204   | 210   | 178   | 171   | 159   |
| Reasonable accommodation charges      |             | 41    | 55    | 17    | 54    | 44    | 46    | 28    | 48    | 44    | 44    | 37    | 38    | 35    | 23    |
| % of charges reasonable accommodation |             | 15.8% | 17.6% | 7.4%  | 19.1% | 17.1% | 19.7% | 13.6% | 21.1% | 18.3% | 21.6% | 17.6% | 21.3% | 20.5% | 14.5% |
| % of all FY religious charges         |             | 6.3%  | 8.2%  | 6.8%  | 8.6%  | 9.0%  | 9.2%  | 8.8%  | 9.1%  | 9.5%  | 7.9%  | 9.8%  | 9.1%  | 9.4%  | 8.9%  |
| <b>Sikhs</b>                          |             |       |       |       |       |       |       |       |       |       |       |       |       |       |       |
| <b>Fiscal Year Total</b>              |             | 15    | 12    | 13    | 15    | 14    | 10    | 17    | 7     | 20    | 17    |       |       |       |       |
| Reasonable accommodation charges      |             | 1     | 3     | 1     | 1     | 2     | 4     | 6     | 1     | 1     | 3     |       |       |       |       |
| % of charges reasonable accommodation |             | 6.7%  | 25.0% | 7.7%  | 6.7%  | 14.3% | 40.0% | 35.3% | 14.3% | 5.0%  | 17.6% |       |       |       |       |
| % of all FY religious charges         |             | 0.4%  | 0.3%  | 0.4%  | 0.5%  | 0.5%  | 0.4%  | 0.7%  | 0.3%  | 0.8%  | 0.7%  |       |       |       |       |
| <b>Other</b>                          |             |       |       |       |       |       |       |       |       |       |       |       |       |       |       |
| <b>Fiscal Year Total</b>              |             | 2,277 | 1,961 | 1,730 | 1,652 | 1462  | 1203  | 1140  | 1250  | 1174  | 1100  | 1048  | 979   | 899   | 860   |
| Reasonable accommodation charges      |             | 223   | 352   | 138   | 235   | 147   | 160   | 129   | 137   | 133   | 154   | 107   | 117   | 121   | 88    |
| % of charges reasonable accommodation |             | 9.8%  | 18.0% | 8.0%  | 14.2% | 10.1% | 13.3% | 11.3% | 11.0% | 11.3% | 14.0% | 10.2% | 12.0% | 13.5% | 10.2% |
| % of all FY religious charges         |             | 54.9% | 51.7% | 51.0% | 50.6% | 50.7% | 47.5% | 48.5% | 50.1% | 46.3% | 42.7% | 49.2% | 50.2% | 49.4% | 48.0% |