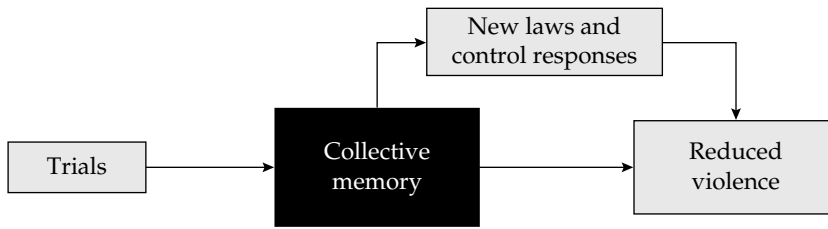


Figure 1.1 Collective Memory as an Intervening Factor Between Law and Violence



Source: Authors' figure.

are well suited to shape collective memory of past atrocities. As Hannah Arendt wrote after the Eichmann trial, "Eighteen years after the war, our knowledge of the immense archival material of the Nazi regime rests to a large extent on the selection made for prosecution" (Arendt 1963, 201). To wit, but for the trial, knowledge of events that underlie and substantiate Jewish memory of the Holocaust may have been quite different, with clear implications for collective memory. Yet we expect trials to affect collective memory in particular ways. This leads us to Thesis 2: The narrative history produced by trials is unique in that it reflects the institutional logic of the legal sphere. For example, criminal trials focus on individual perpetrators rather than on larger social forces. Moreover, evidentiary rules of trials are quite specific: evidence that may well be fair play in historical investigations is often excluded from legal proceedings. The claim of a specific institutional logic, on its own, should merit much investigation. Previous research on "accepted memory" of atrocity in the wake of selected legal and quasi-legal proceedings speaks to this issue, but many questions remain unanswered.¹⁷ We make use of innovative data in this book to examine more thoroughly whether and how trials become not only venues for determining justice but contributors to historical memory as well.

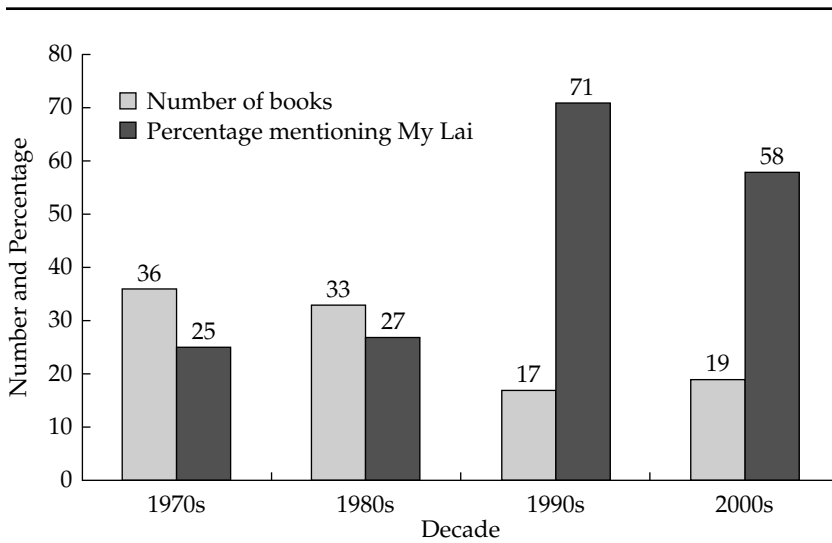
The reader will have realized by now that our argument rests on the notion of collective memory, by which we mean the ways in which collectivities share and mutually acknowledge memories of the past (a more precise definition is to follow soon). Much classic and contemporary research has explored properties of collective memory. Here we highlight (and explore in greater depth in chapter 2) a few key features from that literature, as they inform our theses. First, collective memories are socially constructed. This does not mean, of course, that the past did not happen. People did suffer pain, they cried, screamed, resigned, and many

Table 1.1 Dimensions and Examples of Cases

	None	Type of Trial or Court and Regime Status			
		Domestic		Foreign and International	
		Regime Continuity	Regime Change	Regime Continuity	Regime Change
Locus of Collective Memory					
In the United States	<i>Slavery</i>	My Lai, Haditha	Saddam Hussein	ICC (Sudan/Darfur)	IMT, ICTY (late)
In other countries	<i>Herero</i>	French collaborator trials	<i>Frankfurt Auschwitz trial</i>	<i>ICTY (early)</i>	<i>IMT</i>

Source: Authors' compilation.

Note: Entries in bold = cases for explicit study in this book; entries in italics = cases addressed in this book. "Herero" refers to the German genocide against the Herero and Namaqua peoples in today's Namibia from 1904 to 1907. "Frankfurt Auschwitz trial" refers to the trials from 1963 to 1965 of staff of the Auschwitz concentration and extermination camp. "ICC (Sudan/Darfur)" refers to prosecutions of President Omar al-Bashir of Sudan and others before the International Criminal Court. ICC = International Criminal Court; IMT = International Military Tribunal; ICTY = International Criminal Tribunal for the former Yugoslavia.

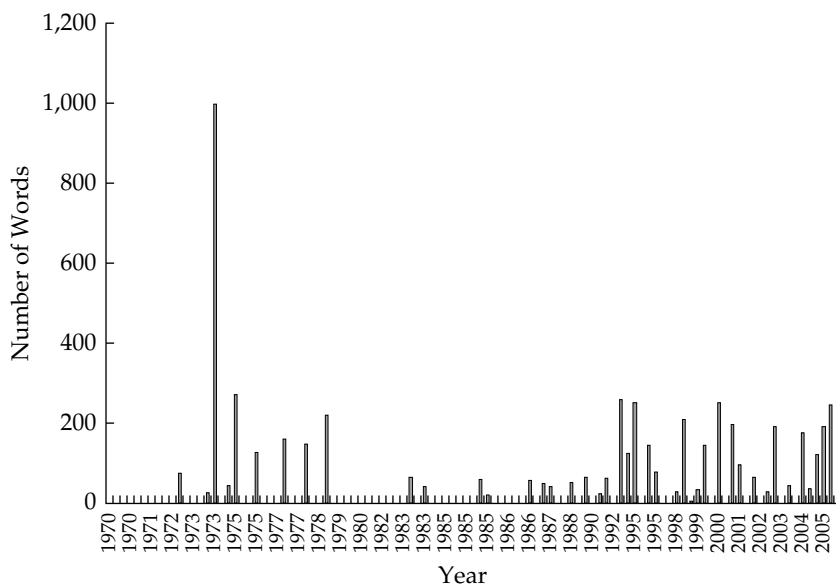
Figure 3.1 Mention of My Lai in Sampled American History Textbooks, by Decade, 1970 to 2009

Source: Authors' compilation of information from American history textbooks. See appendix A for complete list.

period of latency between the occurrence of horrific events and their firm establishment in the telling of history.¹⁶ As we show later, however, this modest resurgence of textbook reporting about My Lai did not generally affect Americans' attitudes toward their military.

Our data further indicate that even when My Lai is mentioned in history textbooks, such utterances are typically brief, sometimes utterly fleeting. In books that mention My Lai, the event is often given scant attention—approximately one small paragraph. The following quote is illustrative of such passages. After critically reporting on General Westmoreland's use of overwhelming firepower that drove many peasants into the arms of the Viet Cong, the authors of the 2003 edition of *America. Past and Present* inform their young readers: "Inevitably, these tactics led to the slaughter of innocent civilians, most notably in the hamlet of My Lai. In March of 1968, an American Company, led by Lieutenant William Calley, Jr., killed more than two hundred unarmed villagers" (Divine et al. 2003, 880).

Other descriptions provide even less detail, and few include the gruesome particularities noted in Hersh's book. For instance, *The American Pageant: A History of the Republic* includes only the following text: "Domestic disgust with the war was further deepened in 1970 by revela-

Figure 3.2 My Lai Word Count, by Year, 1970 to 2009

Source: Authors' compilation of information from American history textbooks. See appendix A for complete list.

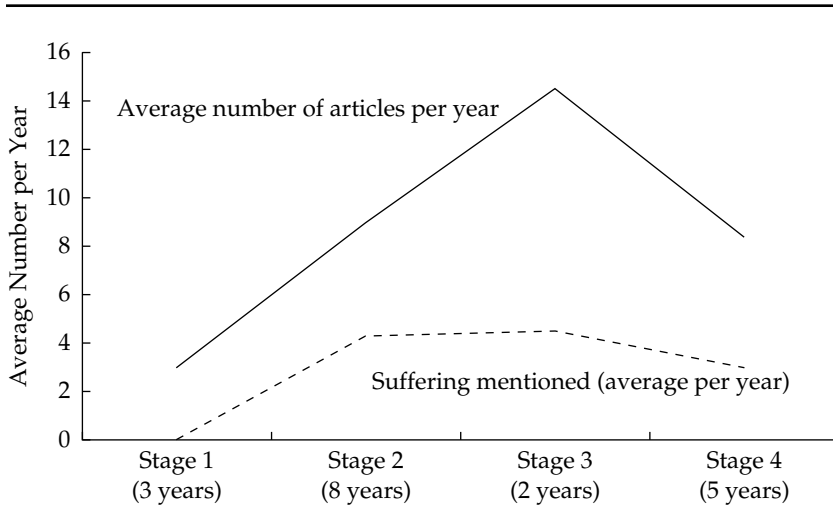
Note: The highest value was top-coded at 1,000, although the actual word count exceeded this value.

tions that in 1968 American troops had massacred innocent women and children in the village of My Lai" (Bailey, Kennedy, and Cohen 1998, 967).

Some of the books include lengthier passages that report the details of the massacre, but the modal description of the My Lai massacre—when one is found at all—is both terse and generic.¹⁷ Most of the textbooks treat the massacre either as a microcosm of combat stress that overtook soldiers after North Vietnam's Tet offensive (42 percent) or as an episode that contributed to changing attitudes about Vietnam on the home front (47 percent).¹⁸

Moreover, and most pertinent to this chapter, the trial narrative appears to be more prevalent than the commission's and Seymour Hersh's accounts in both the textbooks and the *New York Times* articles. The history textbooks show evidence of the legal narrative in multiple places. An initial and rudimentary comparison of sampled textbooks that mention My Lai revealed no direct mention of the Peers Commission report, and we found only four explicit references to Hersh's book. References to the trial, however, are more frequent. For instance, one of the earliest books in our sample to mention My Lai includes the following: "For many in the nation

Figure 5.1 Number of Sampled Articles and Mentions of Suffering, by Stage



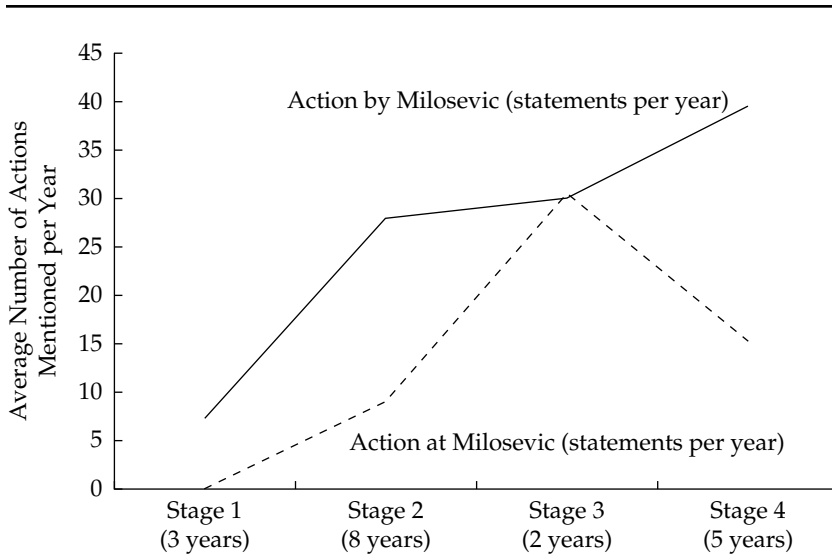
Source: Authors' compilation of information from *New York Times* articles discussed in text.

Note: Stage 1 = Before Yugoslav wars. Stage 2 = During Yugoslav wars. Stage 3 = After indictment. Stage 4 = After extradition.

reflection of the newspaper's interest in the judicial proceedings per se. It partly reflects the fact that event-specific sets of cases within our sample focus on the legal events of indictment and extradition and on Milosevic's death in custody. The postindictment era was also particularly intense as it involved not just judicial proceedings but also the end of the Kosovo War.

More interesting to us is the distribution of articles that mention diverse types of suffering across the four periods (see table B.1 in appendix B for additional detail). Surprisingly, the horrific consequences of war and war crimes are not frequently invoked in our sample of 152 *Times* reports. In fact, torture and rape are almost never mentioned, despite the systematic use of both, in line with the traditional silencing of rape campaigns during times of war. Killings and injuries are more frequently reported, especially during the war years, while the displacement of populations is mentioned most often during the periods that involve judicial proceedings.

Finally, just as the number of articles in which Milosevic's name appears increases up until the indictment phase and then slightly declines, the number of actions by Milosevic described in the articles

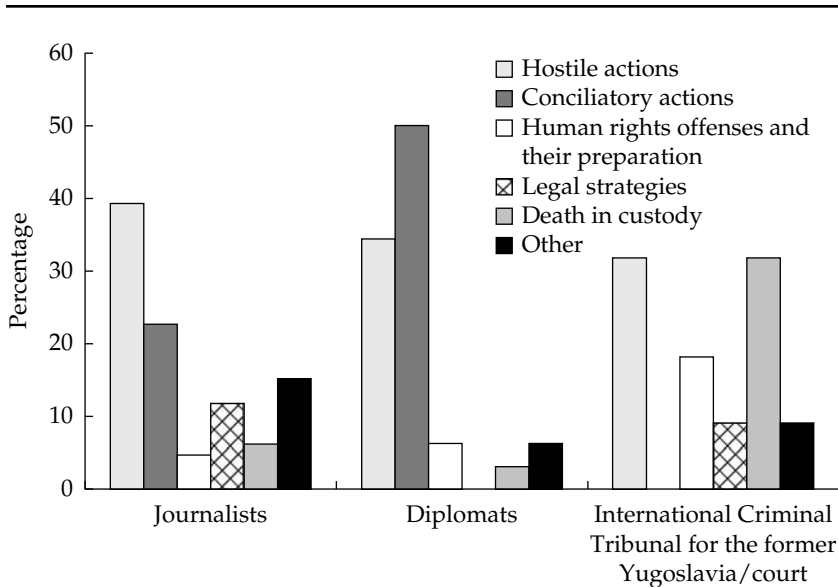
Figure 5.2 Actions by and at Milosevic, by Stage

Source: Authors' compilation of information from *New York Times* articles discussed in text.

Note: Stage 1 = Before Yugoslav wars. Stage 2 = During Yugoslav wars. Stage 3 = After indictment. Stage 4 = After extradition.

grows throughout the study period, indicating an intensifying focus on the former Serb and Yugoslav president throughout the legal proceedings (figure 5.2). According to a more detailed examination (not shown), the amount of reporting about Milosevic's actions varies considerably by year: from zero (January 1998) and two (January 1989) actions at the low end to more than fifty at the high end (January 1997; January 1999). The number of actions reported at times reflects the fact that some Januaries were high-intensity months. For example, January 1997, when Milosevic annulled local elections throughout Serbia against intense and growing protests; and January 1999, the month immediately preceding the North Atlantic Treaty Organization (NATO) military campaign against Serbia, filled with negotiations and ultimatums.

However, other Januaries were also crowded with intense events but are not reflected as such in the number of reports. Examples include the Januaries of 1994 and 1995, when the Bosnian War was raging but only seven and four, respectively, actions by Milosevic were reported in the *Times*. Actions reported around special events, such as Milosevic's indictment in 1999, his extradition to the ICTY in 2001, the beginning of his trial in 2002, and his death in March 2006, are again much more numerous.

Figure 5.3 Depictions of Milosevic's Actions, Based on Sources

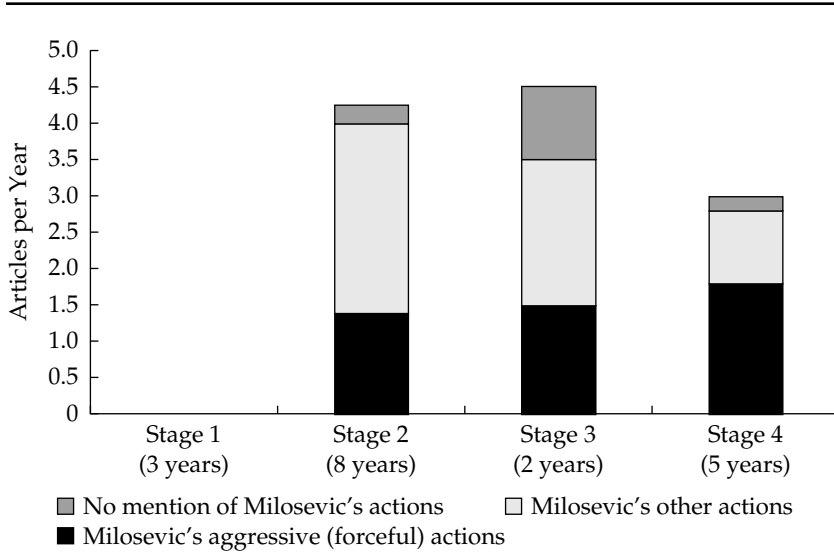
Source: Authors' compilation of information from *New York Times* articles discussed in text.

Note: Other categories of sources, including Milosevic or his representatives, Western governments, and others, are omitted from the figure. Hostile actions include enhanced nationalism and conflicts, military action to advance the Serbian cause, uncooperativeness with the West or the United Nations, and advancement of authoritarian causes. Human rights offenses and their preparation include (advancing) human rights offenses and commanding of these actions.

legal strategies. More than 30 percent speak to Milosevic's death in custody of the ICTY. These last are mostly defensive in nature, attributing the death to Milosevic's deliberately improper use of medications to impede legal proceedings and to force release to medical care in Russia.

Even the basic information provided in figure 5.3 indicates that the image of Milosevic is quite different when accounts rely on diplomatic sources for information. Half of these statements describe a man who engages in conciliatory action. Yet diplomats do not consistently paint a rosy picture of Milosevic. About one-third of statements refer to hostile actions generally, and 6 percent to human rights offenses specifically. The many statements about Milosevic for which journalists do not cite sources mention his hostile actions most frequently, but a good 20 percent also depict a conciliatory Milosevic. Here we see reflected traces of both the accusatory nature of the criminal law discourse and the conciliatory tone of diplomacy.

Figure 5.4 Individualizing Nature of Articles Mentioning Suffering and Milosevic's Actions, by Stage



Source: Authors' compilation of *New York Times* articles discussed in text.

Note: Aggressive (forceful) actions include general forceful aggressive actions (military action to advance the Serbian cause, forceful action to advance an authoritarian cause) and human rights offenses and their preparation (advancing and commanding human rights offenses). Stage 1 = Before Yugoslav wars. Stage 2 = During Yugoslav wars. Stage 3 = After indictment. Stage 4 = After extradition.

The association between negative depictions of Milosevic and the timing of events is reflected in figure 5.4, which illustrates patterns from articles in which atrocities are reported and shows simultaneously the proportion of articles in which different types of actions by Milosevic are depicted. While Milosevic's actions are referred to in almost all of these articles, the proportion of aggressive and forceful actions as well as human rights offenses and their preparation is highest in the final, postextradition, or trial, stage.

In an attempt to separate time and sector effects we conducted a multivariate analysis in which we regressed the type of action undertaken by Milosevic on the sources of information and on time periods (see table 5.2). Looking first at the likelihood of references to conciliatory actions, we find that model 1 shows that information provided by diplomats is significantly more likely to view Milosevic as a conciliatory actor than are journalistic and judicial sources. We also see that Milosevic is significantly less likely to be portrayed as a conciliatory actor after extradition

Table 5.1 Yugoslav Wars, International Intervention, and Legal Proceedings, 1989 to 2001

Year	Yugoslav History and Wars	International Intervention	ICTY
Stage 1: Before Wars 1989	“May 8 . . . : Mr. Milosevic became President of Serbia.”		
Stage 2: During Wars (as of June 1991) 1991	“June: Slovenia and Croatia seceded from Yugoslavia. Slovenia won independence in 10 days. In Croatia, clashes between Serbian troops and Croatian defense forces erupted into full-scale war.” August to November: destruction of Vukovar, Croatia, and execution and expulsion of Croatian population.		
1992	Spring 1992 into 1993: Ethnic cleansing and rape houses in Foca, Bosnia (Hagan 2003, 46–51). Ethnic cleansing in Prijedor, Bosnia, and death camps of Omarska and Keraterm (Hagan 2003, 46–51).	“January . . . : Truce brokered in Croatian-Serbian war.” “April 1992: Bosnia and Herzegovina’s independence was recognized by the United States and European countries.”	October: Commission of experts established by UN Security Council Resolution 780.
1993	1993–1995: Siege of Sarajevo.		February: ICTY established by UN Security Council. July: Richard Goldstone named first chief prosecutor.

1995	July: Massacre at Srebrenica (Hagan 2003, chap. 5).	"November . . . : Mr. Milosevic and leaders from Croatia and Bosnia reached an agreement near Dayton, Ohio, to end the war. Bosnia was divided into a Muslim-Croat federation and a Bosnian Serb republic."	First trial, against Duško Tadic.
1996			In absentia hearings against Radovan Karadzic and Ratko Mladic; Louise Arbour replaces Goldstone.
1997	"July 15 . . . : Mr. Milosevic was elected President of Yugoslavia."		
1998	"January 1998: Albanian rebels in Kosovo assassinated a Serbian official; clashes between Serbian police and Albanians grew."		
Stage 3: 1999	After Indictment (as of May 1999) First half of 1999: Massacres of Kosovo Albanians and expulsion on a massive scale. "June . . . : Serbian forces withdrew from Kosovo." "October . . . : Serbs drove Mr. Milosevic from power after he tried to steal the Yugoslav presidential election from Vojislav Kostunica."	"March 1999: NATO began bombing Yugoslavia to end the repression of Albanians in Kosovo."	May: Milosevic indicted. Carla Del Ponte becomes chief prosecutor.
2000			March: Beginning of Srebrenica trial. Beginning of Foca rape trial.

(Table continues on p. 80.)

Table 5.1 *Continued*

Year	Yugoslav History and Wars	International Intervention	ICTY
2001	Stage 4: After Extradition (as of June 2001)		<p>“June 28 . . . : Mr. Milosevic was sent [extradited] to the United Nations war crimes tribunal at The Hague.”</p> <p>“Slobodan Milosevic’s trial is scheduled to begin tomorrow at The Hague. The charges stem from the wars in Croatia, Bosnia, and Kosovo.” The indictments against Mr. Milosevic are listed in a separate line:</p> <p>“CROATIA 32 counts: For crimes against Croats and other non-Serbs from August 1991 to June 1992.</p> <p>BOSNIA 29 counts: For crimes, including genocide, against Bosnian Muslims, Bosnian Croats, and other non-Serbs. An estimated 200,000 people died and millions were driven from their homes from March 1992 to December 1995.</p> <p>KOSOVO 5 counts: For crimes against Kosovo Albanian citizens. Hundreds were killed and more than 800,000 were driven out from January to June in 1999.”</p> <p>March 11: Milosevic dies in the custody of the ICTY.</p>
2006			

Source: Authors’ compilation of information from Hagan (2003) and *New York Times* articles on Slobodan Milosevic.

Note: ICTY = International Criminal Tribunal for the former Yugoslavia; UN = United Nations; NATO = North Atlantic Treaty Organization; ICC = International Criminal Court.

Table 5.2 Logistic Regression Coefficients

	Model 1 Conciliatory Actions	Model 2 Aggressive (Forceful) Actions
Sources ^a		
Milosevic and representatives	.127 (.326)	-.934# (.499)
Diplomats	.848* (.401)	.560 (.769)
Judicial		1.098* (.453)
Western governments	-.061 (.403)	-.040 (.435)
Other source	-.147 (.313)	-.069 (.365)
Stages ^b		
After indictment	.126 (.314)	.126 (.385)
After extradition	-2.021*** (.409)	.158 (.403)
Constant	-.805 (.188)	-2.342*** (.263)
-2 Log-likelihood	478.60	430.27

Source: Authors' compilation of data from *New York Times* articles about Slobodan Milosevic.
 Note: Standard errors are in parentheses. Conciliatory actions include cooperating with the West or the United Nations, stressing peaceful means, advancing Yugoslavian unity, and making concessions. Aggressive (forceful) actions include military action to advance the Serbian cause, (advancing) human rights offenses, commanding human rights offenses, and forceful action to advance an authoritarian cause.

^a"Journalistic" is the omitted reference category in model 2. Journalistic and judicial sources are the reference category in model 1. In the latter case there were extremely small cell frequencies for the "journalistic" dummy variable, and thus it is used as part of the reference category. Additional analyses that eliminated cases coded as "1" on judicial source and analyses using alternative reference categories yielded the same substantive results.

^b"Before war" and "during war" are omitted as the reference categories.

#p<.10; *p<.05; ***p<.001

than during the prewar and war years (the latter two periods omitted as reference categories in table 5.2). Even when we controlled for the source of information, it appears that the collaborative Milosevic is more likely to be depicted in the earlier phases. The trial phase puts an end to that image, and his portrayal in the media reverses course after extradition.

In a second analysis we examined the sector and time effects on the likelihood that Milosevic is associated with aggressive and forceful actions. Here we find that judicial sources are more likely than other

Table 6.1 Official Days of Commemoration in Germany and the United States

	Germany	United States
Type of memory		
Domestic achievements	<p>May 23, Constitution Day (passing of the Basic Law in 1949)</p> <p>October 3, Day of German Unity (new states [former German Democratic Republic] joining the Federal Republic of Germany)</p> <p>November 9, Memory of the Fall of the Berlin Wall (events of 1989)</p>	<p>February 16, Presidents' Day (originally Washington's and Lincoln's birthdays)</p> <p>June 14, Flag Day (celebrating national symbol)</p> <p>July 4, Independence Day (commemorating the country's founding)</p> <p>November 25, Thanksgiving (commemorating friendly encounters between Europeans and Native Americans in early colonial history)</p>
Domestic resistance	<p>May 1, Labor Day (past working-class struggles and present-day labor issues)</p> <p>June 17, Memorial Day of the German People (1954 East German revolt against Communist regime, crushed by East German and Soviet military [before 1990 Day of National Unity])</p> <p>July 20, Memorial Day for the Assassination Attempt against Hitler and the German Resistance</p>	<p>January 19, Martin Luther King Jr. Birthday (commemorating the civil rights leader)</p> <p>September 1, Labor Day (removed from symbolically significant day of May 1, Chicago Haymarket riot)</p>

National evil	January 27, Day of Commemoration of the Victims of National Socialism (anniversary of the liberation of Auschwitz concentration and extermination camp) November 9, Memory of the Reichspogromnacht 1938 (night of murder and destruction against Jews, synagogues, and Jewish property)	None
Liberation by foreign powers	May 8, Day of the End of the War and the Liberation from National Socialism (see Olick 1999b)	None
Commemoration of military	November, People's Day of Mourning (day of mourning for soldiers killed in wars, typically last weekend in November)	May 23, Memorial Day (honoring America's war dead) November 11, Veteran's Day (honoring military veterans, originally Armistice Day, scheduled on date of end of World War I to honor veterans of foreign wars)

Source: Savelsberg and King (2005, 592–93). Reprinted with permission of University of Chicago Press.

Table 6.2 Memorial Sites in or Near Nations' Capitals, Germany and the United States

		Germany	United States
Type of memorial			
Domestic achievements	None		Washington Memorial (honoring first president) Lincoln Memorial (honoring defeat of slavery and preservation of national unity [references to Gettysburg and second inaugural addresses]) Ford's Theatre (site of assassination of Abraham Lincoln) Jefferson Memorial (honoring writer of the Declaration of Independence) Roosevelt Memorial (honoring "world leader who brought America through the depression and World War II")
Domestic resistance	German Resistance Memorial		None

(Table continues on p. 116.)

Table 6.2 *Continued*

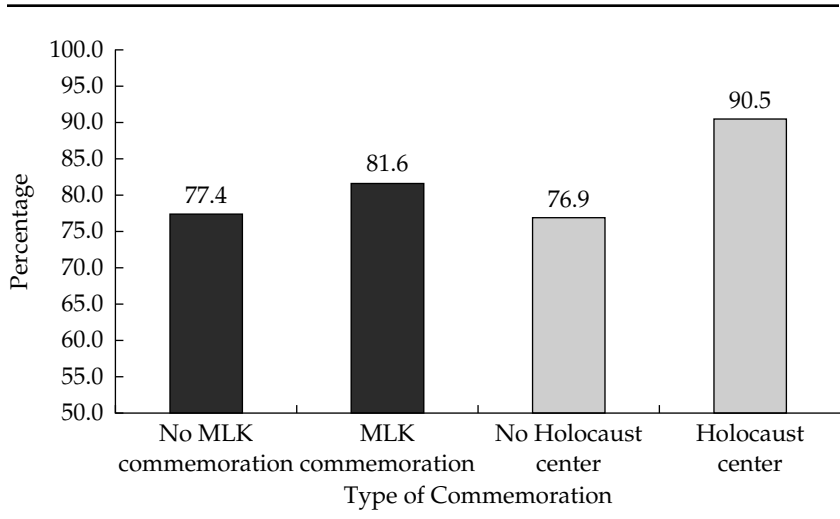
	Germany	United States
National evil	<p>Anne Frank Center (exhibit on her life, hiding, and death in Bergen-Belsen concentration camp)</p> <p>Plötzensee Memorial Center (honoring victims of Nazi regime and its “justice” system)</p> <p>Sachsenhausen Memorial Center and Museum (commemorating victims of concentration camp closest to Berlin)</p> <p>Köpenick Week of Bloodshed June 1933 Memorial (recognizing brutal mistreatment of political opponents by Sturmabteilung in Berlin neighborhood of Köpenick)</p> <p>House of the Wannsee Conference (site where leading Schutzstaffel and high civil servants outlined the Holocaust on January 20, 1942)</p> <p>Memorial to the Murdered Jews of Europe (massive memorial to the Jewish victims of the Holocaust in Berlin’s center)</p>	None

Foreign evil None
Military None
and war

United States Holocaust Memorial Museum
Korean War Memorial (“determined to support the world’s imperiled democracies, the United States immediately sent troops”)
Vietnam Veterans Memorial (honoring “the men and women of the armed forces that served in Vietnam”)
Women’s Vietnam Veterans Memorial (“honoring . . . women . . . who served in the Republic of Vietnam during the Vietnam era”)
Iwo Jima Memorial (“dedicated to all marines who have given their lives in defense of the United States”)
United States Navy Memorial
Arlington National Cemetery (“the final resting place of thousands of American soldiers, sailors, and airmen” [also listing the tomb of the Unknown Soldier, John F. Kennedy and Robert Kennedy graves, Arlington House, and the Women in Military Service for America Memorial])

Source: Savelsberg and King (2005, 594–95). Reprinted with permission of the University of Chicago Press.
Note: Memorial sites as listed on legislatures’ and state department websites.

Figure 9.1 Coincidence of Hate Crime Statistics Act Compliance and Commemoration, by Type of Commemoration

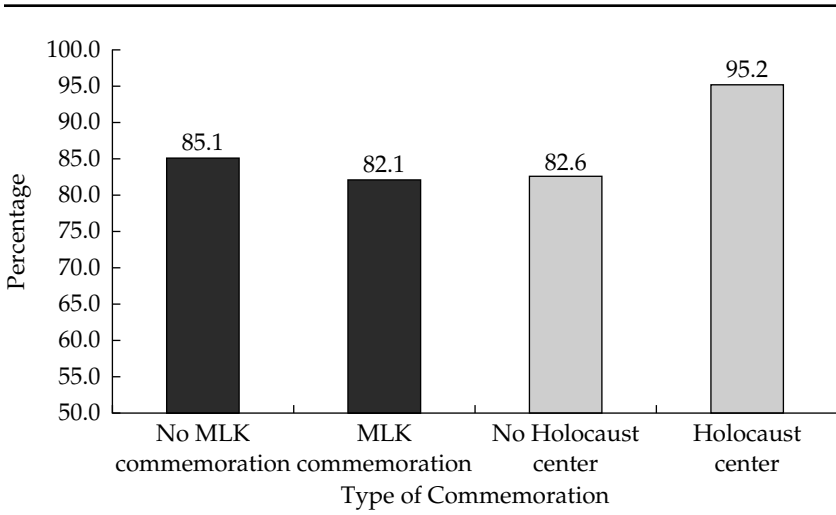


Source: Authors’ compilation of data from Law Enforcement Management Statistics Survey (U.S. Department of Justice, Bureau of Justice Statistics 2001), Hate Crimes Statistics (U.S. Department of Justice, Federal Bureau of Investigation 2000), and authors’ information on presence of Martin Luther King Jr. (MLK) schools and streets and Holocaust centers or memorials.

As a second measure of hate crime law implementation, we examine whether the city’s police department created a policy or a hate crime unit to respond to these types of crime.²⁶ Figure 9.2 provides an initial look at this comparison, and the results are comparable to those reported in the previous figure. We find no statistically significant difference between cities with and without Martin Luther King commemorations; here, in fact, the relationship is slightly opposed to our expectations. Yet the data show a significant and substantial difference for cities with Holocaust memorials relative to those without (95.2 versus 82.6 percent).

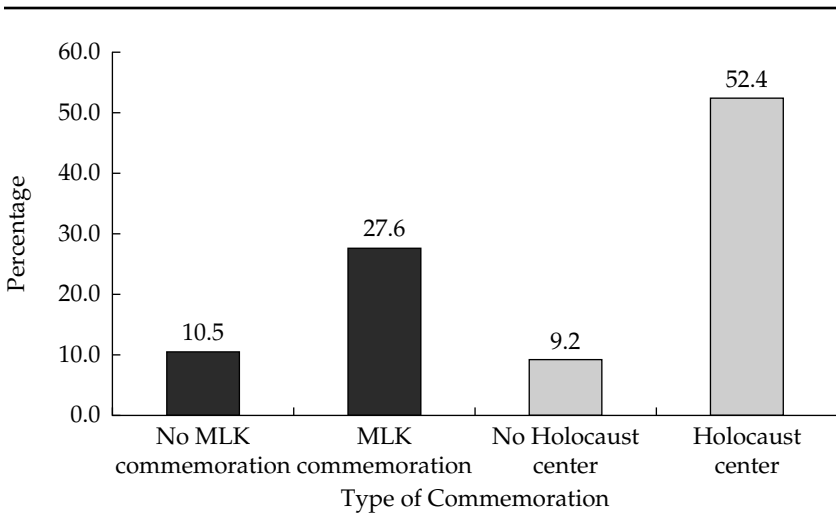
Our final two measures pertain to district attorney’s offices rather than police departments. One way that prosecutors can implement hate crime law at the local level is by creating office policies or designating specific personnel to this type of crime.²⁷ The results of this comparison, shown in figure 9.3, suggest significant differences for each type of commemoration. Only about 10 percent of district attorney’s offices in places without Martin Luther King or Holocaust commemorations, as defined earlier, had implemented an office policy as of 2003. By comparison, nearly 28 percent of offices in districts with King commemorations and

Figure 9.2 Coincidence of Hate Crime Policies in Police Departments and Commemoration, by Type of Commemoration

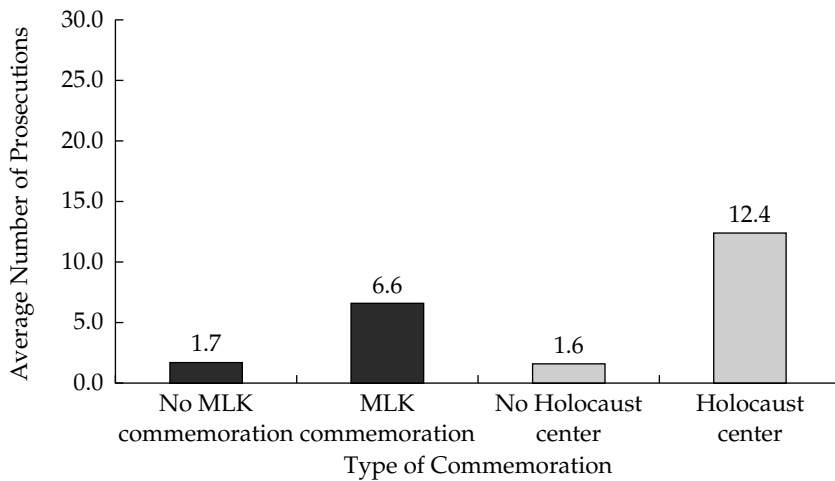


Source: Authors' compilation of data from Law Enforcement Management Statistics Survey (U.S. Department of Justice, Bureau of Justice Statistics 2001), Hate Crimes Statistics (U.S. Department of Justice, Federal Bureau of Investigation 2000), and authors' information on presence of Martin Luther King Jr. (MLK) schools and streets and Holocaust centers or memorials.

Figure 9.3 Coincidence of Hate Crime Policies in District Attorney's Offices and Commemoration, by Type of Commemoration



Source: Authors' survey of district attorney's offices and authors' information on Martin Luther King Jr. (MLK) schools and streets and Holocaust centers and memorials.

Figure 9.4 Coincidence of Hate Crime Prosecutions and Commemoration, by Type of Commemoration

Source: Authors' survey of district attorney's offices and authors' information on Martin Luther King Jr. (MLK) schools and streets and Holocaust centers and memorials.

more than 52 percent of those in districts with Holocaust commemorations had hate crime policies or designated personnel.

Finally, we compare the number of hate crime prosecutions in districts with and without each type of commemoration (figure 9.4). In districts without commemorations, fewer than two cases of hate crime, on average, were prosecuted. Districts with commemorations of Martin Luther King average more than six hate crime prosecutions, and those with Holocaust commemorations more than a dozen.

All in all, there is at least a *prima facie* case to be made that local law enforcement responses to hate crime are associated with these specific depictions of collective memory. In some cases the differences on our outcome variables are quite remarkable, particularly for Holocaust commemorations. Nevertheless, we acknowledge that several factors could explain these correlations. The bar graphs might look considerably different if we accounted for some simple demographic factors such as the proportionate number of blacks or Jews. Perhaps places with larger Jewish populations are more likely to have Holocaust centers, although they might also provide more opportunity for hate crimes against Jews to be perpetrated, which could in turn elevate compliance. We might also point to the political environment. One could argue that liberal

Table 9.1 Regression Models

	Compliance	Police Department Policy	District Attorney's Office Policy	Prosecutions
Martin Luther King commemoration	.57*	-.13	.03	-.10
Holocaust commemoration	.95*	.51*	.89*	-.21
N	490	475	385	380

Sources: LEMAS survey and the authors' survey of district attorney's offices.

Note: Logistic regression was used for the compliance and district attorney's office policy models, an ordered logit estimator was used for the ordinal variable measuring police department policy, and a negative binomial estimator was used for the analysis of prosecutions. Models control for variables described in note 28, although these coefficients are not shown in the table.

* $p < .05$, one-tailed test

strongholds are more apt to commemorate episodes of injustice and also more likely to comply with legislation concerning civil rights.

Fortunately, we can statistically control for these and other potentially confounding variables in a regression model, which is shown in table 9.1.²⁸ Some of the bivariate correlations change appreciably when other covariates are taken into account. For instance, the association between naming streets or schools after Martin Luther King and compliance with the HCSA is now statistically significant ($b = .57$). Interestingly, this association was not significant in figure 9.1, but a suppressed effect emerged once we controlled for the proportion of African Americans in the city. The coefficient likely becomes significant because the percent black in the city is positively correlated with Martin Luther King street and school naming but negatively correlated with hate crime law compliance.²⁹ When we control for black population size, the commemoration of King emerges as a significant predictor of compliance. However, these commemorations are no longer significantly correlated with any other outcome variable. Taken together, it seems that commemorations of Martin Luther King are generally uncorrelated with local implementation and enforcement of hate crime law, a finding that we return to later.

The results in table 9.1 show that Holocaust memorials remain significantly associated with implementation in three of the four models, even when we control for other demographic factors, including an estimate of Jewish population size. The only measure for which the association is no longer significant is the number of prosecutions. It seems that commemorations of the Holocaust are associated with symbolic measures,

Table 10.1 Regime Status and Type of Trial

	Type of Trial		
	None	Domestic Court	Foreign or International Court
Regime status			
Continuity	Slavery in the United States Atrocities against Native Americans U.S. Internment of Japanese (World War II) Stalinist purges German genocide against Herero	<i>My Lai</i> <i>Haditha</i> <i>Abu Ghraib</i>	Balkans (early phase) Sudan, Darfur
Change	Post-Communist Russia Armenian genocide	Frankfurt Auschwitz trial Iraq trials after Hussein's rule Argentina after Dirty War Chile after Pinochet	International Military Tribunal Nuremberg Subsequent Nuremberg trials Eichmann trial, Jerusalem Tokyo trial Rwanda trial Balkans (later phase)

Source: Authors' compilation.

Note: Entries in bold italic = trials in which only low-level, frontline agents were prosecuted. "Herero" refers to the German genocide against the Herero and Namaqua peoples in today's Namibia from 1904 to 1907. "Frankfurt Auschwitz trial" refers to the trials from 1963 to 1965 of staff of the Auschwitz concentration and extermination camp. "Sudan, Darfur" refers to prosecutions of President Omar al-Bashir of Sudan and others before the International Criminal Court.

in earlier chapters. The key point is that the table demarcates important dimensions of trials that are likely to have an impact on collective memory, even if indirectly. A few provisional conclusions reach beyond the specific empirical cases discussed in the preceding chapters. For one, table 10.1 indicates that cases followed by regime continuity are less likely to result in criminal trials than those involving regime change, a point we return to shortly. In addition, among cases with regime continuity in which trials did occur, low-level perpetrators appear concentrated in one particular cell: regime continuity combined with a domestic trial. Of the

Table 10.2 Intensity of Collective Memory, by Regime Status and Type of Trial

	Type of Trial		
	None	Domestic Court	Foreign or International Court
Regime status			
Continuity	<i>Slavery in America</i> <i>Atrocities against Native Americans</i> <i>U.S. internment of Japanese (World War II)</i> Stalinist purges German genocide against Herero	My Lai Haditha Abu Ghraib	<i>Balkans</i> (early phase) <i>Sudan, Darfur</i>
Change	Post-Communist Russia Armenian genocide ^a	<i>Frankfurt Auschwitz trial</i> Iraq trials after Hussein's rule <i>Argentina after Dirty War</i> <i>Chile after Pinochet</i>	<i>International Military Tribunal, Nuremberg</i> <i>Subsequent Nuremberg trials</i> <i>Eichmann trial, Jerusalem Tokyo trial Rwanda trial</i> <i>Balkans</i> (later phase)

Source: Authors' compilation.

Note: Entries in bold and italics = intense and unified acknowledgment or memory; entries in italics = struggle over acknowledgment or memory; normal font = weak memories. "Herero" refers to the German genocide against the Herero and Namaqua peoples in today's Namibia from 1904 to 1907. "Frankfurt Auschwitz trial" refers to the trials from 1963 to 1965 of staff of the Auschwitz concentration and extermination camp. "Sudan, Darfur" refers to prosecutions of President Omar al-Bashir of Sudan and others before the International Criminal Court.

^aTrials attempted but aborted.

typology to the intensity of collective memories. Using our two dimensions to predict the intensity of memory is admittedly more complex and perhaps more prone to error because collective memories for several of these cases have not been fully studied and in some cases remain in flux.

A first glance at table 10.2 again suggests a fairly clear pattern. Cases that did not result in criminal trials, with or without regime continuity, show weak or contested memories. This is most clearly illustrated by the USSR in the post-Stalinist era and in the case of the German genocide

= Appendix B =

Detailed Tables on Coverage of Milosevic

Table B.1 Sampled Articles, by Stage and Content

	Stage 1 (Three Years)	Stage 2 (Eight Years)	Stage 3 (Two Years)	Stage 4 (Five Years)	Total (Eighteen Years)
Number of articles	9 (3)	72 (9)	29 (14.5)	42 (8.4)	152 (8.44)
Front-page articles	2 (0.67)	16 (2)	7 (3.5)	5 (1)	30 (1.67)
Suffering mentioned	0 (0)	34 (4.25)	9 (4.5)	15 (3)	58 (3.22)
Injury	0 (0)	8 (1)	1 (0.5)	0 (0)	9 (0.5)
Rape	0 (0)	1 (0.125)	1 (0.5)	0 (0)	2 (0.11)
Killing	0 (0)	33 (4.125)	5 (2.5)	15 (3)	53 (2.94)
Refugees	0 (0)	6 (0.75)	4 (2)	7 (1.4)	17 (0.94)

Source: Authors' compilation of information from *New York Times* articles about Slobodan Milosevic.

Note: Average number of articles per year in parentheses. Values under "suffering mentioned" do not add up to category totals because articles can mention more than one type of suffering.

Table B.2 Public Statements about Slobodan Milosevic, by Stage

	Stage 1 (Three Years)	Stage 2 (Eight Years)	Stage 3 (Two Years)	Stage 4 (Five Years)	Total (Eighteen Years)
Action by Milosevic	22 (7.33)	224 (28)	60 (30)	198 (39.6)	504 (28)
Journalist	12 (4)	98 (12.25)	19 (9.5)	78 (15.6)	207 (11.5)
Milosevic and representatives	3 (1)	25 (3.125)	12 (6)	73 (14.6)	113 (6.28)
Diplomats	0 (0)	30 (3.75)	1 (0.5)	1 (0.2)	32 (1.78)
Judicial (ICTY/Court)	0 (0)	1 (0.125)	0 (0)	21 (4.2)	22 (1.22)
Western governments	0 (0)	28 (3.5)	8 (4)	2 (0.4)	38 (2.11)
Other	7 (2.33)	42 (5.25)	20 (10)	23 (4.6)	92 (5.11)
Action at Milosevic	0 (0)	73 (9.125)	61 (30.5)	76 (15.2)	210 (11.67)
Journalist	0 (0)	21 (2.625)	24 (12)	56 (11.2)	101 (5.61)
Milosevic and representatives	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
Diplomats	0 (0)	6 (0.75)	0 (0)	0 (0)	6 (0.33)
Judicial (ICTY/Court)	0 (0)	1 (0.125)	1 (0.5)	9 (1.8)	11 (0.61)
Western governments	0 (0)	31 (3.875)	18 (9)	3 (0.6)	52 (2.89)
Other	0 (0)	14 (1.75)	18 (9)	8 (1.6)	40 (2.22)

Source: Authors' compilation of information from *New York Times* articles about Slobodan Milosevic.

Note: Average number of articles per year in parentheses. ICTY = International Criminal Tribunal for the former Yugoslavia.