Figure 1.1 Summary of Select Institutional Spheres of Policy Activity on Hate Crime

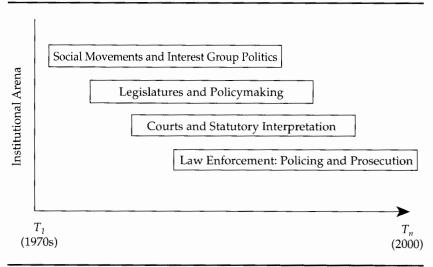


Figure 2.1 Year of Ratification of Victim Bill of Rights, 1982 to 1999

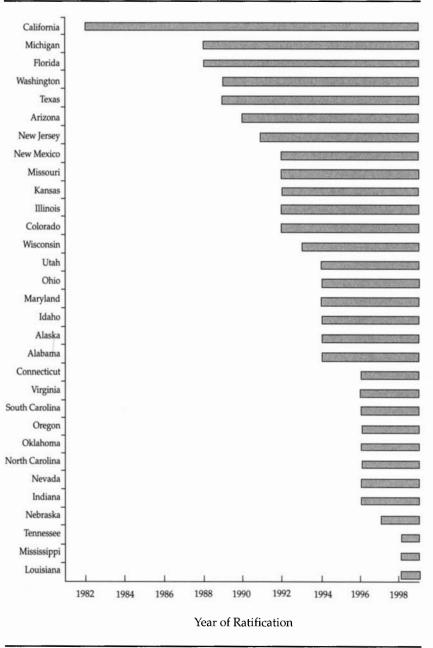


Figure 2.2 The Convergence of Rights Movements and the Emergence of an Anti-Hate-Crime Movement in the Late Twentieth Century

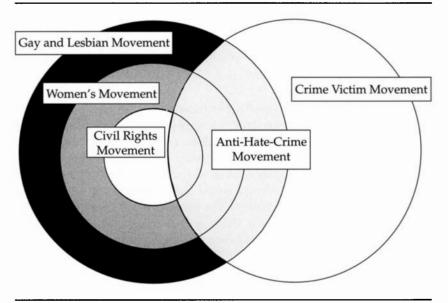
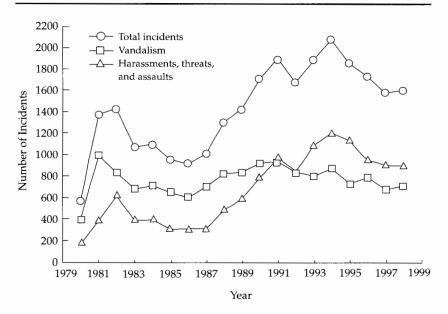


Figure 2.3 Incidence of Anti-Semitic Violence, National Totals, from 1980 to 1998



Source: Anti-Defamation League, 1999.

Figure 2.4 Distribution of Hate Groups in the United States, 1999



Source: Southern Poverty Law Center, 1999.

Type of Bias-Motivation

Bias-Motivated Offenses Reported by the Uniform Crime Reports, 1991 to 1998

2,963

Table 3.1

Anti-Asian or Pacific Islander

Anti-other ethnicity or nationality

Anti-multiracial group

Ethnicity or national origin

Anti-other religious group

Anti-Hispanic

Anti-Jewish

Anti-Catholic

Anti-Islamic

Anti-Protestant

Religion

Race

Anti-white	888	1,664	1,600	1,253	1,511	
Anti-black	1,689	2,884	2,985	2,668	3,805	
Anti-Native American or Alaskan native	11	31	36	26	59	

5,050

1,240

1,084

5,085

1,245

1,104

4,387

1,232

1,080

6.170

1,414

1,145

1,022

6.767

1,384

4,469

1,500

1,182

1,163

5,898

1,267

3,838

1,483

1,159

1,083

5,360

3,573

1,475

1,145

Anti-multireligious group	11	14	11	14	25	27	26	45
Anti-atheist, agnostic, and so on	4	1	3	3	1	2	3	2
Sexual orientation	425	944	938	780	1,266	1,256	1,375	1,439
Anti-male homosexual			665	561	915	927	912	972
Anti-female homosexual			113	119	189	185	229	265
Anti-homosexual	421	928	111	77	125	94	210	170
Anti-heterosexual	3	13	28	16	19	38	14	13
Anti-bisexual	1	3	1	7	18	12	10	19
Disability				_			12	27
Anti-physical					_		9	14
Anti-mental							3	13
Multiple bias			_	_	23	20	10	15
Total	4,755	8,075	7,969	7,144	9,895	10,706	9,861	9,235
Number of participating agencies	2,771	6,181	6,551	7,356	9,584	11,354	11,211	10,461
Number of states, including District of Columbia	32	42	47	44	46	50	49	46
Percentage of U.S. population represented	_	51	58	58	75	84	87	79

Source: U.S. Department of Justice, 1992 to 1999.

Table 3.2 Federal Legislation Regarding Hate Crime, from 1985 to 1997 (Excluding Pending Legislation)

Bill or Law	Title	Document	Legislative Body or Audience	Congress	Date	Number of Pages
HCSA	Hate Crimes Statistics Act	Hearing	Subcommittee on Criminal Justice, House Judiciary Committee	99th	3/21/85	148
HCSA	Crimes Against Religious Practices and Property	Hearing	Subcommittee on Criminal Justice, House Judiciary Committee	99th	5/16/85	52
HCSA	Crimes Against Religious Practices and Property	Hearing	Subcommittee on Criminal Justice, House Judiciary Committee	99th	6/19/85	39
HCSA	Hate Crimes Statistics Act	Report	Committee on the Judiciary	99th	7/18/85	4
HCSA	Hate Crimes Statistics Act	Debate	Congressional Record	99th	7/22/85	7
HCSA	Ethnically Motivated Violence Against Arab-Americans	Hearing	Subcommittee on Criminal Justice, House Judiciary Committee	99th	7/16/86	205
HCSA	Anti-Gay Violence	Hearing	Subcommittee on Criminal Justice, House Judiciary Committee	99th	10/9/86	223
HCSA	Anti-Asian Violence	Hearing	Subcommittee on Civil and Constitutional Rights, House Judiciary Committee	100th	11/10/87	459
HCSA	Hate Crimes Statistics Act	Report	Committee on the Judiciary	100th	4/20/88 (Table continu	13 es on p. 50.)

 Table 3.2
 Continued

Bill or Law	Title	Document	Legislative Body or Audience	Congress	Date	Number of Pages
HCSA	Racially Motivated Violence	Hearing	Subcommittee on Criminal Justice, House Judiciary Committee	100th	5/11/88	111
HCSA	Hate Crimes Statistics Act	Debate	Congressional Record	100th	5/18/88	19
HCSA	Hate Crimes Statistics Act	Hearing	Subcommittee on the Constitution, House Judiciary Committee	100th	6/21/88	287
HCSA	Racially Motivated Violence	Hearing	Subcommittee on Criminal Justice, House Judiciary Committee	100th	7/12/88	73
HCSA	Hate Crimes Statistics Act	Report	Committee on the Judiciary	100th	9/15/88	8
HCSA	Hate Crimes Statistics Act	Report	Committee on the Judiciary	101st	5/1/89	13
HCSA	Hate Crimes Statistics Act	Report	Committee on the Judiciary	101st	6/23/89	10
HCSA	Hate Crimes Statistics Act	Debate	Congressional Record	101st	6/27/89	11
HCSA	Hate Crimes Statistics Act	Debate	Congressional Record	101st	2/8/90	26
HCSA	Hate Crimes Statistics Act	Debate	Congressional Record	101st	4/3/90	4
HCSA	Hate Crimes Statistics Act	Debate	Congressional Record	101st	4/4/90	1
VAWA	Women and Violence	Hearing	Committee on the Judiciary	101st	6/20/90	112
VAWA	Women and Violence	Hearing	Committee on the Judiciary	101st	8/29/90	82
VAWA	Violence Against Women Act	Report	Committee on the Judiciary	101st	10/19/90	88
VAWA	Women and Violence	Hearing	Committee on the Judiciary	101st	12/11/90	223

VAWA	Violence Against Women: The Increase of Rape in America	Print	Committee on the Judiciary	102d	3/21/91	37
VAWA	Violence Against Women: Vic- tims of the System	Hearing	Committee on the Judiciary	102d	4/9/91	442
VAWA	Violence Against Women Act	Report	Committee on the Judiciary	102d	10/29/91	111
VAWA	Violence Against Women Act	Hearing	Subcommittee on Crime and Criminal Justice, House Judi- ciary Committee	102d	2/6/92	120
HCSEA	Bias Crime	Hearing	Subcommittee on Crime and Criminal Justice, House Judi- ciary Committee	102d	5/11/92	184
HCSEA	Hate Crimes Sentencing Enhancement Act	Hearing	Subcommittee on Crime and Criminal Justice, House Judi- ciary Committee	102d	7/29/92	214
HCSA	Hate Crimes Statistics Act	Hearing	Subcommittee on the Constitution, House Judiciary Committee	102d	8/5/92	139
VAWA	Violence Against Women: A Week in the Life of America	Print	Committee on the Judiciary	102d	10/1/92	38
HCSEA	Hate Crimes Sentencing Enhancement Act	Report	Committee on the Judiciary	102d	10/2/92	7
VAWA	Violent Crimes Against Women	Hearing	Committee on the Judiciary	103d	4/13/93	84
VAWA	Violence Against Women Act	Report	Committee on the Judiciary	103d	9/10/93	111
HCSEA	Hate Crimes Sentencing Enhancement Act	Report	Committee on the Judiciary	103d	9/21/93	7
					(Table continues	on p. 52.)

 Table 3.2
 Continued

Bill or Law	Title	Document	Legislative Body or Audience	Congress	Date	Number of Pages
VAWA	Violence Against Women: Fighting the Fear	Hearing	Committee on the Judiciary	103d	11/12/93	57
VAWA	Crimes of Violence Motivated by Gender	Hearing	Subcommittee on Constitu- tional and Civil Rights, House Judiciary Committee	103d	11/16/93	129
VAWA	Violence Against Women Act	Report	Committee on the Judiciary	103d	11/20/93	66
HCSA	Hate Crimes Statistics Act	Hearing	Subcommittee on the Constitution, House Judiciary Committee	103d	6/28/94	58
HCSA	Reauthorization of the Hate Crimes Statistics Act	Hearing	Committee on the Judiciary	104th	3/19/96	110
HCSA	To Reauthorize the Hate Crimes Statistics Act	Report	Committee on the Judiciary	104th	5/13/96	6
HCSA	Hate Crimes Statistics Act	Debate	Congressional Record	104th	6/21/96	2

Table 3.3 Summary of the Violence Against Women Act of 1994

Title I: Safe Streets for Women

Chapter 1: Federal Penalties for Sex Crimes

Chapter 2: Law Enforcement and Prosecution Grants to Reduce Violent Crime

Chapter 3: Safety for Women in Public Transit and Public Parks Chapter 4: New Evidentiary Rules

Title II: Safe Homes for Women

Chapter 1: National Domestic Violence Hotline

Chapter 2: Interstate Enforcement

Chapter 3: Arrest Policies in Domestic Violence Cases

Chapter 4: Shelter Grants

Chapter 5: Youth Education

Chapter 6: Community Programs on Domestic Violence

Chapter 7: Family Violence Prevention and Services Act Amendments

Chapter 8: Confidentiality for Abused Persons Chapter 9: Data and Research

Chapter 10: Rural Domestic Violence and Child Abuse Enforcement

Title III: Civil Rights for Women¹

Title IV: Equal Justice for Women in the Courts

Chapter 1: Education and Training for Judges and Court Personnel in State Courts

Chapter 2: Education and Training for Judges and Court Personnel in Federal Courts

Title V: Violence Against Women Act Improvements

Title VI: National Stalker and Domestic Violence Reduction

Title VII: Protections for Battered Immigrant Women and Children

Source: Public Law 103-322.

1. Includes a provision for a cause of action for crimes committed because of gender.

Table 3.4 Relationship Between Social Movement Organization (SMO)

Mobilization and the Proposal and Adoption of Select Status
Provisions in Federal Hate-Crime Legislation

Provisions in Federal Hate-Crime Legislation					
	Provisions Proposed for Inclusion in Legislation	Provisions Adopted in Legislation			
Legislation prior to 1990					
SMO mobilization around					
Race	Χ	Χ			
Religion	Χ	X			
Ethnicity	Χ	Χ			
Sexual Orientation	Χ	Χ			
No SMO mobilization around					
Octogenarians	Χ				
Union Members	Χ				
Children	X				
Elderly	Χ				
Legislation after 1990					
SMO mobilization around					
(No Groups)					
No SMO mobilization around					
Gender	Χ	X			
Disabilities	Χ	Χ			

Figure 4.1 Year of First Adoption of Hate Crime Statute by State, 1981 to 1999

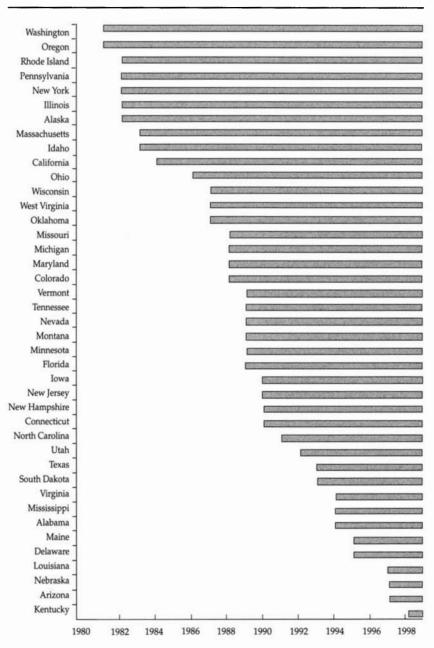


Figure 4.2 Relative Embeddedness of Legal Strategies in States' Hate Crime Legislation

Most "Embedded"	'' ←			→ Least "Embedded"
Modification of Preexisting State	Interference with Civil Rights	Penalty Enhancement	"Coattailing" Ethnic Intimidation Statute	"Freestanding" Ethnic Intimidation Statute
Minnesota (1989) New Jersey (1990) New York (1982) Virginia (1994)	California (1987) New York (1982) Tennessee (1989) West Virginia (1987)	Arizona (1997) Alabama (1994) Alaska (1982) California (1984) Connecticut (1990) Florida (1989) Illinois (1988) Maine (1995) Mississisppi (1994) Montana (1989) Nevada (1989) New Hampshire (1990) New Jersey (1990) North Carolina (1991) Rhode Island (1998) Texas (1993) Wisconsin (1987)	Delaware (1995) Illinois (1982) Iowa (1990) Kentucky (1998) Missouri (1988) New York (1982) Ohio (1986) Pennsylvania (1982) Utah (1992) Vermont (1989)	Colorado (1988) Idaho (1983) Louisiana (1997) Maryland (1988) Massachusetts (1983) Michigan (1988) Montana (1989) Nebraska (1997) North Carolina (1991) Oklahoma (1987) Oregon (1981) Rhode Island (1982) South Dakota (1993) Washington (1981)

 ${\it Source:} \ Authors' \ compilation.$

Figure 4.3 Cumulative Frequency of Legal Strategies in States' Hate Crime Statutes from 1980 to 1999

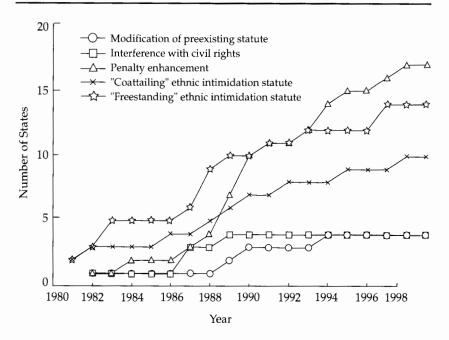


Figure 4.4 Cumulative Frequency of Alternative Motivational Phrasing in State Hate Crime Statutes, 1980 to 1999

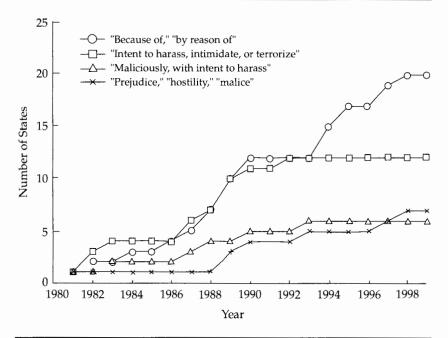


Figure 4.5 Conduct Provisions in States' Hate Crime Statutes, 1988 and 1998

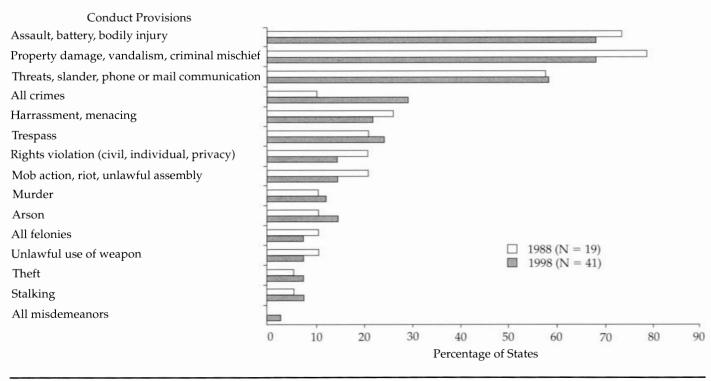
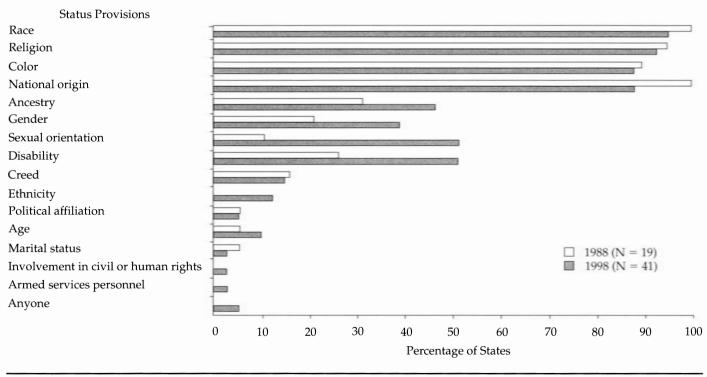


Figure 4.6 Status Provisions in States' Hate Crime Statutes, 1988 and 1998



Category	Phrasing
"Because of" or "by	
reason of"	
Minnesota (1989)	"because of"
Iowa (1990, 1992)	
Maryland (1988)	
Delaware (1995)	
Montana (1989)	
Nebraska (1997)	
North Carolina (1991)	"because of" (ethnic intimidation law); "if any misdemeanor with punishment less than the punishment for the general misdemeanor is committed because of" (penalty enhancement law)
California (1984)	"intentionally killed because of his or her" (homicide enhancement law); "because of" (penalty enhancement law)
Missouri (1988)	"by reason of any motive relating to"
Mississippi (1994)	"by reason of"
Ohio (1986)	by reason of
Illinois (1982, 1988)	"by reason of" (ethnic intimidation law, 1982); "because of such person's" (penalty enhancement law, 1988)
Nevada (1989)	"by reason of violates"
Virginia (1994)	"intentionally selects the person against whom the offense is committed because of his"
Wisconsin (1987)	"intentionally selects the person against whom
Kentucky (1998)	the [crime is committed] in whole or in par because of the actor's belief or perception regarding"
Alaska (1982)	"knowingly directed the offense at a victim because of"
Maine (1995)	"The selection by the defendant of the person against whom the crime was committed or of the property that was damaged or otherwise affected by the crime because of"
Alabama (1994)	"was found to have been motivated by the victim's"
Louisiana (1997)	"It shall be unlawful for any person to select the victim of the following offenses against person or property because of"

Category	Phrasing
Intent to harass, intimi-	
date, or terrorize	
California (1987)	"for the purpose of intimidating or interfering with that other person's free exercise or enjoyment of any right because of the other person's"
Massachusetts (1983)	"for the purpose of intimidation because of said person's"
West Virginia (1987)	"if any person conspires with another person or persons to willfully injure, oppress, threaten, or intimidate or interfere with any citizen because of such other person's"
Oregon (1981)	"intent to cause substantial inconvenience be- cause of" (2d degree); "intentionally, knowingly or recklessly because of" (1st degree)
Tennessee (1989)	"intent to unlawfully intimidate another from the free exercise or enjoyment of any right" or because he or she exercised a right
Montana (1989)	"when, because of another person's with intent to terrify, intimidate, threaten, harass, annoy or offend" (ethnic intimidation law)
New Jersey (1995) ¹	"with a purpose to intimidate an individual or group of individuals because of" (amended penalty enhancement law)
Minnesota (1989)	"with intent to harass, abuse, or threaten be- cause of" (mail harassment law)
New York (1982)	"with intent to harass, annoy, threaten, or alarm another person because of"
Utah (1992)	"with intent to intimidate or terrorize another person"
Colorado (1988)	"with the intent to intimidate or harass because of"
Rhode Island (1982) ² "Maliciously" and with intent to harass	"with intent to terrorize by reason of"
Washington (1981)	"maliciously and with intent to intimidate or ha- rass another person because of, or in a way that is reasonably related to, associated with, [or] directed toward that person's"
Oklahoma (1987) South Dakota (1993) Idaho (1983) Connecticut (1990) Michigan (1988)	"maliciously and with specific intent to harass another person because of"

Table 4.1 Continued

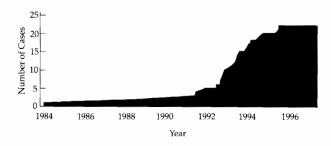
Category	Phrasing
"Prejudice," "hostility," malice	
Rhode Island (1998) ²	"because of the actor's hatred or animus to- ward"
Florida (1989)	"evidences prejudice based on"
New Hampshire (1990)	"substantially motivated to commit the crime because of hostility towards the victim's"
New Jersey (1990) ³	"Contempt or hatred on the basis of" (penalty enhancement law) "ill will, hatred, or bias, and with a purpose to intimidate" (ethnic intimida- tion)
Pennsylvania (1982)	"with malicious intent toward"
Texas (1993)	"if offense committed because of bias or preju- dice"
Vermont (1989)	"who commits, causes to be committed or at- tempts to commit any crime and whose con- duct is maliciously motivated by the victim's"
Arizona (1997)	"evidence that the defendant committed the crime out of malice toward the victim because of"

^{1.} In 1995, wording changed to "willfully violates."

^{2.} In 1998, the Rhode Island legislature repealed its 1982 law and replaced it with a new law containing the "animus" wording.

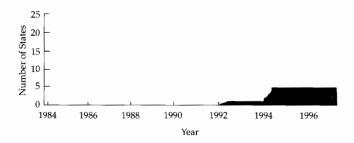
^{3.} In 1994, the New Jersey Supreme Court struck down its statute's earlier (1990) phrasing.

Figure 5.1 Cumulative Frequency of Hate Crimes Court Cases Involving Bodily Injury, 1984 to 1999



Note: Data as of first day of indicated year.

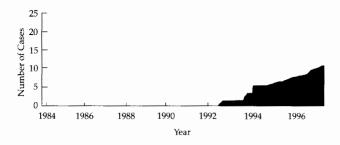
Figure 5.2 Cumulative Frequency of Hate Crime Court Cases Involving Property Damage



Source: Authors' compilation.

Note: Data as of first day of indicated year.

Figure 5.3 Cumulative Frequency of Hate Crime Court Cases Involving Harassment, 1984 to 1999



Source: Authors' compilation.

Note: Data as of first day of indicated year.

Table 5.1 Defendant Claims Regarding the Constitutionality of Hate Crime Statutes in Appellate Cases, from 1984 to 1999

Claim	Number of Cases	Description	Sample Case
Vagueness	26	Precludes sufficient notice of proscribed act and allows arbi- trary enforcement	State v. Mitchell (1991)
Punishment of speech	24	Punishes motive or thought, therefore constitutes regula- tion of speech	State v. Mitchell (1992)
Overbreadth	20	Allows application to protected conduct, resulting in "chilling effect" on exercise of constitutional rights	People v. Superior Court (1993)
Content discrimi- nation	7	Regulates speech based on content and viewpoint	R.A.V. v. St. Paul (1992)
Denial of equal protection	6	Allows preferential treatment for mi- norities, unequal treatment of of- fender based on views	State v. Beebe (1984), State v. Mortimer (1994)

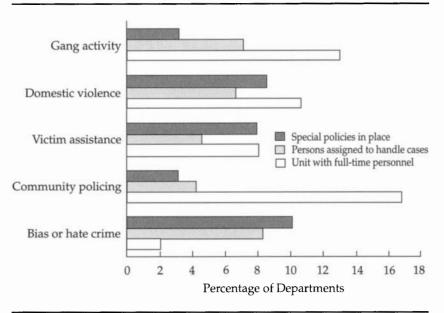
Table 5.2 Hate Crime Cases, 1984 to 1999

Characteristic	Date	Court
Early disposition		
State v. Beebe	January 20, 1984	Court of Appeals of Oregon
People v. Grupe	August 17, 1988	Criminal Court of the City of New York
State v. Mitchell	June 5, 1991	Court of Appeals of Wisconsin
State v. Hendrix	June 19, 1991	Court of Appeals of Oregon
People v. Lashley	December 16, 1991	Court of Appeals of California
Constitutionality crisis		11
R.A.V. v. St. Paul	June 22, 1992	Supreme Court of the United States
State v. Mitchell	June 23, 1992	Supreme Court of Wisconsin
State v. Wyant	August 26, 1992	Supreme Court of Ohio
Reclamation	<i>G</i> ,	
State v. Plowman	August 27, 1992	Supreme Court of Oregon
Dobbins v. State	September 24, 1992	Court of Appeals of Florida
People v. Miccio	October 20, 1992	Criminal Court of the City of New York
Richards v. State	November 17, 1992	Court of Appeals of Florida
People v. Joshua H.	March 8, 1993	Court of Appeals of California
People v. Superior Court	May 19, 1993	Court of Appeals of California
Wisconsin v. Mitchell	June 11, 1993	Supreme Court of the United States
State v. Ladue	July 1, 1993	Supreme Court of Vermont
In re M.S.	August 17, 1993	Court of Appeals of California
State v. Talley	September 9, 1993	Supreme Court of Washington
People v. Richards	November 2, 1993	Court of Appeals of Michigan
People v. Baker	December 15, 1993	Court of Appeals of California
State v. McKnight	January 19, 1994	Supreme Court of Iowa
State v. Vanatter	January 25, 1994	Supreme Court of Missouri
State v. Stalder	January 27, 1994	Supreme Court of Florida
Reeves v. State	February 11, 1994	Court of Appeals of Florida
Groover v. State	March 1, 1994	Court of Appeals of Florida
State v. Mortimer	May 26, 1994	Supreme Court of New Jersey
Shift to peripheral issues	•	
State v. Kearns	May 26, 1994	Supreme Court of New Jersey
Richards v. State	October 5, 1994	Court of Appeals of Florida
People v. McKenzie	May 9, 1995	Court of Appeals of California
In re M.S.	July 3, 1995	Supreme Court of California
People v. Superior Court	July 3, 1995	Supreme Court of California
Washington v. Pollard	December 11, 1995	Court of Appeals of Washington
In re Vladimir P.	September 20, 1996	Court of Appeals of Illinois
Illinois v. Nitz	November 15, 1996	Court of Appeals of Illinois
Wichita v. Edwards	May 23, 1997	Court of Appeals of Kansas
Montana v. Nye	July 23, 1997	Supreme Court of Montana
New Jersey v. Apprendi	August 19, 1997	Superior Court of New Jersey
Boyd v. Texas	March 25, 1999	Court of Appeals of Texas

Note: Cases in bold were ruled unconstitutional on appeal.

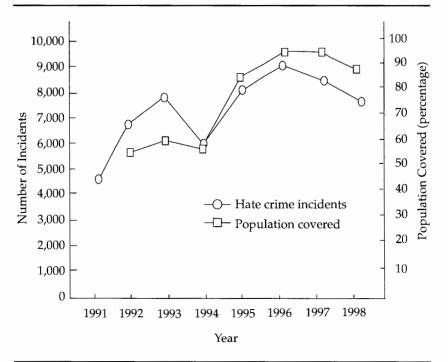
1. Section 1 is constitutional because it regulates conduct; section 2 is unconstitutional because it proscribes speech based on content.

Figure 6.1 Presence of Selected Policies and Programs Within Municipal Police, County Sheriff, and County Police Departments in the United States, 1997



Note: N = 2,907.

Figure 6.2 Law Enforcement's Participation in Hate Crime Policing, from 1992 to 1998



Source: U.S. Department of Justice.

Figure 6.3 Status Provisions Included in Hate Crime General Orders of California Police Departments, 1994 and 1999

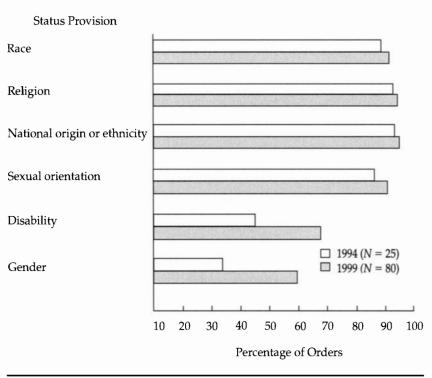


Table 7.1 The Formation of a Policy Domain Regarding Hate Crime: Summary of Key Findings

Summary of Key Findings			
Institutional Sphere	Empirical Findings	Theoretical Import	
Social movements	 Convergence of established rights movements Establishment of antihate-crime movement Documentation of select forms of discriminatory violence Dissemination of "horror stories" and epidemiological portraits of hate crime 	 Discovery of a "condition category" Establishment of empirical credibility of condition category Development of collective action frames that define the condition category Initiation of issue creation 	
Legislatures	 Attention to newly defined condition category Emergence of hate crime as statutory concept Establishment of core elements of a statutory template Proliferation of common and differing elements 	 Translation of social movement goals into legal discourse Negotiation of key parameters of policy Expansion of the domain of the problem Homogenization of the policy response 	
Courts	 Questioning of the legal standing of the statutes Development of a constitutional crisis around the law Elimination of particular statutory responses Development of legally defensible theoretical foundations for the law 	 Affirmation of the legitimacy of the policy concept Delineation and demarcation of the concept Continuing expansion of the domain Restriction of the parameters of the concept's applicability 	

Table 7.1	Cont
Institution	al Spl

Empirical Findings Variation in definition

here Law enforcement

Continued

and response to prob-

lem · Changes in organiza-

tional structure initiated to confront

ambiguity • Expansion of the work-

ing definition

 Increasing streamlining in processing of cases

concept into practice · Development and institutionalization of "nor-

Theoretical Import

Translation of abstract

mal" constructs ganizational practices

• Homogenization of or- Reduction of the ambiguity of the concept through routinization