

## **A Primer On Hate Crimes By Steven B. Kline, Esq.**

**(February 3, 2022)**

**1) What are Hate Crimes?**

**2). Definitions of Hate Crimes (penalty enhancement laws) and the difficulties of proving bias behind the underlying offense itself.**

**3). A Short History of Hate Crimes and the Supreme Court**

**a) Rav v. St. Paul Minnesota**

**b) Mitchell v. Wisconsin**

**4) Contribution of the Anti-Defamation League (ADL) in fighting Hate Crimes**

**a) History of ADL dating back to the hanging of Leo Frank in Georgia in 1915 ADL**

**b) first to define the term "Hate Crime" using conduct not speech and the first organization to request the establishment of a national reporting of HC's by each state and local government**

**5) Hate Crime Statistics for 2020- see handout from FBI sources**

**6) Recent examples of Hate Crimes that have been prosecuted ;**

**a) 26 million dollar verdict in Charlottesville, Va. against a number of White Supremacists responsible for the horrific incident in Charlottesville, Va. in which a 32 year old woman was killed and 19 other people were injured in August 2017. the Supremacists also terrorized a group of Jewish worshippers trying to leave their Temple. They also shouted proudly in a nighttime march that "Jews will not replace us."**

- b) Death of George Floyd in Minneapolis, Minn. at the hands of the police with the conviction of PO Derek Chauvin and the upcoming trial or trials of the 3 other PO's who stood by and did nothing to stop Chauvin from killing Mr. Floyd.
- c) Convictions of the three men responsible for the shooting death of Amhaud Abrey with life sentences to be served hopefully in Georgia prisons and not a federal prison. Federal Hate Crime charges are still pending with a trial to begin this month.
- d) Recent Federal Conviction of a man charged with threatening to kill and to torture Jewish Journalists.
- e) more examples to be read by the instructor

7) Mathew Shepard and James Byrd Jr. both murdered and their cases formed the basis for the Hate Crimes Prevention Act of 2009 ( 18 U.S.C. subdivision 249 ).

This added illegal conduct taken against a victim because of the victim's sexual orientation, gender identity etc. as the bias attached to the underlying crime against a victim or victims. As an example, it added violent conduct against people identifying themselves with one or more of the terms used under the umbrella of LGBTQ (lesbian, gay, bisexual, transgender, and queer.)

7) Other Current Developments in the battle against HC's

History of the 1965 Voting Rights Act

Enacted with later amendments to defeat the "Jim Crow" tradition of poll taxes, literacy tests and other means applied to keep people of color in the south from voting inspite of the 15th Amendment

**John Lewis Voting Rights Act**

**was to replace the important parts of the 1965 Voting Rights Act that had been eviscerated by the Supreme Court in the Shelby case in 2013 and the Bronovich case which occurred in July 2021.**

**The bill passed the House but could not pass in the Senate due to Republican opposition with 2 democratic senators also voting against it,**

**Bill would have re-created the role of the Attorney General of the US and the courts by requiring States with histories of discriminating against the rights of minorities to vote, would have to pass inspections that they had eliminated their Jim Crow impediments to allowing minorities to vote,**

**Freedom to vote Act meant to ensure:**

**that all qualified voters be allowed to request mail in ballots; Effect greater turnout by making Election Day a Federal holiday, and**

**Outlaw partisan gerrymandering of congressional districts that both parties have engaged in.**

**In Oct. Of 2021 all 50 Republicans voted against the bill even killing the possibility of floor debates on the merits of the bill.**

**17 State Attorney Generals including our own AG Frosh of Maryland, have brought a federal lawsuit against the State of Florida for enacting a new law which has also passed in a number of states beside Florida to make voting for people of color and other minorities far more difficult to vote under the guise of protecting the citizens of Florida from fraudulent voting patterns where none actually existed.**

**An Executive Order and a law enacted in Congress in 2021 both designed to provide further protections for people of Asian and Pacific Island backgrounds.**

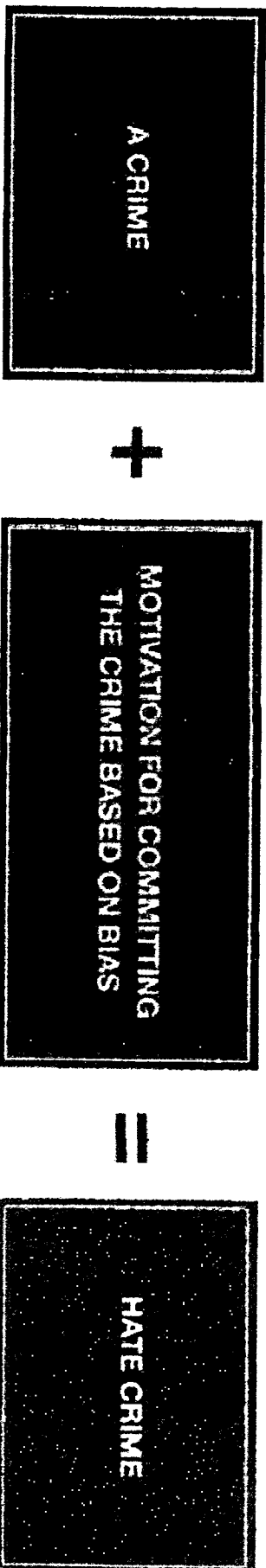
**Attribution:**

- 1) **The office of the Attorney General of the United States and the Deputy attorney General for Civil Rights Division (see their website online) and recent webinar on Hate Crimes)- “Confronting Hate.”)**
- 2) **The Anti-Defamation League (See their website online regarding HC’s)**
- 3) **The Federal Bureau of Investigations Website**
- 4) **CATO Institute**
- 5) **Montgomery County Attorney’s Office under John Murphy and his staff, that has the jurisdiction and the means to prosecute people who commit hate crimes against others.**
- 6) **Interviews with people from all of the above agencies**

## Hate Crimes Defined

A) The FBI defines a hate crime as a “criminal offense against a person or property motivated in whole or in part by an offender’s bias against a race, religion, disability, sexual orientation, ethnicity, gender, or gender identity.”

B) Department of Justice Defines Hate Crimes from their own website:



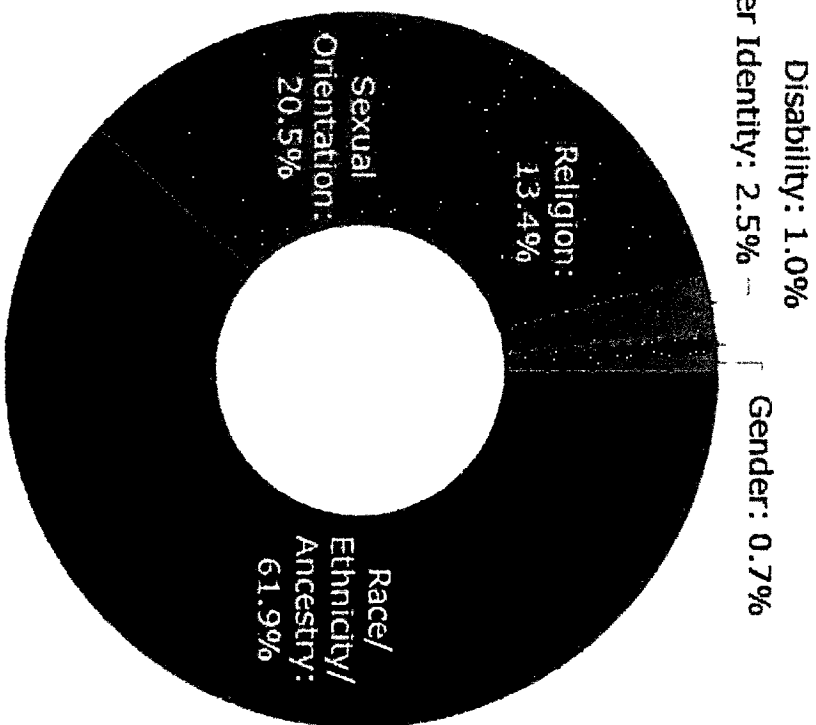
## Victims of Hate Crime Incidents in 2020

7,554 single-bias incidents involved 10,528 victims

In 205 incidents, a total of 333 victims were targeted because of more than one bias

FBI released 2020 Hate Crime Statistics, DOJ website, <https://www.justice.gov/hatecrimes/hate-crime-statistics>

### Bias Motivation Categories for Single-bias Incidents in 2020





**New Executive order strengthening tools to fight hate against Asians**

**John Lewis Act pending in the Congress to redress and re-institute the Supreme Court's Killing of the 1965 Civil Rights Act. John Lewis Bill to bring back some of the best protections against voting restrictions that have been totally eviscerated by 2 cases before the Supreme Court, Shelby Case (2013) and Brnovich (7/2021)**

**Attorney General of US going after states that have made seeking an abortion almost impossible**