



US SENATE II

Hate Crimes Legislation Update

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Introduction

Slavery was a major part of American history during the more than two hundred years that followed the founding of the United States. Such forced subjugation and indentured servitude, along with the 19th century beliefs of racial hierarchies, gave rise to pervasive racism in the US, and around the world. As the notion that minorities were inherently inferior to their **Caucasian** counterparts took root in the US so too did racism in the form of unchecked violence. The term “hate crime” first appeared to categorize the violent actions of racists in the southern United States. Over time, however, hate crimes have unfortunately spread to affect several different types of victims, not just on the basis of race. As such, the term is now applicable to the mistreatment of a myriad of diverse groups of people.

Caucasian—*race classification referring to white or light-skinned people.*

Summary of the Problem

The term “hate crime” itself can be defined as “any crime against either a person or property, in which the offender intentionally selects the victim because of the victim’s actual or perceived race, color, religion, national origin, ethnicity, gender, disability, or sexual orientation.” Widespread opposition to such malicious acts was borne in the 1950s and 1960s during the **Civil Rights Movement**. During this progressive movement, millions of individuals joined the cause to help the underrepresented and oppressed minorities resist such subordination and cruelty.

Civil Rights Movement—*reform movements in the United States aimed at abolishing racial discrimination against African Americans and restoring suffrage in Southern states.*

As a sort of second wave of the Civil Rights Movement, the 1970s saw both women and homosexuals begin to gain more individual rights. Furthermore, in the 1980s, a multitude of human rights awareness groups, such as the Anti-Defamation League and the Coalition of Hate Crimes Prevention, were started to help put an end to the existence of hate crimes in the United States.

Today, the term, especially its meaning and implications in a legal context, is very controversial. It is unclear how the legislature should approach the problems associated with hate crimes. Is it a matter of making harsher punishments or addressing the problem at the source? This committee is charged with the responsibility of taking on this serious issue.

Recent Developments

Local Law Enforcement Hate Crimes Prevention Act of 2007

In 2007, Rep. John Conyers (D-MI) introduced a bill addressing the prosecution of those perpetrators who committed hate crimes. The legislation allowed the **Attorney General** in each state to establish a grant to defray the courts' costs of prosecuting such criminals. Moreover, this bill also asserts that the sentence for those guilty of hate crimes can be anywhere from 10 years imprisonment and a fine up to life imprisonment. However, because this bill was never voted on in the Senate during this session of congress, it was cleared from the books. Consequently, there is still a gap in the federal legislation on the issue.

Attorney General—*the main legal advisor to the government, and in some jurisdictions he or she may in addition have executive responsibility for law enforcement or responsibility for public prosecutions.*

David Ray Hate Crimes Prevention Act

On January 5th, 2007, the David Ray Hate Crimes Prevention Act was first brought before the United States Congress. This proposal also addresses the question of paying for legal fees in the case of hate crimes. It also calls for statistical research to be employed in determining the appropriate sentences for hate crime **perpetrators**, especially those adults who coerce children into committing hate crimes. While this bill failed to be signed into law when it originally introduced during the last session of Congress, it has since been reintroduced in this new session. Thus far, it has only been re-introduced; it is currently being referred to a committee for debate and a recommendation.

Perpetrator—*one who commits a crime or offense*

Fiscal Year 2008 Defense Authorization Act and the Hatch Amendment

After Senator Edward Kennedy (D-MA) amended the Fiscal Year 2008 Defense Authorization Act so that it was more **akin** to the Local Law Enforcement Hate Crimes Prevention Act of 2007, Senator Orrin Hatch (R-UT) proposed an amendment which was subsequently added to the Defense Authorization Act. This amendment called for the gathering of further statistics concerning hate crimes. This demonstrates the push that the Republicans are making to pursue the gathering of more information on hate crimes so as to better understand the crimes themselves and what may be the root cause.

Akin—*having a similar quality or characteristic.*

Possible Solutions

One highly touted method of helping to end hate crimes is to better understand the fundamental root of the problem itself. As a result, many have proposed that the United States increase the research and statistical analysis it performs with respect to the very crimes themselves. Such proponents of this data collection believe that hate crimes are of a very intricate nature and that by analyzing the statistics behind such hate

crimes, we will better be able to understand both the crimes themselves and the reason behind such hate crimes.

Another possible and necessary solution is to **bolster** the amount of aid available at the state and local levels to help counteract such hate crimes. This will allow for more direct efforts to stunt such hate crimes and can allow local organizations and governments to pinpoint the very root of hate crimes as opposed to merely trying to fight the nature of hate crimes in general.

Furthermore, another viable option is to take a more proactive approach to hate crimes. Instead of relying merely on the **inherently** retroactive punishments of the law, the US could shift its focus forward with the adoption of more proactive measures to help prevent such hate crimes from occurring in the first place.

Bolster—to add to, support, or uphold.

Inherently—existing in someone or something as a permanent and inseparable element, quality, or attribute.

Questions for Policymakers

When debating this issue, try to keep these issues in mind: What actions constitute hate crimes? What should be the punishments for those found guilty of committing hate crimes? Who should bear the responsibility of determining the guilt of those accused of hate crimes? How can we prevent such hate crimes from materializing in the first place? What is the best way to punish hate crime committers so as to prevent the further outbreak of similar hate crimes?

Conclusion

Hate crimes legislation has long been controversial and will undoubtedly remain so as long as hate crimes continue to occur. Hate crimes are an especially sensitive topic for Americans given the US experience with race relations throughout its history. How policymakers decide to address hate crimes will not only go a long way towards determining their future prevalence, but can help shape public sentiments towards race and gender relations, meaning that you, as US Senators, have an opportunity to help secure a culture of tolerance.

Bibliography

“Civil Rights Statutes.” Federal Bureau of Investigation. 2008. 27 June 2008 <<http://www.fbi.gov/hq/cid/civilrights/statutes.htm>>

“House Judiciary Committee Chairman John Conyers Introduces Federal Hate Crime Bill.” U.S. House of Representatives: Committee on the Judiciary. 21 March 2007. 27 June 2008 <<http://judiciary.house.gov/newscenter.aspx?A=790>>

“H.R. 254: David Ray Hate Crimes Prevention Act of 2007.” GovTrack.us. 2007. 26 June 2008 <<http://www.govtrack.us/congress/bill.xpd?bill=h110-254>>

“H.R. 1164: Hate Crime Statistics Improvement Act of 2007.” GovTrack.us. 2007. 26 June 2008 <<http://www.govtrack.us/congress/bill.xpd?bill=h110-1164&tab=summary>>

“H.R. 1585: National Defense Authorization Act for Fiscal Year 2008.” GovTrack.us. 2007. 26 June 2008 <<http://www.govtrack.us/congress/bill.xpd?bill=h110-1585>>

“H.R. 1592: Local Law Enforcement Hate Crimes Prevention Act of 2007.” GovTrack.us. 2007. 26 June 2008 <<http://www.govtrack.us/congress/bill.xpd?bill=h1101592&tab=summary>>