

RESPONDING TO HATE

Information
and Resources





In our diverse and pluralistic nation, all acts of hatred, bias and bigotry are unacceptable. The law, however, does not treat all hateful conduct in the same way. This document provides general information and guidance on ways to respond to the three most common acts of hatred in America:

- Hate Crimes
- Discrimination
- Hate Incidents

HATE CRIMES

WHAT IS A HATE CRIME?

A hate crime is any crime motivated in whole or in part by bias, prejudice or bigotry. The U.S. Government, 45 states, and the District of Columbia have [***hate crime laws***](#). They provide increased penalties for crimes intentionally directed at individuals or institutions because of their personal characteristics.

All hate crime laws cover crimes where the victim is targeted because of his or her race, religion or national origin. Many of these laws also cover crimes committed because of gender, gender identity, sexual orientation, or disability.

Hate crime laws appropriately recognize the severe and detrimental community impact of these crimes. When a hate crime is committed, the victim's entire community is left feeling victimized, vulnerable, fearful, isolated, and unprotected by the law. Such crimes can also lead to reprisals and a dangerous spiral of escalating inter-group tension and violence. Thus, the impact of the crime is far greater than the already terrible impact on the individual victim.

There are two requirements to show a hate crime:

- An underlying crime (murder, assault, threats of violence, arson, or vandalism); and
- The crime is committed because of race, religion, national origin, gender, gender identity, sexual orientation, or disability.

So there would be a hate crime if an individual beats up a person because he or she is African American, or if a home is vandalized because the owner is Jewish. There also could be a hate crime if an individual threatens another person. For example, at a public park an individual walks up to another person and says "I am going to kill you because you are gay." The evidence law enforcement uses to prove a hate crime is commonly bigoted or prejudiced statements made by a criminal during, before or after a crime, as well as graffiti left at a crime scene.



RESPONDING TO HATE CRIMES

If you believe that you are a victim of a hate crime or believe that you have witnessed such a crime, you should immediately report it to law enforcement. Although potentially stressful, in speaking to the police about a hate crime, the victim or witness should recount exactly what was said or done during the crime:

- What were the exact words said by the perpetrator(s)?
- With racist, ethnic or other bias-motivated slurs, in particular, how many times were they said?
- How was the perpetrator(s) saying the slurs — for instance was he or she yelling them?
- Did the perpetrator use words or terms that seem meaningless — for example RAHOWA, 1488, ROA, HFFH? Such terms actually could be associated with [extremist ideology](#) and reflect bias or bigotry.

After the hate crime is reported to law enforcement or if the victim is reluctant to contact the police because of immigration status or any other reason, the victim or the victim's family or friends are strongly encouraged to report the incident to a civil rights organization such as:

- [Anti-Defamation League](#)
- [Asian Americans Advancing Justice](#)
- [Disability Rights & Education Defense Fund](#)
- [Human Rights Campaign](#)
- [Japanese American Citizens League](#)
- [Lambda Legal](#)
- [Latino Justice PRLDEF](#)
- [Lawyers' Committee for Civil Rights Under Law](#)
- [League of United Latin American Citizens](#)
- [Mexican American Legal Defense Fund](#)
- [Muslim Advocates](#)
- [National Association for the Advancement of Colored People](#)
- [National Center for Lesbian Rights](#)
- [National Center for Transgender Equity](#)
- [National Council of La Raza](#)
- [National LGBTQ Task Force](#)
- [National Women's Law Center](#)
- [Sikh American Legal Defense and Education Fund](#)
- [Sikh Coalition](#)

These organizations can provide further support for the victim, family and greater community impacted by a hate crime.

If you are the relative, friend or colleague of a person who recounts an incident that sounds like a hate crime, encourage that person to report the incident to the police. If the victim is reluctant to make a report, offer to help the victim make the report or encourage the person to contact a civil rights organization for assistance. As a last resort, on your own contact law enforcement or a civil rights organization to report the incident.



DISCRIMINATION

WHAT IS UNLAWFUL DISCRIMINATION?

Generally, unlawful discrimination is unfair treatment in the workplace, public accommodations (restaurants, hotels, theatres, stores or other businesses), housing (whether buying or renting), or federally-funded schools or universities because of race, color, religion, national origin, sex, sexual orientation, disability, gender identity or age.

For instance:

- An employer paying an employee less than another because he is disabled;
- A restaurant refusing to serve someone because she is gay;
- A landlord evicting a tenant because he is Muslim; or
- A public school receiving federal money that refuses to put a high-school student in advanced classes because she is Latina.

In the workplace, a supervisor or co-worker repeatedly making unwelcome biased, bigoted or prejudiced statements to a colleague based on race, color, religion, national origin, sex, sexual orientation, disability, gender identity or age also is a form of discrimination called “harassment.”

Unlawful discrimination is not a crime. Rather it is a violation of civil law, which is penalized by means other than imprisonment.

The U.S. government, most states, and many counties and cities have laws that prohibit workplace, public accommodations and housing discrimination. U.S. law covers such discrimination based on race, color, religion, national origin, sex, sexual orientation (workplace), disability, gender identity (workplace), and age. In addition to these categories, certain state and local (county or city) anti-discrimination laws also cover sexual orientation and gender identity discrimination in public accommodations and housing.

U.S. law also prohibits discrimination based on race, color, national origin, sex, disability, age or gender identity by educational institutions (K-12 schools, colleges, or universities) that receive federal money.



RESPONDING TO DISCRIMINATION

If you believe that you have been subjected to unlawful discrimination, you can contact the following federal government agencies to obtain more information about your legal rights or to file an official complaint:

- Workplace: [*U.S. Equal Employment Opportunity Commission*](#)
- Public Accommodations: [*U.S. Department of Justice, Civil Rights Division*](#)
- Housing: [*U.S. Department of Housing and Urban Development*](#)
- Education: [*U.S. Department of Education, Office of Civil Rights*](#)

Many [*states, counties and cities have similar government agencies*](#), which in some cases enforce anti-discrimination laws that protect groups not covered by federal law, most commonly sexual orientation and gender identity.

You also can contact a civil rights organization — such as one of those listed in the section above on responding to hate crimes — for information, support and assistance.



HATE INCIDENTS

WHAT IS A HATE INCIDENT?

A hate incident often involves a person making non-threatening bigoted, biased, or prejudiced comments to another individual based on race, religion, national origin, gender, gender identity, sexual orientation, disability, age or other personal characteristics. It also can involve a person displaying a non-threatening, bigoted, biased, or prejudiced message or image in certain contexts. For instance:

- A person walking down a public sidewalk passes by a person of the Sikh faith and makes an offensive comment to the individual based on religion;
- In a neighborhood, one resident yells an offensive comment about Lesbians to his neighbor across the street;
- A person displays a flag with a Nazi swastika on his property;
- On Facebook an individual writes a derogatory post about women; or
- An individual sends another person a non-threatening, racist e-mail.

Although deeply hurtful and offensive, hate incidents do not violate criminal or civil law. They are not hate crimes or acts of unlawful discrimination. Rather, such incidents are protected free speech under the First Amendment to the U.S. Constitution. However, if over an extended period of time a person directs numerous bigoted, biased or prejudiced statements to the same person, such a pattern of conduct could rise to the level of unlawful criminal harassment or stalking under certain state laws.



RESPONDING TO HATE INCIDENTS

During an in-person hate incident, a victim should not speak to or otherwise engage with the perpetrator. If possible, get away from the situation by moving to a location where other people are around and visible.

If you believe that you are a victim of an in-person hate incident or otherwise believe that bias-motivated or hateful conduct is endangering your safety, immediately report the incident or conduct to law enforcement. You have the right to make a report about a hate incident or bias-motivated conduct to law enforcement. Because hate incidents are not criminal in nature, the police cannot investigate the incident or conduct as a crime. Such reports, however, have value to law enforcement.

The police can play an important community role in helping de-escalate hateful conduct and thereby prevent bias-motivated criminal acts. Furthermore, should the perpetrator of a hate incident subsequently commit a hate crime, the report could be important evidence in prosecuting the crime. Multiple police reports of hate incidents involving the same perpetrator and victim also can be evidence for showing a violation of criminal harassment or stalking laws.

Online hate incidents, known as “cyberhate,” are a common and growing problem. Non-threatening bigoted, biased, or prejudiced messages or images that appear on social media platforms such Facebook, Twitter, YouTube and others are not unlawful. However, many of these platforms have policies prohibiting hateful speech and images. Often they allow users to [*make online complaints to have such speech or images removed*](#). For further information about ways to counter cyber hate, read the ADL publication — [*“Confronting Hate Speech Online.”*](#)

If you are a victim of a hate incident, contact a civil rights organization — such as one of those listed in the section above on responding to hate crimes — for victim support and assistance. Some of these organizations may be able to help you informally address these incidents, particularly where the perpetrator is a neighbor or acquaintance, or if it occurs online. Others track hate incidents for the purpose of identifying trends and changes in hate activity across the country.

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