

Pioneering Hate Crime Legislation and Advocacy: ADL's Legacy of Addressing Violent Bigotry in America

Over the past three decades, ADL has been recognized as the leading expert on efforts to deter and counter hate-motivated crimes. Bitter experience has taught us that such crimes have a special emotional and psychological impact, expanding beyond the individual victim. These crimes intimidate others in the victim's community, making them feel isolated, vulnerable and unprotected. Hate crimes polarize communities and damage the very fabric of our society. ADL's work to fight violent bigotry takes place across the globe: in the legislature, in the halls of justice, and through education programs geared toward law enforcement officers and the public about the unique harm of hate crimes and how to recognize and respond to this type of crime.

COMBATTING HATE CRIMES THROUGH LEGISLATION

Although prejudice and hatred cannot be legislated out of existence, ADL is convinced that government can do more to deter and redress violence motivated by violent bigotry.

State Legislation:

- ADL drafted model hate crime legislation in 1981, and [forty-five states and the District of Columbia](#) have since enacted laws based on or similar to the ADL model. Hate crime laws operate as penalty-enhancements for crimes motivated by the actual or perceived race, color, religion, national origin, sexual orientation, gender, gender identity, or disability of the victim.
- The ADL model also aimed to deter attacks against houses of worship, cemeteries, schools and community centers – common targets of hate-inspired vandalism. Another provision creates a private right-of-action for victims of hate crimes, which allows the victim to sue for money damages and to collect both attorneys' fees and punitive damages.

Federal Legislation:

- For thirteen years, ADL led the broad religious, civil rights, and law enforcement coalition that helped secure enactment of the Matthew Shepard and James Byrd, Jr. Hate Crimes Prevention Act (HCPA) in 2009. In September 2012, ADL submitted [comprehensive testimony](#) on the implementation of the HCPA and the state of domestic terrorism. In the testimony, ADL hailed the Justice Department's education and enforcement efforts, outlined the nature and magnitude of the threat posed by domestic extremist groups, and called for expanded, coordinated efforts to track and respond to domestic terrorism and improve hate crime data collection efforts.
- ADL also played a prominent role in securing passage of federal and state statutes mandating hate crime data collection efforts, including the 1990 Hate Crime Statistics Act (HCSA).

DEFENDING HATE CRIMES LAWS IN COURT

ADL brought together a broad coalition of civil rights, religious, and law enforcement groups to help successfully defend the constitutionality of the penalty-enhancement approach in *amicus* briefs filed nationwide. In a landmark 1993 case, *Wisconsin v. Mitchell*, the United States Supreme Court unanimously upheld the constitutionality of the Wisconsin hate crime statute, which followed the ADL approach.

EDUCATING LAW ENFORCEMENT ON RECOGNIZING AND RESPONDING TO HATE-MOTIVATED VIOLENCE

As the leading non-governmental organization trainer of law enforcement, ADL trains approximately 10,000 law enforcement officers on hate crimes and extremism each year. The hate crimes trainings address the unique nature of hate crimes, the elements of relevant hate crime laws, perpetrator profiles, and investigative and enforcement strategies specific to hate crimes.

ADL has also developed [several innovative online tools](#) to aid law enforcement in investigating and responding to hate crimes. For instance, the League recently partnered with the Chicago Police Department to create the first online hate crimes training of its kind in the country. In addition, in conjunction with the International Association of Chiefs of Police (IACP), ADL launched [a new mobile web site](#) that enables law enforcement officers to access ADL's expert information on hate symbols, international terrorist symbols, and hate crime indicators from anywhere using their handheld mobile devices. This new resource helps detectives and patrol officers to decipher the significance of hate symbols, tattoos, or graffiti from the scene of a crime.

FIGHTING ANTI-SEMITISM AND HATE ABROAD

Building on American models and best practices, ADL has played a leadership role in [promoting effective response to bias-motivated criminal activity abroad](#) – most prominently through [extensive work](#) with the Organization for Security and Cooperation in Europe (OSCE)'s Office for Democratic Institutions and Human Rights (ODIHR). ADL helped craft ODIHR's [manual on hate crime laws](#) and its [guide for community response to preventing hate violence](#).

ADL ACTION ITEMS

- [Create and strengthen state hate crimes legislation](#) → The only five states that do not have hate crime laws – Arkansas, Georgia, Indiana, South Carolina, and Wyoming – should enact hate crimes legislation. ADL also continues to advocate for other states to strengthen their existing hate crime laws. Currently, only thirty states and the District of Columbia include sexual orientation-based crimes in their hate crimes statutes; only twenty-six states and the District of Columbia include coverage of gender-based crimes; only thirteen states and the District of Columbia include coverage of gender-identity based crimes, and only thirty states and the District of Columbia include coverage for disability-based crimes.
- [Improve reporting](#) → ADL encourages all federal, state, and local law enforcement agencies to participate in, and improve reporting accuracy for the FBI's annual hate crimes data collection under the Hate Crime Statistics Act (HCSA). In 2011, almost 80 cities in America over 100,000 in population either did not participate in the FBI HCSA program or affirmatively reported zero (0) hate crimes.
- [Expand hate crimes data categories](#) → The Department of Justice and FBI should expand HCSA categories to include hate crimes directed against Sikhs, Hindus, and Arabs. Since the tragic murder of six Sikh worshippers at their Gurdwara in Oak Creek, WI on August 5, 2012, the League has helped lead a broad coalition of civil rights, religious, and law enforcement organizations [advocating for this disaggregation of hate crimes data](#).