

CIVIL RIGHTS

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THREE GOALS

- WHAT ARE HATE CRIMES?
- HOW ARE THEY PROSECUTED?
- WHAT YOU SHOULD DO IF YOU ARE THE VICTIM OF A HATE CRIME?

CRIMINAL ENFORCEMENT OF CIVIL RIGHTS

VS.

CIVIL ENFORCEMENT OF CIVIL RIGHTS

CRIMINAL ENFORCEMENT OF CIVIL RIGHTS



WHAT IS A HATE CRIME

- HATE CRIMES ARE VIOLENT INTIMIDATING OFFENSES, LIKE MURDER, ARSON, OR VANDALISM, WITH AN ADDED ELEMENT OF BIAS.
- BIAS BASED ON RACE, ETHNICITY, NATIONAL ORIGIN, SEX, RELIGION, SEXUAL ORIENTATION, OR DISABILITY.

PROTECTED VS. NOT PROTECTED

- Blonde
- Red head
- Republican/Democrat
- Size
- Tattoos
- Piercings
- Loud/Shy
- Noisy
- From the south

HAVE WE ARRIVED?

- In 2007 the FBI documented **7621 hate crime incidents**, amounting to nearly 1 incident per hour, per year.
- 50% of the reported hate crimes were motivated by **racial bias**
 - **18% Religious Bias**
 - **17% Sexual Orientation Bias**
 - **13% Ethnic/National Origin Bias**
- The number of reported crimes directed at Latinos have steadily increased
 - A **40% increase** between 2003 and 2007

Video shows white teens driving over, killing black man, says DA

<http://www.cnn.com/2011/CRIME/08/06/mississippi.hate.crime/index.html>

Conspiracy against rights

18 U.S.C. §241

Conspiring to injure, oppress, threaten, or intimidate another person in the exercise or enjoyment of their rights under U.S Constitution or laws.

Penalty: Up to 10 years in prison and up to life if offense involved kidnapping, aggravated sexual abuse, attempt to kill or death penalty if death results.

Federally Protected Activities

18 U.S.C. §245

Willfully injuring, intimidating or interfering with any person, or attempting to do so, by forcing or threatening force, because of that other person's race, color, religion or national origin and because of his/her activity as one of the following:

- Student or applicant for admission to public school or college
- Participant in a benefit service, privilege, program, facility or activity provided or administered by state or local government

Federally Protected Activities

18 U.S.C. §245 (cont)

- Applicant for private or state employment; private or state employee; member or applicant for membership in labor organization or hiring hall; or an applicant for employment through employment agency, labor organization or hiring hall
- Juror or prospective juror in state court;
- Traveler or use of facility of interstate commerce or common carrier;
- Patron of a public accommodation or place of exhibition or entertainment (including hotels, motels, restaurants, stadiums, etc.)

Penalty: One year up to life, or the death penalty depending upon the circumstances of the crime, and resulting injury, if any

Matthew Shepard and James Byrd, Jr., Hate Crimes Prevention Act of 2009, 18 U.S.C. §249



THE *ELEMENTS*

Willfully causing bodily injury (or attempting to do so using fire, a firearm, or other dangerous weapon) when

(1) the crime was committed because of the actual or perceived race, color, national origin, **gender, sexual orientation, gender identity, or disability** of any person

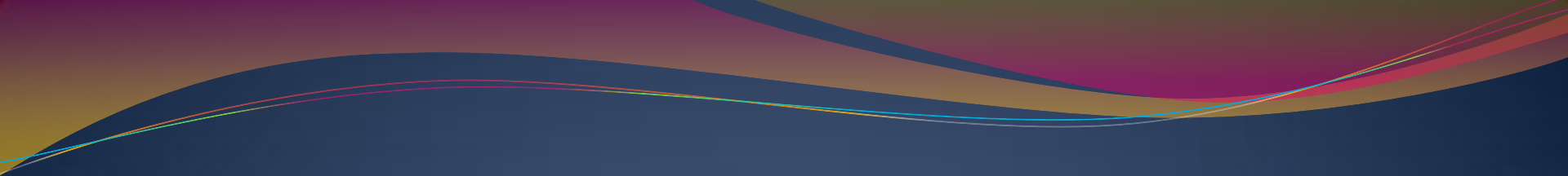
Penalty: 10 years to life in prison, or death penalty

Criminal Interference With Right to Fair Housing, 42 U.S.C. §3631

Using force or threatening to use force to injure, intimidate, or interfere with, or attempt to injure intimidate, or interfere with, any person's housing rights because of that person's race, color, religion, sex, handicap, familial status or national origin. Includes:

1. *Sales, purchase, or renting of a dwelling*
2. *Occupation of a dwelling*
3. *Financing of a dwelling*
4. *Contracting or negotiating for any of the rights above, and*
5. *Applying for or participating in any service, organizations, or facility relating to the sale or rental of dwellings.*

Penalty: One year to life in prison, depending on the circumstances of the crime and the resulting injury, if any.



**INTERFERENCE WITH THE
EXERCISE OF RELIGIOUS
BELIEFS & DESTRUCTION
OF RELIGIOUS PROPERTY**

Damage to religious property

18 U.S.C. §247

- Intentionally defacing, damaging or destroying religious property because of the religious nature of the property, so long as the crime is committed in interstate commerce.
- Intentionally obstructing or attempting to obstruct, by force or threat of force, a person in the enjoyment of that person's religious beliefs, where the crime is committed in interstate commerce.
- Intentionally defacing, damaging or destroying any religious real property because of race, color or ethnic characteristics of individual associated with the property, regardless of connection to interstate or foreign commerce.

Penalty: Up to life or death penalty depending on circumstances of crime and resulting injury, if any.

HUMAN TRAFFICKING

- Use of force or threats of force or other forms of coercion to compel labor or services, including commercial sex acts, from victims.
- Can involve migrant farm laborers, sweat shop workers, domestic servants, and brothel workers.
- Victims may be U.S. Citizens, aliens or adults or children.

Peonage

18 U.S.C. §1581

- Holding a person in “debt servitude,” or peonage. Prohibits using force or threat of force, or the threat of legal coercion to compel a person to work against his/her will.
 - Must be tied to payment of a debt

Penalty: Up to 20 years in prison or life, depending on the circumstances.

Involuntary Servitude

18 U.S.C. §1584

- Holding a person in condition of slavery – a condition of service or labor against his/her will by actual force, threats of force, or threats of legal coercion.
- Compelling a person to work against his/her will by creating a “climate of fear” through use of force, threat of force or threat of legal coercion.

Forced Labor

18 U.S.C. §1589

Providing or obtaining the labor or services of a person through one of three prohibited means.

Trafficking with Respect to Peonage, Slavery, Involuntary Servitude or Forced Labor 18 U.S.C. §1590

Recruiting, harboring, transporting, or brokering persons for labor or services under conditions which violate any of the offenses contained in Chapter 77 of Title 18.

Sex Trafficking of Children

18 U.S.C. §1591

Causing a someone under 14 or 18 to engage in a commercial sex act.

- – using force, fraud or coercion.



Penalty – Up to life for conduct that involves a person under the age of 14 or involves force, fraud or coercion. If victim(s) are between 14-18 years of age, punishment is 40 years in prison.

Unlawful Conduct with Respect to Documents in Furtherance of Trafficking, Peonage, Slavery, Involuntary Servitude or Forced Labor 18 U.S.C. §1592

Seizing documents in order to force others to work.

- Includes false documents as well as official documents

INTERFERENCE WITH ACCESS TO REPRODUCTIVE HEALTH CARE

Violence directed at abortion clinics or health care providers, such as doctors or nurses

Freedom of Access to Clinics

18 U.S.C. §248

Protects the exercise of free choice in obtaining reproductive health services, and the exercise of the First Amendment religious freedoms.

- Using force, threat of force, or physical obstruction to intentionally injure or intimidate a person because he/she is or has been obtaining or providing reproductive health services
- Intentionally destroying or damaging property of a facility because it provides reproductive health services or because it is a place of worship
- Attempting to commit any of the above

Penalties: Up to life in prison depending on nature of offense and if it is repeat conviction under this statute.

OFFICIAL MISCONDUCT

Intentional acts by law enforcement officials who misuse their position to unlawfully deprive individuals of constitutional rights, such as the right to be free from unwarranted assaults, illegal arrests and searches, and theft of property.

Deprivation of Rights Under Color of Law 18 U.S.C. §242

Acting under color of law, willfully deprive a person or a right or privilege protected by the Constitution or laws of the United States

- Color of Law – includes acts done by federal, state or local officials within their lawful authority and acts done beyond the bounds of that official's authority, if acts are done while official is purporting to or pretending to act in the performance of his/her official duties.

Penalties: Up to life or death penalty depending on circumstances of crime and resulting injury, if any.

INTERFERENCE WITH RIGHT TO VOTE

Voter intimidation or voter suppression schemes that target victims on the basis of race, color, national origin, or religion.

Statutes include: 18 U.S.C. §§ 241, 242, 245 and 594; and 42 U.S.C. §1973gg-10(1)

Intimidation of Voters

18 U.S.C. § 594

Use of intimidation, threats or coercion, or attempt to use any of these means, to interfere with the right of another to vote or vote as the individuals chooses, or cause the individual to vote or not vote for any particular candidate for federal office

National Voter Registration Act 42 U.S.C. § 1973gg-10(1)

In a federal election, intimidating, threatening, or coercing a prospective registrant or voter from registering to vote, voting or attempting to register or vote, or for urging another to register or vote.





CIVIL ENFORCEMENT OF CIVIL RIGHTS

I. EDUCATIONAL OPPORTUNITIES

- A. What is Section 504 of the Rehabilitation Act of 1973?

- B. Section 504 prohibits exclusion, denial of benefits and discrimination by reason of disability in programs or activities receiving federal funds. The Department of Education's Office for Civil Rights ("OCR") has primary responsibility for enforcing Section 504's provisions with respect to those who receive federal education funds.

I. EDUCATIONAL OPPORTUNITIES (cont.)

C. Title II and Title III of the American with Disabilities Act: Prohibits discrimination of the disabled in public schools, private schools, and universities.

II. EQUAL EMPLOYMENT OPPORTUNITY

Title VII prohibits discrimination in hiring, promotion, termination, compensation, and other terms and conditions of employment because of race, color, sex, natural origin, or religion.

- 15 or more employees for each working day for 20 or more calendar weeks
- Includes hostile work environment, e.g. sexually, racially
- Charges must be filed with EEOC within 180 days

III. VOTING RIGHTS

- A. Voting Rights Act of 1965: Prohibits discrimination in voting.
- B. Help America Vote Act: Requires states to meet certain minimum standards in counting, providing provisional ballots, posting information at the polls, etc.

III. VOTING RIGHTS (cont.)

- C. National Voter Registration Act: Requires states to allow voter registration when persons apply for new driver's license, public assistance, or for disability services.
- D. Uniformed and Overseas Citizen Voting Act of 1986: Requires states to allow members of the armed services and their families to be able to register and vote by absentee.

IV. HOUSING AND PUBLIC ACCESS

- A. Fair Housing Act: Prohibits discrimination in housing.
- B. Fair Lending Act and Equal Credit Opportunity Act: Prevents discrimination in credit and lending, e.g., exclusion of minority borrowers, pricing discrimination, etc.

IV. HOUSING AND PUBLIC ACCESS (cont.)

- C. Religious Land Use and Institutionalized Persons Act (RLUIPA): Protects religious exercise of persons confined to institutions. Also, 42 U.S.C. §2000cc prohibits local governments from adopting or enforcing land use regulations that discriminate on the basis of religion and religious exercise, e.g., Murfreesboro Mosque.

IV. HOUSING AND PUBLIC ACCESS (cont.)

- D. Civil Rights of Institutionalized Persons Act (CRIPA), 42 U.S.C. §1997: Provides remedies for a pattern or practice of unlawful conditions.
- E. Service Members Civil Relief Act: Protects military personnel in judicial and administrative proceedings and in housing, credit, and taxes.

IV. HOUSING AND PUBLIC ACCESS (cont.)

- F. Violent Crime Control Land Enforcement Act of 1994: Provides judicial remedies regarding incarcerated juveniles.

- G. Reproductive Clinics – Access to Reproductive Health Facilities Act: Prohibits threat of force or physical obstruction, intimidation, or interference with persons seeking reproductive health services (authorizes injunctive relief).

V. DISABILITY RIGHTS

- A. USERRA (Uniformed Services Employment and Reemployment Rights Act of 1994): Provides disability rights to service members.

- B. Americans with Disability Act, Title I and 28 CFR §35.30(d): Prohibits discrimination of the disabled in places of public accommodation and operations of state and local government.

V. DISABILITY RIGHTS (cont.)

- C. Rehabilitation Act (Section 504): Prohibits exclusion of people with disabilities from any program or service receiving federal funding.

- D. Genetic Information Non-Discrimination Act: Prohibits employers from using genetic information in employment decisions, prohibits acquisition of genetic information, and limits disclosure of genetic information.

V. DISABILITY RIGHTS (cont.)

E. *Olmstead v. L.C.*, 527 U.S. §581 (1999): Illegal to separate persons with disabilities in institutions when they can receive services in a community setting.

WHAT TO DO FOLLOWING A HATE CRIME

Call the police

Write down as much detail as you possibly can, such as where the incident occurred; the time; witnesses; physical details of the perpetrators, height, age, sex, race, build, clothing, tattoos, birth marks, any distinguishing characteristics.

Chronicle everything that was said, particularly the use of any racial or religious epithets.

WHAT TO DO FOLLOWING A HATE CRIME

Preserve any evidence, such as videos or photographs taken with your phone, clothing, graffiti, tape recordings, fingerprints, etc.

Write down the responding officer's name and badge number.

Make sure the officer completes a report.

WHAT TO DO

Get a copy of the report and/or incident number.

If you do not obtain a copy of the report immediately, follow up with your local precinct and obtain a report.

Makes sure you tell the officer that you are reporting this as a hate crime. Make sure the officer notes that in his/her report.

If the police do not assist you properly, follow up on your complaint

WHAT TO DO

Reach out:

Local community action groups, NAACP, Urban League.

Go to the web.

Call the Hate Crime National Hotline (206-350-4283), your District Attorney's office, 1-800-CALLFBI (225-5324)/fbi.gov; and/or police department's victim services unit.