The *Journal of Hate Studies* is published annually by the Gonzaga University Institute for Action Against Hate. The purpose of the *Journal* is to promote the sharing of interdisciplinary ideas and research relating to the study of what hate is, where it comes from, and how to combat it. The Gonzaga Institute for Action Against Hate is operated under the auspices of Gonzaga University in Spokane, Washington. The views expressed in the *Journal* are those of the authors and should not be attributed to the Gonzaga Institute for Action Against Hate, Gonzaga University, the institutions with which the authors are affiliated, or the editors.

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Dedication

This inaugural issue of The Journal of Hate Studies is dedicated to William “Bill” Wassmuth. For more than twenty years, Bill has been a leader in the fight against hatred and prejudice in the Northwest. In the early 1980s, he assumed a leadership role with the Kootenai County (Idaho) Task Force on Human Relations in the Task Force’s efforts to combat organized and militant white supremacy in northern Idaho. In 1986, Bill’s home in Coeur d’Alene, Idaho was bombed by members of the Aryan Nations. Unbowed, he continued to lead and speak out publicly against hate and violence. In 1988, after receiving many awards, including Idaho Citizen of the Year, Bill left Coeur d’Alene to help establish the Northwest Coalition Against Malicious Harassment in Seattle, Wash. As director of the Coalition, he again placed himself in the cross-hairs of those who hate. The Coalition grew to become a formidable force in the fight against hate-violence in the Northwest and beyond. In 1997, convinced that academic and scholarly resources should be brought to bear in a focused way to combat hate, Bill inspired and helped found the Gonzaga University Institute for Action Against Hate, the publisher of the Journal of Hate Studies. He has since served both as a member and chair of that organization’s Board of Advisors.

A simple framed commendation hangs on Bill’s office wall. It is surrounded by other, more impressively framed awards, plaques, and honorary degrees. But this one is his most treasured. It reads: “Stick Your Neck Out... The Giraffe Project herewith declares Father Bill Wassmuth to be a Giraffe, whose courageous Actions illumine all our Lives making manifest the Truth that people who believe in Themselves and care for Others can meet any Challenge Life presents.”

The Institute for Action Against Hate is pleased to dedicate this issue of its new Journal to a man whose leadership, courage, and friendship place him, like the giraffe, head and shoulders above the rest.

Bob Bartlett
Chair, Board of Advisors
Gonzaga University Institute for Action Against Hate
JOURNAL OF HATE STUDIES

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"Only by persistent and unremitting educational efforts will we one day see that mutual helpfulness and tolerance between differing peoples have become as important to our welfare as having clean air, clean water, and a healthy environment." Alan B. Slifka, *Handbook of Interethnic Coexistence*¹

The Gonzaga Institute for Action Against Hate was founded by Gonzaga University in 1998 to fight hate through education, research, and advocacy. Its genesis derived from concerns surrounding the apparent increase in the phenomenon of hate—especially racial and religious hate—as it manifested itself on campuses and in communities throughout the country. The prevalence of hate crimes, organized hate groups, and hateful Internet sites prompted the University community to reflect upon ways that Gonzaga—a Jesuit institution—might provide a more enduring and substantive contribution to the understanding of how hate afflicts campus life, community life, society in general, and the world. What are its causes, its characteristics, and its effects? How does it spread and how can it be counteracted? What can the various disciplines—from religious studies and law to psychology, science, history, and anthropology—contribute to our understanding of hate and its prevention? What research should be conducted on the subject? And, importantly, what can institutions of higher education contribute to education theory and practice in relation to teaching about and eliminating hate at the post-secondary and K-12 levels?

There are, of course, many governmental and non-governmental organizations working against hate. In addition, a number of colleges and universities offer majors or concentrations in diversity, conflict resolution and peace studies; law schools offer courses and clinics in alternative dispute resolution and mediation; and schools of education incorporate special programs on teaching tolerance and conflict resolution in the classroom. It does not appear, however, that any higher education institution in the United States has a comprehensive, integrated, multi-disciplinary approach to the study of the phenomenon of “hate” itself and ways of eliminating hate.

By providing resources and a framework for a new field known as “Hate Studies,” the Gonzaga Institute for Action Against Hate hopes to complement

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the important work of a variety of human rights and conflict resolution groups and educators in the United States and abroad. The Institute will pursue its goals by bringing together different disciplines and perspectives on the subject of hate, by increasing relevant interdisciplinary learning opportunities, and by encouraging and facilitating hate related research and scholarly writing. The Institute plans to augment the excellent work of organizations such as the Anti-Defamation League, Southern Poverty Law Center, and U.S. Department of Justice Community Relations Service in providing instructional materials and curricula for educators. The Institute will provide resources for training community based individuals and organizations working against hate and organized hate groups. It is expected that the Institute can grow into a highly visible, pro-active, and recognized academic center for studying hate and formulating strategies for addressing its causes and consequences.

Publication of this first issue of the *Journal of Hate Studies* is an important step toward realization of the Institute’s goals. The content was selected, in part, to reflect and highlight the multi-disciplinary scope of the Journal’s intended focus. Articles represent the work of authors in the fields of psychology, religious studies, information science and technology, human rights activism, and law.

Psychology Professor James Waller’s article, “Perpetrators of Genocide: An Explanatory Model of Extraordinary Human Evil,” is a timely exposition of the evolutionary, individual, social and situational factors inherent in the process that causes ordinary people to commit extraordinary evil. Professor Waller argues that perpetrators of evil are not necessarily “extraordinary” people or groups, and that we should strive to understand the complex psychological forces which produce events such as mass killings or genocides in order to forestall the acting out of that evil in the future.


Kenneth Stern’s monograph “Hate and the Internet,” is reprinted here with the kind permission of The American Jewish Committee. The article analyzes the history of hate on the Internet, provides a blueprint for combating the problem, and demonstrates ways to use information technology to fight hatred throughout society.

“Not in Our World,” by Bill Wassmuth and M.J. Bryant, is the story of how a man, a community, and a region confronted the emergence of organized hate groups in the Inland Northwest. The man, co-author Bill Wassmuth, is
the person to whom this issue of the *Journal of Hate Studies* is dedicated. He was the target of a hate group bombing at his home in 1986. His life is a model of commitment, empowerment, and intelligence in the fight against hate. His story can serve as a guide and inspiration to others involved in fighting hate in their own communities.

“Vindication of Hate Violence Victims Via Criminal and Civil Adjudications,” by Professor Brian Levin, offers an overview of the role federal and state law has played in the fight against hate. The article provides insights into the competing ideological perspectives which influenced development of federal statutory and constitutional law dating back to the notorious *Dred Scott* Supreme Court decision of the pre-Civil War era.

Finally, but not least, is Professor Elizabeth Thweatt’s annotated “Bibliography of Hate Studies Materials”—the culmination of several years of work stemming from the realization that no such bibliography existed. The bibliography includes a selection of books, reports, government documents, and videos published between 1980 and 2000. These materials deal primarily with issues of bigotry, hatred, prejudice, and methods for combating hate. The bibliography should be a useful and convenient starting point and reference for people and groups interested in exploring some of the literature on these topics.

Future issues will strive to establish the *Journal* as a vehicle for sharing insights from diverse perspectives about what hate is, and what to do about it. We therefore invite the submission of unsolicited manuscripts from academics, professionals, activists, or others who have something significant to contribute to the evolving field of “Hate Studies.”

Since the events of September 11, 2001, the Board of Advisors of the Institute for Action Against Hate has intensified its efforts to marshal resources and expertise in the fight against hate. It is all too clear that a particularly venal form of hate is loose in the world. We struggle to comprehend it and identify the appropriate response. In the short term, government officials will take the lead in meeting this challenge. In the long term, people must learn to recognize, expose, and inoculate against hate at home and abroad before it grows into something virulent and destructive. This is no simple task in a world of competing cultures and ideologies, dwindling resources, and wide-spread poverty. As such, it is a responsibility which educators, professionals, and people of good will everywhere should undertake with unyielding determination.

We are pleased to introduce the inaugural issue of the *Journal of Hate Studies*. We hope you will find it to be a relevant and worthwhile addition to your reading.

George A. Critchlow
Editor
Perpetrators of Genocide: An Explanatory Model of Extraordinary Human Evil

James Waller*

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I. INTRODUCTION

According to Jewish-Christian tradition, the first time that death appeared in the world, it was murder. Cain slew Abel. “Two men,” says Elie Wiesel, and “one of them became a killer.”1 Throughout human history, social conflict is ubiquitous. Wars erupt naturally everywhere humans are present. Since the Napoleonic Wars, we have fought an average of six international wars and six civil wars per decade. The four decades after the end of World War II saw 150 wars and only 26 days of world peace—and that does not even include the innumerable internal wars and police actions. Buried in the midst of all of our progress in the twentieth century are well over a hundred million persons who met a violent death at the hands of their fellow human beings. That is over five times the number from the nineteenth century and more than ten times the number from the eighteenth century.2

Anthropologist Michael Ghiglieri even contends that war vies with sex for the distinction of being the most significant process in human evolution. “Not only have wars shaped geopolitical boundaries and spread national
ideologies,” he writes, “but they also have carved the distributions of humanity’s religions, cultures, diseases, technologies, and even genetic populations.”

There is no sign that we are on an ascendant trajectory out of the shadow of our work of de-creation. At the close of the twentieth century, a third of the world’s 193 nations were embroiled in conflict—nearly twice the Cold War level. The bipolar Cold War system has disintegrated into a system of “Warm Wars,” with randomized conflicts popping up in all corners of an interdependent world. Retired Army Major Andy Messing Jr., executive director of the conservative-oriented National Defense Council Foundation, warns that the growing proliferation of weapons of mass destruction and an increasing world population only add to the danger. In his words, “It’s going to be a very tough next 20 years.” Even more liberal-leaning voices recognize that present-day population growth, land resources, energy consumption and per capita consumption cannot be sustained without leading to even more catastrophic human conflict.

The persistence of inhumanity in human affairs is incontrovertible. The greatest catastrophes occur when the distinctions between war and crime fade; when there is dissolution of the boundary between military and criminal conduct, between civility and barbarity; when political and social groups embrace mass killing and genocide as warfare. I am not speaking here of isolated executions, but of wholesale slaughters. As collectives, we engage in acts of extraordinary evil, with apparent moral calm and intensity of supposed purpose, which could only be described as insane were they committed by an individual.

The twentieth century, aptly dubbed the “Age of Genocide,” saw a massive scale of systematic and intentional mass murder coupled with an unprecedented efficiency of the mechanisms and techniques of mass destruction. In the past century alone, it is estimated that 60 million men, women and children have been victims of mass killing and genocide. The “Age of Genocide” moved from the near-complete annihilation of the Hereros by the Germans in South-West Africa in 1904; to the brutal assault of the Armenian population by the Turks between 1915 and 1923; to the implementation of a Soviet man-made famine in the Ukraine in 1932-1933 that left several million peasants starving to death; to the Soviet deportation of


6. *Id.*
entire nations; to the extermination of two-thirds of Europe’s Jews during the Holocaust of 1939-1945; to the massacre of approximately half a million people in Indonesia during 1965-1966; to mass killings and genocide in Bangladesh (1971), Burundi (1972), Cambodia (1975-1979), East Timor (1975-1979) and Rwanda (1994); and, finally, to the perpetual human crisis that continues to rage in the former Yugoslavia.

There is one unassailable fact behind this ignoble litany of human conflict and suffering. Political or social groups wanting to commit mass murder do. Though there may be other obstacles, they are never hindered by a lack of willing executioners. That is the one constant upon which they can count. They can always find individual human beings who will kill other human beings in large numbers and over an extended period of time. In short, people are the weapons by which genocide occurs. How do we explain the extraordinary evil that we perpetrate on each other in the name of our country, race, ethnicity, political party or god?

Unlike much of the research in perpetrator behavior, I am not interested in the higher echelons of leadership who structured the ideology, policy and initiatives behind a particular genocide or mass killing. Nor am I interested in the middle-echelon perpetrators, the faceless bureaucrats who made implementation of those initiatives possible. Rather, I am interested in the rank-and-file killers. The ordinary men and women at the bottom of the hierarchy who personally carried out the millions of executions. The people that were so ordinary that, with few exceptions, they were readily absorbed into civil society after the killings and peacefully lived out their unremarkable lives. To understand the fundamental reality of mass murder requires shifting the focus from impersonal institutions and abstract structures directly onto the actors—the men and women who actually carried out the atrocities.

Rather than another descriptive catalogue of the atrocities we perpetrate on each other, we stand much more in need of explanation and understanding. How do people come to commit extraordinary evil? The goal of this paper is to offer a psychological explanation of how people come to commit extraordinary evil. The paper is divided into three parts. First, I will briefly review the work of those who argue for the extraordinary origins of extraordinary evil. Second, I will counter these positions with the argument that it is ordinary individuals, like you and me, who commit extraordinary evil. Third, I will then outline an explanation of extraordinary human evil that considers the wide range of evolutionary, individual, social and situational factors involved in the process of ordinary people coming to commit extraordinary evil. This four-pronged explanatory model, drawing on extensive case studies of perpetrator behavior from a wide range of genocides and mass killings in the twentieth century, is not an invocation of a single broad-brush psychological state to explain extraordinary human evil. Rather, it is a detailed analysis of the factors that help shape our responses to
authority and unleash our destructive capacities.

II. EXTRAORDINARY ORIGINS OF EXTRAORDINARY HUMAN EVIL

What are the origins of extraordinary human evil? Some scholars contend that the origins of extraordinary human evil are best found in correspondingly extraordinary sources. One such source is the extraordinary nature of the collective. Intuitively, many of us recognize that we are vulnerable to losing ourselves in a group. There seems to be something about the nature of the collective—a small band of marauders, an army battalion, a mob, a social or political organization, an office staff, a nation—that brings out our worst tendencies.

A long line of scholarly work has argued that the inherent nature of a group is to be immature, selfish, uncaring, and even brutal. In 1895, for example, French sociologist and journalist Gustave Le Bon wrote *La Psychologie des Foules*, which was published in English the following year under the title, *The Crowd: A Study of the Popular Mind*. The work became a bestseller, was available in nineteen languages a year after publication and became enormously influential.

Le Bon was an anguished French middle-class academic who lived in fear that the mob at any moment could seize society (Le Bon also, incidentally, claimed to have thought of relativity before Einstein). Le Bon “the founder of crowd psychology” theorized that, in a crowd, the individual’s psychology is subordinated to a collective mentality that radically transforms the individual’s behavior. In other words, his fundamental ideal is that individuals undergo a radical transformation in a crowd. “By the mere fact that he forms part of an organized crowd,” Le Bon wrote, “a man descends several rungs in the ladder of civilization. Isolated, he may be a cultivated individual: in a crowd, he is a barbarian—that is, a creature acting by instinct” (1896, p. 32).

For Le Bon, the collective is an unreasoning, primitive, fickle, dictatorial, intolerant and stupid aggregate: “Whoever be the individuals that compose it, however like or unlike be their mode of life, their occupations, their character, or their intelligence, the fact that they have been transformed into a crowd puts them in possession of a sort of collective mind which makes them feel, think, and act in a manner quite different from that in which each individual of them would feel, think, and act were he in a state of isolation” (p. 27). In short, the basic characteristic of crowds—and any groups—is the fusion of individuals into a common spirit and feeling that blurs individual differences.

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and lowers intellectual capacities.

Sigmund Freud endorsed Le Bon’s controversial view that there is a regression inherent in group behavior and dynamics. As a matter of fact, Freud was so impressed with Le Bon’s description of the irrationality of crowds that he devoted a sixth of his classic *Group Psychology and Analysis of the Ego* (1921) to quotations from the Frenchman’s work.8 Freud accepted Le Bon’s characterization of the group as credulous, lacking in self-criticism, impulsive, excitable and suggestive. In a crowd, Freud agreed, individuals lose their own opinions and intellectual faculties, can no longer control their feelings and instincts and begin to act in a way that surprises both themselves and those who know them.

Reinhold Niebuhr, who taught for many years at Union Theological Seminary in New York City, was another vocal proponent of individual regression in groups. In his provocatively titled *Moral Man and Immoral Society*, first published in 1932, Niebuhr argued that there is a “basic difference between the morality of individuals and the morality of collectives, whether races, classes or nations.”9 What is this basic difference? In short, although individuals are capable of goodness and morality, groups are inherently selfish and uncaring. There is, Niebuhr argued, a clear distinction between the character of people acting in large social groups as opposed to their character as individual people. “The proportion of reason to impulse becomes increasingly negative,” he writes, “when we proceed from the life of individuals to that of social groups, among whom a common mind and purpose is always more or less inchoate and transitory and who depend therefore upon a common impulse to bind them together.”10

The voluminous psychological literature on group dynamics certainly affirms that groups can develop characteristics that create a potential for extraordinary evil. Moral constraints are less powerful in groups than in individuals. There is a diffusion of responsibility within groups that can make evildoing a relatively simple matter. In addition, groups have a power to repress dissent and, thus, encourage the abandonment of the individual self. As Israel Charny writes: “It is a human being who operates through the mechanisms of group behavior to do what he does to fellow human beings, but it is the mechanism of group experience that potentiates, legitimates,

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10. *Id.*
operationalizes, and narcotizes the emergence of man’s various and often unsavory selves.”

On the other hand, groups also can develop values, institutions and practices that promote caring and connection. Groups are not inherently selfish and uncaring; they do not always behave at a level that is more primitive and immature than the individuals that comprise the group. At times, groups can even provide the security to oppose potentially destructive ideas and practices. In short, all collectives are not all bad all of the time. Group processes, like individual processes, are dynamic, not static; changing, not changeless.

It seems most true to state that being in a group reveals who individuals are just as much, if not more, than being in a group alters who they are. In this way, groups can reflect some of the baser characteristics of the individuals within them as well as some of the more noble characteristics. To divorce evildoing groups from the reality of the nature of the individuals within them is to misplace the blame for the commission of extraordinary evil. It is not the nature of the collective that limits our possibility for cooperative, caring, nonviolent relations. It is the nature of the individuals that make up the collective.

Others contend that the lethal soil of specific extraordinary cultures, nurtured by the influence of an extraordinary ideology, is the origin of extraordinary human evil. Most relevant here, and a perfect case study for the general argument, is the work of Daniel Jonah Goldhagen. In response to the enduring question of how the German people could do the things they did to Jews in the Holocaust, Goldhagen gave a simple and straightforward answer. Because they wanted to. Why did they want to? Because they grew up in an extraordinary culture where an unusually virulent form of antisemitism was commonplace. They were heirs to a set of shared beliefs that included a deep-rooted, pathological antisemitism that simply awaited the ascendancy of Hitler and the opportunity of war for its lethal expression.

Following this logic, Goldhagen maintains that ordinary Germans were not forced into performing executions. Rather, they were willing participants in the whole process. These Germans did not view their actions as criminal nor did they shrink from opportunities to inflict suffering, humiliation and death— openly, knowingly and zealously— upon their victims. Moreover, many of them were not part of an elite group like the SS. Most were ordinary Germans, Goldhagen posits a minimum figure of one hundred thousand and says “it would not be surprising if the number turned out to be five hundred.

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thousand or more,” who willingly took part in the Final Solution. They were, in his opinion, killers of conviction.

Ultimately, as several critics have pointed out, Goldhagen’s argument is untenable. There is little evidence that the antisemitism of Germans was “eliminationist” aside from the outcome. Germans were not so fundamentally different that it is plausible to attribute to them a single cognitive outlook in stark contrast to the diversity found in the rest of the contemporaneous human community. We will not benefit from an approach that emphasizes uniformity among one particular culture and a sharp difference between “them” and other peoples. We need not invoke a “demonological” hatred of others to explain the commission of extraordinary evil. The existence of widespread negative racial stereotyping in a society—in no way unique to Nazi Germany—can provide fanatical regimes not only the freedom of action to pursue genocide but also an ample supply of executioners.

It is too easy to say that only an extraordinary culture, like Germany, and only an extraordinary ideology, like eliminationist antisemitism, could produce thousands of willing executioners. We want to assume that mass killing and genocide are simply inherited from cultures and ideologies that preceded a regime’s rise to power because then we can believe that extraordinary human evil is curable. Simply change the culture or ideology and you can change the mindset that leads to something like the Holocaust. Admitting that culture or ideology may simply be the pretext by which we rationalize a more general wish to dominate and destroy is much more discomforting.

Moreover, by ascribing the crimes and their perpetrators to a particular culture or ideology, their behavior becomes “unfathomable” and outside of “our” world. Only the Germans could have behaved the way they did; nobody else. As a consequence, it cannot be repeated by someone else. Unfortunately, it has been, is being, and will be repeated by many other people. As a result, we must recognize that we are dealing not with “ordinary Germans” but rather with “ordinary people.” As Christopher Browning writes, “if ordinary Serbs, Croats, Hutus, Turks, Cambodians and Chinese can be the perpetrators of mass murder and genocide, implemented with terrible cruelty, then we do indeed need to look at those universal aspects of human nature that transcend the cognition and culture of ordinary Germans.”

A third argument for the extraordinary origins of extraordinary human evil focuses on the idea that extraordinary human evil stems from psychopathic persons. Clearly there are some perpetrators involved in

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14. From a presentation given at the United States Holocaust Research Institute at the United States Holocaust Memorial Museum, Washington, DC, April 8, 1996.
atrocities who are deranged psychopaths or otherwise psychologically disturbed. Are there enough, though, to responsibly consider psychopathology as a predominant cause of participation in extraordinary evil?

In the most recent and comprehensive reanalysis of the Rorschachs administered to the Nazi defendants at Nuremberg, psychologist Eric Zillmer and colleagues concluded that the leaders of Nazi Germany were anything but “Mad Nazis.” They were, for the most part, extremely able, intelligent, high-functioning people. They were average German citizens—products of a rigid, paternalistic, male-dominated society. There was no evidence of thought disorder or psychiatric conditions in most of these men. In the authors’ concluding words, “‘high-ranking Nazi war criminals’ participated in atrocities without having diagnosable impairments that would account for their actions. In this sense, the origins of Nazi Germany should be sought for primarily in the context of social, cultural, political and personality, rather than clinical psychological factors.”

But were the Nuremberg defendants representative of any larger group than themselves? In other words, how far can we generalize the conclusions drawn from the Nazi elite? Can they be extended to the psychological functioning of the broader population of Nazis? If the “Mad Nazi” thesis did not hold true for the Nazi elite at Nuremberg, does that necessarily mean that it also would not hold true for the rank-and-file killers?

To answer these questions, Zillmer et al. examined another large bank of nearly 200 Rorschach records of rank-and-file Nazis. These records came from tests administered at the war crimes trials in Copenhagen in 1946. The Rorschach records were those of Danish citizens convicted of collaborating with the Nazi occupation and German military personnel who were sentenced for war crimes committed in Denmark. Their conclusions suggest that these rank-and-file Nazis showed some unusual thought patterns (for example, rigid and pessimistic thinking), but not enough to indicate grossly disturbed thinking. Neither did the perpetrators’ responses demonstrate any particular inclination toward violence. Consistent with the Nuremberg Rorschachs, there was a lack of evidence for obvious and severe psychopathology in the Copenhagen Rorschachs. The “Mad Nazi” thesis seems to apply no better to the rank-and-file than it did to the Nazi elite.

In short, where they existed, perpetrators characterized by extraordinary psychopathology were far too few to account for the litany of atrocities that occurred in the name of the Third Reich. As much as we may wish it to be true, the Nazis cannot so easily be explained away as disturbed, highly

abnormal individuals. Indeed, few psychologists today would argue for the existence of a psychopathic personality in understanding the origins of extraordinary human evil.

This brings us to the fourth, and final, extraordinary source of extraordinary evil—the idea that the origins of extraordinary human evil lie in specific personality types. Even if perpetrators are not similar in psychopathology, this argument contends, then certainly they must have a similar personality structure that explains their participation in evildoing.

Shortly after the Nuremberg trials, Theodor Adorno headed a team of researchers intent on explaining German acquiescence to Hitler’s brutal plans. The resulting book, *The Authoritarian Personality*, suggested the presence of a fascist personality structure that included, among other characteristics, an exploitative power orientation, rigid thinking and a preoccupation with toughness. In the midst of jarring theoretical and methodological critiques, the theory was quickly discredited. Today, the search for a specific, homogeneous personality type that is predisposed to participation in extraordinary evil remains elusive. While there may be certain broad personality differences that relate to the commission of extraordinary evil, there is not a single personality pattern that is inevitably expressed among all, or most, perpetrators.

As affirmed by the historical analyses of Christopher Browning and George Browder, to bluntly suggest that all Nazis had a common, homogenous extraordinary personality that predisposed them to the commission of extraordinary evil is an obvious oversimplification. Just because they shared, to some degree, a common pattern of behavior does not mean that they also shared a common underlying personality organization. We cannot justifiably speak of a psychological coherence or homogeneity among perpetrators as a group. In short, they were not a homogenous group of individuals who had more in common with each other than with any other group of people. Similarly, our search for a homogeneous personality that characterizes perpetrators of genocide in Armenia, Germany, East Timor, Cambodia, Guatemala, Rwanda, the former Yugoslavia and Sierra Leone has revealed more variability than consistency; more heterogeneity than homogeneity. Perpetrators are, quite simply, a representative cross-section of the normal distribution of humans.

Even where there is a glimpse of homogeneity of personality characteristics, we are still faced with another, equally important, question.


Are these commonalties in psychological functioning *unique* to the perpetrators as a group or do we also find these characteristics in non-perpetrator groups (for example, high-level, successful business executives and bureaucrats, non-killing military personnel, lawyers, teachers, psychiatrists, etc.)? In other words, do these characteristics discriminate, or differentiate, perpetrators of extraordinary evil from groups of non-perpetrators? Clearly, the answer is “no.” The few personality structures that describe the psychological organization of a majority of the perpetrators (for example, problem-solving style) are also common to millions of other individuals who may have done nothing more criminal in their lives than commit a parking meter violation.

If the violent, aggressive and antisocial behaviors displayed by perpetrators of extraordinary evil are not exclusively attributable to the nature of the collective, the influence of an extraordinary ideology, gross psychopathology, or a homogeneous personality syndrome, then to what other influences or factors can such behaviors be attributed?

III. ORDINARY ORIGINS OF EXTRAORDINARY HUMAN EVIL

Emphasizing the extraordinary origins—groups or individuals—of extraordinary human evil is comforting because it helps distance *us* from *them*. We would rather maintain that extraordinary individuals, very much *unlike* you and me, commit extraordinary evil. We can then rest in the reassurance that extraordinary evil cannot be duplicated in “ordinary” groups or cultures or in individuals with seemingly “normal” human capacities.

Increasingly, though, scholars are questioning if perpetrators of evil are that fundamentally different from you and me. They are recognizing that evil transcends groups, ideology, psychopathology and personality. These scholars are coming to see the dead end of demonization. They are realizing, with more than a little discomfort, the authenticity of Hannah Arendt’s concept of the banality of evil.18 In short, perpetrators of extraordinary evil are not that fundamentally different from you and me.

In reality, a purely evil person is just as much an artificial construct as a person who is purely good. Perpetrators of extraordinary evil are extraordinary only by what they have done, not by who they are. Most were not mentally impaired. Nor were they identified as sadists at home or in their social environment. Nor were they victims of an abusive background. They defy easy demographic categorization. Among them, we find educated and

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well-to-do people, as well as simple and impoverished people. We find church-affiliated people as well as agnostics and atheists. We find people who were loving parents as well as people who had difficulty initiating and sustaining satisfying personal relationships. We find young people and old people. We find people who were not actively involved in the political or social groups responsible for institutionalizing the process of destruction as well as those who were. We find people, like you and me, who went to school, fought with siblings, celebrated birthdays, listened to music and played with friends. In short, the majority of perpetrators of extraordinary evil are not distinguished by background, personality, or previous political affiliation or behavior as having been men or women unusually likely or fit to be genocidal executioners.

This reality is difficult to admit, to understand, to absorb. We would rather know Extraordinary Evil as an extra-human capitalization. This reality is unsettling because it counters our general mental tendency to relate extraordinary acts to correspondingly extraordinary people. We cannot evade, however, its truth. We are forced to confront the ordinariness of most perpetrators of mass killing and genocide. Recognizing their ordinariness does not diminish the horror of their actions. It increases it.

Understanding that ordinary people commit extraordinary evil still begs an explanation. How, exactly, do ordinary people come to commit extraordinary evil? This question remains a matter of debate. I now review the work of theorists who argue that extraordinary evil is done by ordinary individuals who have created or activated a second self to commit that evil. I call these “divided self” theories of extraordinary human evil.

Most relevant here is the famous series of studies on obedience to authority conducted in the early 1960s by Stanley Milgram. Milgram’s research demonstrated that, in response to the demands of an experimenter, many people were willing to administer what they believed to be life-threatening electrical shocks to another person. Milgram postulated a discontinuous, altered state—the “agentic” state—as responsible for these results. The agentic state, activated by one’s integration into a hierarchy, occurs when one “...sees himself as an agent for carrying out another person’s wishes.” In the agentic state one is in a state of openness to regulation by an authority; it is the opposite of the state of autonomy. It is a change in one’s self-perception, a cognitive reorientation induced when a person occupies a subordinate position in a hierarchical system.

In the agentic state, inner conflict is reduced through the abrogation of personal responsibility. Unable to defy the authority of the experimenter in

20. Id. at p. 133.
Milgram’s study, subjects attributed all responsibility to him. In Milgram’s words: “The most far-reaching consequence of the agentic shift is that a man feels responsible to the authority directing him but feels no responsibility for the content of the actions that the authority prescribes” (italics in original).21 In the agentic state, Milgram argued, we are not governed by the operations of our own conscience; instead, our conscience has been momentarily switched off or given over to the “substitute” conscience of the authority.

Overtly adopting a divided self approach, Milgram argues: “Moved into the agentic state, the person becomes something different from his former self, with new properties not easily traced to his usual personality.”22 It is a dichotomous and all-or-nothing proposition—we are either in one state or another at any given time. Milgram’s notion of an “on-off” switch reflects the acutely abrupt nature of the agentic shift—a necessary conceptualization given that Milgram’s subjects began and completed their task of administering what they regarded as life-threatening shocks to an innocent victim within the window of one laboratory hour.

Although logically compelling, the empirical evidence supporting the agentic shift is, in fact, weak or contradictory. Mantell and Panzarella, for instance, found that there was no relationship between the degree of obedience exhibited by subjects and the subjects’ assignment of responsibility. In their words: “Although the majority of subjects in a command situation like the baseline condition administer all of the shocks, they have not surrendered personal responsibility in becoming agents of the experimenter. Some have. But others continue to hold themselves responsible. A monolithic view of the obedient person as a purely passive agent who invariably relinquishes personal responsibility is a false view.”23

Despite the lack of empirical evidence for “something different” from a former self in explaining Milgram’s results, both scholars and laypeople have continued to hold on to the notion that there is a mystical shift from one self to another that enables a person to commit extraordinary evil. There is something emotionally compelling about the idea that extraordinary evil is committed by a “double” of some sorts; ourselves become not ourselves. We see this most clearly in the oft-cited work of Robert Jay Lifton who advances “doubling” as the principal defense mechanism utilized by the Nazi doctors in their adaptation to evoildoing.24 Doubling maintains that the doctors created a second dissociated self to do evil; related to but more or less autonomous from the primary self.

21. Id. at pp. 145-146.
22. Id. at p. 143.
I counter that these divided self explanations are unnecessarily complicated. I argue—more simply—that the primary, and only, self is fundamentally altered as a result of the power of potent social forces generated by the situation or organization. At the heart of my argument is the belief that we are troubled by inconsistencies between our external behaviors and internal psychological constellations (that is, our beliefs and values). We are motivated to reduce these inconsistencies to preserve the integrity of the primary self. When social forces do not allow us to modify our external behaviors, we alter our internal psychological constellations to be consistent with those behaviors.

Each of the arguments for the extraordinary origins of extraordinary human evil, as well as the more ordinary origins of the divided self, contain a grain of truth that helps advance our understanding of perpetrators of mass killing and genocide. In other words, it is not that any of them is completely wrong; rather, each of them is completely incomplete. It is in looking at their incompleteness that we most clearly see the need for a new understanding of how ordinary individuals come to commit extraordinary human evil.

IV. EXPLANATORY MODEL OF EXTRAORDINARY HUMAN EVIL

To answer the question of how ordinary people come to commit extraordinary evil, I offer an original explanation that considers the wide range of evolutionary, individual, social and situational factors inherent in the process of ordinary people coming to commit extraordinary evil. Framed in the context of a four-pronged model, this explanation examines the forces, both internal and external, that help shape our responses to authority (see Figure 1).

The first prong of the model focuses on the 

**distal forces of human nature**

that are particularly relevant in shaping our responses to authority. The subfield of psychology that was most responsible for bringing us back to rethinking the issue of human nature is evolutionary psychology (EP). EP is a multidisciplinary approach within the Darwinian paradigm that seeks to apply theories of evolutionary biology in order to understand human psychology. EP is psychology informed by the fact that the inherited architecture of the human mind is the product of the evolutionary process. Its central premise is that there is a universal human nature and that this nature is adapted to the way of life of Pleistocene hunter-gatherers, and not necessarily to our modern circumstances. It has reminded us that we are part of the natural world and, like other animals, we have our own particular psychological tendencies or

I focus on three such tendencies of human nature that are particularly relevant in shaping our responses to authority. Studies worldwide show not only that these tendencies are universal in people, but also that they start in infancy.

*Ethnocentrism*, the tendency to focus on one’s own group as the “right” one.

*Xenophobia*, the tendency to fear outsiders or strangers. In some important ways, xenophobia complements ethnocentrism. There is no “us” without a corresponding “them” to oppose.

The tendency for aggression and violence that arises out of an innate desire for power—particularly power over death. It is through unleashing our aggressive and violent tendencies that we claim the illusion of invulnerability and, even, immortality.

These tendencies represent evolved social capacities that are at the core of human nature. They are the underlying, distant biological capacities that, in concert with other immediate and proximal influences, help us understand our capacity for our extraordinary evil to one another. This is not to say that we only respond to iron instinct. As famed evolutionary biologist Stephen Jay Gould reminds us, “We can only speak of capacities, not requirements or even determining propensities. Therefore, our biology does not make us do it.”

We remain, however, compelled to examine the impact of *what* we are upon *who* we are.

The second prong acknowledges that a thorough understanding of extraordinary evil must include a focus on the forces that mold the identities of the perpetrators who carry out the atrocities. Social psychologists, by and large, do not think of evil actions as the product of evil personalities. Generally, we tend to emphasize the immediate situation’s influence on thoughts, feelings and behaviors while, at the same time, minimizing the role of individual dispositions or personalities. It is important to recognize, however, that a contest between situational and personal explanations is not ultimately productive. Rather, what we should be concerned with is the relative importance of both situational and personal factors in explaining extraordinary human evil.

In that vein, this prong of the model explores the impact of three specific factors that shape the identities of the perpetrators.

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Cultural influences, particularly those stemming from belief systems that have been shaped and distorted by ideological indoctrination and propaganda.

Moral exclusion and norm distortion that leads to a legitimization of the “other” as the enemy and, thus, deserving of their victimization—even to the point of becoming a moral imperative. The targeted group is devalued to such an extent that they are excluded from the moral universe of human obligation, even from the community of the human family itself.

Ego investment in an organization that predisposes one person to participation in evildoing and another to entirely different behavior. Relevant here are the individual differences in professional ambitions and careerism that are mediated, in part, by differences in linkages between one’s ego and the organization to which one belongs. Also relevant is the recognition that our susceptibility to “ego threats”—that is, the way in which we typically react when our favorable view of ourselves is disputed or undermined by someone else—is a reliable predictor of violent behavior. People who are most prone to encounter ego threats are the most likely to respond violently.

The third prong of the model recognizes that who the victims are, or, at least, who they have been made out to be, is an important piece of understanding how we respond to authority. In this prong, I explore the following three features of defining the victims as the “other.”

A classification of several faces of hatred that differentially influence the perpetrators’ perception of the victims and differentially impact their relationships with the victims. The three primary faces of hatred are: (a) the negation of intimacy, or the seeking of distance from the targeted group, (b) passion, which expresses itself motivationally as intense anger or fear in response to threats posed by the targeted group and (c) beliefs of devaluation and diminution toward the targeted group. These three faces of hatred generate, in various combinations, seven diverse types of hatred.28

The role of social categorization in defining in-groups (the groups with which we identify and feel we are a member) and out-groups (the groups with which we do not identify). Building on the universal human tendencies of ethnocentrism and xenophobia, social categorization leads us to make several assumptions about the social world that influence our perception of the

victims. Most notably, we tend to see in-group members as very similar to us and out-group members as all alike and very different from us. Without much prompting, we then extend these assumptions to a belief that our group is better than the out-group.

The various processes involved in the dehumanization of the victims. For example, the distance between the linguistic dehumanization of a people and their actual suppression and extermination is not great. The Nazis, for instance, redefined Jews as “bacilli,” “parasites,” “vermin,” “demons” and a “plague.” Similarly, the euphemistic labels and bureaucratic jargon (for example, “special treatment”) used about the Jews’ suffering further led to their devaluation and the removal of normal constraints against aggression and, ultimately, genocide.

Finally, the fourth prong returns to the classic social psychological approach of emphasizing the power of the situation to influence our thoughts, feelings and behaviors. Specifically, I explore the following three social psychological concepts.

The escalating process of brutalization in which perpetrators learn to kill. This process includes a gradual desensitization or habituation to atrocities in which initial, relatively inconsequential, evil actions make later evildoing easier. During the early 1970s, for instance, the process of learning by doing was used by the military junta then in power in Greece to train torturers. In a systematic and deliberate program, trainees were first assigned to guard prisoners, then to participate in arresting squads, then ordered to hit prisoners, then to observe torture and, finally, to practice torture. Each step is so small as to be essentially continuous with previous ones. After each step, the individual is positioned to take the next one. The individual’s morality follows, rather than leads, their behavior.29

The binding factors of the group that shape our responses to authority. Here, I am referring to the various influences of group dynamics that bind one to the group and its activities. These include peer pressure and conformity, male ritual and camaraderie, diffusion of responsibility and a distinctive culture of cruelty that rewards individuals for acts of extraordinary evil.

The power differentials that exist between perpetrators and victims that make the actual perpetration of extraordinary evil possible. There is a volatile paradox of dependency and power that generally exists between perpetrators and victims in genocides and mass killings. This power differential explains, in part, why hatreds do not result in systematic violence unless they are organized by governments. Conversely, it explains, in part, why genocides and mass killings are relatively uncommon in stable democracies where such extreme power differentials are kept in check.

The model is based on a wide range of testimony and documentation regarding perpetrator behavior in several genocides and mass killings from the twentieth-century. As an opening explanatory model, however, its broad applicability remains open to testing and critique (for example, its applicability to female perpetrators).

V. CONCLUSION

In conclusion, we must acknowledge the possibility that to explain the behaviors of perpetrators of extraordinary evil is to justify those behaviors. In other words, does explanation inevitably lead to condoning, pardoning, and forgiving or—at the very least—a shift in the direction of a more favorable attitude toward the perpetrator? A recent intriguing social psychological experiment by Miller and colleagues contends that there is ample reason to fear that understanding can promote forgiving. In three experiments designed to explore the exonerating effects of explanations, Miller et al. found “that there are a variety of cognitive and affective processes that, in fact, may produce a relatively condoning attitude toward perpetrators as a result of explaining their actions.” Even after a brief exposure to explanations, participants evidenced a significant judgmental shift in the direction of a less harsh or punitive orientation toward a perpetrator. Miller et al.’s studies found that social psychological explanations, in particular, run the risk of reducing the perceived intentionality and responsibility attributed to perpetrators.

Why do we fall prey to the notion that explanation equals justification, forgiveness or exoneration? In part, because we see explanation only in purely deterministic terms. That is, when we explain a behavior, it is as if the person had no choice but to engage in that particular behavior and, thus, the behavior is justifiable. In reality, though, psychological explanations are more probabilistic than deterministic. In other words, they tell us what we are most likely to do rather than what we must do.

To offer a psychological explanation for the atrocities committed by perpetrators is not to forgive, justify or condone their behaviors. There are no such things as “perpetratorless” mass killings or genocides. Perpetrators are not just the hapless victims of fate. At each step of the explanatory model, there are many opportunities for choice and what they decide to do makes a great difference in what they eventually do. At some times, the choosing may take place without awareness or conscious deliberation. At other times, it is a matter of very focused and deliberate decision-making. Regardless, the perpetrators, in willfully failing to exercise their moral judgment, retain full

moral accountability for the atrocities they committed. To understand all is not to forgive all. “Explaining is not excusing; understanding is not forgiving,” writes Browning. “Not trying to understand the perpetrators in human terms,” he continues “would make impossible not only this [his] study but any history of Holocaust perpetrators that sought to go beyond one-dimensional caricature.”

No one would deny that we have learned a tremendous amount about who we are, and of what the human spirit can endure, by exploring the multidimensional complexity of the victims of extraordinary human evil. It is equally appropriate to believe that there may be just as much to learn by ripping off the masks that disguise perpetrators of extraordinary evil as monsters. In understanding how these ordinary people come to commit extraordinary evil, we get a discomforting glimpse of the depths to which the human spirit can fall. We must then, however, have the courage to resume the moral condemnation of those terrible acts. As social psychologist Roy Baumeister writes, “It is a mistake to let moral condemnation interfere with trying to understand—but it would be a bigger mistake to let that understanding, once it has been attained, interfere with moral condemnation.”

Finally, when we understand the ordinariness of extraordinary evil, we will be less surprised by evil, less likely to be unwitting contributors to evil and better equipped to forestall evil. It does not mean that evil will no longer happen. It means, only, that we will have a clearer understanding of how human evil is produced and, thus, be better positioned to cut off the acting out of that evil. Ultimately, being aware of our own capacity for evil—and the evolutionary, individual, social and situational constraints that foster it—is the best safeguard we can have against future genocide.

Christian Identity:
An American Heresy

Rev. David Ostendorf*

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  and it works throughout the Midwest to counter organized hate group activity.
Christian Identity is a belief system so strange, indeed bizarre, that most Americans who know anything about it dismiss it outright and relegate those who believe it to the quaint and quirky fringes of the nation’s religious subcultures.

How seriously, for example, can one take the notion that God created Adam as a white man and that other races are sub-human? Or the belief that the lost tribes of Israel traversed Europe, landed in Great Britain, and crossed the Atlantic to inherit—as white Christian racialists—the promises of God? Or that Jesus came only to reach out to and save this particular “Israel,” comprised solely of white supremacists?

Little wonder that Americans do not take this ideology seriously, or that American Christians and their church leaders pay it scant attention. An occasional news story on the white supremacist movement may mention Christian Identity, and most readers quickly recognize the obligatory description of its basic racist and anti-Semitic beliefs.

In American history, and particularly in American Christian history, these ideas are not as bizarre as they may seem at first glance. Anti-Semitism has been a consistent, harrowing theme of Christian theology since the days of the...
early church, and has been the driving force of countless pogroms and “everyday bigotry” aimed at Jews for generations.¹

Jonathan Edwards, Increase Mather, and other well-known colonial religious leaders held Jews and Judaism in utter contempt. Derogatory stereotypes of Jews were perpetuated by Protestant religious leaders who saw them as a threat to the emerging power of their “Christian nation” in the nineteenth and twentieth century. More recently some Black Muslims joined the chorus of condemnation with accusations of Judaism as a “gutter religion.”² And in keeping with this despicable tradition, nationally known Christian evangelist Jerry Falwell declared in January of 1999 that the Antichrist “will be a full-grown counterfeit of Christ. Of course he’ll be Jewish.”³ Though Falwell later apologized, his point was made.

In a similar vein, white Christian leaders throughout the nation’s history have used the Bible and their propensity to maintain power as a foundation for slavery and racism. The vile interpretations of scripture rendered to justify the enslavement, torture, and murder of Africans and African-Americans are legion in both North and South. The racist descriptive language of countless Christian apologists for slavery infused the religious culture from the colonial period through the twentieth century Social Gospel movement to our own day, relentlessly reinforcing the perceived inferiority of persons of color.⁴

In short, as quick as we may be to readily dismiss the racist and anti-Semitic tenets of Christian Identity, so must we be quick to recognize that the core of that heresy has deep roots in the Christian “mainstream” of American religious thought and culture.

While Christians must work relentlessly to distance themselves from this sordid past by recasting and recovering—and practicing—a radically inclusive understanding of community, they must also expose and counter Christian Identity for what it is: an American heresy. Though the Christian faith has multiple and varied forms, traditions, denominations, and doctrinal differences, there are certain, categorical truths that bind its manifestations: Christian Identity’s notion of salvation by race is not one of them.

Identity is so far afield from the foundational tenets of Christian teachings

¹. For more on this history, see Leonard Dinnerstein, Anti-Semitism in America (1994); John Dominic Crossan, Who Killed Jesus (1996); James Carroll, Constantine’s Sword: The Church and the Jews (2001).
as to be unrecognizable. It is so removed from the basic teachings of Jesus as to be a caricature of his way of life and his admonitions about living justly and righteously. It is so intent on appropriating the story of the ancient Israelites that its interpretation of that story is simply preposterous. It is so certain of its own convoluted “truths” about race that it advocates violence as a means to secure white supremacy and to achieve racial purity. Christian Identity defines the word heresy.

American religious leaders must take this heresy seriously. It is an old and persistent infection in our midst, easy to dismiss in the mix of all the other serious problems confronting us. But hanging on in the body politic, it feeds and festers where it might, gathering one or two here, binding believers into a settlement and a congregation there. Occasionally, it convinces a follower that killing “the other” is justified by the God who loves only white Christians. It bred the violent Order of the 1980s. It fed a national militia movement in the 1990s. It helps elect people to public office. It despises all other Christians, liberal or conservative.

Christian Identity: An American Heresy seeks to expose the theological underpinnings of this belief system in a new way, and to call religious and civic leaders to counter this heresy boldly and publicly. The Center for New Community believes that there is a theological imperative for democratic community, and that such an imperative must be recovered anew in our time.

This work builds upon other teaching tools of the past, most notably Leonard Zeskind’s 1986 publication, The “Christian Identity” Movement, published by the Division of Church and Society of the National Council of Churches of Christ in the U.S.A. It has been at Zeskind’s urging that this article has been completed, finally putting to print work that the Center for New Community has had the privilege of carrying out with congregations and communities of Christians and Jews, and with persons of all races across the nation as it seeks to build democratic community deeply rooted in the Biblical story of justice and hope.

II. BRITISH ISRAELISM AND THE ROOTS OF WHITE SUPREMACIST THEOLOGY IN AMERICA

In the spring of 1996 some forty pastors and other church leaders gathered in Estes Park, Colorado for a seminar sponsored by Pastor Pete Peters of Scriptures for America. They worshiped, sang, prayed, and studied together, shared camaraderie at meal times, and had pictures taken to mark the occasion. Panels were organized, presentations were taped and made available for sale, and appropriate press reports about the seminar were arranged. The “unprecedented” and “first of its kind” event was covered extensively in The
What marked this seminar from countless others held by religious groups across the nation that spring was its focus on the “Israel Identity” message. After more than two decades traversing the country to plant and cultivate the seeds of religion-based hatred, Pete Peters is one of the few Christian Identity leaders in the U.S. able to pull together such a seminar that, according to The Jubilee, sought to “dispel media and Jewish lies about the Christian-Israel message.” His standing in the pseudo-religious movement was especially enhanced after the successful “Meeting of Christian Men” he organized in 1992, at which the framework for the contemporary militia movement was developed by the nation’s leading white supremacists. Peters was in his element at the “96 seminar” gathered with other Identity pastors, authors, and leaders in a shared commitment to teaching the “truth” of the Christian-Israel message.

At the heart of that message is the understanding that white Christians are the true Israelites—those who have inherited the promises and blessings of God spelled out in Hebrew and Christian biblical texts.

A. An Ideology for Empire: British Israelism in the Nineteenth Century

Contemporary Christian Identity is rooted in an early nineteenth century religious/social movement, British Israelism. In 1840 Jonathan Wilson, a Scotsman, published Lectures on Our Israelitish Origins, in which he revealed that the ten lost tribes of Israel had migrated over time throughout Europe and into Great Britain. Through an analysis of English and Hebrew language similarities, and the proximity of social institutions like the monarchy to the British form of government, Wilson concluded that the Anglo-Saxon peoples were indeed the lost tribes and had, thereby, inherited the promises given by God to the northern kingdom of Israel.

Wilson’s work was foundational to an explicitly racial understanding of the superiority of the Anglo-Saxon peoples that took shape and form in the nineteenth century—an understanding firmly grounded in the mainstream of the racialist notions of white superiority shaped even by the physical and social sciences of the day. In the capable hands of Edward Hine, a Wilson

6. Id.
7. MICHAEL BARKUN, RELIGION AND THE RACIST RIGHT, ch.1 (1994). Barkun’s work represents one of the most comprehensive histories of British Israelism currently available. See also LEONARD ZESKIND, THE CHRISTIAN IDENTITY MOVEMENT (1986).
disciple, this analysis gave rise to British Israelism, a social movement that would spread throughout Great Britain by century’s end, reinforcing the nation’s political aspirations to expand relentlessly an empire on which the sun never set.

However, in his own 1871 book, Identification of the British Nation with Lost Israel, Hine went beyond his teacher to declare that “the Island Nation” itself was the true home of the lost tribes. In a contemporary, abridged version of this book available from The American Institute of Theology in Harrison, Arkansas, Hine waves the flag of the undefeated, monarch-driven British empire to prove that only Great Britain could have inherited Israel’s lot. In short, foreshadowed the contemporary Christian Identity assertion that the United States is the true homeland of the chosen people of God—those white British Israelites who came to North America’s shores and brought with them the inheritance given their forebears.

According to Hine, “The Identity is a very valuable one. The British people, in a national sense, have been led to accept this term as being applicable to themselves . . . God applies it to Israel, and we have agreed to apply it to ourselves . . . Thus we have been led to a distinct avowal that we are the Lord’s inheritance consequently, the people of Israel.”

B. The Leap of the Atlantic: Henry Ford and the Cauldrons of Anti-Semitism

In 1884 Edward Hine sailed to the U.S. to plant and nourish the seeds of British Israelism in the fertile soil of white America. In a visit that lasted four years he tapped into the belief widespread among European Americans that the young nation was, indeed, the new promised land given by God to them, the chosen people. Linking with academics and others predisposed to this sense of entitlement, Hine gave new shape to the social, cultural, religious, and political framework that would lead in the early twentieth century to the Anglo-Saxon Federation of America and, eventually, to the more vile and vicious racism and bigotry of Christian Identity.

But it was the auto magnate Henry Ford and his associate, William Cameron, who helped put a distinctly American touch on British Israelism in the 1920s and made of it a lasting ideology. Through his Dearborn Independent newspaper—distributed throughout the nation by his dealers—Ford spread his vile anti-Semitism. He went so far as to publish “The

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8. Edward Hine, Identity of the Ten Lost Tribes of Israel with the Anglo-Celtosaxons (abridged, The American Institute of Theology, Harrison, Ark., no date) (1871).
9. Id. at 63.
International Jew” (based on the infamous Czarist forgery, *The Protocols of the Elders of Zion*), a piece that supposedly “exposed” the alleged Jewish conspiracy to take over the world economy. Cameron’s own deeply-held convictions about Jews led him eventually to devote his energy full time to the Anglo-Saxon Federation and *Destiny* magazine, using both to advance his British/Anglo Israelism and to forge strong links with the racist and political right in the U.S.11

C. *The Church of Jesus Christ Christian: Wesley Swift and American Identity*

In 1946 Wesley Swift, the son of a Methodist pastor who had long been active in racist and right wing groups, organized the Anglo Saxon Christian Congregation—soon to be known as the Church of Jesus Christ Christian—in Lancaster, California. Taking up the mantle of Henry Ford, William Cameron, and Gerald L. K. Smith, and building on the strength of the ever-present racist movement of the 1930s and 1940s, Swift gave birth to contemporary Christian Identity. “More than anyone else,” Michael Barkun writes, “Wesley Swift was responsible for popularizing Christian Identity in right-wing circles by combining British-Israelism, a demonic anti-Semitism, and political extremism.”12

In 1956 Swift ordained one of his proteges, William Potter Gale, as an Identity pastor. Gale became a lifelong devotee of Identity and helped put a systematic framework on the previously unorganized ideology. Gale’s 1963 booklet, *The Faith of Our Fathers*, not only coalesced the basic tenets of British/Anglo Israelism, but also began to wrap them in a cloak of violent anti-government rhetoric.13 By 1969 Gale had clearly articulated a strong and inflexible anti-government position infused with Identity anti-Semitism, and made good on his writing by helping found the Posse Comitatus. The Posse was said to be the highest law enforcement authority in the land, representing the power of citizens at the county level, and took root in counties throughout the nation. Gale’s hatred of the IRS, in particular, led him to call for armed action against its agents, and eventually led to his own conviction for mailing death threats to IRS employees. His blend of anti-Semitism with hatred of the “Zionist Occupation Government” (“ZOG”) in the U.S. laid the foundation for Christian Identity to the present day.

12. *Id.* at 60-61.
13. *Id.* at 66.
III. “CHRISTIAN ISRAEL:” THE IDENTITY NOTION OF THE
BIBLICAL TRIBES OF ISRAEL

A key pillar of Christian Identity’s theological construct is the racialist
notion—rooted in British Israelism—that the Biblical tribes of Israel
emigrated from the Middle East northward through Europe, finally occupying
all of central and western Europe and, particularly, the isles of Great Britain.
Proponents contend these tribes are the true Israel, the white European stock
whose descendants later crossed the Atlantic to birth “Israel’s new name
America, the only founded Christian Nation,” the “great Christian
Kingdom.”

In its “Doctrinal Statement of Beliefs,” Kingdom Identity Ministries,
based in Harrison, Arkansas lays out this foundational Identity belief in
simple and stark terms:

We believe the White, Anglo-Saxon, Germanic and kindred people to be
God’s true, literal Children of Israel. Only this race fulfills every detail of
Biblical Prophecy and World History concerning Israel and continues in
these latter days to be heirs and possessors of the Covenants, Prophecies and
Blessings YHVH God made to Israel.

In equally stark terms, a pamphlet from Mission to Israel Ministries in
Scottsbluff, Nebraska (“Could You Be An Israelite And Not Know It?”) asserts:

If Israel exists today, as she must, there is only one people whom all these
identifying marks fit—and they certainly do not represent the modern-day
‘Jews.’ They do however, describe perfectly the Anglo-Saxon, Celtic,
Germanic, Scandinavian, and kindred peoples; the multitude of nations who
became a great nation, with a new home, a new religion, and who have
blessed the world with the gospel of Yahshua and numerous other
blessings.

In short, Identity adherents believe that the Biblical tribes of Israel and their
progeny are white people, and Christian to boot.

14. RESTORATION BIBLE CHURCH, THE BLESSINGS OF THE SONS OF JOSHEP (tract from
Restoration Bible Church, Berkley, Mich.); The Adamic Race: Adam’s Pure Blood Seedline,
map from THE 11TH HOUR REMNANT MESSENGER (Mailing to Coeur d’Alene, Idaho resident
Heather Lalley) [hereinafter The Adamic Race].
15. KINGDOM MINISTRIES, DOCTRINAL STATEMENT OF BELIEFS (tract from Kingdom
Ministries, Harrison, Ark.).
16. MISSION TO ISRAEL MINISTRIES, COULD YOU BE AN ISRAELITE AND NOT KNOW IT?
(tract from Mission to Israel Ministries, Scottsbluff, Neb., panel 5).
A. Name Games: The Re-Formation of
Israel in the West

To this day Identity believers engage in a clever name game to prove the
“re-formation” of Israel in the west. This language deconstruction process was
passed on from their nineteenth century predecessors, the British Israelists,
who—like their cohorts in the physical sciences of that period—conjured up
an array of pseudo-scientific methods to prove beyond doubt that the British
were the true Israelites. Edward Hine’s classic Identity of the Ten Lost Tribes
of Israel with the Anglo-Celtos-Saxons is still reprinted in Identity circles
today. His convoluted “proofs” of Israelite settlement patterns into Europe and
“the Isles” were as much a justification of God-ordained, nineteenth century
British imperialism and monarchy as they were for the theology he advanced.

More than a century later, contemporary Identity believers go to great
lengths in this name game to “prove” their sacred lineage as God’s chosen
people, i.e., white, Christian, Anglo-Saxon, Nordic, Germanic stock. More
than a game, however, this process is foundational to Identity theology,
providing its followers a convincing pseudo-intellectual cornerstone on which
to build their racialist beliefs. The importance of the name derivation process
is not to be underestimated. Virtually every Identity tract, pamphlet, schemata,
magazine, and book includes variations of the supposed emigration maps of
the Israelites, complete with explanations of the tribal name shifts as, over the
generations, they became white Europeans. For example:

By shortening “Isaac’s sons” one comes up with “Saxons.”
The mark of the tribe of Dan is said to be evident in “Dan-emerke” and its
people, the Danes, or in the root of the word “Scan-din-avians.” Even “Lon-
don” is not safe from such analysis.
Ireland, known in ancient times as Hibernia, is said to mean “Hebrew’s
land.”
The people whom the Greeks called Scythians, who eventually are said to
have migrated to Germany from Russia and Poland, are said to have been
known as “Sakka” by the Persians. Whether it is from the Assyrian word
“Iskuza” from which the Greeks reportedly came up with “Scythian” or from
the Persian “Sakka,” both terms “according to the American Institute of
Theology” surely must have derived from the word Isaac, the Son of
Abraham and Sarah.17

17. Hine, supra note 8; Rodne Skurdal, Common Law Precept Coram Ipso Rege
(filed by Freeman Rodney Skurdal, Musselshell County, Mont., Oct. 28, 1994); Bible
Restoration Ministries, Our Identity in the Bible and History (handout from Bible
Restoration Ministries, Royal Oak, Mich.); American Institute of Theology, Marks of
B. The Tribes of Israel: The Heart of Identity's Identity

More than an exercise in obtuse word deconstruction and intricate historical and theological proof of racial superiority, the name game is at the heart of Identity’s identity, and has profound implications for its leaders and followers. It directs and defines Identity theology, backing its claims that Jews are power-hungry enemies of God, seeking “to subvert the Word of God, for the purpose of enslaving God’s true Israel people.”18 It helps ground the Identity claim that persons of color are inferior or sub-human, or that the non-white races should be kept separate from the chosen (white) people of God.

For example, in his Winter 2000 issue of The Watchman, Pastor Dan Gayman of the separatist, decades old Church of Israel in Schell City, Missouri goes to great length in the lead article, “The Lost Tribes of Israel,” to “make an objective and unbiased look into this long neglected area of theology.”19 Gayman claims some two hundred followers in households throughout southwest Missouri’s Vernon County and environs. He disclaims association with Christian Identity, as do some of his contemporaries attempting to shake the negative connotations Identity conjures up. In the 1980s, however, he received some $15,000 in stolen money from the violent Order, which he subsequently turned over to the government.20

Nonetheless, while he embodies an arm of Identity theology that today professes to repudiate violence and anti-government fervor, he and his congregation embrace and practice a doctrine of “ethnic separatism” and “racial purity” that is plainly racist. The church has even drawn and helped resettle white South Africans since the collapse of apartheid. Gayman relishes the “persecution” he suffers whenever he is the subject of media stories, wearing it as a badge of honor and further vindication of his anointment. Of the lost tribes, he concludes:

The ten lost tribes of Israel have been found. They can be found among the Caucasian race of people that historically have explored, settled, developed, and civilized the areas where the tens of millions of Anglo-Saxon people live on this earth. These are the people who historically have embraced Jesus

ISRAEL (tract from The American Institute of Theology, Harrison, Ark.).
18. Ministers’ Conference, supra note 5.
20. KEVIN FLYNN & GARY GERHARDT, THE SILENT BROTHERHOOD 464-65 (1990). Gayman received two separate payments of $10,000 and $5,000 from members of The Order, which he later turned over to the government. Id. He also testified for the government in the sedition trial of Order members. Id.
Christ, the Bible, and the Christian faith.21

In 1994, Montana Freeman Rodney Skurdal filed a dense, twenty-page document declaring his status as an expatriate “sovereign citizen,” free from the application of U.S. law. The document is vintage Christian Identity, full of scriptural interpretation and name deconstruction to back his assertion that he is part of “true Israel,” and solidifying yet another link between Identity and the “Christian Patriot” movement. Skurdal’s document was also baldly racist, falling back on Identity claims about the superiority of the white race through its lineage to Adam, created by God as white.22 Following a lengthy Freeman standoff with law enforcement outside Jordan, Montana, Skurdal was arrested, convicted, and sentenced to serve fifteen years for conspiring against the banking system and other charges incurred for his activities both before and during the standoff.

IV. OF JEWS AND (WHITE) CHRISTIANS: SEEDS OF SUPERIORITY

In late summer of 1998 three thousand households in northern Idaho received an unexpected mailing from Carl Story and self-described Evangelist Vincent Bertollini in neighboring Sandpoint. With the glossy, six-foot long, multi-color scroll depicting “The Adamic Race Pure Blood Seedline,” the two Silicon Valley multimillionaires had finally begun to make their mark in Christian Identity circles, and in the northwest. Negative public reaction to the mailing was swift and widespread, and virtually guaranteed press coverage of the two Identity newcomers.

Story and Bertollini have since followed up with other mass mailings extolling their hatred of Jews. The 11th Hour Remnant Messenger arrives unexpectedly in the mailbox of homes and businesses, demonizing Jews as a “non-race, the seed of Satan having Satan’s DNA genetics.” The Jew, they write, “is a hybridized, mongrelized and bastardized people with no homeland.”23 But according to Bertollini, he “has never advocated hate or white supremacy.” The literature he and Story put out, he claims, “just says

22. SKURDAL, supra note 17. Furthering his own attempt to distance himself from the violence espoused by many Identity believers, Pastor Dan Gayman claims that the U.S. Department of Justice “arranged for me to make a video directed to the Montana Freemen to encourage them to surrender peacefully to law enforcement officers so that the loss of lives would not occur,” THE WATCHMAN, Winter 2000, at 26.
we white people are different."24

The expensive depiction of “The Adamic Race Pure Blood Seedline” that Story and Bertollini created and mailed free to thousands across the U.S. represents another foundation block of Christian Identity ideology, and is key to understanding its racialist construct.

A. Adam: God’s White Man

Identity is fixated on Adam. In this belief system, Adam was not the first man. Before him there were allegedly other “pre-Adamic” peoples created, inferior to Adam and sometimes referred to as “mud people,” with the racist connotation explicit. Adam was created by God in a separate act, recorded, according to Identity believers, in Genesis 2:5-7. Again turning to a skewed interpretation of the Hebrew word “aw-dawm” or “awdawm,” Identity makes the racial leap quickly and incisively:

First, let us consider the word which denotes our White Race. The Hebrew word “AWDAWM” . . . called Adam in your Bible . . . is from a root word meaning “to be of a ruddy complexion, to show blood in the face” . . . something obviously not applicable to negroes or mongolians, but only to the white race.25

Created on the sixth day (Genesis 1:26-28) and numbering “in the millions” by the time Adam was created, pre-Adamic peoples (“the blacks, Orientals and other races”) were (and are), according to Identity, weak and wretched and without souls.26 They were “enosh,” a Hebrew word allegedly “used in a derogatory sense,” with its root meaning implying “weakness, physically or morally; wretchedness.” None were worthy of being Adam’s partner, so God created Eve, “the mother of the new race.”27 And in the final chapter of the American Institute of Theology Correspondence Bible Course, the vile, racist reality of Identity theology is unleashed:

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25. THE AMERICAN INSTITUTE OF THEOLOGY, MAN AND BEAST 22 (correspondence Bible course, The American Institute of Theology, Harrison, Ark.) [hereinafter MAN AND BEAST].
27. MAN AND BEAST, supra note 25, at 22-23.
This, then, is the Negro’s raison d’être, that is, his justification for existence. When we turn to the Bible for knowledge and instruction, we are informed that the “beasts of the earth and field” were created among the lower “kinds of flesh” to fill their place in the Divine plan where they would be most needed. They were given erect postures, well-developed hands and feet, articulate speech; withal, tool-making and tool handling bipeds (two-footed beasts) possessing the essential characteristics to fit them for their position as servants. Each division in God’s creation is designed for a specific purpose and reaches its highest fulfillment when it brings itself into full compliance with the Divine will.28

While Identity preacher Everett Siliven Ramsey does not agree that “Blacks do not have a soul,” he—like other Identity followers—clearly believes that the Bible is the exclusive story of the Adamic (i.e., white) race. His moderation (by Identity standards), however, is always tainted by his true feelings about the “pre-Adamic” races:

Before Adam/Noah, there were yellow and black races, but they had no nations, countries or governments; at least not recognized in the Bible. Biblical and non-Biblical scholars have written decades ago the fact that the Bible speaks only to Adam and his descendants and their nations.29

Or, as Dan Gayman puts it succinctly, “there is no racial unity in Adam.”30

B. Racial Purity: Fixed on Exclusion

Having staked an exclusivist claim on the Bible for whites in order to ground their racial superiority and blessedness, it is logical that Identity believers would advocate and promote racial purity as well. They do so with a vengeance, oblivious to the circular nature of their argument that starts from a racialist position and always ends up there.

Maintaining white racial purity is integral to Identity theology. Accordingly, race-mixers cannot inherit the promises of God given Adam and his descendants, and they are, moreover, seen as a dire threat to the survival and well being of the chosen white race . . . a slap in the face of God.

The final chapter in the massive Correspondence Bible Course lays out the racial construct of Adamic exclusiveness. Turning to the science of anthropology, “evidence” is given (primarily from long discredited nineteenth century texts) not only for the inferiority of the non-white races, but also for the prohibition on race mixing, which “is bound to result in race suicide.”

Dan Gayman and his colleagues write extensively on this topic. Pastor Gray Clark’s treatise on the Bible as the “The Book of Adam’s Race,” notes that “The astute reader will not only see that Adam was white, but that he could only produce white children.” Clark then makes the transition to his call for racial purity: “When God created, he also made it clear in Genesis chapter one that purity of creation is His Original Design and therefore, desire.”

In the same issue of The Church of Israel publication, Gayman himself weighs in on the topic. After castigating “zealous missionaries” whose “bitter fruit of world missions” has turned into a “flood tide from the third world” that threatens America and “every other Israelite nation of the world,” Gayman sounds the warning: “The bells of judgment are tolling in America and the Christian West. God will not be mocked! Repent of the sin of miscegenation! Come out of that multi-racial, multi-cultural church and worship with your own kind.”

Most Identity leaders are masters of doublespeak, proclaiming that they do not hate those of “other” races while holding tenaciously to their belief that whites are God’s chosen people. Pete Peters is adept at the game. In one of his tracts on “the race issue,” he asserts that “To hate and fight others is to fall into the hands of our anti-Christ enemies and to fall prey to their dialectical tactics. God loves all races and calls them good . . . and has a plan for them . . . but first His people must clean up their act.” In short, God’s “covenant people . . . must repent and turn back to the laws of their God or perish.”

C. Jews: The “Seed of Satan”

In its crusade to appropriate the mantel of “God’s chosen people,” Christian Identity believers have developed an entire cottage industry around the proposition that Jews are the offspring of Satan. While rival factions battle

31. Anthropology Confirms the Bible, supra note 28, at 293.
33. Id.
35. Pastor Pete Peters, A Scriptural Understanding of the Race Issue, Scriptures for America 18 (1990); see also Pastor Pete Peters, A Just Look at Racism (tract from Scriptures for America, La Porte, Colo.).
in print over intricacies of the “one seed” or “two seed” theory, both end up in a racist, biological determinism that cast Jews as the progeny of the devil.

Like most contemporary Identity adherents, Story and Bertollini are two seeders, espousing the more bizarre theory of Jewish Satanic origins. Based on their reading of Genesis 3:15, two seeders believe that Eve was seduced by Satan, and that Cain was the offspring of their liaison, “a Mongrel, Hybrid, a Non-Race.”36 Cain’s brother Abel, on the other hand, was the offspring of Eve with the pure, white Adam, the second of the two “seeds” to which Eve gave birth. Cain’s murder of Abel marked the beginning of a “war” that has never ceased—the war between the Satanic forces of “Jewry” and the pure race born of Adam, the white, Adamic race, whose seedline continued through the birth of Seth.37

Identity’s one seeders believe that Jews descended from Jacob’s brother Esau, who sold his birthright to Jacob, cursed God, and married outside the Israelite race. Esau’s actions brought God’s hatred upon him and his descendants, the Edomites, also called the Jews. Even today, according to Peters, these Jewish “impostors” continue to attempt to steal Israel’s identity, which belongs solely to the Anglo-Saxon, Scandinavian, and Germanic peoples descended from the tribes of Israel, the true chosen people of God.38

V. JESUS WAS AN ISRAELITE: IDENTITY CHRISTOLOGY

Identity Christology—its understanding of Jesus—is rooted in its primary racial premise about the Satanic origin of the Jews and the divine purity of the Adamic (white) race, as well as in its notions about the dispersion of the true Israelites. As an Israelite—not a Jew—Jesus allegedly came to save only the House of Israel, the Adamic race which, according to Identity, eventually emigrated to Europe, Great Britain, and (finally) the United States. For Identity believers, salvation through Jesus Christ is exclusively for whites.

A. Jesus: An Aryan Israelite, Not a Jew

To arrive at the origin, identification, and purpose of the Identity Jesus, one must journey again through the historical labyrinth of the tribes of Israel. Painstaking efforts are made by Identity believers to prove that Jesus was not only in the direct lineage of David of the House of Judah (and therefore a descendant of Identity’s white Adam), but also that he was himself a Judahite a member of the tribe of Judah separated from wicked Babylonian Judaism

37. Id.
38. Ministers’ Conference, supra note 5, at 7.
after the Assyrian captivity of the northern tribes in 721 B.C.

Pastor Everett Siliven Ramsey of Faith Baptist Church and Ministries in Houston, Missouri writes in his lengthy commentary on the book of Romans that

Due to the excessive wickedness and brutality of the Edomites under Herod, most of the true seed of Judah, Benjamin and Levi left Jerusalem. The Benjamites settled around Galilee and this became the home of Jesus Christ and most of the disciples were from that tribe. All of the disciples were Israelites except Judas, who was a Jew (Edomite mix). 39

The Edomites, descended from the intermarriage of Esau’s progeny with the Canaanites, were the “mongrelized” people that Identity refers to as Jews” . . “a people distinct and separate from God’s people of Israel, although living among them.” 40 According to Betty Jane Dryburgh, Director of Education for the American Institute of Theology, Jesus was a Nazarene “who would not walk in Jewry.” Dryburgh explains that “Nowhere in the scripture does it say the ‘Christ’ (which is a title) was a Jew;” where it does, there is a mistranslation based on the similarity of the word Judean with Jew. 41

Identity believers also capitalize on the many sayings of Jesus recorded in the New Testament that speak of his mission to “the house of Israel.” While the mission of the historical Jesus was, indeed, exclusively to Israel—and not to the Gentiles, who were brought into the Christian movement after his death—it is, by definition of Christian Identity, an Israel comprised only of the covenantal people of the Adamic race, the inheritors of the promises of God given the tribal Israelite ancestors, from which Jesus himself stemmed. For Identity believers, the Israelite Jesus who spoke to the house of Israel was speaking exclusively to a white race ordained by God: “It is impossible to truly understand the Bible—or any part of it—without understanding that the Anglo-Saxon-Germanic and Scandinavian peoples of today are the ISRAEL of the Bible.” 42 In short, the Israelite Jesus and the Bible that records his words speak “always and only to ISRAEL,” 43 the white race of European stock.

40. THE AMERICAN INSTITUTE OF THEOLOGY, CAN ANYTHING BE JUDEO-CHRISTIAN? 156 (correspondence Bible course, The American Institute of Theology, Harrison, Ark.).
41. B.J. DRYBURGH, CHRISTIANITY OR RELIGIOUS TRADITION? 22 (The American Institute of Theology, Harrison, Ark.).
42. THE AMERICAN INSTITUTE OF THEOLOGY, ISRAEL IN THE NEW TESTAMENT 159 (correspondence Bible course, The American Institute of Theology, Harrison, Ark.).
43. Id.
B. Trekking in Great Britain: Jesus’ Anglo-Saxon Years

Of all the Identity claims about Jesus’ heritage and exclusive mission, none is more unfathomable than the proposition that he spent time as a young man in Great Britain, working in the tin mines of his uncle, Joseph of Arimathea. Here Identity again exposes its roots in British Israelism and its remarkable claims for authenticity in what can only be called “creative historical analysis.”

The four Gospel accounts denote nothing of Jesus’ life between boyhood and adulthood; most stories of his work span a period of a few years prior his death. Seizing upon these “lost years” of Jesus’ life, The American Institute of Theology provides one of the most expansive explanations in Identity literature to link Jesus to Great Britain and to Anglo Saxon roots. The explanation begins with Joseph of Arimathea, who according to “Palestinian tradition” was a wealthy importer of tin from mines which he owned in Cornwall in the British Isles. Accordingly, it would be only natural that Joseph would occasionally make trips to inspect these British mines, and that he likely took his nephew Jesus along on the journey during his young adulthood. Citing numerous “traditions” from Cornwall, Somerset, and Glastonbury, Joseph and Jesus are, indeed, said to have sojourned in Great Britain, where Jesus was taught “how to extract tin and purge it of the wolfram.”

Joseph, in fact, was said to be so favored by both religious and civic authorities that he was given land in perpetuity near Glastonbury and, upon his death, was buried there. Such an honor reportedly affirms not only ancient traditions and historical records, but also “the official acts and records of kings of the Middle Ages . . .” who recognized his close connection with Jesus. Accordingly, “All of these lend strong support to the ancient legends and records of the places that it was here that Jesus Christ spent those 18 years of His life which the Bible does not account for. And where else would we expect Him to go, but to what was to become the principal home of His own people, ISRAEL?”

C. Salvation: For Whites Only

In “The Doctrinal Standards” of Dan Gayman’s Church of Israel, the

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44. The American Institute of Theology, The Missing Years in the Life of Christ 189-93 (correspondence Bible course, The American Institute of Theology, Harrison, Ark.).
45. Id. at 193.
racial construct of contemporary Identity is laid bare: “We believe that election is by race, and salvation is by faith in Jesus Christ.” 47 While Gayman, his followers, and other Identity pastors and leaders adamantly proclaim that they do not hate other racial groups, their racialist theology unequivocally stands on the foundational belief that salvation is for whites only.

For some fifty years Gayman and the Church of Israel have created a body of literature virtually unmatched in Identity circles. Gayman would deny that he is a Christian Identity believer. He has not openly joined more virulent and violent Identity voices, nor kindled the anti-government fervor that has driven the political edge of the racist movement for the past twenty years. He has, however, laid a solid, racialist theological foundation that is consistent with Identity tenets developed over the latter half of the twentieth century. During that time, his southwest Missouri church has attracted settlers from across the U.S. and far beyond its shores, folk looking for the true faith and seeking to live with others who, like themselves, will inherit its promise.

In a 1997 edition of his bi-monthly publication, The Vision, Gayman railed in his opening editorial “A Vision of Racial Purity for the Covenant People” against the “flood tide of third world aliens” and the “millions of non-whites” who have come to the shores of America and other nations. 48 “The Issue of Race” is the theme for the entire thirty-page publication, aimed at establishing the church, in the words of author Thomas Bowman, as “separatist—but not racist, segregationist, but not supremacist” 49—a distinction without a difference. Gayman is riveted by the drive for “racial purity” and by a commitment to help the remnant, “covenant people”—the lost sheep of the house of Israel—attain the salvation that is available only to them. “Jesus Christ,” he writes, “came into the world to redeem Israel and prepare the earth for the restoration of His Kingdom in a new heaven and a new earth.” 50 Only white people, however, need apply.

Gayman and his followers are, of course, not in their racialist, exclusivist view of salvation for whites only through Jesus Christ. It is here—in their Christology and in their salvation history—that the primary elements of Identity “theology” come full circle. As the American Institute of Theology puts in succinctly, “A convincing array of scientific evidence is now adduced in support of the Biblical premise upon which the fact is established that the Negro is not of Adamic origin.” 51 From white Adam and his lineage in the true

50. Gayman, supra note 19, at 5; *see also Pastor Dan Gayman, Do All Races Share in Salvation?* (2d ed. 1995).
51. *Anthropology Confirms the Bible*, supra note 28, at 294.
tribes of Israel, down through the true Israelite Jesus, and onward through 2000 years of the holy remnant’s migration to present day Anglo/Aryan nations, Identity’s God has purportedly shaped a covenant people—white people who seek redemption through an equally white Jesus.

The Identity notion of white salvation has dire consequences. Identity theology is predominantly pre-millennialist, holding that the Second Coming of Christ will be preceded by a chaotic period of Tribulations that will usher in the Millennium (a thousand years of peace and harmony on earth). In short, the quicker the Tribulations, the quicker the Kingdom of God. For Identity believers, human action to precipitate this violent and chaotic period (a twisted version of the works righteousness beliefs of many Christians) is key to their salvation, and the sooner white Christians can precipitate the Tribulations, the sooner they will inherit the Kingdom. Thus, the Second Coming is linked directly to a period of violence, building toward a genocidal, racial Armageddon against Jews and persons of color.

By such beliefs and commitments, Christian Identity provides the theological rationale for white nationalism in America, and for the violence that increasingly accompanies this warped, heretical notion of biologically determined, race-based salvation. This is the essence of Identity: that white Christians are not only God’s lost Israel, the covenant people, but that they have a primary responsibility to rid the earth by any means necessary of pre-Adamic peoples of color and Satanic Jews that the Kingdom of God might be ushered in for white salvation.

VI. FROM MARTYRS TO MORTARS: THE THEOLOGICAL GLUE OF THE WHITE SUPREMACIST MOVEMENT IN AMERICA

On a cold winter day in 1983, North Dakota farmer Gordon Kahl decided that he had had enough. Enough from the banks who wanted his land. Enough from the Zionist-controlled federal government behind the banks. Enough from the IRS. Enough from the hated Jews. Though he had not paid federal taxes since 1967, and had served time for only a year, he was a free man, a sovereign citizen above the law. As he returned from a Posse Comitatus meeting, two U.S. Marshals stopped him on a lonely country road to serve papers for tax evasion. There he made a fateful decision. Following a brief, armed standoff with the Marshals, shots rang out, and Kahl and his cohorts opened fire. When the shooting stopped the Marshals were dead, and two other law enforcement officers who had arrived as backup were wounded. Kahl went on the run, making it quietly through the safe houses of the violent right in America’s heartland for four months until law enforcement agents
caught up with him in Arkansas. There he died in a blaze of gunfire. There he became another of many martyrs to the violent, Identity-driven white supremacist movement in 1980s America.\footnote{See \textit{James Corcoran}, \textit{Bitter Harvest} (1990) for the complete story of Gordon Kahl.}

The economic and political turbulence of the 1980s was a boon to Christian Identity and its growing legions of true believers. Having simmered in the cauldrons of the organized racist movement for years, it exploded on the American scene with the Aryan Nations, The Order, and numerous other followers who, like Kahl, took up the summons to violent action against the unseen “Jewish conspiracy” allegedly wrecking their lives. A decade later, the movement took a more organized approach, manifested in the Christian Patriots’ frenzy of militia organizing and common law court hearings, and always under girded by Identity theology. As the new century loomed, however, Identity began to change its stripes once again. It held tight, however, as the theological glue binding the white supremacist movement in America.

A. The Deadly 80s: From Aryans to the Order

The line of Identity succession from Wesley Swift continued through William Potter Gale to Richard Butler. While Butler’s Identity roots are set in Swift’s California church, he left there in 1973 to resettle in Idaho and begin his own congregation and compound the Church of Jesus Christ Christian-Aryan Nations. The Aryan Nations compound became one of the most well-known and notorious manifestations of the Identity-driven white supremacist movement in the U.S. well into the 1990s. It was a primary gathering place for racists from across the nation, and an incubator and training center for new leaders in the racist movement. Butler’s annual World Aryan Congress was the place for every self-respecting racist to be and to be seen. Grounded deeply in Identity ideology, Butler shaped and honed the violent far-right as a formidable force on the American landscape, especially in the turbulent 1980s, and sought to make the Pacific Northwest a “white homeland” in the midst of a racially diverse nation.

By 1983 Butler’s influence had helped shape the ideology and criminal actions of Robert Mathews, a relative unknown in the racist movement. In the span of a few years Mathews gave birth to the worst fears about the racist movement’s potential for violence and mayhem as he organized The Silent Brotherhood, otherwise known as The Order. Though not Identity, he had significant ties to Butler and was deeply influenced by \textit{The Turner Diaries}—the novel by neo-Nazi William Pierce that also influenced Oklahoma City bomber Timothy McVeigh. Mathews turned The Order into a finely tuned
domestic terrorist organization. He and his twenty-three hard-core followers
got away with millions of dollars from bank and armored truck heists to
bankroll the racist movement, and did not hesitate to kill. As James Coates
writes in his book on the survivalist right, “William Pierce’s novel about ZOG
provided Matthews with an action plan, but Butler’s Identity church supplied
the philosophical and theological underpinnings. . . .”

The Order was not the only violent right show in town, however. During
the 80s, Identity-influenced survivalist compounds and training centers
dotted the American landscape. Arkansas was home to the Covenant, the
Sword, and the Arm of the Lord, whose influence spilled northward into
Missouri and its many training centers. Other compounds were based in
Oklahoma and Nebraska. Identity’s web of hatred had spread far and wide,
and had spawned a level of racist and anti-Semitic violence that few had
thought possible.

B. The Militant ’90s: From Militias to
Common Law Courts

By the 1990s the violent manifestations of Identity Christianity had been
tempered, due to widespread public reaction, and to a massive and
overwhelming response from law enforcement. The Order was brought to a
grinding halt by 1985. The political fervor that reinforced the spread of the
ideology had quieted. Hard core believers like Richard Butler continued to
run his Aryan Nations empire, while pastors like Pete Peters continued to
churn out Identity tapes and tracts. Once again, however, changes were afoot
that were to reawaken the movement and spin it in new directions. By mid-
decade the so-called Christian Patriot movement, with its militias, common
law courts, and fraudulent financial schemes, would sweep the country.

It was in August 1992 that federal agents shot and killed Samuel Weaver
and his mother Vicki Weaver as they sought to serve warrants on their father
and husband, Randy Weaver, for a misdemeanor weapons statute violation.
An avowed “white separatist,” Weaver had moved to the isolation of Ruby
Ridge in the Idaho mountains to raise his family separate from the rest of the
deteriorating society.

Reaction to Ruby Ridge from the political right was swift, both on the
scene and in its aftermath. Within two months, Christian Identity Pastor Pete
Peters organized what was to become one of the most critical meetings of the
white supremacist movement in years—a meeting that would give shape to a
new and widespread phenomenon, the militia movement that would sweep the

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53. James Coates, Armed and Dangerous: The Rise of the Survivalist Right 52 (2d
prtg. 1988); see also Flynn & Gerhardt, supra note 20, for a comprehensive treatment of The
Order.
nation by mid-decade.

In late October of 1992 Peters hosted a “meeting of Christian men” in Estes Park, Colorado that brought together 160 of the nation’s leading white supremacists and “various conservative writers, leaders, and ministers” from thirty states.\(^54\) Neo-nazi Louis Beam was there; David Duke was invited, but did not respond. That Peters could pull together such a gathering was an indication that his own Identity star was rising in the constellation of the nation’s white supremacist movement . . . and that Christian Identity ideology was, indeed, the glue binding that movement. In clear Identity tones, Peters himself wrote in his Special Report on the gathering, “The second most remarkable aspect of the meeting was how men of such strong, masculine, and independent thought and will did work as one in service to their King. There were no major confrontations and the words of Judges 20:1 happened at this meeting: ‘Then all the sons of Israel . . . came out, and the congregation assembled as one man to the Lord at Mispah.’”\(^55\)

“In service to their King,” the men worked in committees, including the Sacred Warfare Action Tactics (SWAT) Committee. It was in the SWAT Committee that plans for leaderless resistance were discussed and developed;\(^56\) it was here that energy was given to birth the militia movement that began to sweep the nation within months of the Estes Park gathering. The Militia of Montana, one of the first to be organized, was headed by John Trochman, an Identity believer whose travels had taken him to the Aryan Nations compound and who, to this day, is a popular speaker at gun shows and other far-right events. As the militia phenomenon spread east, it provided the Identity-driven white supremacist movement a vast new pool of potential recruits among gun owners, anti-government zealots, and others concerned about their rights as sovereign citizens. Caught up in the new frenzy of “citizens’ rights” organizing, many who joined the militia movement had no inkling that Christian Identity had played such a pivotal role in its formation.

By 1994 the renewed movement had also spawned its own “legal system” in common law courts that convened citizens grand juries across the nation to issue “judgments” on public officials, financial institutions, and the IRS—smacking again of William Potter Gale’s deep-seated hatred of the “Zionist Occupation Government.” These courts wreaked havoc with legitimate legal institutions as they drew on spurious British common law precepts to advance

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55. *Id.* at 4.
56. *Id.* at 17-18.
their ideological and political agendas. They were closely linked to the militias, and constituted another arm of “a system of parallel institutions . . . intended to be the embryo of an exclusive white Christian republic.”

C. We are Not Racists: Mid-Decade Shifts and Denials

By the mid-90s key Identity pastors had begun in subtle ways to distance themselves from the Christian Identity label, which by then had become rightly tarnished in the public eye by the anti-Semitic, racist, and violent characteristics of the ideology. In fact, many of them took off in a dead run away from Identity, reasserting their claim as “Christian Israelis” or airing some other innocuous-sounding name for their beliefs. For decades Dan Gayman and his Church of Israel had set the standard for such an approach, as had countless “Israelite” congregations across the country where the faithful worshipped quietly and their pastors relentlessly churned out literature and tapes.

Gayman, of course, had earlier lapses that exposed his relationship with the violent wing of the movement. In 1979 he appeared at Richard Butler’s Aryan World Congress, and in the 1980s he received money from The Order, which he later returned. And like the Gayman of today, even Pete Peters has attempted to tone down the rhetoric of racism, reminding his readers that he “does not believe it is proper or Christian for one to utter racial slurs at someone of another race” and to assert that he “. . . has not advocated hatred, injustice, or ill treatment of other races. . . .” He does, however, hammer away relentlessly at race mixing and at the “anti-Christ Jewish controlled media,” and espouses understandings of racism that attempt to make whites the true victims of hate.

With regard to homosexuality, Peters has staked out a claim that far outdistances his Identity colleagues in print. In his “Death Penalty for Homosexuals,” he goes to great lengths to give credence to what he perceives as the biblical call to put homosexuals to death. “Is it not apparent that the Bible Scriptures advocate discrimination, intolerance, and the DEATH PENALTY concerning homosexuality? Then is not the Title of this writing true?” No matter how much he tries, Peters seems innately unable to

57. DEVIN BURGHART & ROBERT CRAWFORD, GUNS AND GAVELS: COMMON LAW COURTS, MILITIAS & WHITE SUPREMACY 2 (1996). This is one of the most comprehensive overviews of the common law court movement available.
58. Max McCoy, Ex-pastor; Family Denounce Church, THE JOPLIN GLOBE, Feb. 4, 2001; Coates, supra note 53.
60. PASTOR PETER J. PETERS, Intolerance of, Discrimination Against and the Death Penalty for Homosexuals is Prescribed in the Bible, SCRIPTURES FOR AMERICA (2d prtg. June
distance himself from the violence of the ideology he proclaims.

The attempted makeover by Gayman, Peters, and others is replete with piteous claims of oppression and persecution. The 1996 ministers’ conference sponsored by Peters and attended by numerous other leaders in the “Israel Identity” movement aimed at “turning the tide of hatred” against “True Israel.” Complaints about media investigations and treatment are rife, but are usually worn as badges of honor. But no matter how Identity leaders position themselves, no matter how many times they claim they are not racists or anti-Semites, they cannot escape the foundational beliefs that drive them, or the violence that is an incessant undertone of their ideology.

In his letter to ministers in Quincy, Illinois in the fall of 2000, James W. Brueggemann of Stone Kingdom Ministries in Asheville, North Carolina outlined his beliefs in detail in an attempt to counter “certain accusations” made against him as an Identity leader. As he sought legitimacy in two pages, he could not but play his true hand in his conclusion: “We believe that a prayerful study of the holy Bible and a general knowledge of world history . . . provides convincing evidence that the Anglo-Saxon, Celtic, Germanic, Scandinavian, and related peoples (often called simply ‘the Christian nations’) are the true racial descendants of the tribes of Israel.”

Richard Kelly Hoskins, a Virginia-based investment broker who has been a leading Identity strategist for decades, takes the ideology to the violent edge in *Vigilantes of Christendom*, a 1990 book that by mid-decade had circulated in the ranks of the far-right. Even as “Christian Patriots” organized their militias, Hoskins’ book was reinforcing a quiet, unorganized shift toward a violent and deadly “Phineas Priesthood” of individual white warriors committed to violent acts to preserve their God-given rights and the purity of their race.

The book is, in essence, a mandate for racist and anti-Semitic violence and killing. Hoskins uses the story of Phineas in the Book of Numbers as the basis for establishing a contemporary priesthood of enforcers called by God “. . . to their dangerous work,” even as Phineas had shown his own zeal for God by killing Zimri, a prince of Israel, for bringing a Midianite companion into the encampment of the Israelites. The book is full of stories about true believers whose stands for righteousness seek to rid the body politic of invading aliens, even as white blood cells do for the human body. “Survival,”

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Hoskins writes, “depends on the regenerated white blood cell, a cell rigidly judging everything and everyone by the ancient rules that ensure survival, a cell no longer misled, wooden, and ineffective. It is the day of the Phineas Priest.”

VII. TAKING STANDS: COMMUNITY ACTION TO COUNTER THE CHRISTIAN IDENTITY MOVEMENT

Had James W. Brueggemann checked out Quincy, Illinois before he planned his October 2000 “Feast of Tabernacles Prophetic Bible Conference” in that community, he would have learned that its religious and civic leaders had successfully prevented a Pete Peters “Bible seminar” from coming to Quincy in 1999, and that they had a low tolerance level for Christian Identity gatherings. In spite of his October letter attempting to soften his message, Brueggemann did not shy away from billing the conference as a Christian Identity event in his late summer invitations.

When Quincy clergy learned of the scheduled event, they moved into action once again and notified religious and civic leaders of a community meeting to discuss the proposed event. On a warm midweek afternoon in September, some seventy pastors, community, civic and lay leaders and concerned citizens gathered to learn about Christian Identity and to consider their response to the October conference. By the end of the afternoon, the conference was cancelled as participants overwhelmingly expressed opposition to it. The owner of the facility hosting the event, who also attended the meeting, declared that it would not be held in his conference center. Once again a Christian Identity event had been stopped in Quincy. As they had written to the community when Peters sought a venue in their community, “We have joined across many faith traditions and differences to unite in our opposition to his presence in Quincy, and in our commitment to build a community that respects and holds dear all of God’s peoples. Though we sometimes struggle with our own diversity of beliefs and backgrounds, we are of one voice in saying boldly and publicly that we do not welcome these hateful and violent views or those who promote them.”

A. Community Response: Exposing Identity

64. Id. at 64.
66. FROM HATRED TO COMMUNITY, supra note 65.
Today there are hundreds of “Israel Identity” congregations, ministries, organizations, and pastors spread across 46 states, with countless followers who attend services, subscribe to literature, and participate in seminars and conferences. With innocuous names like New Covenant Christian Church, Our Savior’s Church, or New Jerusalem Fellowship, these gatherings and groups of Identity believers fan the flames of this American heresy and spread its word of white, Christian superiority. Pete Peters, James Brueggemann, and a passel of other Identity pastors and teachers traverse the country with their Bible seminars and conferences, meeting in hotels, camps, and conference centers that—often unwittingly—provide place and space for the believers to gather and to spread their word to newcomers.

Christian Identity must be exposed for what it is—a racist, anti-Semitic ideology that foments hate and advances a pseudo-theological rationale for white superiority. It is also, indeed, the glue that binds the white supremacist movement in America.

Community response to Identity activity begins with exposing it to the light of day. For example, when Militia of Montana leader John Trochmann came to Illinois for a series of public presentations in 1998, religious and community leaders exposed his Identity roots by providing information to local media about him. Press stories and editorials followed, making it clear that he was not welcome. Nor did Quincy leaders hesitate to “name the names” of Identity leaders and their beliefs as they exposed the community to the proposed teaching events led by Peters and Brueggemann. Particularly because there is a concerted attempt to obscure the racist and anti-Semitic nature of the ideology, this exposure of its basic tenets and practices is critical in communities where Identity believers are—or seek to—be active.

Such exposure does not deny the First Amendment right of Identity believers to speak freely about their beliefs. But even as they have a fundamental right to do so, those who oppose their beliefs have a fundamental responsibility to counter them, whether it be in public or private settings. Nor should such exposure be confused with publicity. All too many communities quickly slide into paralysis buying into the notion that media exposure of Identity and other white supremacist activity simply provides “free publicity” to the groups and their beliefs. To the contrary, when communities remain silent in the face of such activity, they invite it to take root. Floyd Cochran, a former Aryan Nations leader who left the movement and has since devoted his life to anti-racist teaching and organizing, is unequivocal in his call for community action. In speeches across the nation, he tells youth and community leaders that in his former, racist organizing efforts, he and his

67. VIRGINIA CHRISTIAN MINISTRIES, THE DIRECTORY OF THE COVENANT PEOPLE (ISRAEL IDENTITY) 1-7 (1997 ed.).
cohorts relished working in communities that said or did nothing in response to their recruitment efforts.

B. Community Response: Educating about Identity

On the heels of the Oklahoma City bombing, Kansas church leaders knew that something had to be done to educate their members about Christian Identity. The ideology had slowly and quietly crept into communities and congregations by the mid-90s, and was having an impact. Following a series of five education and training workshops held across the state by Kansas Ecumenical Ministries, the Interfaith Rural Life Committee, and the United Methodist Rural Fellowship, United Methodist Conference leaders produced a teaching video about the ideology and the white supremacist movement that, with other educational materials, they and their colleagues took into congregations across the state, reaching thousands of church members over the course of several years and helping dampen the movement on the prairies.68

Community response to Identity must be grounded in education about this ideology and its masking of racism and anti-Semitism through its pseudo-theological system. Church members especially need to know about this heresy so they can address it head on for what it is. Civic leaders must know about it so they can provide leadership in the larger community to stem Identity. Youth must know about it so they are not enticed by Identity attempts to soften its image and make it palatable and attractive to them.

Religious and human rights groups across the country have taken to the road in recent years to provide countless seminars, workshops, and conferences on Christian Identity. Through these efforts, thousands of community leaders have learned about Identity, and the education process is continuing. The Montana Association of Churches ("MAC") developed a strong and comprehensive education program that put a full-time staff person into churches and communities across the state, and developed and widely distributed an important policy and teaching tool on "Distortions of the Christian Gospel." Recently, MAC and other ecumenical leaders from the Western U.S. launched a region-wide effort to spread this commitment through a series of education and training conferences on "When Religion Teaches Hate." The churches of Quincy followed their first community action aimed at Pete Peter's proposed Bible seminar with a community-wide education forum on Identity that drew a large gathering of leaders.

The more people know about Christian Identity the more they will be equipped to slow and counter its racist and anti-Semitic ideology and

68. RECLAIMING COMMUNITY IN KANSAS-The Video: Alternatives to Despair and Violence (Kansas East Conference, The United Methodist Church, Topeka, Kan. 1995).
manifestations. As quirky and odd as Identity may seem, and thereby be more easily dismissed, this engine that drives the racist and white nationalist movement in the U.S. must be bared far and wide, that communities might know its composition and substantive parts, and be equipped to curb its appeal and advance.

C. Community Response: Organizing to Counter Identity

Exposure and education must be coupled with organizing if Christian Identity is to be effectively countered. At the first gathering of Quincy ministers to discuss and respond to Pete Peters, the head of the Quincy Ministerial Alliance and three other pastors were delegated to meet with the manager of the local motel where Peters’ seminar was scheduled. With respect and concern, they told the manager about the seminar and made clear whom they were representing. The manager had no idea that such a seminar was to take place in his facility, and was utterly appalled by the prospect. Upon examining the reservation documents for the meeting, he discovered that an area resident had reserved the facility under a different group name, with no indication whatsoever that it was an Identity seminar. Without hesitating, the manager cancelled the event at significant cost to his motel, given that participants had already booked many rooms.

In the Rockies and the Pacific Northwest, organizing to counter Identity has been a mainstay of many communities for well over a decade, resulting in a strong, region-wide network grown under the auspices of the Northwest Coalition for Human Dignity. Spurred by leaders of Idaho’s Kootenai County, home to Richard Butler’s Aryan Nations compound, citizens of the region began a long, challenging, and sometimes violent-ridden effort to counter the Identity movement in their midst. An Aryan Nations bombing at the home of Bill Wassmuth, then pastor of St. Pious X Catholic Church in Coeur d’Alene, made it clear that their organizing was having an impact and a cost. Wassmuth joined others in the region to found the Coalition in 1989, and served as its director for ten years. With countless organizing successes along the way, the Coalition played a key role in advancing and supporting the lawsuit that finally broke Butler and the Aryan Nations in 2000, following an armed attack by some of its security forces on a woman and her son whose car backfired as they drove by the compound. Without the level, breadth, and success of the organizing work by citizens in communities across the region, it is highly unlikely that the lawsuit against the Aryan Nations would have succeeded.69

69. See Tom Alibrandi with Bill Wassmuth, Hate is My Neighbor (1999); Robert Crawford, S.L. Gardner, Jonathan Mozzochi, & R. L. Taylor, The Northwest
Exposure and education is but the foundation for active and effective counter-response in communities beset by Christian Identity and related racist, anti-Semitic, bigoted, and homophobic ideologies and violence; the moral voice of those communities must be firm and vocal, and must lead to organized action in the public arena to counter that activity. To do anything less is to provide fertile ground for the proliferation of organized hatred and violence.

VIII. DIRECTIONS FOR A NEW CENTURY: CHRISTIAN IDENTITY AND THE “NEW WHITE MINORITY”

For well over one hundred fifty years the basic beliefs of British Israelism first expounded by Jonathan Wilson have survived, persisted, and flourished in spite of all scientific, historical, anthropological, political, social, and cultural advances to the contrary. For the past half-century in the U.S., Christian Identity has shaped the ideology of the organized white supremacist movement, and provided it “theological cover” for its racist and anti-Semitic beliefs, its predominant anti-government tenor and actions, and its often violent and deadly manifestations. Identity leaders have helped cultivate a culture of hate disguised in the language of the Christian faith, and have consistently adapted to shifting political conditions. They have been successful opportunists, capitalizing on government mistakes and economic downsides and dislocation. They are unlikely to go away in the new century, compelling us to look ahead to develop new strategies to counter this American heresy.

A. The Road Ahead: A Resurgent Identity for a “Vanishing People”?

As British Israelism was an ideology for an era of empire, so Christian Identity has been an ideology for an era of unraveling. Even though the U.S. has maintained, indeed strengthened, its status as a global superpower since the end of the Second World War, it is no longer the homogenous, white, Christian nation that many (erroneously) perceived it to have been at its founding or over the course of two centuries since. The belief that white cultural and economic dominance was unraveling at the hands of those seeking to destroy the Adamic race has been fuel to the racist and anti-Semitic fire of the Identity message for half a century.

Now it is clear that in addition to the perceived erosion of white cultural and economic influence and power, whites will drop below fifty percent of the U.S. population by the middle of the twenty first century. Moreover, the

**Imperative: Documenting A Decade of Hate** (the Coalition for Human Dignity, Portland, Ore., and the Northwest Coalition Against Malicious Harassment, Seattle, Wash. (1994)).
increasingly mixed racial composition of the population is unlikely to slow, further reinforcing the beliefs and fears of those racialists who hold such deep convictions about white racial purity. Increased immigration especially by workers from south of the U.S. border is yet another factor in the growing hysteria about the unraveling of “white America,” and cause for a growing, anti-immigrant movement being organized by racist and other groups among mainstream citizens. White nationalist prospects for a growing, deepening movement thus become more viable in the century still before us.

This is fertile ground for Identity in the new century. It seems only a matter of time before Identity leaders begin to shape their aging message anew in ways that will attract whites who feel they are under assault and who have a propensity for a racialist theological justification for their perceived plight as a vanishing people. As such, a resurgent Identity could readily provide the theological rationale for a minority, white nationalism that picks up the old, fading drumbeat of an earlier white supremacist plan for an Aryan homeland in the continental United States. Indeed, U.S. population predictions feed directly into the Identity line that whites are threatened by the “hordes” of non-white, non-Christian peoples who are becoming the political majority. Dan Gayman has already begun to call the alarm, writing in the new century of the “Christian remnant . . . at risk in every nation of the Anglo Saxon world.” He believes there now rages a culture war waged by “the children of Satan” (i.e., the Jews) “that seeks the absolute demise of the Caucasian race.”

B. Taking Identity Seriously: Action by Christians is Imperative

While Christian Identity must be countered at every turn by all community leaders, it is a fundamental responsibility of the larger Christian community to take action to counter it. The heretical distortion of the Christian faith is an affront to those who proclaim it, and such a distortion cannot and should not be taken lightly or ignored by any Christian leader. Identity leaders’ attacks on the Christian community outside their own fold—from fundamentalists to liberals and most everyone in between—are indicative of their cavalier and damning dismissal of all but their own white followers, and of their exclusivist claim to salvation by race, not grace.

While strong action has been taken by a handful of Christian leaders, agencies, and institutions, a concerted commitment to counter Identity and the organized hate movement has been notable by its absence. In the contemporary period—dating to the mid-1980s—the publication of Leonard Zeskind’s aforementioned work on Christian Identity in 1986 by the National Council of Churches of Christ in the USA was an important breakthrough in alerting Christian leaders to the dangers of the ideology. That same year the Iowa Inter-Church Forum took an early lead not only in expressing its opposition to Identity, but also in supporting and advancing education, training, and organizing commitments to counter it at the state, regional, and national levels.

In the midst of a deep and widespread socioeconomic crisis in its countryside and cities, Iowa church leaders called Identity by name because they saw its influence spreading as adherents plied their hatred and scapegoating among displaced and disaffected people. In their document, “On Behalf of Caution, Justice and Hope” they declared that “Persons with financial problems should be wary of those who preach simplistic, conspiracy theories or perverted biblical and Christian theologies,” and specifically mentioned the dangers of Identity, the Posse Comitatus, and “the extremist philosophies and actions of those individuals and organizations that promote violence, anti-Semitic, or racist responses to the Iowa economic crisis.”

The Forum carried its concern to communities throughout the state, working jointly with farm and rural groups and organized labor to actively oppose the hate movement, and made its commitments known nationally with a press conference in New York City, in cooperation with the American Jewish Committee.

The integration and integrity of strong public statements coupled with effective counteraction is also reflected in the 1996 “Declaration on Distortions of the Christian Gospel” by the Assembly of Representatives of the Montana Association of Churches. Using strong language, the Assembly repudiated “… as false any teaching that suggests that the Gospel of Jesus Christ proclaims racial, gender or ethnic superiority or advocates violence toward rather than love of neighbor. Saying ‘yes’ to the Christian Gospel inevitably means saying ‘no’ to its distortion.” The Association carried out its commitments to counter these distortions by putting staff on the ground in communities across the state for some three years, conducting workshops, seminars, and leadership development trainings with thousands of local

72. IOWA INTER-CHURCH FORUM, ON BEHALF OF CAUTION, JUSTICE AND HOPE, Jan. 20, 1986 (statement of the Iowa Inter-Church Forum, Des Moines, Iowa).
73. DECLARATION ON DISTORTIONS OF THE CHRISTIAN GOSPEL (Assembly of Representatives, Montana Association of Churches, Oct. 29, 1996, Billings, Mont.)
church and community leaders.

At the national denomination level, the United Methodist Church and the United Church of Christ have both taken solid stands and actions to counter Christian Identity and the organized hate movement. United Methodist trainings and education events on Identity have been a hallmark of the denomination’s outreach and education commitments since the mid-1990s. In 1997 the United Church of Christ adopted a resolution on “Faith and Community in the Midst of Extremism” that emerged from local and state church leaders who had taken leadership roles in confronting the white supremacist movement.\textsuperscript{74}

While highly significant and effective in the ongoing commitment to counter Christian Identity, these actions have not been part of a larger, more cohesive commitment to address and stand against this American heresy by the nation’s Christian leaders. If Identity is to be effectively countered in the twenty-first century, such a commitment is both necessary and critical, and could be key to a renewed effort by church leaders to address the deeper and even more insidious realities of racism and anti-Semitism that relentlessly and persistently pervade community life throughout contemporary society.

\textbf{C. The Theological Imperative for Democratic Community}

The development and practice of the Christian faith in the U.S. is inextricably linked with the shaping of the nation’s body politic, yielding both benefit and cost. From the colonization by the early Europeans to the rise of slavery; from the populist movement of the late nineteenth century to the entrenched power of the Protestant establishment in the mid-twentieth; and from the Social Gospel movement to the Christian Coalition, the numerous manifestations of Christian faith, theology, and practice have helped mold the social, economic, cultural, racial, and political landscape. But then again, so have other faith communities.

The unfolding American experiment has always been threatened by a certain arrogance of faith pushed and pursued by Christians who believe that this is and should be a distinctly Christian nation. In this regard, Identity Christians who take this level of arrogance to unparalleled depths are bit players in a larger Christian nationalist movement that continues to ply its beliefs in the religious and political realms. This is not to say that persons of faith should refrain from influencing public policy or politics. It is to say that those who would equate their faith with the success of any political order or

\textsuperscript{74. Resolution on Faith and Community in the Midst of Extremism, 97-GS-33 (1997) (adopted by the Twenty-First General Synod of the United Church of Christ).}
party, or use their faith to secure, maintain, or justify social, racial, cultural, and economic dominance, contribute to the destruction of democratic community and edge that political order toward a raw, exclusivist theocracy which they alone control and define in the name of a deity who looks distinctly like them.

Whether there is a theological imperative for democratic community—a distinctly God-driven mandate to create a more just, equitable, and inclusive community of differing peoples—is an open-ended question for persons of faith to discuss and debate. I firmly believe that there is such an imperative and that the Christian faith is an integral component of its creation. At the very heart of such a concept of democratic community is justice, a tenet central to all the monotheistic faiths.

Let us have this discussion and debate. But do not for a minute believe that Christian Identity or any other theological system grounded in precepts of racial superiority will want to join in. Identity already has its own racialist, exclusivist, and anti-democratic truth. It is a distinctly American heresy that will, unless effectively exposed and countered, continue to bind an abhorrent white supremacist movement in a nation still slowly plugging along the difficult, winding road to a more inclusive democracy grounded deeply and inextricably in social and economic justice and racial equality.
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Hate and the Internet

Kenneth S. Stern

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Not in Our World
A Perspective of Community Organizing Against Hate

Bill Wassmuth*
with M.J. Bryant**

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I. INTRODUCTION

On Sept. 11, 2001, Americans were brutalized by an undeniable statement of hatred that made an indelible impression on not just its thousands of

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victims, but on the consciousness of the whole world. The terrorist attacks that
topped the twin towers of the World Trade Center in New York City, and
destroyed part of the Pentagon Building in Washington D.C., defiled symbols
of American enterprise and military might, and robbed us of any complacency
we felt as a nation immune to attack.

As we reel in the wake of the carnage and loss of precious life, we are
slowly coming to know the extent of hatred that has festered for generations
among certain extremist factions in the Middle East, and elsewhere. We have
largely been ignorant of those who regard Americans as the spawn of Satan,
and who have corrupted Islam and the Koran to justify these beliefs.

We have been even more oblivious to the role our national policies and
practices may have played in fostering resentment and hostility among people
at the mercy of this, the greatest of nations. We have been jolted from our
mystification and forced to face hatred at its most destructive. The ensuing
fallout of this deep-seated rage is ongoing, and we are poised for its inevitable
ramifications.

Perhaps an even greater challenge, however, is the less blatant, but even
more subtle and insidious presence of bigotry and racism among us that
perpetuates hatred on a daily basis, and that poses a dangerous threat to the
very fabric of our society from within. Few of us want to recognize the
intrinsic prejudice that fosters the persecution of people because of their skin
color, ancestry, beliefs, gender, or sexual preference. Yet our only hope to
abolish this blight is to be awake enough to face it, and courageous enough to
combine with others to confront it.

During the 1980s, a rash of vehement racism and anti-Semitic activity
erupted in North Idaho. Yet caring individuals in the community united to
confront those forces of intolerance, and made a positive difference. I was
both participant and witness to this phenomenon that not only empowered a
community, but modeled methods of social change for others through the
organization of its leaders, constituency groups, institutions, advocates and
volunteers to implement intervention.

II. PERSISTENT INEQUITY

*All men would be necessarily equal, if they were without needs.*

Voltaire

The journey to a society free from hate and oppression was begun when
this country was founded. It continues to this day. There have been more steps
taken forward than backward, as evidenced by the progress of the abolishment
of slavery, women’s suffrage, the gains of the civil rights movement,
restitution for the internment of Japanese Americans during World War II, the
apology by the faith communities for the genocide of the native peoples,
equal rights amendments regarding gender and sexual orientation, a societal
commitment to curb spousal abuse, the enactment of laws against hate crimes, and more.

However, the journey is not complete. In 1968, President Lyndon Johnson appointed The National Advisory Commission on Civil Disorders to study race relations in the United States. It concluded that “the country was moving toward two societies: one black, one white; separate and unequal.” A similar commission appointed by President Bill Clinton in 1998, described a somewhat different United States: a nation more united along racial lines, but one where “discrimination is still a fact of life.”

Time has affirmed the findings of those commissions, as the American dream continues to elude many. Economic disparity is undeniable, as thirty percent of African Americans and Hispanics live in poverty, compared to twelve percent of whites. Unemployment is twice as high for the black population, and pay is half as much. During the twentieth century, legislation outlawed discrimination and segregation, yet stereotypes and social inequity persist.

III. RACE HATE AND VIOLENCE

*Race hate isn’t human nature; race hate is the abandonment of human nature.* Orson Welles

These social conditions create an atmosphere that simmers with an undercurrent of frustration and resentment among the haves and have-nots, and occasionally erupts into violence. For example, the Southern Poverty Law Center cites that every hour someone in America commits a hate crime; every day, eight blacks, three whites, three gays, three Jews, and one Latino become victims of such crimes; every week, a cross is burned somewhere in America.

At times, the news media give faces to victims of the most abhorrent crimes of this nature, as in June 1998, when we came to know of the 49 year old disabled black man who was accosted while walking home from his niece’s bridal shower in Jasper, Texas. Three white men slit his throat, then tied him to the back of their pickup truck and dragged him for miles along a road until he was dismembered and decapitated. In October of the same year, a 21-year-old

4. Id.
University of Wyoming student named Matthew Shepard was beaten, tied to a fence in the middle of the night and left to die outside of Laramie by two young men who attacked him because he was gay.

In August 1999, self-proclaimed white supremacist Buford Furrow shocked us when he walked into a Los Angeles area Jewish Community Center and opened fire on a daycare, shooting a receptionist, a teenage female employee, and three little boys. An hour later, Furrow killed a Philippine-American U.S. Postal Worker because he did not appear to be white and because he worked for the government. Most recently, hundreds of hate crimes have been perpetrated in virtually each state in our union against those who appear to be Muslim or of Arab descent in retaliation for the terrorist attacks on Sept. 11. A Sikh man who was born in India was gunned down while working in the gas station he owned in Mesa, Arizona. An Egyptian grocery store owner was shot to death in San Gabriel, Calif. Both were allegedly killed because they had dark skin and appeared to be Middle Eastern.

These and the thousands of other hate crimes reported to law enforcement each year terrorize their victims. The many more that go unreported fester below society’s radar and threaten to further divide our nation’s people and incite those who already feel subjugated and devalued.

IV. WHITE NATIONALISM

_The world is white no longer, and it will never be white again._

James Baldwin

The malevolent presence of a growing white nationalism further hinders the journey to extinguish hate. This view, often very subtle, holds that this country and its culture is built on white values and a belief that the country is best served when those values are dominant. This ideological prism views all non-white members of society as aliens.

White nationalism shows itself, for example, in the anti-immigrant attitude that in many cases denigrates immigrants from south of the border, but not those from Canada or Europe. It manifests itself in “English Only” laws, which render significant portions of our population mute, and in the movement to eradicate affirmative-action programs. It is evident in the gentrification of populations throughout the land. This white flight from urban areas of diverse racial representation to rural and suburban areas of white dominated population assumes the camouflage of the desire for a life free of rampant crime and stifling crowds. The contemporary practice of cooperative condominiums and housing communities whose policies require that prospective residents be “voted in” ensures that many minorities will be kept out.

White nationalism reveals itself in seemingly legitimate organizations that
espouse a return to “traditional American values.” This cloaks an agenda to rescind many of the rights and significant progressive strides of women, and those with alternative sexual preferences, as well as to marginalize and subjugate racial minorities in order to maintain and perpetuate white dominance. Some politicians openly or covertly embrace this doctrine, and numerous organizations perpetuate this stultifying ideology in their policies and practices.

Whether hate is made manifest in the form of blatant violence, or more subtly expressed through political or ideological tenets such as white nationalism, we are all infected and diminished by its presence. Though it may seem innocuous at times when it lies seemingly dormant, it is a divisive force to be faced, not denied.

V. HATE GROUPS IN OUR MIDST

*Men never do evil so completely and cheerfully as when they do it from religious conviction.* Blaise Pascal

In the year 2000, The Southern Poverty Law Center tracked the existence of over 600 hate groups in the United States. These include factions identified as the Klan, Neo-Nazi, Racist Skinhead, Christian Identity, Neo-Confederate, and Black Separatist. The ideologies of several of these groups overlap and embrace whatever convoluted ideas suit their common penchant for an idyllic whites only society.

The Christian Identity movement is a distinctly American hybrid of mythical, political, and religious beliefs that emerged in the 1940s and now claims 20,000 to 30,000 followers. The common thread among these groups who often identify themselves as “churches” ascribes that whites (Aryans) are the true Israelites of the Old Testament and that Jews are literally descendants of Satan. All non-whites are thought to be the offspring of pre-Adamic races, which are distinctly separate from Caucasians since Adam and Eve were the first true “white” people. They consider any intermingling of the races as mongrelization. Furthermore they believe that Armageddon is imminent and will manifest as a race war between whites and non-whites.5

It is evident that many members of Christian Identity movements are doing their part to incite such a confrontation and are not averse to using violent methods to do so. According to J. Gordon Melton, a nationally recognized chronicler of religions in America, “Identity is a religion by sociopaths, for sociopaths. It turns their sickness into virtue.”6 I became

intimately acquainted with one such group and an unwitting target of its venomous philosophy.

In 1974, Richard Butler, leader of the Church of Jesus Christ Christian, Aryan Nations, set up his compound on twenty acres of rural land outside the community of Hayden Lake, in North Idaho, and the region became the destination point for a violent group of racists. Butler’s bastion was an armed camp—replete with a tower where guards kept a wary eye and ready gun for any uninvited infiltrators. His followers endured communal living, engaged in military maneuvers, and consumed a steady diet of twisted scripture and endless hate rhetoric.

A rash of bigotry and anti-Semitic activities sprang up in the surrounding region. It manifested in the form of graffiti, racist posters on businesses, swastikas painted on churches, hate literature mailings, harassment, threats, audio clips of Hitler ranting on telephone answering machines, and assaults on minority individuals and multi-racial families in the community.

VI. COMMUNITY ORGANIZING AGAINST HATE

*Ideas have to be wedded to action.* Henry Miller

By the late 1970s the formerly sleepy little lake-side city of Coeur d’Alene, Idaho, and its surrounding rural and wilderness areas were plagued by Butler’s bigots, whose antics became increasingly menacing with time. What was once perceived as a rag-tag group of extremists too benign to be taken seriously became recognized as a force whose pernicious attitudes and behavior would only persist and, therefore, could no longer be ignored.

To address the problem, various community representatives united to form the Kootenai County Task Force on Human Relations (“KCTFHR”) in 1981, including the Chamber of Commerce director and officials from the city of Coeur d’Alene, a County Under-Sheriff, professors from North Idaho College, a school district official, homemakers, business people, area pastors, and minority members of the community. The Task Force moved quickly to raise awareness of the growing problem of racist and anti-Semitic activity in the area, as well as to lend support to victims of harassment and to provide constructive alternative responses to destructive acts.

In 1983 and 1984, after several years of relative calm, a new wave of violence broke out. Several of those indoctrinated and trained by Richard Butler formed a splinter group known as “The Order” (or The Silent Brotherhood). Under the leadership of Robert Mathews, various members of...
went on a crime spree of terrorism fueled by the ideology and methods expressed in William Pierce's book, “The Turner Diaries.” In an effort to start an insurrection to overthrow the “Jew-ridden” government and to persecute all race-traitors and institutions that support the system, the faithful bombed a synagogue in Boise, murdered talk show host Alan Berg in Denver, robbed several banks and armored cars, and perpetrated various other crimes of chaos.

Eventually, in December 1984, Robert Mathews died in a burning house on Whidbey Island, Wash., after a standoff with FBI agents. Twenty-three other members of The Order were subsequently convicted of crimes ranging from murder, armed robbery, counterfeiting, conspiracy to overthrow the government, and other charges, which garnered each prison terms ranging from 40 to 100 years.

The crime and violence of The Order triggered renewed interest in the white-supremacist epidemic as well as in our own Kootenai County Task Force on Human Relations, which strengthened its commitment to challenge bigotry and hate crimes at the grassroots level. As then pastor of St. Pius X Catholic Church in Coeur d'Alene, and elected Chairperson of the Task Force, I was determined to contribute a fresh approach and renewed vigor to the cause. We quickly restructured the organization, composed of an Executive Council, which oversaw a number of standing committees involved with community response, education, law enforcement, victim support, legislation, and a speaker’s bureau.

A decision was made to answer the Aryan Nations’ hatred with a positive message. The working motto became, “Saying ‘yes’ to justice is the best way to say ‘no’ to racism.” This emphasis broadened the scope and direction of the Task Force, which formerly focused on responding to the destructive tactics of the Aryan Nations. The challenge called for proactive measures to build a community that not only respected diversity but that refused to provide fuel for the racist extremism of the Aryan Nations and other hate groups.

VII. PUBLIC AWARENESS EVENTS

_To be awake is to be alive._ Henry David Thoreau

Raising public awareness became the primary goal of our organization. The Task Force became a visible entity at community events such as the annual County Fair, where members staffed a booth, and at the Fourth of July parade in Coeur d’Alene, which featured a float we sponsored. We also appeared at other gatherings that provided opportunities to model our message of inclusion.

In September of 1985, the KCTFHR took on its most ambitious effort to date. North Idaho College, a public community college located in Coeur
d’Alene, cosponsored an on-site symposium titled, “Racism: Prejudice and Progress.” Under the direction of Political Science professor and Task Force member Tony Stewart, the weeklong event investigated the issue of racism from the Jewish, Black, Native, Mexican and Asian American perspectives. An impressive list of participants headed by keynote speaker and former Georgia Senator Julian Bond, and including former U.S. Ambassador to Mexico Julian Nava and Idaho Governor John Evans, attracted large crowds and extensive media coverage.

North Idaho College produced seven weekly television programs taped at the symposium, which were broadcast throughout the Pacific Northwest and parts of Canada on several public television stations. As a result of the gathering, subsequent media exposure and numerous events spawned from our efforts, the Task Force became well known locally and regionally as North Idaho’s voice on issues of race and diversity.

In January 1986, the KCTFHR coordinated plans for a major local celebration marking the first national holiday commemorating the birth of Dr. Martin Luther King Jr. (Idaho, however, failed to officially recognize such a holiday until 1990.) Through the leadership of Doug Creswell, a Task Force member and coordinator of personnel and instructional programs at the Coeur d’Alene School District, students watched a series of presentations on Dr. King, and on the issues of racism, respect and equality. The district recognized Jan. 20 as an official holiday, suspended classes, and encouraged students and staff to attend activities and programs sponsored by the Task Force. College students were released from their classes and employees of the City of Coeur d’Alene were freed from their duties to take part in the mid-day celebration.

Once again, North Idaho College opened its campus beside Lake Coeur d’Alene and hosted the day’s festivities, which proved the largest commemoration of its kind in Idaho. I was honored to deliver the keynote address to a crowd of over 1,000 and opened a celebration that included patriotic readings, speeches, music and remembrances of Dr. King and his living message. The media carried highlights of the celebration to an extended audience, with live coverage provided by both local radio stations and video broadcasts carried on three television stations in nearby Spokane, Wash., and to the national networks of ABC, CBS, and NBC.

The Task Force has since continued to sponsor the Dr. Martin Luther King Jr. Holiday celebration annually, encouraging the participation of students and community members of all ages, races and persuasions to affirm his dream of unity and freedom for all.
VIII. Revelation Answers Degradation

Some people who exist sparingly on the mean side of the hill are threatened by those who also live in the shadows but who celebrate the light. Maya Angelou

In the summer of 1986, Richard Butler and his Church of Jesus Christ Christian followers announced plans to host the annual Aryan Congress at the Hayden Lake compound. The event was to be held over three days in mid-July. Butler touted an expected attendance of several hundred racists and Neo-Nazi sympathizers from around the country. In response, the KCTFHR proposed a Human Rights Celebration to be held, simultaneously, in the Coeur d’Alene City Park on Saturday, July 12, 1986. Our organizers hoped to gather a crowd to dwarf the size of the Aryan Congress, and to rally the solidarity of the people of the Northwest in opposition not only to the white supremacists, but to racism and race-hate violence in general.

A plan was devised to contact all of the cities and counties in the five Northwestern states and invite them to submit a statement reaffirming their commitment to the human rights principles of their state constitutions, as well as to the Constitution of the United States. As a result, some 200 cities and counties responded with statements, which were displayed on a regional map during the celebration to indicate that through their elected representatives, the people of the Northwest were collectively saying “no” to hate and violence.

The Human Rights Celebration was a successful gathering, which drew a huge crowd and attention that far eclipsed that of the Aryan Congress. Local and national radio, television, and print media reporters were there in force to spotlight a community united to honor the value of all of humanity. I delivered a keynote address, while Idaho Governor John Evans and others urged for action over apathy when confronted with the insidious forms of bigotry—both blatant and subtle—that can erode a human landscape enriched by the colors and textures of diversity.

The event featured music, dancing, drumming and storytelling by members of the region’s Coeur d’Alene Indians, and wide-ranging ethnic offerings attended by well over 1,000 people. It served as fertile ground and a gathering point for networking among like-minded, socially conscious individuals and organizations throughout the Northwest.

As several neo-Nazis showed up to glare at the assembled crowd, hundreds more gathered at Butler’s compound miles to the north. As they plotted to claim Washington, Idaho, Montana, Oregon and Wyoming as their whites only homeland, the Task Force entertained the idea of forming a five-state human rights coalition, enlisting the aid of corporations, agencies, educators, and churches to unite in common cause against prejudice.
As a result of the human rights rally, a different trend took place in, and around, North Idaho. The community became infused with a new energy, which defined itself as less reactive, but more competent and proactive against the malignant forces of bigotry. Ours was a belief in tolerance and inclusion over intolerance and exclusion.

An equally important outcome was the new reflection of North Idaho portrayed to the world through the extensive local and national media coverage of the celebration. We were no longer viewed as a passive haven for white supremacists but as conscience-driven members of a society willing to unite and mobilize for the cause of justice and human rights.

Our new vitality and psychological shift from focusing on the negative to creating the positive was not lost on Reverend Butler and his followers. He was incensed at the community’s ability to rally in droves and steal the thunder of his week long Aryan Congress. He intensified his campaign of hate rhetoric against the citizens of Coeur d’Alene, the KCTFHR, and against me, by name. As both Catholic Priest, and vocal Chair of the Task Force, I became a prime target and lightning rod for the supremacists, whose bastardized belief in the scripture sanctioned violence.

IX. HATE COMES TO CALL

_Nothing in the world is more dangerous than a sincere ignorance and conscientious stupidity._ Martin Luther King Jr.

Some of Butler’s followers put his words into action as I sat talking on the phone to a friend the night of Sept. 15, 1986. As the pastor of St. Pius X, I lived in a home next to the Church and prided myself in my openness and accessibility. Unlike most, I rarely, if ever, closed my curtains at night. So it was that I sat in full view, providing an easy target for two white supremacists poised to throw a pipe bomb through the glass of my window with full intent to murder me where I sat. At the last moment, one man convinced the other to place the bomb directly outside my back door instead.

The blast was deafening, and the resultant destruction to much of my house was indescribable. Had I been anywhere near my kitchen or bedroom, I would have been badly injured or killed. The philosophy of _purposeful naivete_, which had governed my reactions to these hate-mongers, was suddenly challenged. I came face to face with my own mortality and no longer doubted the militant resolve and twisted convictions of the supremacists who were determined to intimidate, and even eliminate, those who opposed their beliefs.

The community rallied in support, and ten days after the bombing of my house over 600 local citizens came together as a show of solidarity for me, the Task Force, and our mission. Also in attendance were Idaho Governor John
Evans, Coeur d’Alene Mayor Ray Stone and representatives from the offices of the Congressmen and Senators of Idaho.

Within days of this gathering, Aryan Nations members detonated three more pipe bombs at the Federal Building, outside a luggage store, and in a restaurant parking lot within the city of Coeur d’Alene. No one was physically injured in these attacks, but the psychological effect on the community was profound. Four perpetrators of these events were eventually arrested and sentenced for their crimes.

As is so often the case in times of adversity, the community became further united behind the Task Force and its mission to dispel ignorance and embrace diversity. The Coeur d’Alene Board of Realtors and other business and educational organizations exemplified a renewed vitality and adopted the use of a logo, which demonstrated the region’s acceptance and respect for all people. A proactive momentum reclaimed the identity of a community formerly perceived as an indifferent haven of white supremacy.

X. COALITION BUILDING

*Nothing is built on stone; all is built on sand, but we must build as if the sand were stone.* Jorge Luis Borges

Aware that violent hate groups were focusing on rural areas that were often weak in resources and leadership, Tony Stewart and I recognized the need to reach beyond our local region and to unite with other communities in an effort to address the threat of religious and racial harassment and violence in the Pacific Northwest. Therefore, the Kootenai County Task Force on Human Relations recruited Bob Hughes, a representative of the Community Relations Service in the U.S. Department of Justice, to facilitate a steering committee made up of people from the five Northwestern states to discuss the challenge of racism and bigotry in our midst. Members of state and local governments, law enforcement, minority groups, faith communities, and human rights activists convened in Portland, Ore., Spokane, and Seattle, Wash., and Coeur d’Alene, Idaho, during the winter of 1986-87.

The Northwest Coalition Against Malicious Harassment (“NWCAMH”) resulted from those deliberations, and adopted by-laws, becoming a nonprofit organization under the auspices of the state of Idaho in April of 1987. Soon after, I was appointed President of the Board of Directors, assisted by volunteers under the steerage of Governor appointees from Washington, Oregon, Idaho, Montana, and Wyoming. The NWCAMH patterned itself after the KCTFHR, yet it focused more specifically on mobilization of communities at the grassroots level.

The NWCAMH facilitated the first of its annual conferences in Coeur d’Alene, with participants from Washington, Idaho, Oregon, Montana, and

In 1988, I resigned my duties as pastor of St. Pius X Church in Coeur d’Alene. My new adventure involved a move to Seattle, where I worked out of my apartment to raise funds for the fledgling NWCAMH and to develop the organization as conceived by the Board of Directors. Its ultimate ideal was to promote absolute racial and civil harmony throughout society. Yet, a more concise focus was our commitment to address discrimination, which manifests as aggression and hate-violence. Our intent was to provide knowledge and resources to community organizations to promote awareness, assist victims, build a moral barrier against that destructive force, and to answer oppression and aggression with peaceful strategies and compassionate action.

One of the most unique characteristics and dominant strengths of the NWCAMH was, and continues to be, its diverse membership. Initially, representatives from civic, religious, governmental, civil rights organizations, and law enforcement agencies participated. This came to include groups concerned with countering gender and sexual orientation bigotry, as well as student body associations, labor unions, and those from the private sector who had a vested interest in the betterment of their community.

For example, many from the business sector who might not have been otherwise concerned with human rights issues thought it prudent to be allied with the NWCAMH. They were savvy enough to know what the taint of racism can do to a community, and they joined in the cause to avert any negative climate that would hurt business. Eventually, we expanded beyond organizational membership to include individuals without group affiliation.

Raising the level of awareness person by person, community by community through research, education and organization became the primary strategy of the Coalition. Initially, our core task was to define the overt and covert natures of bias crimes and to involve the public, law enforcement agencies, and legislators, to work in tandem to stunt its growth.

XI. BIAS CRIMES UNMASKED

*The mind of a bigot is like the pupil of the eye. The more light you shine on it, the more it will contract.* Oliver Wendell Holmes, Jr.

Many of us have become inured to the ubiquitous presence of everyday racism and prejudice in our society. We are not awakened to our denial or passive acceptance of this blight until it erupts into violence worthy of portrayal in the media. Criminal acts that are motivated by a bias on the part of the offender against a particular group to which the victim belongs are classified as bias crimes (popularly referred to as *hate crimes*). These include violent crimes against people precisely because of their race, ethnicity, gender, religious beliefs, or sexual orientation, and can manifest in the form of
taunting, slurs, vandalism, arson, intimidation, and physical assault. Since bias crimes are motivated by rage toward entire groups of individuals, they are particularly incendiary in nature. Such blatant acts of brutality can incite vast numbers of an entire community toward irrational emotionalism and retaliation.

Recognizing the destructive potential of prejudice, the NWCAMH worked toward educating institutions and the public, to empower communities to preempt or confront harassment and violence. We vigorously encouraged the enactment of bias crimes legislation, and we did our part to ensure the implementation of such laws. The Coalition monitored the activities of hate groups and provided information and training to law enforcement agencies, affecting the prosecution of perpetrators and protection of victims.

Sensitive to the inequity and oftentimes devaluing of women in a male-dominated world, the Coalition worked to promote the inclusion of gender-bias crimes in the Malicious Harassment Laws of the five Northwestern states. It combined forces with The Northwest Women’s Law Center, Ms. Foundation For Women, and others to produce a booklet titled, *Gender-Bias Crimes: A Legislative Resource Manual*.

Bias-crime legislation has been adopted in Washington, Oregon, Idaho, Montana, and Colorado. Wyoming and several other states in the union have yet to follow suit. The Hate Crimes Statistics Act was passed on the Federal level in 1990, and it requires the Department of Justice to compile data and to publish an annual report on bias-crime incidents and victimization. Yet lack of participation by all of the states and under-reporting among those that do can only produce anemic numbers and a partial portrait that fails to reflect the grim truth. Justice advocates continue to push for uniform adoption of hate-crimes legislation nationwide, and to establish clear, concise definitions and implementation standards to alleviate the misinterpretation and variation that now exists from state to state.

XII. INFORMATION AND EDUCATION

*Since we cannot change reality, let us change the eyes which see reality.* Nikos Kazantzakis

A primary focus of the NCAMH was the task of disseminating information to promote public awareness of the endemic specter of prejudice and racism that often erupts into violence. One method, which established a networking link of relevant resources, was a quarterly newsletter titled *The Northwest Beacon*, which we sent to thousands of individuals throughout the region. The mailing defined and reported bias-crime incidents and statistics, how to prevent or confront them, and provided detailed upcoming human rights gatherings and events. Social and political institutions received a
separate publication that included tips on community organizing, practical administration, effective fundraising, ways of rallying public and private support, utilizing the media, maintaining security, and ways of implementing creative educational projects.

The NWCAMH collaborated with several human rights entities to create publications such as The Northwest Imperative, which was produced by the Coalition for Human Dignity. This provided a first-of-its-kind, in-depth look at white supremacy and right-wing extremist groups in the Northwest.

The Coalition also sponsored an educational project, which was researched and co-written by two graduate students from the Univ. of Washington. Paula Morelli and Michael Spencer studied the utilization of antibigotry policies and programs within school curricula, and reported its extent of effectiveness throughout Washington, Oregon, Idaho, Montana, and Wyoming.

The power of the media to reach the greatest number of people in a community, and beyond, provided frequent opportunities for The NWCAMH to convey its message. An ambitious media project titled Let’s Fight the Fear Together, was established as a public awareness tool that utilized print, radio, and television media to broadcast anti-racism and pro-diversity messages throughout the region. This method of educational outreach had the power and potential to touch people who might normally have been beyond our range of hearing.

The NWCAMH arranged an annual conference at various locales throughout the Northwest, featuring leaders in the human-rights movement as well as justice advocates. It drew members of religious, racial, minority, gender, sexual preference groups, and other people of conscience concerned with the betterment of humanity. Attendees gathered from all across the nation to network and tap the knowledge of others, to better learn effective ways of combating bigotry and violence in their communities. Forums, as well as youth and adult summits, were regularly conducted to discuss pertinent issues and strategies. Educational symposiums generated formal papers, which were compiled into booklets and served as valuable resources among constituents of the NWCAMH.

Educating communities and assisting victims of bias crimes commanded a pooling of relevant research and resources beyond our Coalition, which included tapping the rich reserve of already established organizations renowned for their fight against racism and prejudice. It utilized those of the Southern Poverty Law Center (whose Ten Ways to Fight Hate are printed at the end of this article), The Anti-Defamation League, The Simon Wiesenthal Center, the Center for Democratic Renewal and others. In addition to lending invaluable information and knowledge, these organizations, through their past and present efforts, provide models of moral courage and continue to inspire those of us who believe in the concept of justice for all.
XIII. STRENGTH IN NUMBERS

_We can build on foundations anywhere if they are well and firmly laid._
Ivy-Compton-Burnett

Once, the Northwest Coalition Against Malicious Harassment was seen as a novice in the realm of human rights activism. Yet by nature of the strength of its multilateral alliances and membership, it grew to become a formidable force in the fight against hate-violence in the Northwest and beyond. Others looked to the NWCAMH as a wellspring of resources, as well as for leadership, and guidance with community action.

Eventually, the NWCAMH expanded to include Colorado, which established a satellite office in Denver. Over 200 organizations became members of the Coalition, including The Anti-Defamation League of B’nai Brith, The Ada County Human Rights Task Force in Boise, The Montana Association of Churches, The Upper Columbia River Human Rights Task Force in Washington, The National Education Association, Jobs Plus, The Okanogan National Forest (a Federal Agency), and The Green River Community College in Western Washington. Our scope and sphere of influence prompted us to include individuals and institutions from outside the six Northwestern states, eventually bringing us to approximately 600 associate members.

By the late 1990s, the NWCAMH sponsored and supported more than a hundred different human rights coalitions, both in rural and metropolitan areas throughout the region. We were also influential in providing a model for community organizing and in creating infrastructures to combat hate in communities nationwide.

The White House recognized the Northwest Coalition Against Malicious Harassment as a _Promising Practices_ in 1998. And as its director, I received honors from both the Community Relations Service as well as the American Civil Liberties Union and numerous other organizations for the Coalition’s work to effect positive cultural change.

To strengthen its foundation and networking capabilities, in 1999 the NWCAMH merged with _The Coalition for Human Dignity_, a non-profit research organization that had been operating in the Northwest for ten years. The new alliance formed _The Northwest Coalition for Human Dignity_ (“NWCHD”). Convinced that such organizations benefit from a transition in leadership periodically, I stepped down after ten years as director of the Northwest Coalition. The NWCHD continues to build on its old and new identity as a strong leadership force for change, both regionally and nationally.
XIV. THE COMPOUND CRUMBLIES

As for me, I know of nothing else but miracles. Walt Whitman

After twenty years, The Kootenai County Task Force on Human Relations, which spawned the NWCAMH, has continued to fight the remnants of racism and hatred in and around North Idaho. It cosponsored the International Human Rights Conference: Empowering Women, in 1993, attended by 900 delegates and 65 presenters from across the nation. It still celebrates the Martin Luther King Jr. holiday, and it hosts an annual human rights banquet, airs educational television programs, sponsors celebrations and community awareness activities, and promotes a diversity curriculum in schools.

An effective fundraising technique in July 1998, garnered national attention for the Task Force as it managed, once again, to offset the negativity of Richard Butler and his contingent of white supremacists. To counter an Aryan Nations march through the streets of downtown Coeur d’Alene, the KCTFHR staged a Lemons to Lemonade Campaign, in which supporters pledged a self-determined amount of money for every minute that Butler and his marchers were on the streets. As the result, $35,000 was raised to assist the Task Force and other human rights organizations.

Years of efforts by the KCTFHR have eroded the power of hate groups in the region, and it most recently played a pivotal role in bankrupting Richard Butler and destroying the fortress of racism that was the Aryan Nations compound at Hayden Lake. The death blow came in the form of a successfully prosecuted civil suit brought against Richard Butler after two men, acting as his security agents, assaulted a woman and her teenage son, on a road near the compound.

As Vicky Keenan and her son Jason drove along Rimrock Road in rural North Idaho one July evening in 1999, they stopped to pick up something that had fallen from the car. Mindless of their proximity to the perimeter of the Aryan Nations compound, they were startled by the approach of a speeding pickup truck with two armed men in fatigues leaning over the cab. As the Keenans quickly drove off, the pickup followed, and the men shot holes into their vehicle along the way. Eventually, a bullet punctured one of the rear tires, causing the car to careen into a ditch. Butler’s thugs pulled the Keenans from their car and assaulted them with the butts of their guns (one of which was a semi-automatic rifle). The men pulled Vicky’s hair, bruised her ribs, and threatened to kill her and Jason. The sight of an approaching car interrupted the assault, at which time the supremacist guards warned the two to keep quiet about the incident, gave the Nazi salute, and departed.

Prior to this, Butler had been slippery enough to avoid prosecution for
numerous incidents of intimidation. Yet the reporting of this crime by its terrified victims brought a different and unexpected result. Believing that Richard Butler was accountable for the actions of his security guards, I and other Task Force members urged the prosecution of this assault to the fullest. Coeur d’Alene attorney Norm Gissel agreed to represent the Keenans against their Neo-Nazi attackers. He recruited Morris Dees, the renowned civil rights attorney from the Southern Poverty Law Center, to help prosecute the case in August of 2000.

Justice advocates and people of conscience everywhere were gratified by the decision of the civil court jury on Sept. 7, 2000. Richard Butler was deemed responsible for the violence of his minions, and the Keenans were awarded a $6.3 million judgment, which effectively bankrupted the Aryan Nations organization. The twenty-acre compound in the north woods was sold at a Sheriff’s auction to a philanthropist who demolished all the buildings on the property, thus destroying any evidence of its hate-filled history.

Though the elderly Richard Butler still resides in a house in North Idaho (purchased for him by a sympathetic supremacist), his realm of influence has diminished, and his activities, as well as those of his followers, have been seriously curtailed. Though Butler’s beliefs persist, stripping him of his communal camp was a great source of pride for the KCTFHR and for all those who cared deeply, and worked toward extinguishing, his destructive influence. The Aryan Nations compound provided refuge to an army of ignorant souls desperate to belong, souls eager to assuage their impotence at the shy end of a gun while they learned to despise and intimidate those whose skin color or beliefs differ from their own.

It is no more, yet the community and the KCTFHR remain vigilant, and determined, to smother any sprouting seeds of hatred among them. Those who gravitate to the area in hopes of finding a people complacent to bigotry find, instead, people mobilized against it—an ever-evolving community that proudly embraces diversity.

XV. NOT IN OUR TOWN

You gain strength, courage and confidence by every experience in which you really stop to look fear in the face . . . You must do the thing you cannot do. Eleanor Roosevelt

Another inspiring example of community members who confronted similar challenges and successfully rallied to quell a rash of hate crimes in their area took place in Billings, Mont., in 1993.

Similar to North Idaho, Montana became home to a myriad of hard-core extremist groups during the 1980s. The Ku Klux Klan and a band of Skinheads became a visible presence in and around Billings, a town of
approximately 80,000 with an overwhelmingly Caucasian populace. Fewer
than 500 black people lived in the area, while Hispanics and Native
Americans (combined) comprised around 7 percent of the population.

Racist and blatantly anti-Semitic activity plagued the community in the
early 1990s, and the 50 Jewish families that lived in the area became frequent
targets of the hate-mongers. Synagogues, and even Jewish cemeteries, were
defiled by racist graffiti and vandalism. The general public was inundated
with hate literature mailings and fliers in their driveways. People of color
were roughed-up, taunted and intimidated regularly, as were those known to
have same-sex preferences. It was obvious that the racists were partial only to
whites who did not appear to deviate from what they perceived to be the
norm, while anyone else was fair game for intimidation and exclusion.

Several human rights organizations quickly responded to this cruelty,
including the Billings Coalition for Human Rights (“BCHR”). It recognized
the wide scope of hate crimes as those that affect all of humanity—not just
those who identify with a race, ethnicity, gender, belief system, or sexual
preference.

In December of 1993, Tammie Schnitzer, who co-chaired the BCHR,
returned home from a meeting to find that a racist had thrown a cinder block
through her 5-year-old son’s bedroom window, which had been decorated
with Star of David decals and a menorah in honor of Hanukkah. Though Isaac
was not in his room at the time, he, his 2-year-old sister, and his dad, Brian,
were traumatized by the attack.

*The Billings Gazette* featured the Schnitzer’s story two days later. Several
Christian Churches responded by encouraging Sunday School children to
draw menorahs, which were photocopied and distributed to their
congregations. In a show of support for the Jewish community, the menorahs
appeared in the windows of hundreds of Christian households. Days later *The
Billings Gazette* took the bold step of publishing a full-page picture of a
menorah to be cut out and displayed throughout the community. Suddenly, the
Jewish symbols sprang up all over town. One local business went so far as to
place a message on a billboard, proclaiming: “Not in Our Town! No Hate, No
Violence. Peace on Earth.”

This incited a new wave of harassment and violence from the Klan and
the Skinheads as they smashed windows all over town, fired bullets into
schools and churches, and made threatening phone calls to residents and
businesses. But, as the racist activity intensified, the menorahs multiplied,
until as many as 6000 were displayed throughout the town, and remained
there well into the New Year. Confronted by a town united against them, the
racists backed down. The hate literature disappeared, the vandalism and
anonymous calls stopped. Overwhelmed with the sheer number of their
targets, even their all-consuming hatred was anemic in the face of humanity.

This effort to thwart the forces of racism came to be known as the *Not In
Our Town campaign, and it has been a model for communities everywhere. It spawned a television documentary and continues to inspire through organizing projects, action kits, and curriculum guides for use throughout the nation.

Residents of Billings ignored their differences in blood and belief and banned together as one people united against hate. Through compassionate action, they collectively and powerfully said “no” to intolerance, intimidation, and violence. Their efforts exemplify the best of human nature answering the worst.

The BCHR was supported in its efforts by the Montana Human Rights Network (“MHRN”), whose thrust was to monitor radical, right-wing movements in the area, and to challenge that agenda through education and organization.

The MHRN continues to confront the threat of subtle forces of bigotry in its community. Members are affronted by the dangerous philosophy of the racist right, patriot groups, and the religious right, who all share a disdain for the democratic process and seek to limit the rights of some to participate fully in society. This movement is particularly insidious as it seeks to impose its narrow worldview by claiming heaven’s endorsement for followers’ stilted social and political beliefs. Activities and rhetoric cloaked in this seemingly noble ideology continue to fool many who are blinded by the banner of a benevolent but intolerant God. The use of computers and short-wave radio to circulate propaganda around the world add to this ominous threat. This pervasive movement to mainstream extremism calls upon the steadfast perseverance and sustained commitment of the members of the MHRN, and of the community at large, to continue working against the infiltration of intolerance in their town, and beyond.

XVI. THE VISION OF NEW COMMUNITY

Intolerance, discourtesy, and harshness are taboo in all good society and are surely contrary to the spirit of democracy.

Mohandas K. Gandhi

Another dynamic entity committed to addressing social, economic, and racial justice problems is the Center for New Community (“CNC”) in Chicago, Ill. It is a faith-based organization intent on combining the forces of congregations, parishes, organizations, and communities to realize the vision of a society devoid of bigotry and intolerance. The CNC relies on the faith and good will of individuals in the religious, civic, educational, labor, business, and government sectors to counter hate and to nurture a just and beloved community that embraces a new spirit of democracy.

Keenly aware of insidious efforts of far-right, anti-democratic groups that
foster intolerance and exclusion, the CNC works incessantly to address this
danger in the Midwest and elsewhere. Through education and training, the
Center for New Community builds regional networks, and it equips
community leaders to effectively respond to racism, anti-Semitism,
homophobia, anti-immigration movements and other forms of bigotry. It
monitors and confronts public policy issues while working with national and
international organizations to promote civil rights, and it holds an annual
Building Democracy Conference.

The CNC assumes the moral obligation of nurturing relationships that
lead to strengthening the sinews of community. It dares to pave the way for
future generations to realize the dream of a world where the dignity of all
individuals is affirmed and the diversity of all of life is celebrated.

XVII. COMPELLING SOCIAL CHANGE

All that is necessary for the forces of evil to win in the world is for
enough good men to do nothing. Edmund Burke

The first step toward effecting positive social change is to admit that a
problem exists, yet many want to avert their eyes from a shameful truth: that
we are immersed in a culture of prejudice and racism. The 21st Century does
not, yet, see justice for all, but still carries the cross of exclusion and
persecution of many. It is distasteful to face our lack of mental and spiritual
evolution and to admit that endemic in our culture is the ludicrous notion that
skin color determines the value or inferiority of a human being. Add to that
those who disdain any person, set of beliefs, or lifestyle that differs from their
own, and virulent seeds of hatred fester at society’s feet.

When this fear and ignorance manifests in the form of hate groups in a
community, silence and apathy equal tragic complicity. In order to thwart the
destructive forces of intolerance, action can begin with one individual who
heeds the voice within, but commands two—and more—to unite in common
purpose against that evil. Without people of conscience who rise to the
challenge of betterment, who act with compassion to embrace their brothers
and sisters of all colors and persuasions, a community is diminished and
potentially deprived of the inevitable enrichment that diversity provides.

In this primal conflict, I have always believed goodness to be the more
formidable contender. The power of mobilizing against hate makes activists of
victims and helps to build a firewall of awareness to ensure a fortified
response in the future. Thousands of people in the Northwest answered the
call to alter the course of hatred, and they enhanced their local landscape
through purposeful action. Numerous organizations have followed their
example to effect similar change throughout the nation. A cohesive
community that stands up to the bully of bigotry can win any battle and erode
the resolve of similar contingents that follow.

In light of the tragedy of Sept. 11, 2001, the challenge to resist the forces of hatred is more poignant than ever. We have been given a crash-course in the potential destructiveness of extremist attitudes and irrational antipathy, yet we must resist the temptation to perceive the malevolence as existing solely apart from us, and beyond our borders. If we adopt an “us versus them” mentality, we are denying humanity as one entity, intertwined. We are, then, blind to our own potential for evil, and risk the danger of becoming as venomous as those we objectify.

Realizing the vision of a society that says “no” to prejudice, inequity, bigotry and persecution, and “yes” to acceptance, inclusion, equality and diversity, seems a daunting, but not impossible, task. Nothing is beyond the reach of those who care. The journey begins within individuals who realize that all people are more alike than different. Yet it is precisely the nuances of variation that add interest and dimension to the human canvas.

When we enlist our own humanity in combination with others, we make an indelible impression on all of humanity, and we uplift our world in the process. To ensure and enhance our survival, it is not only noble, but necessary, to act upon the voice within.7

XVIII. TEN WAYS TO FIGHT HATE

1. **ACT.** Do something. In the face of hatred, apathy will be interpreted as acceptance—by the haters, the public, and worse, the victim. Decency must be exercised, too. If it isn’t, hate invariably persists.

2. **UNITE.** Call a friend or coworker. Organize a group of allies from churches, schools, clubs, and other civic sources. Create a diverse coalition. Include children, police, and other media. Gather ideas from everyone, and get everyone involved.

3. **SUPPORT THE VICTIMS.** Hate-crime victims are especially vulnerable, fearful and alone. Let them know you care. Surround them with people they feel comfortable with. If you are a victim, report every incident and ask for help.

4. **DO YOUR HOMEWORK.** Determine if a hate group is involved and research its symbols and agenda. Seek advice from anti-hate organizations. Accurate information can then be spread to the community.

5. **CREATE AN ALTERNATIVE.** Do NOT attend a hate rally. Find another outlet for anger and frustration and people’s desire to do something. Hold a unity rally or parade. Find a news hook, like a “hate-free zone.”

6. **SPEAK UP.** You too, have First Amendment rights. Hate must be exposed and denounced. Buy an ad. Help news organizations achieve balance and depth. Do not debate hate-mongers in conflict-driven talk shows.

7. **LOBBY LEADERS.** Persuade politicians, business and community leaders to take a stand against hate. Early action creates a positive reputation for the community, while unanswered hate will eventually, be bad for business.

8. **LOOK LONG RANGE.** Create a “bias response” team. Hold annual events, such as a parade or culture fair, to celebrate your community’s diversity and harmony. Build something the community needs. Create a Web site.

9. **TEACH TOLERANCE.** Bias is learned early, usually at home. But children from different cultures can be influenced by school programs and curricula. Sponsor an “I have a dream” contest. Target youths who may be tempted by skinheads or other hate groups.

10. **DIG DEEPER.** Look into issues that divide us: economic inequality, immigration, homosexuality. Work against discrimination in housing, employment, education. Look inside yourself for prejudices and stereotypes.

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### XIX. Organizations/Sites of Interest

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<tr>
<td><strong>Anti-Defamation League</strong></td>
<td>Pacific Northwest Region</td>
<td></td>
<td>(206) 448-5349</td>
<td><a href="http://www.seattle@adl.org">www.seattle@adl.org</a></td>
</tr>
<tr>
<td><strong>Center for Democratic Renewal</strong></td>
<td>P.O. Box 50469</td>
<td>Atlanta, GA 30302</td>
<td>(404) 221-0025</td>
<td><a href="http://www.cdr.org">www.cdr.org</a></td>
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<tr>
<td><strong>Center for New Community</strong></td>
<td>P.O. Box 346066</td>
<td>Chicago, IL 60634</td>
<td>(708) 848-0319</td>
<td><a href="http://www.newcomm.org">www.newcomm.org</a></td>
</tr>
<tr>
<td><strong>HateWatch, Inc.</strong></td>
<td>44 School St. #317</td>
<td>Boston, MA 02108</td>
<td>(708) 848-0319</td>
<td><a href="http://www.hatewatch.org">www.hatewatch.org</a></td>
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<tr>
<td><strong>Kootenai County Task Force on Human Relations</strong></td>
<td>1424 East Sherman Ave. Ste. 100</td>
<td>Coeur d’Alene, ID 83814-4045</td>
<td>(208) 667-9574</td>
<td><a href="http://www.idahohumanrights.org">www.idahohumanrights.org</a></td>
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<tr>
<td><strong>Montana Human Rights Network</strong></td>
<td>P.O. Box 1222</td>
<td>Helena, MT 59624</td>
<td></td>
<td><a href="http://www.network@mhrn.org">www.network@mhrn.org</a></td>
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<tr>
<td><strong>Reach Center</strong></td>
<td>180 Nickerson St., Ste. 212</td>
<td>Seattle, WA 98109</td>
<td>(206) 284-8584</td>
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<tr>
<td><strong>Simon Wiesenthal Center</strong></td>
<td>1399 South Roxbury</td>
<td>Los Angeles, CA 90035</td>
<td></td>
<td><a href="http://www.wiesenthal.com">www.wiesenthal.com</a></td>
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<tr>
<td><strong>Southern Poverty Law Center</strong></td>
<td>400 Washington Ave.</td>
<td>Montgomery, AL 36104</td>
<td>(334) 956-8200</td>
<td><a href="http://www.splc.org">www.splc.org</a></td>
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<tr>
<td><strong>Prejudice and Violence</strong></td>
<td>31 South Green Street</td>
<td>Baltimore, MD 21201</td>
<td>(410) 328-5170</td>
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<tr>
<td><strong>Northwest Coalition for Human Dignity</strong></td>
<td>P.O. Box 21428</td>
<td>Seattle, WA 98111-3428</td>
<td>(206) 762-5627</td>
<td><a href="http://www.nwchd@nwchd.org">www.nwchd@nwchd.org</a></td>
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<td><strong>Montana Human Rights Network</strong></td>
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<tr>
<td><strong>National Institute Against Prejudice and Violence</strong></td>
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# The Vindication of Hate Violence Victims Via Criminal and Civil Adjudications

Brian Levin*

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*I. Pre-Civil War: Supreme Court Decrees that African-Americans Have “No rights the white man is bound to respect” Attempts by victims of hate violence to vindicate their claims through...*

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civil courts have a long history in the United States that predates the Civil War. The most notorious Supreme Court decision in American history commenced auspiciously in a St. Louis, Missouri county circuit court in two racially based tort actions on April 6, 1846. Slaves Dred and Harriet Scott petitioned Judge John Crum for permission to sue their owner and for "reasonable liberty" to effectively pursue their case. In an action remarkable for its time, Judge Crum granted the motions and stipulated that neither slave be removed from the jurisdiction or be subject to additional penalty as reprisal for their litigation.

Because the two slaves were illiterate, they could only sign their legal papers with the letter “X.” The plaintiffs sought damages in the amount of ten dollars for the torts of assault and unlawful imprisonment. They also sought their freedom. Their complaints alleged that on April 4, 1846 the couple was assaulted and imprisoned for twelve hours against their will.1

The issue of the Scotts’ status as slaves or free persons was central to the resolution of all their claims. If the Scotts were classified as slaves they would have no right to access the Courts, pursue any tort claims, and most importantly, no liberty. Dred and Harriet Scott were a married couple transported between slave and free states by various owners and custodians. In 1847 a St. Louis county circuit court jury ruled in favor of their current owner Mrs. Irene Emerson on a technicality, but a judge allowed the Scotts to refile their claims. In 1850 a decision in a second trial granted the Scotts their freedom on the grounds that their previous residency in the free states of Wisconsin and Illinois altered their status to that of free persons.

In 1852, Mrs. Emerson pursued an appeal to the Missouri Supreme Court, which overturned the jury decision granting the Scotts freedom. Counsel for all parties stipulated that all appeals would relate to Mr. Scott’s case only, with the understanding that the final resolution be applicable to both plaintiffs. After ownership of the Scotts was transferred to Mrs. Emerson’s brother, New Yorker John Sanford, in 1853, Dred Scott overcame jurisdictional obstacles and pursued his action in federal court which ruled against him in 1854.

By the time Dred Scott’s abolitionist lawyers appealed the case to the United States Supreme Court in December 1854, the case had already become one of tremendous national import. What started out as a simple tort case in a county court in St. Louis was now transformed into a pitched legal confrontation before the United States Supreme Court on the parameters of slavery.

Four consecutive days of oral argument commenced on February 11, 1856 followed by reargument ten months later. After much internal debate the Court

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released its opinion on March 6, 1857. The decision was highly anticipated, as slavery had been the most divisive political issue in the 1856 presidential campaign. Chief Justice Roger Taney’s majority opinion, by a vote of 7-2, held that blacks, owing to their inferior nature, were incapable of being citizens of the United States and thus not subject to the privileges and immunities of citizenship. The Court did recognize, however, the Fifth Amendment Constitutional right of masters not to be deprived of their property without due process. The majority also took the unusual step of stripping Congress of any authority to regulate slavery by declaring the repealed Missouri Compromise unconstitutional.2

Pulitzer prize winning author Richard Kluger noted that the opinion “sealed the stamp of white supremacy” upon the Declaration of Independence by stating that its proclamation of equality excluded blacks.3 Judge A. Leon Higginbotham observed that Chief Justice Taney made twenty-one references in his opinion to the inferiority of African Americans.4 While the Constitution carefully avoided any explicit discussion of racial inferiority, Justice Taney’s opinion explicitly embraced the notion as an indelible part of the American social and legal tradition:

They had for more than a century before been regarded as beings of an inferior order, and altogether unfit to associate with the white race either in social or political relations, and so far inferior that they had no rights which the white man was bound to respect, and that the negro might justly and lawfully be reduced to slavery for his benefit.5

Justice Taney continued:

No one, we presume, supposes that any change in public opinion or feeling, in relation to this unfortunate race, in the civilized nations of Europe or in this country, should induce the court to give to the words of the Constitution a more liberal construction in their favor than they were intended to bear when the instrument was framed and adopted.6

The Supreme Court’s pronouncement did not prevent Dred Scott and his family from gaining freedom. After the Court’s decision, the Scotts were transferred to the custody of a prior owner, who immediately freed them. Dred Scott, died shortly thereafter in 1858 of tuberculosis, a free man.7

II. POST-CIVIL WAR RACIAL VIOLENCE CASES:

2.  Id. Scott v. Sanford, 19 How. 393 (1857).
5.  Scott, at 407.
6.  Id. at 426.
The Civil War’s aftermath left four million Southern blacks in a state of legal limbo. While the Emancipation Proclamation of January 1863 legally abolished slavery in Confederate held areas, slaves were not actually freed until those areas came under Union control. It was not until the December 1865 ratification of the Thirteenth Amendment that slavery was finally proscribed throughout the whole of the nation. The next action to protect these newly freed slaves was the Civil Rights Act of 1866, a precursor to the Fourteenth Amendment, which attempted to secure citizenship for blacks and provide them equal protection of the laws. The statute provided criminal penalties against government officials who deprive inhabitants of civil rights. It also sought to punish any person who obstructed the enforcement of civil rights.

Specifically, it decreed that all non-Indians born in the United States were citizens of the United States. It further declared:

that citizens of every race and color, without regard to any previous condition of slavery . . . shall have the same right, in every State and Territory in the United States, to make and enforce contracts, to sue, be parties, and give evidence, to inherit, purchase, lease, sell, hold, and convey real and personal property, and to full and equal benefit of all laws and proceedings for the security of person and property, as is enjoyed by white citizens . . .

The Civil Rights Act of 1866 appeared, at least initially, to open the courts up to blacks in a way that was previously denied. In 1866, in United States v. Rhodes, Noah Swayne, a Supreme Court Justice temporarily sitting on a lower federal court, upheld federal court jurisdiction in efforts by federal authorities to prosecute whites who preyed on blacks. Justice Swayne explained why the Civil Rights Act was crucial to the integrity of the civil and criminal justice system:

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9. EMANCIPATION PROCLAMATION (1863).
10. U.S. Const. amend. XIII.
12. 27 F. Cas. 785 (C.C.D. Ky. 1866) (No. 16,151).
The difficulty was that where a white man was sued by a colored man, or was prosecuted for a crime against a colored man, colored witnesses were excluded. This in many cases involved a denial of justice. Crimes of the deepest dye were committed by white men with impunity. Courts and juries were frequently hostile to the colored man, and administered justice, both civil and criminal, in a corresponding spirit.\textsuperscript{13}

It was in 1868, however, that the most monumental substantive change in civil rights materialized with the passage of the Fourteenth Amendment. The Amendment unequivocally overturned the holding of the \textit{Scott} case by guaranteeing both state and national citizenship to newly freed slaves.\textsuperscript{14} While the Civil Rights Act of 1866 also extended citizenship and other rights, many contended that Congress lacked the authority to overturn key provisions of the \textit{Scott} decision absent a Constitutional Amendment. The Fourteenth Amendment’s designation of blacks and other Americans as state and national citizens was of great significance. Previously, the Constitution’s protections extended only to deprivations by the federal government against citizens, leaving the states unrestricted authority to interfere with individual civil rights. The Amendment’s conferring of national citizenship now inoculated those who possess it, at least in theory, with protection from state interference with civil rights.

At the federal level another constitutional amendment dealing with suffrage and several Ku Klux Klan related criminal civil rights statutes were enacted during the Reconstruction era. The last piece of Civil Rights legislation for the next 75 years was the Civil Rights Act of 1875, which guaranteed “full and equal enjoyment to all citizens of public accommodations, places of public amusement, and conveyances regardless of their race, color, or previous condition of servitude.”\textsuperscript{15} The post-Civil War laws and constitutional amendments, for the first time, codified the government’s obligation to combat race-based discrimination and criminality.

Unfortunately, contemporary prejudices of the day extended to the United States Supreme Court and lower courts which undermined the coverage and potency of these newfound guarantees. By the time the Supreme Court overturned the Civil Rights Act of 1875 in 1883, in the \textit{Civil Rights Cases},\textsuperscript{16} it

\begin{footnotesize}
\begin{enumerate}
\item Id. at 787.
\item U.S. \textsc{const.} amend. XIV.
\item Civil Rights Act of 1875, §1, ch. 114, 18 Stat. 335 (1875).
\item 109 U.S. 3 (1883) (Thirteenth and Fourteenth Amendment did not expand Congress’ authority to pass a law banning acts of private discrimination). This decision was overturned in Heart of Atlanta Motel v. United States, 379 U.S. 241 (1964) (Congress has authority under the Commerce Clause to prohibit discrimination in privately owned public establishments that had a nexus to interstate commerce.).
\end{enumerate}
\end{footnotesize}
was clear the courts would deny many of the promised protections granted to American blacks. The Supreme Court was particularly retrograde when it came to providing blacks access to the Courts and protecting them from acts of racial violence.

Judge Higginbotham noted:

Without using the explicit terms of slavery jurisprudence, the Supreme Court nevertheless gave those slavery precepts [of black racial inferiority] renewed vitality in the post-Civil War era. . . . Hostile Supreme Court decisions abandoned the prior thoughtful jurisprudence that had established that the Constitution sanctioned federal protection of the citizenship rights of African Americans. . . . As African Americans were killed, mutilated, and oppressed for exercising their rights of citizenship, the courts denied redress for African Americans by drawing -- for them -- meaningless distinctions.17

In 1872, for example, in *Blyew v. United States*,18 the United States Supreme Court sent a clear message that access to the federal courts by black victims of violence would, henceforth, be severely restricted. The Supreme Court majority reversed the federal murder convictions of two white defendants convicted of hacking an innocent black family to death in Kentucky as a preemptive strike in a future race war. Kentucky state law did not at the time allow the statements of African American witnesses to be used against white defendants, so prosecutors relied on the Civil Rights Act of 1866 to assert jurisdiction in federal court where the witness statements of blacks would be allowed. The federal statute permitted federal courts to be accessed when people are denied enforcement of their rights in state courts.

The Supreme Court reversed the homicide conviction, holding that it was the white defendants who were affected by the enforcement, rather than the dead black victims or the witnesses, and that the Civil Rights Act was not applicable. The contorted reasoning of the decision evidenced that the Supreme Court was not enthusiastic about federal intervention in the area of racial violence. In a spirited dissent, Grant appointee, Justice Joseph Bradley, joined by Justice Swayne, maintained the following:

To deprive a whole class of the community of this right [to court access], to refuse their evidence and their sworn complaints, is to brand them with a badge of slavery; is to expose them to wanton insults and fiendish assaults; is to leave their lives, their families, and their property unprotected by law. It gives unrestricted license and impunity to vindictive outlaws and felons to

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17. *Higginbotham*, at 90.
18. 80 U.S. 581 (1872).
rush upon these helpless people and kill and slay them at will, as was done in this case. To say that actions or prosecutions intended for the redress of such outrages are not “causes affecting the persons” who are the victims of them, is to take, it seems to me, a view of the law too narrow, too technical, and too forgetful of the liberal objects it had in view. If, in such a raid as I have supposed, a colored person is merely wounded or maimed, but is still capable of making complaint, and on appearing to do so, has the doors of justice shut in his face on the ground that he is a colored person, and cannot testify against a white citizen, it seems to me almost a stultification of the law to say that the case is not within its scope. Let us read it once more: “The District Courts shall, concurrently with the Circuit Courts, have cognizance of all causes, civil and criminal, affecting persons who are denied or cannot enforce in the courts or judicial tribunals of the State or locality where they may be, any of the rights secured to them by the first section of this act.”

Judge Higginbotham observed about post-Civil war cases, “[T]here comes a point where it is obvious that the justices deliberately disregarded the facts they knew as men about the violence that led to these cases . . . The undiluted message to hoodlums and other vigilante groups was that they would be free to keep African-Americans ‘in their place.’” Nowhere was this point more obvious than in the cases United States v. Reese and United States v. Cruikshank where the Supreme Court turned a blind eye to corruption and mob violence in voting rights cases. As Professor Robert Kaczorowski noted, “The public reacted to the [Court’s restrictive opinions in] Reese and Cruikshank as welcome correctives to the centralization of power that was brought about by Congressional Reconstruction. Republican and Democratic Conservative newspapers applauded the Reese and Cruikshank decisions for their alleged judiciousness, impartiality and wisdom.” In commenting on an 1883 Supreme Court decision Richard Kluger observed: “[I]t did not much seem to mind that black men were being seized and beaten and killed by

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19. Id. at 599.
20. HIGGINBOTHAM, at 89.
21. 92 U.S. 214 (1875). In Reese, the Supreme Court invalidated portions of the 1870 Enforcement Act, which punished state officials who interfered with black voting rights, by holding that the federal government lacked the enforcement authority under the Fifteenth Amendment, which purportedly guaranteed suffrage to blacks. However, in Ex parte Yarbrough, 110 U.S. 651 (1884), the Court finally held that Congress did in fact have the authority under the Fifteenth Amendment to pass legislation protecting suffrage. The Court affirmed the convictions of Klansmen who attempted to prevent a black man from voting.
22. 92 U.S. 542 (1876) (Supreme Court unanimously invalidated indictments against the three white defendants accused of murdering black voters in Louisiana).
23. HIGGINBOTHAM, at 90.
lawless thugs. And so they kept being seized and beaten and killed and could not turn to the Fourteenth Amendment, which had been passed for that express purpose.24

When violent bigots failed to prevent Blacks and other minorities from exercising their civil rights, the Courts frequently completed the tasks for them. This became unmistakably apparent when the United States Supreme Court affirmed the notion that “separate but equal” treatment on the basis of race was not a violation of the equal protection clause of the Fourteenth Amendment. The *Plessy v. Ferguson*25 decision validated separation of races in virtually all aspects of life, and solidified de jure discrimination as a part of the American experience for decades to come. With rare exceptions the post-Civil War 19th century Supreme Court decisions relied on certain rationales as a method to ignore the clear intent of the post Civil War constitutional amendments and civil rights statutes. Whenever possible the Supreme Court denied protection to the oppressed by holding (1) that the available legal protections were extremely narrow or, (2) that the protections did not apply to the actions of state and local governments or private parties.26 The Court frequently curtailed civil rights protections by holding that federal protections of minorities interfered with the authority of state governments.27 Lastly, the Court embraced the notion that the broad legal enforcement of equal treatment for minorities represented ill conceived social engineering outside the scope of the law.28

III. LEGAL INITIATIVES TO COMBAT HATE VIOLENCE IN THE TWENTIETH CENTURY

During the early twentieth century, civil rights lawyers continued to press the federal courts to improve the position of disenfranchised groups with

24. R. KLUGER, at 64-65.
25. 163 U.S. 537 (1896).
26. The Butchers’ Benevolent Association of New Orleans v. The Crescent City Livestock Landing and Slaughterhouse Co., Esteben v. Louisiana (Slaughterhouse Cases), 16 Wall. 36 (1873) (upholding the rights of a state authorized monopoly and rejecting the argument that the right to engage in a lawful business was protected by the Fourteenth Amendment); Bradwell v. Illinois, 16 Wall. 130 (the Fourteenth Amendment does not protect an otherwise qualified woman from being barred by a State from practicing law); Virginia v. Rives, 100 U.S. 313 (the Fourteenth Amendment does not protect individuals from deprivations committed by private malefactors); Civil Rights Cases, 109 U.S. 3 (1883) (privately owned public accommodations cannot be prevented by government from discriminating against people).
mixed results. During the first half of the century the courts frequently upheld separation of the races, but as time passed they became increasingly skeptical about the equality of these separations. In Brown v. Board of Education, the Supreme Court finally overturned Plessy in the area of public education, when it held that separate schools for children of different races were inherently unequal in violation of the Fourteenth Amendment. The civil rights court victories that followed Brown relied upon an expansive interpretation of both the Fourteenth Amendment and of federal authority.

Minorities found increased protection from discrimination not only through an expansive interpretation of the Fourteenth Amendment’s Equal Protection Clause, but from Article I’s Commerce Clause as well. The Supreme Court embraced the theory that Congress had extensive constitutional authority to address discrimination through its power to regulate interstate commerce. By the latter half of the twentieth century African Americans and other historically oppressed groups had the protection of newly enforced Constitutional amendments, court decisions, and state and federal laws. As popular opinion became more tolerant and access to courts and legislatures increased for the previously disenfranchised, victims of hate violence soon began to have more options for redress.

IV. THE EMERGENCE OF HATE VIOLENCE CRIMINAL LAWS

After the first era Klan finally disbanded in the early 1870s, thousands of African Americans were still brutalized by lynchings. Lynchings are those crimes where violent mobs fatally attack someone who is thought to have violated the law or social mores of a particular locality. American lynchings were usually exercises in public mob torture where victims were mutilated, burned or hung until they died. Before being co-opted by racists, lynching had previously emerged as a punishment of choice by frontier vigilantes from the revolutionary era into the late 1800s. Thereafter there were a variety of targets

30. Shelley v. Kramer, 334 U.S. 1 (1948) (declares restrictive covenants to be unenforceable under the Fourteenth Amendment’s Equal Protection Clause); Sweat v. Painter, 339 U.S. 629 (1950) (state may not bar entry of a Black law applicant to a white law school, if its segregated black law school has inferior resources).
32. U.S. Const. amend. XIV.
33. U.S. Const. art. I.
34. Heart of Atlanta Motel v. United States, 379 U.S. 241 (1964) (Congress has authority under the Commerce Clause to prohibit discrimination in privately owned public establishments that had a nexus to interstate commerce).
and motives for lynchings, but most were directed against African Americans. Of the 4,743 Americans known to have been lynched 3,446 were black.\(^{35}\)

While sixteen states passed anti-lynching laws from the 1890s to the 1930s, the laws were rarely enforced in a meaningful way. The N.A.A.C.P. proposed national legislation beginning in 1918 as a way to give federal courts jurisdiction. It was hoped that federal prosecutions would bring perpetrators to justice in cases where local officials were either aiding, or sympathetic to, the killers. Congressional bills passed the House of Representatives in 1922, 1937 and 1940 but failed to become law owing to Senate opposition.\(^{36}\)

In addition to individual lynchings, race riots directed against blacks also gained notoriety with 23 taking place from 1910-1920 alone. One race riot in East Saint Louis, Illinois left 47 people dead.\(^{37}\)

Illinois became one of the first states in the Union to enact a “group-libel” statute in 1917 after violent race riots took place in East St. Louis. The Illinois “hate speech” statute criminalized bigoted “defamatory” statements directed against racial, religious or ethnic groups. Various other jurisdictions followed suit with New Jersey passing a similar law in 1934.\(^{38}\) The New Jersey Supreme Court overturned its state law in 1941 on state and federal Constitutional grounds. The case involved a prosecution of German-American Bund officials.\(^{39}\) While Massachusetts passed a group-libel law in 1943 and Indiana passed one in 1947, attempts in other states and at the federal level failed. Even in states where group-libel laws existed, they were rarely used.\(^{40}\)

The rebirth of the second era Ku Klux Klan from 1915-1925 also had an influence on hate violence and legislation. In 1915 the scope of Klan bigotry expanded to include new enemies in addition to African American: Catholics, Jews, and new immigrants. Klan ideology embraced the trappings of Protestant fundamentalism, extreme patriotism, social conservatism and xenophobia. By the mid 1920s, the Klan had 4.5 million members throughout the East and Northwest, with a disproportionate representation in Indiana. Across the nation the Ku Klux Klan members held positions as governor, state legislators and Congressmen. During this same period rampant Klan violence was publicized in Congressional hearings and intensive newspaper coverage.\(^{41}\) As a response to Klan violence, various jurisdictions passed laws designed to specifically combat the Klan. Anti-masking laws, which prohibited the non-

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35. Foner & Garraty, at 685-86.
36. Id.
40. Walker, at 83.
theatrical wearing of masks in public, were passed in various states. Local authorities with substantial Catholic populations from New England to the Great Lakes region confiscated Klan materials or banned the group from meeting or parading.42

In 1923 New York enacted a sweeping anti-Klan statute that compelled various “oath-bound” groups deemed illegitimate by the state to register with authorities and disclose their membership. The statute also banned wearing masks in public. In 1928 the United States Supreme Court upheld New York’s restrictions on governmentally disfavored organizations, like the Klan, on the grounds that it was proper to do so as a legitimate exercise of state authority.43 Anti-lynching, group libel, and anti-Klan laws had limited impact at the time, but they provided further foundation to the concept that the criminal law should be used to combat various manifestations of bigotry—a key development that led to the more refined hate crime laws of today.

In Beauharnais v. Illinois,44 the United States Supreme Court affirmed Illinois’ group libel statute. While never technically overturned, subsequent United States Supreme Court decisions have clearly rejected all the foundational arguments that were relied upon in the Beauharnais decision and the case is no longer regarded as sound law. Illinois’ group libel law was repealed in 1961.45

With the advent of the Civil Rights Era in the 1950s and 1960s white supremacists increasingly turned to violence to prevent blacks from exercising the newly protected rights granted to them by the Courts and the legislatures. In the 1960s the federal government finally launched a series of criminal law counter attacks to combat a brutal wave of Klan violence in the South. Interestingly, some prominent early federal cases involved civil rights workers or northerners who were targeted for attack. Federal criminal civil rights convictions were obtained against the killers of civil rights workers Michael Schwerner, Andrew Goodman, and James Chaney in Mississippi. Other indictments were issued in Georgia for those who killed Washington, D.C. native and Army reserve officer Lemuel Penn; and in Alabama against those who killed a white Michigan housewife and activist named Viola Liuzzo. While dozens of other innocents were killed during the civil rights movement, the federal prosecution of those responsible for the killings of those five innocents is of legally historic significance. After a state jury twice failed to convict, federal authorities successfully prosecuted several Klansman on civil

42. WALKER, at 23-26.
44. 343 U.S. 250 (1952).
45. WALKER, at 100.
rights conspiracy charges for their role in Viola Liuzzo’s murder. The cases involving the four other homicides eventually ended up before the United States Supreme Court which upheld the federal prosecution of the killers and their conspirators on criminal civil rights charges.

In *United States v. Guest*, the Supreme Court upheld criminal indictments, pursuant to 18 USC 241, against those involved in the murder of Lt. Col. Lemuel Penn. Penn was an African-American educator from Washington, D.C. who was indiscriminately murdered by Klansman as he drove back home from Army reserve duty in Georgia. In *Guest*, the Court upheld the validity of 18 USC 241: Conspiracy to Interfere With Civil Rights, enacted in 1870 to counter Klan terrorism. A companion case, *United States v. Price*, decided the same day as *Guest*, upheld the same statute. The Court urged a broad application of its protections, stating it should be given a “sweep as broad as its language.” These two cases affirmed the proposition that Fourteenth Amendment Due Process rights and Equal Protection rights were within the purview of rights protected by 18 USC 241.

The Court held that only those criminal conspiracies where there is a specific intent to interfere with a federally protected right are covered by the statute, although a defendant does not actually have to be aware that the right he seeks to limit is a federally protected one.

In addition, the Court observed that the statute’s wording does not require that the conspiracy be racially motivated. The Court further held that, since conspiracies can have multiple goals, it is not necessary to prove that the sole goal of interfering with a particular civil right is the main goal of the conspiracy. With regard to the federal case relating to Lemuel Penn, the Supreme Court found that the trial court erred in dismissing the part of the indictment that alleged an interference with Penn’s right to interstate travel and use the instrumentalities of interstate commerce such as highways. Subsequent federal cases found rights covered by the statute are the rights not to be killed without due process, to testify at a federal trial, to vote, and to exercise housing rights.

Congress responded to Klan violence in the South during the civil rights era by enacting 18 USC 245: Federally Protected Rights, in 1968. That statute prohibits interference with voting, obtaining government or federally funded benefits or services, accessing federal employment, or participation on a

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federal jury. Among other things, the law also punishes the interference with six other federally protected activities, but only when they are committed on the basis of race, color, religion or national origin. Those protected activities include enrollment in public education, participation in state programs, obtaining private or state employment, participation in state and local jury service, interstate travel, and the benefits of various types of public accommodations. The death penalty is available if death to a victim results. Another federal criminal statute, Title IX of the 1968 Civil Rights Act, 42 USC 3631 punishes those who forcibly interfere with a person’s ability to purchase, sell, lease, or finance a residence on the basis of someone’s race, color, religion, sex, or national origin.

V. RECENT FEDERAL LEGISLATION TO COMBAT HATE VIOLENCE

Four new pieces of legislation were introduced at the federal level over the last decade. The first was the Hate Crime Statistics Act signed into law by President Bush in April 1990. The bill, initially introduced in 1985, is widely credited for adding the term “hate crime” to the American lexicon. The Act initially required the Attorney General to collect data on crimes motivated by race, religion, sexual orientation, and ethnicity and was subsequently amended to include disability. The FBI was assigned the task of collecting the data and will continue to do so on a permanent basis.

In 2000 the FBI enumerated 8,063 bias crime incidents in the United States; 4,337 based on race; 1427 based on religion; 1299 based on sexual orientation; 911 based on ethnicity; and 36 based on disability.

In 1994 the Hate Crime Sentencing Enhancement Act (“HCSEA”) was enacted. The statute, a penalty enhancement law, increases the sentence for underlying federal offenses by about 30% when the fact finder establishes beyond a reasonable doubt that the target is intentionally selected because of the race, color, religion, national origin, ethnicity, gender, disability or sexual orientation of another. The law’s limitation is that it is only applicable to a relatively small number of substantive underlying federal offenses. In 1996 Congress enacted new legislation broadening coverage and increasing the penalties for Church arsons. That legislation followed a series of well

publicized church arsons that disproportionately targeted African American institutions.\footnote{The Church Arson Prevention Act, 18 U.S.C. 247 (1996).}

Initially introduced in 1998, the Hate Crime Prevention Act twice failed to come to a vote in the House of Representatives despite affirmative votes in the Senate as late as June 2000. The bill, now called the Local Law Enforcement Enhancement Act would alter the main federal criminal civil rights statute, 18 USC 245, in two significant ways. First, the bill would extend federal legal protection on the basis of gender, disability and sexual orientation -- but only in cases involving interstate commerce. The interstate commerce qualification for those categories is necessary to provide federal jurisdiction under the Commerce Clause. The other statutory reform the bill provides is a broadening of the circumstances protected. Currently, 18 USC 245 requires that prosecutors establish both that the victim was attacked because of his status and because of his exercise of a particular protected activity listed in the statute. The proposed statute would expand protections beyond the limited number of activities listed in the current statute.\footnote{Local Law Enforcement Enhancement Act, S. 625, 107th Cong., 1st Sess. (2001).}

VI. RECENT STATE LEGISLATION TO COMBAT HATE VIOLENCE

In addition to federal initiatives, by 2001 45 states and the District of Columbia have enacted statutes punishing offenses involving the discriminatory selection of crime victims,\footnote{National Gay & Lesbian Task Force, Hate Crime Laws in the United States: June 2001, available at http://www.ngltf.org/downloads/hatemap0601.gif.} up from only 28 a decade before.\footnote{Anti-defamation League, Hate Crime Statutes: a 1991 Status Report (1991)} Contemporary hate crime laws reflect a broad category of offenses including cross-burnings prohibitions, desecration to houses of worship, anti-masking laws, penalty enhancements and stand alone civil rights or intimidation statutes. However, it is the penalty enhancements and the stand-alone statutes that are the most broadly applicable to the widest range of criminal conduct, and the ones that are most commonly referred to as “hate crime” statutes. All 45 states cover such categories such as race, national origin and religion, while a lesser number address gender, sexual orientation, and disability.\footnote{National Gay & Lesbian Task Force, supra note 57.}

Since the \textit{Guest}\footnote{383 U.S. 745 (1966).} case in 1966, the United States Supreme Court has examined the issue of hate crime punishments in a variety of other cases. In
Dawson v. Delaware, 61 the Supreme Court overturned a death sentence imposed in part on the basis of a convict’s membership in a white supremacist group in a murder case where his racist beliefs and associations were not relevant to the crime. The Court found that a defendant’s abstract beliefs were an impermissible basis to impose criminal punishment. The Court did point out however, that the “Constitution does not erect a per se barrier to the admission of evidence concerning one’s beliefs and associations simply because those beliefs and associations are protected by the First Amendment.” 62

In a 1983 case, Barclay v. Florida, 63 the Court held that a defendant’s anti-white racial animus and motivation to ignite a race war were relevant in determining punishment in a race murder case. While the government may not penalize abstract bigoted beliefs, it may introduce evidence of a defendant’s constitutionally protected beliefs to show motive or to establish intentionality. The general rule requires that the evidence not only be relevant, but its value be more probative than prejudicial. 64

In R.A.V. v. St. Paul, 65 a 1992 case, the Supreme Court invalidated a municipal “hate speech” ordinance used to prosecute a teenage skinhead for burning a cross in the yard of an African American family with several young children. While the justices unanimously rejected the statute, they were sharply divided as to their rationales. The statute read in relevant part:

> Whoever places on public or private property a symbol, object, appellation, characterization, or graffiti, including but not limited to a burning cross or Nazi swastika, which one knows or has reasonable grounds to know arouses anger, alarm or resentment in others on the basis of race, color, creed, religion or gender, commits disorderly conduct and shall be guilty of a misdemeanor. 66

All the justices found the law impermissibly overbroad by punishing speech that merely evoked anger or resentment. The First Amendment has consistently been held to protect extremely offensive speech and political discourse that fails to rise to the level of a threat, immediate incitement to criminality, or solicitation of a crime. The mere offensiveness of a belief is an impermissible basis for the government to punish its expression.

62. Id. at 165.
64. FED. R. EVID. 403.
Four of the justices supported the contention that it was constitutional to punish expression whose severity went beyond merely offending someone. Since threats and so-called fighting words were traditionally held to be unprotected by the First Amendment, these justices maintained that it was constitutional for the government to selectively punish bigoted speech within these narrow categories on the basis of content. In his opinion Associate Justice John Paul Stevens argued:

Conduct that creates special risks or harms may be prohibited by special rules. Lighting a fire near an ammunition dump or a gasoline storage tank is especially dangerous, such behavior may be punished more severely than burning trash in a vacant lot. Threatening someone because of her race or religious beliefs may cause particularly severe trauma or touch off a riot . . . such conduct may be punished more severely than threats against someone based on, say, his support of a particular athletic team.67

The controlling opinion, authored by Associate Justice Antonin Scalia, disagreed. These justices believed that even traditionally unprotected areas of speech must be punished without taking into account the content of the idea expressed. They held that punishing certain types of threatening cross-burnings such as those based on racial supremacy, but not others, such as those degrading the mentally ill, violated that principle. The R.A.V. decision invalidated those hate crime laws where the criminality hinged solely on the idea expressed. The ruling also had the additional effect of invalidating speech codes at public universities throughout the United States. While the case did not overtly overturn the Beauharnais decision, the Court’s rationale would not support the constitutionality of group libel statutes.68

In 1996, the Court, without comment, refused to grant review of a challenge to a Florida state law that criminalized all hostile cross-burning on the property of another. That law, unlike St. Paul’s ordinance, did not differentiate cross-burnings on the basis of the hateful idea expressed.69

The issue of the overall constitutionality of hate crime laws as a category was settled in 1993 in Wisconsin v. Mitchell.70 There, the Court unanimously upheld the constitutionality of another type of hate crime statute—a penalty enhancement law. Specifically, the enhancement law at issue punished an offender’s intentional selection of a victim or property based on the status characteristics of another person. The characteristics covered by Wisconsin’s

67. 505 U.S. at 416.
law included race, religion, color, national origin, and ancestry. Todd Mitchell was a nineteen year old African American Kenosha, Wisconsin resident angered over a scene in the movie Mississippi Burning, where an African-American child was beaten by white supremacists as he knelt to pray. Mitchell incited a crowd to viciously beat Gregory Riddick, a white fourteen year old passerby. He urged the mob to action by stating: “Do you all feel hyped up to move on some white people? You all want to fuck somebody up? There goes a white boy. Go get him.”

Mitchell was convicted of aggravated battery- party to a crime and sentenced to two years for the underlying assault. He was assessed another two year term for intentionally selecting his victim on account of race, for a total of four years incarceration out of a possible seven year term.

In reversing the Wisconsin Supreme Court, Chief Justice William Rehnquist cited three basic reasons for upholding the statute. First, while the government may not punish abstract beliefs, it can punish a vast array of depraved motives. The Court further found that penalty enhancement laws, unlike the statute at issue in R.A.V. did not prevent people from expressing their views or punish them for doing so. Lastly, the Court pointed to the severity of hate crimes, stating that they are “thought to be more likely to provoke retaliatory crimes, inflict distinct emotional harm on their victims and incite community unrest.”

While a vast consortium ranging from police fraternal organizations to the ACLU filed briefs supporting the decision, not everyone was pleased with the outcome. Some prominent legal scholars contended that punishing discriminatory crimes more severely than other crimes was merely a subtly disguised legalistic end run to punish disfavored thoughts. New York University Law Professor James Jacobs and attorney Kimberly Potter criticized the Mitchell decision: “The very facts of that case present a defendant who is punished more severely, based on viewpoints.” Conservative commentator George Will referred to hate crime laws as “moral pork barrel” and an “imprudent extension of identity politics.”

After the Mitchell decision, the intentional selection model, presumably because of its affirmation by the Court, became the preferred model for new hate crime legislation. Following a one-year hiatus that commenced with the R.A.V. decision, state legislatures once again enacted hate crime laws—using

73. J. JACOBS & K. POTTER, at 129.
Wisconsin’s model. State courts also upheld similar stand-alone laws modeled after traditional federal civil rights statutes. Laws like these, such as California Penal Code §422.6, do not require the charging of an additional crime. They generally punish the status-based interference with the civil rights of others through force or threat.

While judicial decisions upheld the two most popular types of hate crime laws, important definitional issues remained unresolved. Courts and legislatures still had to address not only what groups to cover, but precisely how much of a role the victim’s racial, religious or other status characteristic played in the offense. In In re M.S., the California Supreme Court addressed the latter issue by reviewing two of the state’s primary hate crime statutes -- one a stand alone law and the other a penalty enhancer. Each law, enacted in 1987, punished the selection of a victim “because of” a status characteristic. The Court ruled that “because of” meant “the prohibited bias must be a substantial factor in the commission of the crime.” In order to punish offenders who mistakenly attack victims from status groups that they had not intended for attack, legislatures included the language “actual or perceived” before listing status characteristics.

In June 2000, the United States Supreme Court struck down a New Jersey hate crime law in Apprendi v. New Jersey. The hate crime law at issue allowed a judge, rather than a jury, to increase the sentence of a convicted defendant beyond the maximum enumerated in the criminal code for the underlying offense on a showing of racial bias by a preponderance of the evidence. The Court held 5-4, that when a factor impacts a sentence as substantially as racial bias did in Apprendi, it must be established to a jury by a higher standard—beyond a reasonable doubt. The impact of the decision in the area of hate crime law was limited because the overwhelming majority of hate crime statutes already meet the Court’s standards.

VII. HATE VIOLENCE CIVIL REMEDIES: FEDERAL STATUTORY PROVISIONS

Traditional crimes, and newer more specific criminal statutes, such as hate crime and civil rights statutes provide important, but incomplete tools to
combat acts of discriminatory violence. The ultimate decision as to whether a crime is charged rests with a prosecutor, who ultimately represents the interests of the entire citizenry, not particular individual victims. Other issues such as prosecutorial priorities and resources impact case treatment.

Criminal statutes also require a higher burden of proof than do civil suits - proof beyond a reasonable doubt as opposed to a mere preponderance of the evidence in civil cases. Criminal statutes usually require a showing of a defendant’s intentionality, thus limiting proceedings to a more narrow group of malefactors who actually intended the commission of particular crimes. While the criminal law can punish those who aid and abet crime, as a practical matter, it often ignores others whose recklessness or negligence contributes to a victimization. Lastly, criminal law traditionally has focused on offenders. Criminal law has primarily been concerned with incapacitating, deterring, punishing and sometimes rehabilitating offenders. Only recently has criminal law begun to seriously address the restorative issues of empowerment, notification and restitution for victims. This section analyzes the use of civil remedies for victims. While civil suits do not result in incarceration of defendants, they do allow victims greater involvement in the proceedings and the ability to benefit from available civil remedies. Hate violence civil suits fall under two broad categories, specific statutory civil rights remedies and traditional tort remedies. In civil cases actual damages cover losses and expenses incurred by victims. Punitive damages are an additional sum for the victim assessed against the defendant to punish particularly egregious behavior. Injunctive relief is a non-monetary remedy that compels a defendant to perform or refrain from a specified act.

The United States Congress has enacted various protections that give victims of various civil rights deprivations private causes of action in civil proceedings in federal district courts. One of the oldest civil remedies is found in the companion statute to criminal provision 18 USC 241. The statute, 42 USC 1985 (3), was originally enacted as part of the Civil Rights/Ku Klux Klan Act of 1871. The act punishes conspiracies that deprive “either directly or indirectly, any person or class of persons of the equal protection of the laws, or of equal privileges and immunities under the laws.” A conspiracy is an agreement between two or more individuals to engage in unlawful conduct.

The United States Supreme Court in *Griffin v. Breckinridge*,80 held that the statute requires proof of “some racial, or perhaps otherwise class-based invidiously discriminatory animus behind the conspirators’ action.”81 In *United Brotherhood of Carpenters & Joiners v. Scott*,82 the Supreme Court

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81. *Id.* at 102.
suggested that the statute might be limited to racial deprivations only. However, lower federal appellate courts have held that the statute also protects on the basis of sex, ethnicity, religion, and political association.83

The statute does not create any new substantive right, but rather allows a remedy when a statutory or constitutional right is interfered with by a conspiracy. While some courts of appeals have allowed it, there has never been a definitive high court decision delineating whether state law deprivations, including state hate crime laws, are covered. The Court has held however, that the Constitutional rights to travel, and the Thirteenth Amendment right to be free from the “badges and incidents of slavery” are protected. Claims for violations of the First Amendment’s guarantees or the Fourteenth Amendment’s equal protection clause may be pursued, but only in cases where the malefactor is acting under governmental authority. Courts have held that actions involving detentions, threats, batteries, and residential firebombings can satisfy the statute’s requirements.84 Because many hate violence cases take place at residences or on streets, the constitutional right to travel, or federal statutory housing protections can be invoked to permit a claim under 42 USC 1985 (3).

Another important post-Civil War statutory civil protection is found in 42 USC 1982, enacted first as part of the Civil Rights Act of 1866, and then later in the Civil Rights Act of 1870. The statute requires that a plaintiff prove: (a) the defendant discriminated; (b) against him or her; (c) because of his or her race; (and d) and the discriminatory act deprived the plaintiff of the right to inherit, purchase, lease, sell, hold or convey either real or personal property. The statute’s text limits protections to discriminatory acts committed on the basis of race. The Supreme Court has held, however, that Jews and Arabs, are covered by the statute because at the time of the law’s ratification Jews and Arabs were regarded as distinct “races.”85 Because Congress has failed to designate a statute of limitations period for 42 USC 1982, judges have relied on the laws of the state where the case arose for guidance. Compensatory and punitive damages, as well as injunctive and declaratory relief, are permitted under the statute.86

A more recent statute, the Fair Housing Act of 1968, codified at 42 USC 3617, provides a federal civil claim for those whose housing rights are coerced, threatened, intimidated, or interfered with because of race, color,
religion, sex, familial status, handicap and national origin. Sexual orientation is not a protected class under this statute, but individuals who have HIV or AIDS qualify as handicapped under the law. The statute’s definition of housing rights covers the right to purchase, sell, rent, finance, and utilize brokerage assistance. Actions arising under 42 USC 3617 are limited to a two year statute of limitations that runs from the time of the discriminatory event. The statute permits compensatory and punitive damages, as well as injunctive relief. The federal government may also litigate cases under 42 USC 3613, but only for injunctive relief.87

Recent decisions, however, have placed limits on the extent to which victims of hate or extremism can go in civil suits. In United States v. Morrison,88 the United States Supreme Court invalidated a provision of the Violence Against Women Act which allowed women alleging acts of sexual assault to sue their assailants in federal court. The case involved a female college student who alleged a sexual assault at the hands of a popular football player. The five person majority held that Congress lacked the authority to pass such a law because there was not a sufficient connection between interstate commerce and the newly enacted gender violence federal civil remedies. In another case, the United States Court of Appeals for the Ninth Circuit initially overturned a $107 million judgment awarded to abortion providers and advocates from a group of anti-abortion activists. Among other things the activists published on the Internet detailed personal information on abortion providers, incendiary rhetoric and a list of doctors who were differentiated by whether they were well, injured, or murdered. While the Court of Appeals held that the expression constituted speech protected by the First Amendment, it has since vacated the decision and ordered a new en banc hearing.89

VIII. HATE VIOLENCE CIVIL REMEDIES: STATE STATUTORY PROVISIONS

In addition to federal law, at least 29 states, including California, New York, Florida, Pennsylvania, Illinois, and Washington State, offer specific civil statutory provisions relating to hate violence.90 California, for example, has a variety of such statutes, including the Ralph Civil Rights Act, and the Bane Civil Rights Act.

87. Id. at 100.
89. Planned Parenthood of Columbia/Willamette, Inc. v. American Coalition of Life Activists, 244 F.3d 1007 (9th Cir. 2001), vacated, en banc hearing ordered, 268 F. 3d 908 (9th Cir. 2001).
The Ralph Act states that it is a civil right for a person to be free of violence or threat against his or her person or property, because of race, color, religion, ancestry, national origin, political affiliation, sex, sexual orientation, age or disability or position in a labor dispute. The characteristics are intended to be illustrative rather than restrictive. Private attorneys, the California Department of Fair Employment & Housing (“DFEH”), State Attorney General, District Attorneys and City Attorneys may all bring actions on behalf of hate violence victims. In cases where a private attorney pursues a case, a victim can recover actual and punitive damages, an additional civil penalty of $25,000, attorney’s fees and injunctive relief. If the DFEH brings a claim, a victim can only recover up to $150,000 in actual damages and injunctive relief. When the State Attorney General, District Attorney, or City Attorney brings a civil action the available remedy is generally limited to affirmative relief and a civil penalty of up to $25,000. Liability under the Ralph Act reaches anyone who denies a right covered by the statute, as well as those who aid, incite, or conspire in that denial.91

California’s Bane Act protects people from interference by threats, intimidation, or coercion or for attempts to interfere with a person’s state or federal statutory or constitutional rights. These protected rights include association, assembly, due process, education, employment, equal protection, expression, formation and enforcement of contracts, holding of public office, housing, privacy, speech, travel, use of public facilities, voting, worship, and protection from bodily restraint or harm, from personal insult, from defamation, and from injury to personal relations. While hate violence cases may be brought under the Bane Act, it is unnecessary to allege bias motivation to successfully pursue a claim. Private attorneys may pursue actual and punitive damages, attorneys fees and injunctive relief. The DFEH has no jurisdiction, while other government attorneys are limited to injunctive and equitable remedies. District and city attorneys are also able to seek a civil penalty on behalf of victims in the amount of $25,000.92

IX. TORT LAW REMEDIES

Modern hate violence civil suits are often pursued through traditional tort claims. Torts are wrongful acts for which the law recognizes a civil remedy—usually, but not always, a compensatory one in the form of money damages assessed against the wrongdoer. Unlike the situation in most contract or family law cases, tort law imposes a duty upon people to conduct themselves in a reasonable manner in their dealings with the public at large, including

people who the defendant does not necessarily know. All tort claims require
the breach of an existing duty that results in the causation of harm to a person
or property. Most of the primary tort actions derive from centuries-old
common law—that is, judge made law, rather than legislative enactment. Nearly every American state has since codified these traditional tort claims
into statutes.93

Unlike American criminal cases, any competent person can bring a tort
law case against a wrongdoer—as long as the claimed wrongdoing fits into a
particular cause of action recognized as a tort claim. Sometimes, as noted
above, there may also be a particular federal or state statute which specifically
recognizes a right to sue in cases where someone is victimized because of
group status.

Traditionally torts can be divided into three areas, two of which are
relevant to hate violence cases: intentional and negligent torts. Intentional
torts generally require a purposeful act by the wrongdoer to cause a harmful
result, while negligence actions involve the absence of the exercise of
reasonable care where a harm is foreseeable from the conduct. Intentional tort
claims are pursued against those who directly and purposely cause a harm.94

Among the more traditional tort claims which might potentially apply to
hate violence cases are the following: Assault (an intentional act or threat
which creates apprehension of imminent harmful or offensive contact.);
Battery (intentional, harmful or offensive touching of a person); False
Imprisonment (Intentional confinement or restraint of an individual to a
bounded area); Intentional Infliction of Emotional Distress, sometimes known
as Outrage (extreme and outrageous conduct which intentionally or recklessly
causes severe emotional distress); Trespass to Real or Personal Property
(intentional invasion of or interference with the real or personal property of
another); Conversion (intentional serious or extreme interference with
possession of personal property, e.g. theft).95

Tort cases against perpetrators of hate violence have been litigated on
behalf of victims by both private attorneys and civil rights groups. The first
modern cases began in the early 1980s against Ku Klux Klan groups by
organizations such as the Southern Poverty Law Center (“SPLC”) and the
Center for Constitutional Rights. Civil rights organizations such as Lawyers’
Committees for Civil Rights in major metropolitan areas have also played a
role in hate violence litigation over the last twenty years, particularly those in
the housing or employment context.

Of all the hate violence related civil cases, it is those against hate

93. SCAROS, ALL ABOUT TORTS (2000).
94. Id.
groups that have gotten most of the publicity. Under the doctrine of vicarious liability a person or group can be held liable for the conduct of another person by virtue of their relationship. The two most applicable foundations for hate violence claims against hate groups are aiding and abetting and civil conspiracy.

To establish aiding and abetting in civil cases it must be shown that a “defendant provided the actor with substantial assistance or encouragement with the intention that the actor commit hate motivated violence.”96 Not only must the encouragement have constituted a substantial factor in causing the harm, the harm must of been a foreseeable outcome of the aid rendered. When an agent of a hate group defendant renders the aid, it must be further established that the agent was authorized to render the aid by the defendant. Hate groups, in particular, have suffered crushing legal losses when they went beyond rhetoric to aiding or negligently supervising their agents in the commission of violent acts. Appellate courts, however, have ruled that the first amendment protects disturbing speech by extremists.97

In civil conspiracy cases it must be established that the defendants agreed to commit an act. The plaintiffs must further establish that the agreement supported an act of hate violence. The violence itself must have been related to the agreement, and constitute a separate crime or tort, such as a battery.98

The SPLC pioneered a strategy of suing hate groups civilly under traditional tort law claims for their part in promoting hate violence. In 1987 the SPLC obtained a $7 million wrongful death judgment against the United Klans of America (“UKA”) for their supporting role in the 1981 lynching murder of Michael Donald, an innocent 19 year old African-American pedestrian kidnapped off a Mobile, Alabama street. The UKA had been implicated in the Civil Rights era assault on Freedom Riders, the murder of Viola Liuzzo, and a bomb attack on Birmingham’s 16th Street Baptist Church that left four young black girls dead in 1963.99

In November 1991, the SPLC, with the assistance of the Anti-Defamation League, obtained a $12.5 million judgment against White Aryan Resistance, its leaders, Tom and John Metzger, and two Oregon skinheads in a wrongful

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96. E. Bowden & M. Dees, Taking Hate Groups to Court, Trial 24 (Feb. 1995).
97. See, e.g., Brandenburg v. Ohio, 395 U.S. 444 (while imminent incitement to criminality can be punished, abstract advocacy in support of violence is protected expression.); Planned Parenthood of Columbia/Willamette, Inc. v. American Coalition of Life Activists, 244 F.3d 1007 (9th Cir. 2001), vacated, en banc hearing ordered, 268 F. 3d 908 (9th Cir. 2001) (political speech may not be punished just because it makes it more likely that someone will be harmed at some unknown time in the future by an unrelated third party).
death action for the estate of murdered Ethiopian immigrant Mulegetta Seraw. The Metzgers, through their WAR organization, trained an agent who encouraged Portland skinheads to engage in racial attacks. Because of this the plaintiffs were able to establish liability under both a civil conspiracy and aiding and abetting principles. The judgment represented the highest jury award in Oregon history and the largest hate violence verdict in American history to that time.100

The racist Church of the Creator (“COTC”) lost a $1 million lawsuit filed by the SPLC on behalf of the relatives of an African-American sailor, Harold Mansfield, who was murdered by COTC “Reverend” George Loeb in Mayport, Florida in 1991.101 In 1995, the SPLC won another lawsuit against neo-Nazi William Pierce for his role in fraudulently attempting to transfer COTC assets to prevent Mansfield’s relatives from recovering it. “The jury’s verdict sent the message that the law will not allow hate groups to evade responsibility for the violent actions of their members,” said SPLC legal director Richard Cohen after trial in 1996.102

In July 1998 the SPLC won another victory against a North Carolina Klan group for its role in encouraging its members to commit arson against a 138 year old African American church in South Carolina. A state jury imposed damages against the Klan group in the amount of $37.8 million, although an appeals court subsequently lowered this to $21.5 million. Klan leaders apparently stated to their underlings that “The only good nigger church is a burned nigger church,” and “Hell, let’s burn a church. There’s one right down the road.” Klan leaders also gave advice about when a church arson should take place and promised assistance to would-be arsonists if they were caught.103

Most recently, the SPLC prevailed in a case against the Aryan Nations, a quarter century old neo-Nazi organization led by an aging, but influential bigot named Richard Butler. The SPLC and local attorneys represented motorists who were assaulted by Aryan Nations’ security staff outside group’s Hayden Lake, Idaho compound after their car muffler backfired. The $6.3 million judgment bankrupted the organization and represented one of the only cases pursued by the SPLC against a hate group that did not involve a hate

102. Southern Poverty Law Center, Supreme Court Denies Neo-Nazi’s Appeal of Judgment, available at splcenter.org.
crime. The lawsuit alleged that the main defendant failed to adequately select, control, and supervise security staff who committed violent intentional torts against the plaintiffs.\textsuperscript{104}

A list of prominent hate violence lawsuits is appended to this article together with a list of the names and addresses of hate violence law related resources.

\textbf{X. CONCLUSION}

Many of today’s most influential extremists leaders and groups have suffered a series of disastrous criminal and civil judgments over the past several decades. As a result, the likelihood of them committing on-going acts of hate inspired violence may have significantly diminished. The sad fact, however, is that the overwhelming majority of hate crimes are not committed by organized hate group members or hardcore hate-mongers.\textsuperscript{105}

Still, those who commit discriminatory violence, whether as individuals or in groups, face civil action and prosecution that would have been impossible in earlier times. Not only are existing civil and criminal laws being enforced with renewed vigor, hate crime statutes and other new laws are providing additional avenues for hate violence victims to seek justice against those who act against them and our democratic ideals.

\textbf{XI. APPENDIX}

\textbf{A. Prominent Civil Lawsuits Against Hate Groups}

1982 Justice Knights of the Klu Klux Klan (Tennessee). \textit{Crumsey, et. al. v. The Justice Knights of the Ku Klux Klan, et. al.} (E.D. Tn., 1982). In the first recovery of its kind for victims of Klan violence, a Tennesse Klan and its members were sued in connection with cross burnings and shootings that injured five elderly black women. The Court awarded over $500,000 in damages and issued a broad injunction against further intimidation.


1994 Church of the Creator. *Mansfield v. Church of the Creator*, No. 94-345-CA (Cir. Ct. Escambia County, Fl., May 2, 1994). The Church of the Creator, a white supremacist organization that preaches racial holy war, assessed $1 million in a wrongful death civil judgment in favor of the family of a murdered black sailor.

1993 Invisible Knights of the Ku Klux Klan. *Mckinney v. Farrands*, No. 92-CV-2376-CAM, N.D. Ga., case settled May 1993). A notorious Klan group was forced to disband and pay $37,500 to a group of civil rights marchers who were attacked in Forsyth County, Georgia in 1987.


1998 Christian Knights of the Ku Klux Klan, South Carolina. *Macedonia Baptist Church v. Christian Knights of the Ku Klux Klan et al.*, No. 96-CP-14-217 (C.P. Clarendon County, So. Carolina, July 24, 1998). A South Carolina Klan group and its leader were found liable in the amount of $37.5 for the arson destruction of a black church. The amount was later reduced to $21 million.


B. *Prominent Civil Lawsuits Against Individual Hate Violence Perpetrators*

1991 *Del Dotto v. Olsen*, No. 85 CH 08155 (Cir. Ct., Cook County, Il. 1991). A man and his mother who subjected their neighbors to a year long barrage of anti-Semitic intimidation and vandalism ordered to pay $1.8 million by a jury in Cook County, Illinois.


1995 *Troung v. DaCosta*, No. 715851 (Orange County., Ca. Super. Ct., March 14, 1995). An Orange County, California jury awarded a gay Asian man $1.1 million from three assailants who nearly killed him in a brutal rock attack that left him with permanent brain damage. Seven other teenage defendants settled for $430,000.

1995 *Rodriguez v. Spencer*, 902 S.W. 2d 37 (Tex. Ct. App., 1995). Nancy Rodriguez, the mother of Paul Broussard, a gay man who was murdered by a mob of teenagers in Houston in 1991, commenced a lawsuit against her sons’ attackers, their parents and the parents’ homeowners insurers. The parents
were alleged to have been negligent. Ms. Rodriguez eventually settled the case with the insurance companies.

1996 *Nabozny v. Podlesny*, 92 F.3d 446 (7th Cir. 1996). Former student Jamie Nabozny settled with three school administrators for over $900,000. Mr. Nabozny alleged that his equal protection and due process rights were violated. For years school officials allowed ongoing homophobic abuse that included severe physical and sexual attacks. The settlement occurred after a jury found the administrators liable.

1998 *Arrayo v. Killian*, No. 97L 263 (Cir. Ct. Lake County, Il. 1998). A Lake County, Illinois jury awarded the parents and estate of a 15 year old Latino boy $6 million after he was beaten following a car accident.


2000 *United States v. Morrison*, 529 U.S. 598 (2000). In a 5-4 decision in United States v. Morrison, the United States invalidated a provision of the violence against women act which allowed women alleging acts of sexual assault to sue their assailants in federal court. The majority held that the Commerce Clause does not empower Congress to pass such a law.

2000 *Mendes v. Sullivan*, No. 99-CV-11468-NG (D. Mass. filed July 9, 1999). A white assailant who assaulted his neighbor with a cinder block was restrained from living next door to his victim until a pending hate violence lawsuit is resolved.

2001 *Brandon v. County of Richardson*, 261 Neb. 636, 261 Neb. 636, 624 NW.2d 604 (2001) (Supreme Court of Nebraska, April 20, 2001). The Nebraska Supreme Court increased the damages awarded to the family of a cross dressing woman against a Nebraska sheriff in a tort suit. The court found that the sheriff failed to take appropriate action to protect Brandon Teena, 21,
after she reported being raped in 1993. Her assailants murdered her a week later. The Court criticizes the sheriff’s abuse as, “extreme and outrageous, beyond all possible bounds of decency, and is to be regarded as atrocious and utterly intolerable in a civilized community.” The case is still ongoing as the trial court has failed to abide by the Nebraska’s Supreme Court’s ruling.

C. Hate Violence Law Related Resources

ABA (American Bar Association)
750 North Lake Shore Drive
Chicago, IL 60611
Tel. (312) 988-5465

American Jewish Committee
New York, NY 10022
Tel. (212) 751-4000
www.ajc.org

Anti-Defamation League (ADL)
823 United Nations Plaza
New York, NY 10017
Tel. (212) 885-77
www.adl.org

American Prosecutors Research Institute (APRI)
99 Canal Center Plaza, Suite 510
Alexandria, VA 22314
Tel. (703) 549-4253
www.ndaa.org/apri/Index.html

Asian Pacific American Legal Center of Southern California
1010 S. Flower Street
Suite 302
Los Angeles, CA 90015
Tel. (213) 748-2022

(Boston) Lawyers’ Committee for Civil Rights Under Law of the Boston Bar Association, Inc.
294 Washington, St., Ste. 443
Boston, MA 02108
Tel. (617) 482-1145
California Fair Employment and Housing Commission
455 Golden Gate Avenue, Suite 14500
San Francisco, CA  94102
Tel. (415) 557-2325

Center for the Study of Hate & Extremism
California State University, San Bernardino
5500 University Pkwy
San Bernardino, CA  92407
Tel. (909) 880-7711
www.fighthate.org

Center for Constitutional Rights
666 Broadway, 7th Floor
New York, NY  10012
Tel. (212) 614-6464
www.ccr-ny.org

Chicago Lawyers’ Committee For Civil Rights Under Law, Inc.
100 North LaSalle Street, Suite 600
Chicago, IL  60602-2403
Tel. (312) 630-9744
www.clecruil.org/

Disability Rights Advocates, A Non-Profit Organization
449 15th Street, Suite 303
Oakland, CA  94612
Tel. (510) 451-8644  TTY (510) 451-8716
www.dralegal.org

Gonzaga University Institute for Action Against Hate
Spokane, WA 99258
www.gonzaga.edu/againsthate

Lambda Legal Defense and Education Fund, Inc.
120 Wall St., Ste. 1500
New York, NY  10005
www.lambdalegal.org
Lawyers’ Committee for Civil Rights Under Law (D.C.)
1401 New York Av., NW- Ste 400
Washington, DC  20005
Tel. (202) 662-8600
www.lawyerscomm.org

Mexican American Legal Defense And Education Fund
National Headquarters
Los Angeles Regional Office
634 South Spring Street, 11th Floor
Los Angeles, CA  90014
Tel. (213) 629-2512

NAACP Legal Defense & Education Fund, Inc. (NAACP-LDEF)
99 Hudson Street, 16th Floor
New York, NY  10013
Tel. (212) 219-1900

National Asian Pacific American Legal Consortium (NAPALC)
1629 K Street, NW, Suite 522
Washington, DC  20006
Tel. (202) 296-2300

National Association for the Advancement of Colored People (NAACP)
4805 Mount Hope Drive
Baltimore, MD  21215
Tel. (410) 358-8900

National Bar Association
1225 11th Street, NW
Washington, DC  20001
Tel. (202) 842-3900

National Center for Victims of Crime
2111 Wilson Blvd., Ste. 300
Arlington, VA  22201
Tel. (703) 276-2889
www.ncvc.com
NOW Legal Defense and Education Fund
395 Hudson Street
New York, NY  10014
Tel: (212) 925-6635

Public Counsel Law Center
P.O. Box 76900
Los Angeles, CA 90076
Tel. (213) 385-2977
www.publiccounsel.org

Southern Poverty Law Center (SPLC)
Box 548, 400 Washington Avenue
Montgomery, AL  36104
Tel. (334) 956-8200
www.splcenter.org

U.S. Department of Justice
Civil Rights Division
950 Pennsylvania Avenue, N.W.
Criminal Section, PHB
Washington, D.C.  20530
Tel. (202) 514-2000
www.usdoj.gov
Bibliography of Hate Studies Materials

Elizabeth Thweatt*

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I. INTRODUCTION

Interest in working on this bibliography stems from involvement with the Collection Development Committee of the Institute for Action Against Hate at Gonzaga University as we sought to create a collection of materials to support study and research. Not being able to find a bibliography in print suggested that an annotated one would be valuable. Defining hate is problematic. Its scope is so broad that it touches almost all aspects of life and it dwells within the hearts and minds of each one of us. Although many of us cling subconsciously to it, hate harms and sometimes kills its victims. Scholars, journalists, sociologists, psychologists, criminologists, economists, anthropologists, theologians, perpetrators, victims, and myriad others seek to

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I wish to thank the administration at Gonzaga University for their support in granting me a sabbatical leave to do research for this document. Also I thank the Interlibrary Loan staff of Gonzaga Law Library, Viktoria Bruens and Carolyn Hood, for their assistance in filling my requests for books.
define it. As reading and research progressed, it seemed insufficient to include materials on hate alone. This material has value for recognizing hate and exposing its extensiveness. However, many seek to understand it, control it, and eliminate it. Their contributions are invaluable to research and combating hate. Some believe that hate is deeply imbedded in human nature stemming from original sin or genetically rooted to a degree that survival will come only to those with superior genes. Some believe hate can be controlled through legislation and judicial decisions. Still others believe that hate can be eliminated through cross training and exposure to the characteristics hated and many programs have been developed to accomplish this. Finally some experts suggest that working together on projects where all parties have a vested interest is the path to eliminate hate. However, at the root of hate is a devaluation of the other. There is a failure to recognize the value and contribution that each individual is capable of making. This is the place we must begin to expunge hate. Although it may be race, culture, sexual orientation, gender, poverty, or another characteristic that is the target of hate, it is the individual who becomes the victim and experiences the harm that hate inflicts.

Information access has expanded significantly since “A Pathfinder on Bias Crimes and the Fight Against Hate Groups” by Laurie Pantell was published in 1991. National databases with full text documents, online library catalogs, online bookstores, government, educational, and special interest group web sites with full text documents utilizing powerful search engines all facilitate the researcher in locating an abundance of information. There has been a proliferation of literature in the publication arena that examines hate, how to recognize and measure it, and how to combat it. This bibliography includes a selection of books, reports, government documents, and videos published between 1980 and 2000 that expose bigotry, hatred, prejudice and bias as well as works that address combating hate. Journal, popular magazine, and newspaper articles of which there are hundreds are excluded but are easy to locate through many online indexes and databases and are often in full text. Web sites and listings of groups that promote and combat hate are not included here but are listed in many of the publications that are in this bibliography.

II. COMBATING HATE


publication is designed to be used as a personal or group workshop tool in order to examine ethnic prejudice through the critical thinking method. Components of critical thinking: logic, perspectives, concepts, assumptions, analysis, intellectual standards, consequences, and implications are explained, then illustrated with general examples in the first half of the book. Twelve intellectual standards are defined. The concluding portion of the book presents the workshop by posing the question of the workshop’s purpose from the perspective of the sponsor and the participants. The workshop “Problem Question” is modified through a process of narrowing the focus to the proposed question: “Do I use fair and accurate images when I think about race and ethnic issues?” The question is examined by applying the components of critical thinking. Suggested questions and answers are offered to assist a workshop facilitator or individual user in conducting an evaluation of cultural or ethnic prejudices. Possible answers are analyzed. A glossary concludes the publication.

Bullard, Sara, *Teaching Tolerance: Raising Open-Minded, Empathetic Children*, 1st ed. New York: Doubleday, 1996. This is a very practical publication for parents, teachers, or others who wish to embark on a journey to investigate their own self-awareness of relationships with individuals, groups, and community, particularly regarding the human characteristic of intolerance which we all share to some degree. The author illustrates how we unknowingly teach intolerance and how children express it without awareness and understanding. She also illustrates how tolerance can be taught from a very early age in an environment of love, support, openness, respect, understanding, and listening. She emphasizes the importance of teaching responsibility through the use of consequences rather than punishment. She advocates the practice of journaling as a technique for gaining self awareness and building a foundation for measuring the progress of our journey. Each chapter poses questions for this purpose. She emphasizes children’s need for security, love, allowance for self-expression, moral guidance and the development of self discipline which will enable them to respect themselves and others.

The author also provides some suggested family activities, exercises designed to promote tolerance, a list of organizations with addresses, phone numbers and purposes that promote tolerance, and a collection of family resources to promote understanding and involvement in a multi cultural world.

Delpit, Lisa, *Other People’s Children: Cultural Conflict in the Classroom*, New York: The New Press, 1995. This book is a winner of the 1995 Critics’ Choice Award, American Educational Studies Association and Choice Magazine’s Outstanding Academic Book Award. Much of the material has been published in other professional sources or presented in lectures.
book is scholarly yet deeply personal in its perspective. Professor Delpit recalls her own personal struggles as an African-American student in a newly integrated high school, as a college student, and as a mother of a young child. Her experience as a teacher, counselor and observer, and a teacher of teachers along with a response to those experiences are focal points in this book.

The struggle of teaching teachers to teach in their own communities or elsewhere in an environment that includes students from poor families and students of color is a primary theme throughout the book. She sees teachers battling over how to teach “other people’s children” in writing process approaches to literacy. She gains a world view of teaching through her experiences in New Guinea and Alaska where she finds herself to be the outsider and at the same time finds her own sensitivities to be heightened. She relates the struggles of many fellow teachers in her teaching journey as they share a wide range of experiences and tell why they decide to leave the profession.

Finally she critiques new teacher assessment models being designed for educational reform and offers suggestions for other approaches. The struggle for power and working with the uniqueness of each child, overcoming stereotypes and other barriers that prevent people from truly seeing each other are goals she advocates. She stresses a need to look for examples of success and to stop dwelling on the failures. The book includes bibliographic references and an index.

Edwards, Lonzy F., *Race Relations for Court Personnel: A Guide to Handling Racial Bias for Judges, Lawyers, Neutrals, and Their Staffs*, Macon, GA.: Magnolia Publishing Company, 1998. In his introductory remarks Mr. Edwards, both a minister and a legal expert, disagrees with those who say and write that racism is on the decline. He aims to sensitize all people, but especially those involved in the legal profession, to human relations issues and concerns that affect minorities and the people who work with them. His particular focus is on African-American and white relations. The book is divided into two parts dealing with handling racial bias in interpersonal, business and community relations, as well as in the civil and criminal justice system. The first part of the book is designed to be used as a sensitivity training tool or a tool for self-examination regarding one’s own attitude in race relations matters. The author outlines his purpose as sensitizing the reader to inter-racial and intra-racial issues, suggesting attitudinal changes to facilitate better working relations and ultimate behavioral changes, improvement in work productivity, facilitating better communication across racial lines throughout the organization, and helping build a team approach within the organization. The exercises consist of scenarios in which the participant is asked to identify racist issues or communication, identify the race of the speaker, examine and analyze lists that reflect racist attitudes and
various other examples that measure or indicate bias across racial lines from
the perspective of the Caucasians and African-Americans.

The second part of the book concentrates on the criminal justice system. Again, some scenarios are presented for the reader’s examination for racial bias in voir dire and judicial attitude reflected at a hearing. This section consists primarily of commentary on bias found in the administration of justice, judicial decision making, selection and retention of judges, the general practice of law and attorney relations with one another and court administrators.

Chapter notes are very limited and the index is brief.

Environment of Support, Washington, D.C.: Office of Minorities in Higher Education, American Council on Education, 1992. This publication looks at student and faculty under-representation of African Americans, Hispanics and American Indians in higher education. The executive summary presents an overview of the problem, mentions the institutions for which case studies are included and provides an outline of elements identified as necessary for a supportive environment for minority recruitment and retention in graduate study programs. The work is based on a preliminary study conducted in 1987.

This publication presents six case studies from the Graduate School and University Center of the City University of New York, University of Michigan, Brown University, University of Texas at Austin, University of Florida McKnight Black Doctoral Fellowship Program, and the University of California at Berkeley. The eight components of the environment of support are again listed, then described in the efforts undertaken at the six universities. Each case study is based on telephone and follow-up interviews conducted with at least three administrators, three faculty members, and three graduate students at each institution. The case studies were conducted to better understand how administrators, faculty, and students work together to create an environment of support. The selected institutions exemplify an environment of support for their students and graduated a significant number of minority students. They recognize the struggles, isolation, and discrimination minority students often encounter. Components of the environment of support include a communication of expectations, shared experiences and relationships and appreciation for the efforts of faculty members. Institutional change and commitment, including incentives to stimulate faculty involvement, are recognized as steps that still need to be taken.

The publication includes bibliographic and explanation notes. A series of appendices lists people interviewed from each institution, a checklist for universities to measure the eight criteria, minority Ph.D.s from the top 50 universities, and doctorates awarded to U.S. citizens by institution and major field. The publication contains black and white photographs. There is no
Glover, Denise Marie, and John G. Richardson, *A Total Approach to Diversity: An Assessment and Curriculum Guide for State Courts*, Williamsburg, Va.: National Center for State Courts, 1997. This publication was written particularly to provide guidelines for evaluating and conducting needs assessments and for conducting diversity assessments in the court systems. Although there are some specific references to the courts and an appendix which provides sample documents primarily relating to the courts, the overall document has broad application possibilities. The guide provides an overview of the process for evaluating need, designing, developing, finding trainers, implementing and evaluating the level of success of a diversity training program. The nine appendices provide tools, samples, references, forms, and a glossary of terms and definitions which are valuable for any diversity training program. One of the appendices is an annotated bibliography.

Green, Madeleine F., editor, *Minorities on Campus: A Handbook for Enhancing Diversity*, Washington, D.C.: American Council on Education, 1989. This book is designed to assist institutions of higher education to take action in addressing the issue of declining minority enrollment and developing programs for success in colleges and universities. It looks to administrative leadership, an integrated approach to change involving everyone, and institutional change involving our institutional culture. This is a practical guide. The introductory chapters provide an overview of the book and forms and explains their use for conducting various institutional audits. Separate chapters focus on undergraduate students, graduate and professional students, faculty, administrators, improving the campus climate, teaching, learning, and the curriculum.

The primary focus in most chapters is on general directions and tactics for attaining goals including expanding the pool, recruitment, admissions, retention, support services, academic support plans, and financial aid for students. The search process including roles and responsibilities, interviewing, extending offers, retention, advancement, and support is covered in the faculty and administrators material. Each chapter also includes illustrative programs that provide contact names with phone numbers and bibliographic resources. The chapter on teaching, learning, and the curriculum explains principles for good practice in undergraduate education and a discussion of the controversies regarding curriculum transformation. The final chapter presents examples of three institutions that have been successful in their efforts to increase and retain minorities on their campuses. One chapter includes bibliographic references. There is no index.

of fourteen very brief chapters designed for teachers of young children is packed with ideas, examples, and illustrations of ways to recognize outsiders and bring them into a community, especially into the classroom. Dr. Henkin shows that even in the first grade, evidence of exclusion is apparent in how boys and girls choose their partners and group members for projects and for play activities. She also describes how the teacher can unobtrusively intervene in helping children make different choices and build community. She includes in her examination and discussion illustrations of diversity from gender, religion, race, ethnicity, sexual orientation, physical and mental disabilities, and emotional issues. Her examples are drawn from her own teaching experience, as well as those of the many teachers and the classrooms she visited to provide examples for this book. She includes examples of involvement in the community where young people can make a difference in the lives of others.

Among the many appendices included in the book are lists of children’s books by theme, reference sources for teaching as well as a list of resources for teaching for social justice with selected web sites.

Hooks, Bell, *Killing Rage: Ending Racism*, 1st ed. New York: H. Holt and Co., 1995. When Bell Hooks writes about racial apartheid and white supremacy she is referring primarily to a life encountered as she grew up in the south and the day to day encounters experienced today and every day by African Americans. Her writing is different from that found in many books on race and racism. She writes from a black feminist perspective. Through personal experience and by other references, the author describes the experience of fear, terror, and injustice of living as a child in what she calls the apartheid south, the invasion felt when white males came to the black segregated communities and of separate and different treatment of blacks from whites. She warns against embracing victimization when engaged in the feminist movement, and advocates building solidarity with others by bonding. She places emphasis on self-determination and calls for a strong black leadership. Strong black non-authoritarian and non-patriarchal family life is critical because that is where most of black youth learn their ideas about race, gender, and class. She sees the media as portraying blacks in inferior roles that promote a negative black image and white supremacy and calls for boycotting films, picketing theaters, and writing letters to news media. She sees multiculturalism as divisive because it seeks to find individual cultural identity rather than bringing non-whites together. She distinguishes between intellectualism and academic pursuits finding her own calling to the former. She advocates the elimination of racism through self-determination, development and provision of literacy programs, and critical consciousness education enabling ability to change circumstances and systems.

The book includes many quotations with resource references but there are
no footnotes to these sources, making scholarly research difficult. Not all of the references are included in the bibliography which concludes the work.

International Human Rights Conference (1987: McGill University), Nuremberg Forty Years Later: The Struggle Against Injustice in our Time: International Human Rights Conference, November 1987: Papers and Proceedings and Retrospective 1993. Edited by Irwin Cotler. Montreal: McGill-Queen’s University Press, 1995. This collection of presentations, papers, questions and responses represents an insightful look at the Nuremberg Principles, Canadian adaptation of the Principles, the role of the United Nations in the protection of human rights, the freedom of expression concept and apartheid in South Africa. The concept that one person can make a difference is displayed particularly in the legacy of Raoul Wallenberg and the heroism of Carmen Gloria Quintana. The importance of memory and the danger of indifference is central to the opening remarks by Elie Wiesel and is echoed throughout the book. The talk by Alan Dershowitz on freedom of expression was not what the group expected and generated a lively question and answer response recorded in the publication. Also central to the publication is how various governments address and respond to injustice with some suggestions for needed changes. The publication is global in scope and essays are in French or English. There are some bibliographic references but no index.

Kivel, Paul, Uprooting Racism: How White People Can Work for Racial Justice, Gabriola Island, B.C.: New Society Publishers, 1995. White people can only respond to racism when they realize that it makes a difference that they are white. They need to notice color to help them counteract the effect of racism. We need to disassociate from racists and challenge their speech. Overtly racist people are scared and lack the information and skills to be more tolerant. The author points out the many benefits white people receive because they are members of the white race and the cost everyone pays because of racism. He provides examples of how white people avoid taking responsibility for their actions and how power is used to subvert others. In part two he writes about the dynamics of racism exposing the myths that produce fear for the white person, and the injustices and real fear experienced by multi-colored and multi-cultural individuals. He writes about the value of diverse cultures and the need to convey through appropriate language respect and dignity for others. In part three he speaks of being allies, how alliances are built and the role of power in American gender, class, work situations, family, and community relations. He points to white people’s need to listen to people of color so that they can give credence to their experiences, look critically at racism and at patterns rather than isolated incidents. White people need to notice our whiteness and all that entails that perpetuates factors of racism.
They need to listen to their own language and that of others and stand up to racist remarks. Part four provides a history of white people’s relations with various racial groups. Part five deals with confronting institutional racism. Finally part six suggests ways for white people to change their thinking to become more inclusive.

Knopke, Harry J., Robert J. Norrell, and Ronald W. Rogers, *Opening Doors: Perspectives on Race Relations in Contemporary America*, Tuscaloosa: University of Alabama Press, 1991. This collection of ten essays is from papers presented at a national symposium held at the University of Alabama, June 11-13, 1988, which grew out of a concern for the then impending twenty-fifth anniversary of Governor George Wallace’s “stand in the schoolhouse door” in a measure to prevent two black students from enrolling at the University. The collection of scholarly works and personal experiences is divided into three sections: historical perspectives, current psycho-socio-cultural assessment of prejudice and discrimination, and strategies for change.

The four essays in part one represent an historical perspective on the plight of the Negro in the segregated south—freed from slavery, yet penalized, punished, and silenced when hard work and determination led to economic success. In the first essay the reader is exposed to struggle, suffering, determination and sometimes rebellion of people who created blues music that told their story. The second essay is a personal recollection and observations of a black woman born in Alabama who unfolds a story of frustration, resentment, injustice experienced in education and work but who persevered to gain employment, become a union organizer, work for black voter registration, and become a national civil rights leader. The third essay provides information on how the University of Alabama tried to keep its doors closed to blacks. The fourth essay describes the prevalence of racism in politics and the role George Wallace played after his blocking of the University of Alabama door to keep black students out.

The three essays in part two look at the nature of prejudice and discrimination in society. The first essay looks at scapegoating and transferring personal inadequacies by projection to others in the forms of prejudice or persecution. The next essay looks at standardized testing scores to measure the effects of desegregation on student achievement but also points out the limitation of those tests. The author also looks at the effects desegregation has on student self-esteem and concludes the essay by examining the contact hypothesis for effect on race relations as a method for reducing conflict and prejudice. The final essay in this section looks at changes in expression and assessment of racial prejudice by examining effects of attitude on behavior and behavior on attitude.

The three essays in the final section look at strategies for change. After examining the effects of the civil rights movement on the truly disadvantaged,
the author of the first essay outlines and explains a four part program to empower individuals. In the next essay the author points to black protests that led to legislation as the impetus for change in racial discrimination showing that structural changes alter institutions which in turn alter the behavior of people in the institution. She then outlines and explains a four-step process that leads to change. The final essay recommends bi-cultural strategies for coping with prejudice and racism through an examination of TRIOS which includes time, rhythm, improvisation, oral expression, and spirituality. The author sees two ways of viewing the bi-cultural merger. One is a central tendency approach which is represented by the melting pot concept and the other is the variance approach which is represented by the ethnicity approach. The book concludes with a short selected bibliography and a listing of the contributors with their credentials.

Landis, Dan, and Rabi S. Bhagat, editors, *Handbook of Intercultural Training*, 2nd ed. Thousand Oaks, Calif.: Sage Publications, 1996. The primary emphasis of this publication is geared toward preparing individuals and groups for working in international or foreign locations, students situated in exchange programs, families of internationally placed employees, and persons relocating to their country of origin. The publication cuts across several disciplines including psychology, communications, education, and management. It posits that a training program should be based on theory and demonstrates why programs are or are not successful. The book is organized in three parts: theory and methods in intercultural training, contextual dimensions of intercultural training, and area studies of intercultural training for critical parts of the world with a chapter devoted to understanding sexual orientation which is considered as a special kind of culture. The second part of the publication is especially important for readers concerned with relations between majority and minority groups and for dealing with dominant and subordinate groups within the same culture. Thirty-four contributors from a broad array of academic disciplines provide a scholarly, technical, and theoretical publication which often reviews the literature for the area covered. The publication includes separate name and subject indexes as well as biographical information for each of the editors and all of the contributors.

Lawrence, Frederick M., *Punishing Hate: Bias Crimes Under American Law*, Cambridge: Harvard University Press, 1999. This scholarly publication provides a thorough examination and analysis of bias crimes law in the United States. In addition to a chapter by chapter overview in the introduction, the author begins by providing a background to heighten the reader’s awareness of the seriousness of these crimes and the complexities of hate crime analysis.

His methodology consists primarily in posing repeated series of questions, providing examples and scenarios both factual and hypothetical, analyzing
court decisions, providing definitions, then examining all of these, exposing flawed reasoning and finally posing and explaining solutions or answers.

The text begins with an examination of the definition of hate crime, referred to as bias crime, and distinguishing it from other types of crime. Identification of the victim, including selecting appropriate victim groups for inclusion, is examined, as well as a review of bias crime statistical reporting. The development of bias crime laws in the United States is viewed through an examination of the racial animus and discriminatory selection models in which the author demonstrates how critical it is to determine the mental state of the perpetrator in distinguishing the status of the crime, harm to the victim, broader target community and society at large. The next four chapters focus on punishing hate by looking at criminal acts and punishment theory generally and what makes bias acts different and more egregious. The author examines the position of the victim and the perpetrator. He discusses the constitutionality of bias crime laws with particular attention given to hate speech and First Amendment rights and distinguishes between hate crime laws and penalty enhancement laws. In his examination of federalism, the author reviews the history of state action and role of the federal government in law enforcement, particularly between the first reconstruction during the 1860s and 1870s and the second reconstruction. In the final chapter the author provides justification for bias crime punishment and offers two model proposed bias crime laws with special focus on animus.

A bibliographic essay correlated to the chapters provides valuable bibliographic references and explanatory notes. Numerous appendices include: state bias crime laws arranged alphabetically by state and compared by 22 elements, sample discriminatory selection statutes, sample race animus statutes, sample “Because of” statutes with additional element of maliciousness, sample institutional vandalism statutes, other statutes dealing with disturbing/obstructing religious worship, cross burning, and mask wearing, and four historical appendices for the Civil Rights Act of 1866, Enforcement Act of 1870 and the Ku Klux Klan Act of 1871, the Civil Rights Act of 1875, ans the Federalism problem as viewed through successful civil rights prosecutions. The historical appendices provide an analysis, not the documents.

Lee, Courtland C., editor, Counseling for Diversity: A Guide for School Counselors and Related Professionals, Boston: Allyn and Bacon, 1995. This publication offers theoretical and practical materials for working in a multicultural school environment. After providing an overview for diversity training, five cultural groups—African American, Arab, Asian American, Hispanic and Native American student groups are treated individually through the analysis of cultural awareness issues. Although contents vary from one chapter to the next, each examines cultural background, provides a case study
analysis, makes conclusions, and provides references and listings of additional resource materials for the particular ethnic group.

Part three, in four chapters, covers cross-cultural consultation, classroom guidance, coordination of counseling services within and outside the school environment, and evaluation for accountability in a culturally pluralistic school setting. Part four makes suggestions for continuing professional development of the counselor. The publication is especially valuable for the suggested additional resources provided at the end of each chapter. The book concludes with an index.

Loury, Glenn C., *One by One From the Inside Out: Essays and Reviews on Race and Responsibility in America*, New York: Free Press, 1995. The need for leadership, modeling, and taking responsibility for bringing about change are threads that run through this book in addition to a chapter devoted to fault versus responsibility. Loury sees the benefit provided through legislation to assist in addressing racial inequalities as having served a useful purpose but inadequate to address the issues prevailing in ghettos. It is now time to develop programs of a self-help nature. Loury examines the proposals of W. E. B. Du Bois and Booker T. Washington designed to address the problems of blacks and questions which was the best path to follow. He posits that affirmative action is not the answer to problems, although it has had limited positive effects. Race neutrality is seen as an ideal public policy. Nepotism plays a role in advancement and thus influences economic opportunity. Stereotyping plays a significant role in American race relations and racial preferential treatment can exacerbate negative race relations. Following the text is a collection of thirteen book reviews. The concluding chapter describes the author’s personal spiritual conversion that changed his life.

McLaughlin, Karen A. and Kelly Brilliant, *National Bias Crimes Training for Law Enforcement and Victim Assistance Professionals*, Newton, MA: Educational Development Center, 1995. The training program developed for this set of guides was based on a review of existing programs, resource materials, policies, and procedures that effectively address verbal and physical violence in the United States. This set consists of two volumes, one designed for the instructor and the other for participants. Both volumes contain the same materials including handout and overhead illustrations with instructions for exercises, except the instructor’s guide describes the equipment and materials needed for each portion of the training session.

Professionals from both law enforcement and victim assistance programs felt a need to respond more effectively to the growing incidents of bigotry in the nation. This set provides the training tools necessary to conduct a two and
one half day program for that purpose. The goal of the program is to provide law enforcement officials with current information and strategies for identifying bias crimes and taking appropriate action, to provide victim assistance professionals with current information and strategies for assisting the victims of bias crimes, to train professionals in both fields how to conduct successful investigations and prosecutions, to work within communities to foster tolerance and bring about change, and finally to provide training that will enable both professional groups to work effectively together. Participants are introduced to victim trauma, legal issues including both federal and state law, culture and diversity concepts, and strategies for working in different settings within the community.

The publication provides listings with some descriptions of resources for monitoring bias crimes, sources for learning about hate groups, resources for responding to hate crimes, various victim assistance resources, and federal and state legal resource contacts. The publication concludes with a bibliography of resource materials.

Newman, Jay, *Foundations of Religious Tolerance*, Toronto: University of Toronto Press, 1982. In this theoretical book, it is the author’s intention to focus in a positive way on tolerance rather than negatively on intolerance. Tolerance is defined as a kind of acceptance or endurance without reacting strongly to that with which we are not in agreement. Religious tolerance is not defined but viewed in the context of metaphysical and ethical values. Newman believes religious tolerance to be more complex than racial or ethnic tolerance because of the attitude one holds regarding a belief. A distinction is made between religious intolerance and religious prejudice. Various concepts of relativism are examined and rejected. Instead trans-cultural values: love, justice, peace, economic prosperity, wisdom, progress, and self-realization are qualities the author suggests should be taught to bring about a more integrated, thus a more tolerant civilization. The ability to accept religious pluralism is seen as a necessary condition of religious tolerance. Proselytizing is examined from the perspective of morality, but Newman suggests what is really needed is dialogue. Exclusivism and universalism in churches is reviewed through an analysis of the writings of various philosophers and theologians. The author argues that the concept of absolute religious liberty promised by the First Amendment is not possible because our government system power rests with the state and not the church authority. The hope for the future is seen through education in trans-cultural values and study and discussion of great literature, history, and works of religious literature.

illustration describing a person’s physical appearance and then expands the definition to include different aspects of intolerance. The author provides a brief historical perspective on majority rule in a democratic society and how laws can change to provide more equal rights for minority groups. He then expands the discussion to various kinds of intolerance, including physical appearance and stereotyping, religious beliefs, and political beliefs, and he explains how tolerance, always in active participation enlarges our world. The author expands his scope to a world view as he describes how heroes throughout history who stepped forward in courage to promote tolerance through peaceful means. His heroes include Martin Luther King, Jr., Raoul Wallenberg, Mohandas Gandhi, Betty Williams, Mairead Corrigan, Bishop Desmond Tutu, and Thurgood Marshall. The text concludes with an illustration of tolerance and acceptance as a young girl steps forward to greet a minority student new to her community juxtaposed against the beginning illustration of rejection and intolerance. The author provides a glossary of terms and definitions and a list of suggested readings.

Payne, Richard J., *Getting Beyond Race: The Changing American Culture*, Boulder, Colo.: Westview Press, 1998. This is a scholarly yet practical publication written in jargon free language. Research, surveys, and interviews are used to gather information and combined with personal experience to reach a positive view of race relations. Payne describes how identity can force one into a position where one group can gain power over another group. He suggests how reframing, essentially changing the point of view, can move individuals and groups to different values and perspectives. For many Americans, race defines who we are. Payne examines the historical construction of race, looks at racial classification, social construction, myths, magic, and totem. Totem, in the Ojibwa American Indian language means “he is a relative of mine.” He examines challenges to race relations in the American culture and views all branches of the military as models for successful race relations based on merit and teamwork. Immigration, travel abroad, interracial relationships, and trans-racial adoptions are all ways he demonstrates as methods for building bridges and reducing barriers in race relations. The final chapter brings all of the ideas together and focuses on the future. This is a very positive, courageous book based on human relations.

*A Policymaker’s Guide to Hate Crimes*, Washington, D.C.: Bureau of Justice Assistance, 1997. This guide briefly describes the historical perspective of hate, then centers on this phenomenon in the United States, its prevalence, scope, and victims. Use of the Hate Crimes Reporting Act of 1990, along with the tracking of other interested groups reveals trends as well as disparities. Reasons offered to explain the disparities include methods used to gather
information, denial of bias, fear of the victim in reporting incidents or crimes, and the criteria used for reporting purposes. The guide promotes a better understanding of hate crime by describing the characteristics of offenders, the targets of hate crimes, the nature and harm of the crimes, and the significance of recording hate crime statistics. The publication goes on to explain hate crime laws, and reviews landmark decisions and the response of the ACLU to the laws and decisions. Additional responses to hate crimes are seen in government support for research including grant funding, legislative measures, and the role of Critical Race Studies in assistance and education of various communities, as well as organizational efforts of the Anti-Defamation League and the National Gay and Lesbian Task Force.

Initiatives to respond to hate crimes are described and contact information for support groups is provided which includes addresses and phone numbers in categories for reporting, and monitoring hate crimes, education, mediation, counseling, and victim support. A selected bibliography and sources for further information with addresses and phone numbers complete the publication.

Preventing Youth Hate Crime: A Manual for Schools and Communities, Washington, D. C.: U. S. Dept. of Education, Dept. of Justice, 1998. This brief pamphlet defines hate crime and outlines the elements of an effective school-based hate prevention program which allows for expression of diverse viewpoints and identifies federal hate crime and civil rights laws. It describes some effective hate prevention programs and provides the contact name and phone number for each. It also provides listings of resources in several categories including classroom activities, resource organizations, web sites, bibliography of curricula and instructional materials and videos.

Rendon, Laura I., and Richard O. Hope, editors, Educating a New Majority: Transforming America’s Educational System for Diversity, 1st ed. San Francisco: Jossey-Bass Publishers, 1996. Developed by an impressive group of educators and policy makers, this collection of 20 essays is presented in four sections: (1) current challenges to minority education in the twenty-first century; (2) restructuring schools to foster minority student success; (3) reforming higher education; and (4) leadership imperatives for educating a new majority. The book is intended for the use of educators, administrators, policy makers, counselors, and community leaders. Its scope is kindergarten through college with an indication that the process must begin in kindergarten. The new majority can be anyone viewed as disadvantaged, but some emphasis is placed on those who have been viewed as culturally, ethnically, or economically disadvantaged. Part one presents an overview of the current national challenges to the educational system in preparing workers for the future; part two looks at K-12 and how to make it more responsive to
culturally diverse students; part three provides a deeper examination of higher education curricular models; and part four focuses on leadership in transforming the educational system that will benefit the new majority. References are presented at the end of each chapter rather than being tied specifically to material just presented, making tracking citations somewhat difficult. The publication concludes with separate name and subject indexes.

Sleeper, Jim, *Liberal Racism*, New York: Viking, 1997. Sleeper sees law as having played some part in providing freedom and support for minorities. What he sees as most needed is a recognition of leadership for itself and a need to join in what he calls a “race transcendent human experiment.” He is critical of lawyers, courts, the police, voter redistricting, and particularly news media reporting. It is his thesis that liberals have dwelt too long on identity politics that serve to separate people. The scholar will find it difficult to verify the frequent quotations for which there are no footnotes. Only a short list of “works cited” is provided.

Tatum, Beverly Daniel, *Why Are All the Black Kids Sitting Together in the Cafeteria? And Other Conversations About Race*, 1st ed. New York: Basic Books, 1997. This is both a scholarly and practical publication that deals with race identity, race relations, and racism. The author begins by exploring different definitions of racism and centers on one that describes racism as a system of advantage based on race. She sees describing identity as very complex and offers insights by examining blackness in a white context, whiteness in a white context, other racial identities, and identities in multi-racial families. For each of these identities she explores development in the early years, adolescence, and adulthood. Although she offers some theoretical analysis, for the most part she draws perspectives from her own experience as a mother interacting with her children, interactions and comments from participants at workshops she conducts on racism, and interactions with her students during twenty years of teaching at different universities. The concluding chapter acknowledges the difficulty and fear many people experience in talking about race. She points out that everyone pays a price for silence, and we all have some sphere of influence where we can speak and take action. The appendix offers several groups of resources that can assist the reader in moving into active participation.

Thompson, Becky W., and Sangeeta Tyagi, editors, *Beyond a Dream Deferred: Multicultural Education and the Politics of Excellence*, Minneapolis: University of Minnesota Press, 1993. This publication is divided into three parts consisting of twelve chapters plus an introductory essay. The contributors represent a broad background of scholarship including sociology, literature, history, theological studies, and law. Several direct
programs in women’s studies and ethnic and multicultural studies. Part one on moral and political visions of multicultural education examines the history of immigration and integration of multi cultural studies into the curriculum. Part two on multiple voices and the ongoing struggle looks at the power struggles, affirmative action, curricular changes and hiring practices. Part three on new directions for critical engagement documents the challenges and successes of four separate programs. Articles are carefully researched and provide extensive bibliographic references. Diversity is viewed in a broad sense to include race, class, gender, age, sexual orientation, disability, and culture with some varying degree of emphasis. The importance of people of color becoming catalysts for change is emphasized and illustrated in the final section of the publication. The publication includes an index.

*Tolerance Education for Children of the 90s*, Chicago, Young Lawyers Division, American Bar Association, 1992. This brief publication describes a two-part project designed to train administrators and teachers to implement programs to combat intolerance in the classroom at the middle school level. It includes identification of training needs, selecting an appropriate program to meet needs, selecting and inviting participants and presenters, communication and information dissemination, funding, planning time tables, and procurement of needed materials, equipment, and program facilities. A checklist for program planning is included. “A World of Difference” materials and the design is based on the “train the trainer” concept. Lists of trainers, affiliate contacts, and other contacts from the Maryland area are included.

*Training Guide for Hate Crime Data Collection: Uniform Crime Reporting*, Washington, D.C.: U. S. Department of Justice, Federal Bureau of Investigation, Criminal Justice Information Service, 1997. This training guide provides a brief introduction to the requirements for crime data collection and three learning modules intended for training and sensitizing police personnel in recognizing, responding to and reporting bias motivated incidents. Module one is geared to sensitizing the participant to the nature of bias motivation on an individual and institutional level, teaching the rhetoric of bias including prejudice, stereotyping, discrimination, racism, sexism, and other social categorizations, and relating prejudice bias incidents. Module two aims to provide the participant with necessary background for reporting a crime through an understanding of bias terminology and recognition of criteria for determining if a hate crime has occurred. If the participant believes a hate crime has occurred, a report is completed and forwarded to a second tier for evaluation and final determination. The third module utilizes the case study exercise in which the participant is exposed to a series of incidents and makes a determination of the crime, bias classification, and reason for determination.
The publication also provides a list of organizations with addresses, phone numbers and brief descriptions which offer information concerning anti-bias education. The appendices provide legislative documents updated through 1996 which provide the mandate for hate crime statistic gathering, a quarterly hate crime report form, a hate crime incident report form, and the regional offices of the Community Relations Service of the Department of Justice with addresses and phone numbers as well as field offices. A short bibliography accompanies the first training module.

Trotter, Tamera Charisse and Joycelyn Racquel Allen, *Talking Justice: 601 Ways to Build and Promote Racial Harmony*, Saratoga, Calif.: R & E. Publishers, 1993. This little book is meant to present positive, proactive ways to promote cultural awareness and celebrate diversity. Its ideas are applicable to any situation where building self-esteem and human relations issues are at risk. It is a book of universal inspiration providing steps to make situations more pleasant.

Vogt, Paul, *Tolerance & Education: Learning to Live with Diversity and Difference*, Thousand Oaks: Sage Publications, 1997. The impetus for writing this scholarly, well researched publication stems from the author’s desire to determine if education fosters tolerance and how tolerance is learned in the educational system. Vogt distinguishes tolerance from prejudice and discrimination. When clearly defined, he proceeds to survey, analyze, and interpret the literature offering clear explanations to correct flawed and inadequately researched viewpoints thus providing a balanced vision. The author asks a series of questions which form the first five chapters in this publication: What is tolerance? Should we teach tolerance? Does education really foster tolerance? How does education promote tolerance indirectly? Can we teach tolerance directly? The author’s conclusion examines implications for policy and practice as well as suggesting areas for future research. Tolerance is seen as a complicated but minimal first step all can take toward building a just society. An extensive bibliography and an index are included.

Waller, James, *Face to Face: The Changing State of Racism Across America*, New York: Insight Books, 1998. In this book, Professor Waller, a social psychologist, challenges three myths regarding racism: life is good for racial minorities, racism is declining, and America can become a color blind society. Waller examines the history of different racial groups, defines racism and looks at the related terms: stereotypes, prejudice, and discrimination. Racism can be seen as an individual negative prejudicial attitude or discriminatory behavior toward people of a given race, or institutional personnel, policies, practices, and structures, that subordinate a people of a given race. Waller
believes that any individual can be a racist, but at the institutional level, only white groups can be racist because of the power component.

Using surveys and demographic data, the author examines the myth and reality of minority life in the United States. He argues that the more blatant forms of racism have declined and when they do occur, people sometimes use excuses to hide their own beliefs the acts and justifying support for the victim. More subtle forms of racism can be more destructive and insidious in that they can lead the perpetrator and victim into believing there is little need for change. Various methods have been used to detect racism such as measures of nonverbal behavior, situations of behavioral ambiguity, physiological recordings of facial muscles, priming and response latency measures, and other measures of related behavior. Color blindness is not seen as an equalizer but as a silencer.

Finally, the text concludes by offering seven principles for achieving racial reconciliation: become a good reconciler through the development of good listening skills and constructive disagreement; teach yourself to think by controlling your attitude toward stereotypes; become more self-aware; become more open-minded by engaging in personal interaction with minorities; draw on the strength of the community and invest in the future by teaching children anti-racism early.

Before they can participate in cross-country tours where they meet and interact with racial minorities, Waller requires his students to construct an extensive genealogy. The students tell their personal stories and examine the meaning of their names and ethnic backgrounds for the purpose of self-discovery. The publication provides a list of international organizations and web sites on genealogy to assist the research endeavor.

Wang, Lu-in, *Hate Crimes Law*, St. Paul, Minn.: West Group, 1994. This classic treatise on hate crime laws provides comprehensive coverage with interpretation of state and federal statutes and cases that have applied them. The introduction enumerates various types of hate crimes: racial, ethnic, sexual orientation, religious (Jewish), and racially mixed families. It also examines the legal response to hate as found in federal criminal and civil rights, state ethnic intimidation, other criminal and civil statutes, local ordinances, and university hate speech laws. The appendices include federal and state provisions relevant to hate crimes, a selected bibliography, and table of cases. An index concludes the publication. It is in loose-leaf format for easy updating.

on the Internet from NCJRS/BJA web site. This pamphlet describes five demonstration programs designed to combat and reduce hate crime incidents. The first program is an intensive four-day course for law enforcement officials. The second program is designed to meet the needs of hate crime victims. The three remaining programs are designed as training tools for confronting bias incidents in K-12 school incidents. A list of resource centers with addresses, phone numbers, and Internet addresses completes the publication.

When Hate Groups Come to Town: A Handbook of Effective Community Responses, 2nd ed., revised and updated. Atlanta, Ga.: Center for Democratic Renewal, 1992. This publication begins by providing a history of the work of the Center for Democratic Renewal and a review of its mission. A chapter on understanding racism and bigotry connects white supremacy and the problem of bigotry with racism, anti-Semitism, anti-gays, and violence against women. Each type of bigotry is covered separately to explain the unique issues and different support mechanisms available. Another chapter provides a brief history of the white supremacy movement, including the Klan, Christian Identity, Aryan Nations, the Order, skinheads, Christian Patriots, Liberty Lobby, Revisionist scholars, women in hate groups, the new right, and particular hate group leaders. The major portion of the publication concentrates on responding to hate—motivated activities through monitoring, research, security, legislation, religious institutions, campuses, and workplaces, as well as responses of government agencies and how police can assess and deal with bias crimes. The final section offers tools for counteractions including referral sources with addresses and phone numbers, sample resolution examples, publications available from CDR, a brief annotated bibliography of material, a sample intake form for recording bigoted incidents and some vital points to remember if a person is a victim of hate violence. There is no index, but the material is well organized to facilitate easy use.

Yamamoto, Eric K., Interracial Justice: Conflict and Reconciliation in Post-Civil Rights America, New York: New York University Press, 1999. Theoretical, scholarly, and practical, Yamamoto employs an interdisciplinary approach to develop what he calls race praxis to address interracial injustices. He draws from law, social psychology, theology, political theory and particularly peace studies, and indigenous healing practices. His methodology requires a four pronged approach which includes the elements of recognition, responsibility, reconstruction, and reparation. All the elements are critical and must be approached with true sincerity to bring forth healing for perpetrators and victims. The publication consists of three parts. Part one examines some interracial conflicts in business, education, politics, and immigration practices.
Part two explains the concepts of race, culture, and responsibility. Here the author introduces his commitment to critical race praxis which emphasizes simultaneity and differentiation, which are points of inquiry into complex interracial struggles over power and identity. Race praxis, the theory of racial justice practice, which draws from liberation theology, feminist legal theory, and environmental justice theory and practice is examined in the final chapter of part two. Part three takes a multi-disciplinary approach to inter-group healing by employing theology, social psychology, ethics, peace studies and indigenous healing practices to bring about mutual liberation and help build relationships while incorporating reconstruction, responsibility, and reparation. The race praxis is applied to several interracial controversies with varying degrees of success. The publication includes bibliographic references for each chapter and an index. There is no separate bibliography.

III. ASPECTS OF HATE

Able, Richard L., *Speaking Respect, Respecting Speech*, Chicago: University of Chicago Press, 1998. Through an accumulation of hundreds of examples drawn primarily from newspapers, Professor Abel sets out to document the pervasiveness of verbal disrespect on a global and universal basis. Most accounts are brief reports and may be used two or three times to illustrate various points throughout the book. Some incidents involve crimes as well as insults and some show that great harm can be done from ignorance, insensitivity, and misunderstanding in attempts to rectify wrongs. The subjects cut across a broad spectrum to include race, culture, gender, sexual orientation, religion, politics, the arts, literature, the military, pornography, and blasphemy.

Drawing from the sociological theories of Max Weber regarding honor and social standing, the competition for status in various groups is examined and analyzed in light of the struggle for material, economic, political, and emotional domination. In the struggle for respect, the competition for support, recognition, and the expectation of apology and reparation are described, as well as the need for forgiveness and the power held by the victim in granting or withholding it. The author posits that the position of civil libertarians is untenable considering the tension in the struggle between the dominate and subordinated and the opaque nature of speech. He sees law as unable to deal adequately with the wide variety of harms caused by speech and finds that laws often work in ways that are perverse. He points out the complexities of interpretation and knowing intent resulting in prosecutors, juries, and judges being reluctant to find guilt and impose punishment.

He calls for taking sides, amplifying silenced voices, and calling for apologies through an informal process that is acceptable to the victim and the community.
Aho, James A, *This Thing of Darkness: A Sociology of the Enemy*, Seattle: University of Washington Press, 1994. In the process of searching for an answer to the question of why people join hate groups, the author ventured into the field to get first-hand information. The publication is divided into two parts: “The enemy socially constructed,” and “The enemy socially deconstructed.” Aho begins by proposing a theory of reification which is composed of naming, legitimation, myth making, sedimentation, and ritual which he views as constructing evil and violence. The theory is then applied to the Goldmark case in which the difference between the victim and the persecutors is clear. A second case, the standoff at Ruby Ridge, is also examined under the theory, but here the lines become blurred. Next, some Neo-Nazi literature is examined with the objective of revealing the origins of the *Protocols* and the *Plot* so that through understanding, deconstruction of the texts can take place. The second part of the publication examines phenomenology or the experiencing of the enemy by examining four questions: What features make us experience the enemy? How is it possible to render human beings into evil things? Is it possible to eradicate our estrangement from others? Assuming this is unlikely, must we attribute characteristics of evil to the other? Each of these questions is examined. The final three chapters present a person who left a Neo-Nazi group, a family who responded to hate in moments of grace to provide support and love to the perpetrator, and a community who united to form a task force to counter hate. Aho concludes that we cannot effectively combat evil without recognizing it in ourselves.

Altschiller, Donald, *Hate Crimes: A Reference Handbook*, Santa Barbara: ABC-CLIO, 1999. This publication provides an in-depth study of types and extent of hate crime in an introductory chapter which covers African-Americans, Jewish-Americans, gay men and lesbians, and Asian-Americans. This chapter is followed by a history of hate crime legislation, a discussion of major U.S. Supreme Court cases, hate crime legislation at the state level, and a discussion of the critics of hate crime laws. A chronology of hate crimes is included in the author’s attempt to personalize these crimes. A short chapter is devoted to biographical sketches of individuals who have devoted their lives to fighting hate crimes. The most extensive chapter reports on *The Hate Crime Statistics Act of 1990*, illustrates statistical reporting from *The FBI Hate Crime Report* of 1996, and provides definitions. Altschiller provides many primary source materials, including legislative and judicial documents and some non-governmental documents. An annotated listing includes addresses, phone numbers, and Internet addresses for organizations that monitor hate crime incidents and extremist group activities. The final two chapters provide briefly annotated listings of books, articles, Internet and World Wide Web groups that address hate crimes and provide educational materials. An index
completes the publication.

Anastaplo, George, *Campus Hate-Speech Codes and Twentieth Century Atrocities*, Lewiston, N.Y.: Edwin Mellen Press, 1997. Each of the nine essays in this collection was prepared for a difference audience and presented at conferences, universities, and one as a final class lecture. References for each essay are given at the beginning of the essay. Four of the essays concern campus speech codes and provide a combined philosophical and moralistic approach with subdued legalistic overtones. With a focus on hate more than on speech, the author recommends looking for causes of hate and suggests that the victim may possess more authority and control than is recognized. He posits that suppression is not the best solution to hate speech problems. People on campus must be taught civility, and victims need support. Rather than having a campus speech code, it is better to have an understanding regarding the campus culture. However, if a code must be written, everyone must be involved in its writing, and all must be free to criticize it. When hate occurs it is necessary to listen, look at the target, educate, and self-educate.

From United States campus hate speech, the author moves to a global perspective as he examines the fate of the Jews in Greece and Italy during the Second World War, the role of the United States in the Balkans, Islam, and the ills in government and society, decadence, and general immoral social fiber in the United States. The final two essays examine the self and the soul and seek to discover if moral virtues have a foundation in nature.

Andryszewski, Tricia, *The Militia Movement in America: Before and After Oklahoma City*, Brooksfield, Conn.: Millbrook Press, 1997. This publication, which is appropriate for adolescents, provides an extremely brief introduction to various extremist groups, including the Ku Klux Klan, Christian Identity Movement, white separatists, Minutemen, neo-Nazis, Aryan Nations and the New Order, Posse Comitatus, and Skinheads. The reader will need to look elsewhere for a more thorough study. The author’s purpose is to introduce these groups as organizations from which the militia groups might draw inspiration, leadership, and possible membership. Also she briefly describes some social, economic, and political changes and the incidents at Ruby Ridge and Waco, Texas, which combined with gun-control legislation set into action the formation of groups which hate the federal government so much that they embark on para-military training, separation from the government, and stockpiling of weapons and other commodities. The final chapter describes the political, government, and militia responses to the bombing at Oklahoma City. The book contains black and white photographs and excerpts from the *Turner Diaries*. 
Baird, Robert M., and Stuart E. Rosenbaum, editors, *Bigotry, Prejudice, and Hatred: Definitions, Causes & Solutions*, Buffalo, N.Y.: Prometheus Books, 1992. The editors have gathered together a collection of 18 previously published articles and essays from popular periodicals, academic journals, and scholarly and theoretical books. This book is divided into five parts: phenomenon of hatred and prejudice: what is it?; universities and the “politically correct” response to hatred and prejudice; explanations for the persistence of hatred and prejudice; moral/rational critiques of hatred and prejudice; and desirable goals and possible solutions.

The first part serves as an introduction to the subject by offering a background of definitions and explanations for equality, hatred, anti-Semitism and construction, deconstruction, and reconstruction of differences. Part two examines how students, although very sensitive to bias, nonetheless form distinct racial, sexually oriented, and gendered groups and sub-groups; how faculty seek to promote “true diversity” by matching faculty of particular ethnic identity to representative academic fields; how a university begins student orientation with a first ungraded exam followed by compulsory encounter sessions where the school works to instill its multi-culture vision in the students; how a campus attempts to handle bigoted free speech; and finally one faculty member’s experience of trying to add a gay studies course to the diversity curriculum. Part three examines the causes of prejudice by presenting the bigotry of nepotism in an examination of kinships and demographics; and the role of reason in prejudice. Part four looks at the arbitrariness of racial discrimination and some questions, facts, and values regarding the gay life style. Part five examines goals and possible solutions includes a commentary on the *R.A.V. v. City of St. Paul, Minnesota* case. The proposed solutions look to intergroup involvement where outcomes depend on cooperation. These solutions are based on the premise that people with deep-rooted prejudice will not be influenced or experience attitude change by being merely exposed to new information. However change in behavior can effect change in attitude. In “Making of an American democratic socialist” the author posits the need for leadership and bases his philosophy on a non-Marxist social theory combined with a non-dogmatic based prophetic Christian vision.

Baird, Robert M. and Stuart E. Rosenbaum, editors, *Hatred, Bigotry, and Prejudice: Definitions, Causes, & Solutions*, Amherst, N.Y.: Prometheus Books, 1999. Similar to the earlier edition, *Bigotry, Prejudice: Definitions, Causes & Solutions*, the editors have gathered previously published articles and essays from popular periodicals and scholarly journals, as well as scholarly and theoretical books. In fact much of the material from the first edition is republished in this edition. Part four, which seeks to define hate, reprints the same four essays from part two of the previous edition. Incidents
Barndt, Joseph R, *Dismantling Racism: the Continuing Challenge to White America*, Minneapolis: Augsburg Fortress, 1991. The primary focus of this publication is on how racism permeates all aspects of life. The author first examines the evil of racism by looking at history, emancipation, the civil rights movement, segregation, legislation, economics, culture, global issues, and the leadership role of people of color. Next he defines racism as prejudice plus power and describes the use of power by illustration of an anti-racist program from New Orleans called “Big Foot Analysis” in which a ghetto community is described and participants identify groups that have power over the community. Racism is described as a white problem in which it is necessary to reduce the power that enforces the prejudice. Chapter are devoted to individual racism, institutional racism, cultural racism, and white racism in the church. In all cases the author uses the metaphor of imprisonment from which whites must emerge to move beyond racism to reach a pluralistic society. The publication is written from a theological perspective that emphasizes liberation. The book concludes with a selected bibliography. There is no index.

B’nai B’rith. Anti-Defamation League, *ADL in the Courts: Litigation Docket 1994-*. New York: Anti-Defamation League, 1994- Published annually since 1994, this publication describes the arguments and statutory interpretations made by ADL and in some cases includes a listing of other groups who support these same arguments. The ADL litigation docket covers several areas of law, including hate crimes and discrimination issues. The amicus briefs aim to combat discrimination and prejudice. Coverage includes new briefs filed by ADL since the previously published docket, as well as a discussion of cases decided by the courts during the same period.

Bracken, Harry M, *Freedom of Speech: Words Are Not Deeds*, Westport, Conn.: Praeger, 1994. Finding no legal precedent for the absolutist view of the First Amendment to the U. S. Constitution, Professor Bracken contends in this scholarly work that the philosophical foundation for its position can be found, at least in part, in the arguments for religious tolerance advanced by Pierre Bayle in the late 17th century. Thus it is from a philosophical and historical perspective that the author approaches an analysis of First Amendment doctrine. He compares the philosophies of Bayle and Locke, drawing some parallels to views of First Amendment interpretation.
Throughout this work, the author draws comparisons between United States and Canadian freedom of speech jurisprudence. He examines state intervention, treatment of hate literature, higher education curriculum, racism and political correctness, campus speech codes, group libel, and the value we place on individual self-expression and community needs. In conclusion, the author states his position as seeing freedom of speech as a core value in a democratic society but his primary aim is to provide an historical study.

Each chapter has explanatory notes and bibliographic references as well as a selected bibliography and index.

Bullard, Sara, editor, *The Ku Klux Klan: A History of Racism and Violence*, 4th ed. Montgomery, Ala.: Klanwatch, 1991. This publication includes contributions from several staff members of the Southern Poverty Law Center. It provides a history of Klan development from its beginning through its rise, fall and merger with other hate groups, some members have even integrated themselves into society as a whole, while retaining their own ideologies. The publication tells the stories of the Klan, Klan youth groups, the victims and families of victims, the police, and prosecutors. Biographies with pictures of those in the white supremacist organization are included. A listing of hate crimes for 1989-1990 update the material in *Hate, Violence, and White Supremacy: A Decade Review, 1980-1990* as reported by Klanwatch. The publication includes many black and white photographs and illustrations and concludes with a short bibliography.

Butler, Judith P, *Excitable Speech: A Politics of the Performative*, New York: Routledge, 1997. This scholarly publication examines the linguistic foundation from which speech emerges into a performative agent. A person can be injured by derogatory expression as well as the way in which one is addressed. Professor Butler describes how language assists in violence and torture by disabling the victim from describing the event. She distinguishes between the speech acts that have the power or authority to produce effects on another and those which lack the power. She reviews the *R.A.V*. cross burning decision and McKinnon’s writing on pornography positing that McKinnon not only makes a mistake in judgment but does a disservice and is exploitative of racial subordination. Speech is consistently seen as an act.

While she focuses on recent arguments about hate speech, she outlines a more general theory of performativity of political discourse. She looks at the authority or performative power that provides for the temporary success of speech and stresses that it is only and always provisional. History gives it its force. She examines court opinions, government sanctions, speech/conduct theory, the First and Fourteenth Amendment debate and recent attempts to regulate speech on campuses, in the workplace, and in public places and posits that the state is responsible for hate speech in so far as the state decides...
through law and regulation what is acceptable, and the state maintains the power to determine sanctions. She discusses censorship at length, examines and analyzes several speech theories, and reviews the role of society in shaping speech. Finally, she concludes with the idea that the name-calling that has caused the injury may be used for counter-mobilization. As a new identity is sought, a new line of authority in self definition is established.

Cleary, Edward J, *Beyond the Burning Cross: The First Amendment and the Landmark R.A.V Case*, New York: Random House, 1994. *Beyond the Burning Cross* is more about the constitutionality of a St. Paul, Minnesota city ordinance applied to the burning of the cross on the lawn of a black family than the incident itself. Cleary takes the reader through his preparation of this pro bono case assigned to him shortly after his transfer to juvenile court. The book presents Cleary’s struggle to defend an individual who has performed an act he abhors, accused under a city ordinance that he views as unconstitutional. In this book the reader learns how the legal process works and how the press and media respond to a high profile case. The reader receives an introduction to the thinking of the various Supreme Court justices and glimpses the presentation of the case to the United States Supreme Court. Cleary shares his experience of the primarily negative public response to the United States Supreme Court decision few understand. The 9-0 decision provided in Appendix A and B illustrate how the justices agreed in the decision but differed on the analysis of the law.

Cohen, Mark Nathan, *Culture of Intolerance: Chauvinism, Class, and Racism in the United States*, New Haven: Yale University Press, 1998. Professor Cohen does not intend this to be a scholarly publication and indeed it does not contain many footnotes, but within the text clear references are made to resources which the author refutes or supports. The life experiences related through the author’s stories reflect the true uniqueness of different cultures. Cohen’s contribution comes primarily in the way he uses facts and familiar comparisons to dispel some commonly held myths and biases of some mainstream individuals and groups.

He compares culture and language from a perspective of uniqueness, change over time, and rules. He also show that although each culture is unique, each shares with others many commonalities in content and structure. He examines some assumptions of American culture. Two chapters examine concepts regarding human biology, genetics, and IQ testing and challenge some of the too commonly held beliefs. He looks at affirmative action and curriculum inclusion to expose misconceptions and narrow applications. The final chapter offers suggestions for transforming the culture of intolerance by
exposing sources and suggests improving the system from within primarily through understanding and honest education. A short list of suggested readings and an index complete the publication.

Collins, Patricia Hill, *Fighting Words: Black Women and the Search for Justice*, Minneapolis: University of Minnesota Press, 1998. This publication is scholarly, theoretical, and deeply personal. The reader travels from a segregated Philadelphia neighborhood through the terrain of experiences in grade and high schools and universities to an exposure to Sojourner Truth. Her journey is filled with surveillance and silencing and self-determination. The quest is for self-definition and self-determination by “lifting as we climb” based on a supporting community. The journey can be seen as a quilt metaphor Collins uses to bring the pieces together into a unit that seems to lack aesthetics, but for which all the pieces are necessary to form the whole. Whether the theory is viewed from womanism or the Black feminist standpoint, it progresses through a concern characterized by passion for justice and deep spirituality.

Dees, Morris, and James Corcoran, *Gathering Storm: America’s Militia Threat*, 1st ed. New York: HarperCollins Publishers, 1996. The authors recount the incidents of the Weaver family at Ruby Ridge and of the Branch Davidian raid at Waco, Texas in detail, presenting both each group’s and the government’s perspectives on the disasters. These incidents are used as a background along with the *Turner Diaries* to examine militia group activities that the authors tie to the bombing of the Alfred P. Murrah Federal Building in Oklahoma City.

The reader is exposed to a great many individuals and detailed activities of the militia movement, many of which are tied to information gathered by the Southern Poverty Law Center’s Klanwatch, “informers” who have penetrated the groups, and cases handled by Morris Dees and his associates. The authors provide many references and quotes from references verbatim throughout the work without giving chapter notes for works cited. A short explanation and “source notes” are provided at the conclusion of the publication.

Dees, Morris, and Steve Fiffer, *Hate on Trial: The Case Against America’s Most Dangerous Neo-Nazi.*, New York: Villard Books, 1993. This book tells the story of the trial avenging the racially motivated murder of Mulugeta Seraw, an Ethiopian, working and attending college in Portland, Oregon. The reader meets the victim through his uncle Engedaw Berhanu. Morris Dees is convinced that he should handle the case. With the assistance of several colleagues and the cooperation of Dave Mazzella, a former vice president of WAR youth, Dees and his co-prosecutor gathers evidence, takes depositions,
selects members for the jury and conducts the trial that results in a settlement of ten million dollars in punitive damages against Kyle Brewster, Ken Mieske, John Metzger, Tom Metzger, and WAR. The conviction, at least for a short time, curtailed the activities of the Metzger leaders.

Delgado, Richard, *The Coming Race War?: And Other Apocalyptic Tales of America After Affirmative Action and Welfare*, New York: New York University Press, 1996. In this book the author employs the legal storytelling technique as he continues the *Rodrigo Chronicles*. The Professor takes the role of interpreter, clarifier, and devil’s advocate as his protégée Rodrigo sets forth his perspectives and theories on topics critical to understanding race relations in America. The author cleverly presents an insider-outsider view on true and false empathy of liberals, the rule of law and politics in race relations, the impact of merit considerations and affirmative action on school enrollments and recruitment, hiring, retention, and promotion decisions, color blind theory, overt racism, injustice and need for reparation, identity politics, and immigration law and practices. Through Rodrigo’s friend and colleague, Knowalsky, a conservative turned race traitor, one is exposed to an American apocalypse in which a race war occurs to which the new minority responds with increased police surveillance and martial law. Although the legal storytelling technique is used, the publication displays scholarly research in numerous chapter bibliographic notes used to support the theories. The publication has no index.

Delgado, Richard and Jean Stefanic, *Must We Defend Nazis?: Hate Speech, Pornography, and the New First Amendment*, New York: New York University Press, 1997. This scholarly publication posits that First Amendment interpretation regarding freedom of speech applied to hate speech and pornography is experiencing a paradigm shift. The collection consists of ten essays gathered into four parts for which the authors provide a short introduction. Part one provides a brief history of the free speech debate and describes the harm done to victim, perpetrator, and society by hate speech and pornography. Part two provides an explanation of the paradigm shift from formalism to legal realism as it builds on the material from the first part. Campus speech codes, campus racism, and the universities’ responses to it are described. The authors provide a synopsis of various arguments for and against racist speech, as well as a global perspective of how other nations view and legally address issues, the view of social scientists, and legal First and Fourteenth Amendment perspectives. Then the authors raise the question of looking at racist speech differently from other speech as it serves to demean, subordinate, and create a stigma-picture of a disfavored group. Turning directly to the victims, the authors illustrate how particularly the media has negatively depicted various minority groups, posit that the First
Amendment under current interpretation cannot perform the function of community building, and propose a program of social reform that includes speech as just one element. With reference to our social and political development as a nation, the authors show how time and space have assisted us in clarifying our vision. Part three examines in depth policy decisions regarding hate speech regulation, the authors’ counter argument, and how hate speech is addressed legally in other nations at the statutory and judicial levels. In part four the authors examine the reasons judges and some lawyers see the need for legal reform. Finally, the authors posit that it is groundless for us to say we must protect one kind of speech in order to protect another kind.

Many of the essays in this collection were previously published but updated for this publication. Notes are both bibliographic and explanatory. An index is included.

Dovidio, John F., and Samuel L. Gaertner, editors, *Prejudice, Discrimination, and Racism*, Orlando: Academic Press, 1986. The editors provide a collection of eleven scholarly essays, three of which they have contributed. The book’s emphasis is on the process that contributes to the development and maintenance of prejudice at the individual level, which, the authors assert, contribute to the existence and tolerance of racism at the institutional level. The introductory essay begins with an historical background that includes definitions of prejudice, discrimination, and racism. It also provides an overview of trends in racial attitudes and stereotypes, quality of life of blacks and whites, trends in research on prejudice, and six conceptual approaches to prejudice. Most of the essays rely heavily on analysis of published research and statistics. Chapters two through seven examine motivational and cognitive factors that contribute to racism while the next three chapters look at the consequences of prejudice, discrimination and racism on society in general, and on blacks in particular. The final chapter provides a reflection on the problems, progress that has been made, and hope for future progress with special attention given to intergroup behavior. There is no separate bibliography but each chapter provides an extensive list of references. An index completes the book.

Dudley, William and Charles Cozic, editors, *Racism in America: Opposing Viewpoints*, San Diego, Calif.: Greenhaven Press, Inc., 1991. This book consists of five chapters each of which contains six to eight very brief pieces reprinted from newsletters, magazines, journals or recently published books. Each piece begins with a short quotation followed by a paragraph about the author’s background and viewpoint. For each piece, three questions prepare the reader to examine the viewpoint critically. Each chapter has its own introduction and concludes with a critical thinking activity. The book examines the seriousness of racism in America by looking at responsibility for
minority poverty, effects of affirmative action in alleviating discrimination and the question of emphasizing ethnicity. The final chapter asks the question of how racism can be stopped and presents seven contrasting viewpoints. The book is appropriate for stimulating discussions of different aspects of racism, its seriousness, and methods to use in working toward its elimination. Separate bibliographic listings of periodical articles and books are provided. A list of organizations with addresses, phone numbers, and a brief description of the purpose of each is based on information provided by the organizations. These organizations represent the opposing viewpoints presented in the publication. A short index completes the book.

Ezekiel, Ralph S, *The Racist Mind: Portraits of American Neo-Nazis and Klansmen*, New York, Viking, 1995. The author tells us in his introduction that he has selected portions from interviews and rallies and chosen particular individual personalities for presentation in this publication. Ezekiel looks for a psychological base to the movement and examines how rebellion, fear, and self-absorption are manifested in a variety of ways. The national leaders who emerge in these pages are well known: Tom Metzger, Dave Holland, and Richard Butler. The author also meets with members of the Death’s Head Strike Group at a Nazi bookstore in Detroit.

His fieldwork began when Ezekiel noticed a Nazi bookstore in Detroit. He made contact and over a period of three years interviewed members, made additional contacts, and attended rallies. Personal interviews were tape recorded and are transcribed here verbatim. Material from rallies is from copious notes transcribed the day taken. As important as the materials gathered in the interviews and rallies are, the analysis, commentaries, and reflections Ezekiel adds greatly enhance the publication. Finally, the author challenges the reader to become mentors to young people and advocates education as a preventative measure to reduce the vulnerability of youth to white racist recruitment.

Farber, Daniel, *The First Amendment*, New York: Foundation Press, 1998. This publication covers a broad range of First Amendment issues focusing on legal doctrine, case law, regulations and rules and provides a foundation to use in evaluating legal theory. The book does not propose a philosophy or theory. It does offer a discussion of foundational issues and principles of First Amendment doctrine.

Of particular interest to this bibliography are chapters five, six and seven. Chapter five looks at defamation and other torts by examining among other cases *New York Times v. Sullivan, Beauharnais v. Illinois, Milkovich v. Lorraine Journal Co., Gertz v. Robert Welch Inc., Florida Star v. B.J.F., and Hustler Magazine v. Falwell*. This chapter focuses on the court’s establishment of the rules by which to determine issues. Chapter six is devoted to an examination
of offensive language, captive audiences and public civility, the *R.A.V. v. City of St. Paul* case, university regulation of hate speech and penalty enhancement based on racist motivation. It also provides a critique of related First Amendment doctrine reviewing the uniqueness of harm and equality versus equality issues. Chapter seven on sexual material gives an historical background for the development of obscenity law both in the United States and Canada. It examines and discusses cases and describes the zoning approach and the more recent civil rights approach proposed by some feminists who connect pornography to sexism and violence against women. The author concludes that it is sometimes difficult to determine what material is to be considered and what tests are to be applied. The book concludes with a table of cases and an index.

Finzsch, Norbert and Dietmar Schirmer, editors, *Identity and Intolerance: Nationalism, and Xenophobia in Germany and the United States*, Washington, D. C.: German Historical Institute; Cambridge: Cambridge University Press, 1998. This collection of essays evolved from a scholarly conference of the German Historical Institute held in Washington, D. C., in 1994. The editors, Finzsch and Schirmer, have gathered together fifteen essays which explore the role of nationalism in the development of tolerance or intolerance focus in Germany and the United States. Indeed the authors seek to discover if there is any connection between the ways nations define themselves and the measure and form of tolerance or intolerance they display.

The publication is divided into three parts consisting of five essays in each. Part one provides a background for understanding the development of national identity in Germany and in the United States. These identities appear to be at polarities when considering political, social, and demographic aspects of the two nations. How equality and freedom, inclusion and exclusion, insider and outsider concepts are handled are central to the discussion. Part two focuses on cultural and social practices of racism. A multifaceted approach which combines class, race, and gender with various social, economic, and political conditions is utilized in the examination of racial violence, law enforcement, use of boycotts, and the role of language in the United States and Germany. Part three turns to a discussion of race in conjunction with bodily and biological features in the “gendering of racism” and scientific racism in some highly technical essays.

All of the essays include bibliographic references, some extensive; there is no separate bibliography. The book includes an index.

Fiss, Owen M, *The Irony of Free Speech*, Cambridge, Mass.: Harvard University Press, 1996. In this slender volume Professor Fiss discusses the treatment of hate speech, pornography, campaign finance, and public funding of the arts as he seeks to find reconciliation between the issues of freedom of
expression and equality within the state’s power to regulate and to allocate. He sees in both the act of allocating and regulating that some silencing occurs. Liberal and feminist scholarship is examined and analyzed. Judicial trends are reviewed, but in the final analysis the role of the state is seen as complex and full of irony.

Freedman, Monroe H. and Eric M. Freedman, editors, *Group Defamation and Freedom of Speech: The Relationship Between Language and Violence; Prepared Under the Auspices of Hofstra University*, Westport, Conn.: Greenwood Press, 1995. In this publication Monroe and Eric Freedman edit and contribute to a collection of essays with seventeen additional scholars who met at Hofstra University for a conference to share their ideas on group defamation and freedom of speech. The volume is divided into four groups of essays. Part one provides the historical perspective contributing essays that deal with racist oppression of black Americans, American Indians, Asians, and Holocaust victims. Part two examines transition of language from thought to action through a series of questions and analysis. It examines outsider jurisprudence by looking from the victim’s perspective and analyzing racial hate messages. Part three provides an international and comparative law perspective in a general overview, an examination of the American and Australian experiences, Israeli law and politics, and Canadian decisions. Part four looks at American legal controls in two U. S. Supreme Court cases, examines group liability in relation to tolerance in society, describes the harmful effects of pornography on women, and proposes that the First Amendment be interpreted to include civil but not criminal sanctions against defamation. Finally an argument is made to support the maximum freedom of expression.

The final group of writings is composed of sample hypothetical legal opinions, one that supports and one that opposes a particular section of the top prize-winning model statute. The three prize-winning model statutes complete the volume. The contributors to the volume provide an interdisciplinary approach from the fields of psychology, sociology, history, language studies, and law. The scholarly essays have bibliographic and explanatory end notes. An index completes the volume.

Gates, Henry Louis, *Speaking of Race, Speaking of Sex: Hate Speech, Civil Rights, and Civil Liberties*, New York: New York University Press, 1994. Ira Glasser, executive director of the ACLU, introduces this scholarly publication by providing an overview and historical background to the repression of speech in America. He distinguishes early repression from the recent movement to restrict what is called hate speech. He explains that the new movement aims at advancing social change unlike the early movement which was aimed at maintaining the status quo. He points out the trap that is constructed by speech restriction as those in power turn it against those
seeking protection. Further hate speech is viewed as an expression rather than the root of the real problem which is injustice and which speech restriction would not address.

Mr. Griffins’ piece utilizes the art of storytelling in which he mixes truth and fiction as his characters discuss and experience speech restriction, hate, and injustice. The other five scholarly essays examine the theories and attempts made by advocates of hate speech restriction. Professor Gates discusses the ideas of the Critical Race Theory movement writers Matsuda, Lawrence, and Delgado, as well as McKinnon who was responsible for the Minnesota anti-pornography statute, later repealed, and the Canadian anti-pornography law now in force. Professor Lively examines the effects of speech management and control primarily against the background of real progress achieved through First Amendment protection. He sees speech management as divisive, and calls for a strategy to achieve change and direct attention to education and moral development. Professor Post focuses on the First Amendment as it relates to self-government in a democratic society as he examines the regulation of racist speech. Professor Strossen focuses on regulating racist speech on campus. She clarifies and explains the civil libertarian and ACLU position on First Amendment rights and regulation of hate speech, and in particular, campus speech codes. She analyzes and evaluates Lawrence’s proposal, reviews R.A.V. v. City of St. Paul, Chaplinsky, and Gooding v. Wilson and campus speech codes. She provides an appendix which includes the “ACLU Policy Statement: Free Speech and Bias on College Campuses.” The final essay by Mr. Rubenstein argues that the First Amendment has provided support and protection for gay men and lesbians. He reviews how homophobia operates in society, how the legal system has or has not worked for their protection, the role of the First and Fourteenth Amendment in protecting lesbians and gay men, and finally the implications of regulating hate speech. The final essay is from a presentation at Tulane Law School, October 1991 and was updated for this collection. The publication has no index.

Greenawalt, Kent, Fighting Words: Individuals, Communities, and Liberties of Speech, Princeton, N.J.: Princeton University Press, 1995. In this scholarly publication Professor Greenawalt discusses freedom of speech, often comparing and contrasting legal treatment in the United States and Canada. The introductory chapter outlines the themes and provides an overview of material to be addressed in the book, followed by a discussion of general principles of free speech adjudicated in the United States and Canada. The remainder of the book addresses specific subjects falling under the umbrella of freedom of speech including flag burning; insults, epithets, and hate speech; campus speech codes and workplace harassment; obscenity; and concluding with a discussion of the relevance of communities in human life. The conclusion briefly highlights the key difference in United States and
Canadian constitutional law and judicial interpretation of freedom of speech and obscenity. The author discusses the tension between equality and freedom of speech, presents the newer voices that call for restrictions on speech of oppressors to obtain equality for the victims, and reiterates the speech-action theory. The book is free of jargon. Chapter notes provide both explanatory and bibliographic references.

Haiman, Franklyn Saul, “Speech Acts” and the First Amendment, Carbondale: Southern Illinois University Press, 1993. In this scholarly work Professor Haiman argues in support of freedom of speech. He enumerates the points proponents of free speech have made, adding his own value of self-realization demonstrated by human symbol-creating and symbol transmitting capability. He discusses and analyzes the argument made by proponents of speech act theories in his review of situation-altering utterances, fighting words and incitement, hate speech, hate crimes, sexist speech, public disclosure of privacy, and victimless communicative actions. He concludes the volume with a discussion of morality and the law. He points out that by defining certain kinds of arguably immoral symbolic behavior, such as hate speech and pornography, as acts rather than pure speech, it becomes much easier to argue for legal control and sanctions. But for this to happen, there must be an overwhelming societal consensus regarding the morality of the act. He concludes that in a free society, blurring the line between speech as thought and speech as act is devastating.

Hamm, Mark S., editor, Hate Crime: International Perspectives on Causes and Control, Highland Heights, KY: Academy of Criminal Justice Sciences, Northern Kentucky University; Cincinnati, OH: Anderson Publishing Co., 1994. This collection of seven scholarly essays provides a global view of hate crimes and terrorism in England, Germany, Scandinavian countries, the United States, and Canada from a political and sociological perspective. Drawing from common threads relating to perpetrators, victims, and government response, a model for international comparative analysis is offered with a recommendation for future research and formulation of a broadly accepted definition of domestic terrorism. Extensive footnotes and a list of references are provided for each chapter. There is a brief index and a list of contributors with their credentials.

Hate/Bias Crime Report, Olympia, Wash.: Washington Association of Sheriffs and Police Chiefs, Uniform Crime Reporting Section, 1994. This brief report defines hate crime and presents the data and a variety of graphic illustrations by volume, bias motivation, location, offenders by incident, and hate crime victim type. The explanations and illustrations are followed by summary reports of offenses, offence motivation, number of offences, bias motivation
by nature and bias type. The report then presents the data for each reporting agency under the Washington counties by offence motivation and number of offences with descriptions. Finally, the data are presented by county with 1992 and 1993 totals and percentage of change. The publication concludes with a list of counties and their reporting agencies as well as a list of non-reporting agencies.

*Hate Crimes Laws: A Comprehensive Guide*, New York: Anti-Defamation League, 1994. This guide focuses primarily on state statutes to enhance penalties or create separate statutes based on bias-motivated criminal acts that were developed since the previous ADL study in 1991. The guide identifies each state where legislation has created specific provisions to address bias-motivated crimes and where general prohibition on civil rights intimidation has been used to address crimes against persons. Classification of current state hate crime and penalty enhancement statutes are collected and organized by the language used (e.g. prohibiting intimidation or interfering with civil rights, separate bias-motivated crimes, penalty enhancement provisions, other statutes). Court interpretation of these statutes is then discussed, as well as constitutional challenges to the statutes. A review of state and federal case law decided under the statutes is then discussed as well as constitutional challenges to the statutes. The guide then looks at alternative sentencing programs aimed at rehabilitating offenders. Rewards, sometimes offered to assist law enforcement in obtaining information regarding crimes, are described by way of illustration. Finally, federal initiatives are reviewed.

Four appendices complete the publication. They include a map illustrating states with penalty enhancement hate crime laws, graphic illustration of hate crimes statutory provisions, state hate crime laws, graphic illustration of hate crimes statutory provisions, state hate crime statutes nationwide arranged by type of statute and state, and a bibliography of selected resources on hate violence counteraction.

*Hate Groups in America: A Record of Bigotry and Violence*, New Revised Edition. New York: Anti-Defamation League of B’nai B’rith, 1988. This publication covers the period between 1982 and 1987 and provides a slightly different kind of overview from that of *Hate, Violence and White Supremacy: A Decade Review, 1980-1990*. Activities of the Ku Klux Klan, the Identity Church movement and training for violence as exemplified in militia groups are given more prominence in this publication. Combating hate is also covered in more detail in an action plan for law enforcement, state and local government, the courts, churches, the media, schools, the armed forces, human rights organizations, and business and organized labor. Several appendices are included which cover major convictions of hate group figures, a history of the Klan, Klan terminology, a list of extreme-right groups with
locations, a list of extreme-right publications, and a bibliography of ADL publications on extremism. An index concludes the publication.

_Hate, Violence and White Supremacy: A Decade Review, 1980-1990_, Montgomery, Ala.: Klanwatch Project of the Southern Poverty Law Center, 1989. This publication provides an excellent overview of hate crime activities during the 1980s. The reader is introduced to the primary leaders of the various factions of hate groups and their ideologies. There is a short section on combating hate through police training, legislation, litigation, education, and community action. A sidebar along each page provides a detailed chronology of hate crime activities and the perpetrators. Inserts in the text include pictures of hate group leaders with biographical information, ideological beliefs, activities, and their followers. There also are many other pictures. There is a short description of the work of Klanwatch, a map of supremacist groups in the United States as of 1989, a list of active hate crime groups in the United States, and a list of hate crimes arranged by date and subdivided by type of crime.

Hecht, Michael L., editor, _Communicating Prejudice_, Thousand Oaks, Calif.: Sage Publications, 1998. This theoretical and scholarly publication is a collection of 21 pieces by 24 contributors who are primarily academics. The first quarter of the publication serves as an introduction to the multi-level perspective which includes: stances (levels of acceptance of an out-group or an out-group member), spheres (group based identities along with which prejudice exists), levels or layers of analysis (foci where social phenomena occur and can be studied), and types of understanding (various ways of seeing the world). The editor also provides an overview of the pervasiveness, causes, forms, and theories regarding prejudice. The second part of the publication examines racism, sexism, sexual orientation, classism, and ageism applying the perspective explained in the introduction. Part three applies the perspective to personal and organizational relationships, and the media. Part four departs from the scholarly approach by providing personal narratives which illustrate an alternative method of understanding and studying prejudice. Part five examines personal, organizational, educational, legal and policy perspectives for their effectiveness in serving as avenues to intervention in moving beyond prejudice. The editor planned to examine prejudice, tolerance, and appreciation. He acknowledges that little attention was given to appreciation and it needs to be examined. Also he points out the need to continue research from the multi-level perspective, viewing this collection as a starting point. The publication includes a bibliography and index.

Heumann, Milton, and Thomas W. Church, editors, _Hate Speech on Campus:
Cases, Case Studies, and Commentary, Boston: Northeastern University Press, 1997. This publication is appropriate for use in a variety of college classes that focus on hate speech. The book is divided into three sections: cases, case studies, and commentaries. Each section includes its own introductory scholarly essay. The first section on cases provides a fairly broad background for the whole hate speech issue. The general rules of First Amendment protection and exceptions are explained in the introductory essay and illustrated in the cases presented and discussed in the first section, with the final two cases bringing together most of the doctrine discussed earlier in the chapter. A total of fourteen cases are included in this section and provide majority and dissenting opinions. Four case studies and a case report comprise the material in the section. Material is selected to illustrate a variety of hate speech issues erupting on college campuses today, both public and private, how colleges are attempting to handle the problems, and discussions of policies and guides developed by the colleges. The first two sections include discussion questions for each chapter. The final commentary section presents four reprinted essays by J. S. Mill, H. Marcuse, C. R. Lawrence III, and N. Strossen. The reader who has studied hate speech issues will be familiar with most of the cases, case studies, and essays. There is no separate bibliography or index.

Hustoles, Thomas P. and Walter B. Connolly, Jr., editors, Regulating Racial Harassment on Campus: A Legal Compendium, Washington, D. C.: National Association of College and University Attorneys, 1990. This compendium is designed as a tool to assist college and university counsel and administrators in deciding upon what approach to take should they face issues of harassment or hate on their campuses. A short introductory essay provides an overview of the contents of the publication. The publication is divided into three main sections. Section one is devoted to the experience of the University of Michigan as it dealt with a challenge to the constitutionality of its student discriminatory harassment policy and guide. Included in this section are a statement of the background to the development of the policy, the judicial opinion from the district court, copies of the University of Michigan Policy on Discrimination and Harassment which includes sanctions, the Guide to the policy which was later withdrawn, and the Interim Policy on Discrimination and Discriminatory Conduct. Section two consists of various sample policies adopted or proposed by colleges and universities including Stanford University, University of Texas including a variety of proposals and suggestions for implementation, University of California letter of intent and policy, University of Wisconsin Policy which was challenged by the ACLU, a commentary by Professor Lawrence Weinstein, New York University procedures for adjudicating complaints, Harvard Law School’s Guidelines for Student Sponsored Speakers, University of North Carolina at Charlotte policy...
for racial harassment, and Emory University policy on racial harassment. Section three consists of advocacy pieces and outlines presented by speakers on drafting policies and related issues. The publication concludes with separate lists of periodical articles, other reference resources, relevant cases, and other materials available from the National Association of College and University Attorneys. The publication does not include an index.

Jacobs, James B., and Kimberly Potter, *Hate Crimes: Criminal Law and Identity Politics*, New York: Oxford University Press, 1998. The authors of this scholarly publication critically examine the concept of hate crime, hate crime laws including the politics behind the laws, justification and enforceability. They look at hate speech and hate crime in the context of the constitutional and criminal law. What they find is ambiguity, questionable and uneven statistical reporting, and inconsistencies in interpretation and enforcement of hate crimes. They suggest that hate crime laws may be increasing division in society as each identified, protected group in society seeks attention. They point out that “high level” crimes already carry maximum penalties for convictions. They discount the opinion that victims of crimes labeled as hate crimes suffer more than victims of other groups. They recommend that hate crime be defined narrowly, and that the hate crime reporting statistics requirement and hate crime statutes be repealed. They warn that rehabilitation assignments of hate crime offenders, considered a good idea, need to be considered carefully and coordinated with the community. Placing more minorities in the criminal justice system, enforcing criminal law fairly, and maintenance of community relations are seen as essential.

Jenness, Valerie and Kendal Broad, *Hate Crimes: New Social Movements and the Politics of Violence*, New York: Aldine de Gruyter, 1997. In this scholarly and theoretical study, the authors analyze the ways issues rise to the level at which they gain the status of recognized social problems. They examine the recognition and interaction of victims within the context of social movement organizations and the roles of these organizations at the local, state or regional, and national levels in providing services to victims. They demonstrate that the organizational structures provide for immediate crisis intervention such as victim protection and reassurance, shelters and hot line assistance at the local level; resources, training, education, and advocacy at the state and regional level; and coalitions, clearinghouses, and policy centers and caucuses at the national level. At the same time they provide a support network among the different levels. Some organizations also identify and monitor internal bigotry.

The two areas studied are violence against gay men and lesbians and violence against women. Selected case studies and theoretical research are utilized for this study. Two appendices identify the gay- and lesbian-sponsored anti-violence projects and national and state organizations that provided material for the case studies. Each chapter includes explanatory
Jones, Thomas David, Human Rights: Group Defamation, Freedom of Expression, and the Law of Nations, The Hague; Boston: M. Nijhoff Publishers, 1998. Concentrating on democratic societies, Mr. Jones provides an examination and analysis of laws and cases from Great Britain, Canada, India, Nigeria, and the United States that control group defamation and speech that incites racial and ethnic hatred. He begins this scholarly study by tracing the history of fundamental human rights from the time of Sophocles, describing the conflict in the law of God (human rights) and the law of man (domestic law). He states as his purpose to reconcile the conflicting and legal rights of freedom of expression and freedom from group defamation with particular emphasis on racial and ethnic defamation. He posits that legislation by the U. S. Congress would not impinge upon First Amendment rights to freedom of speech and of the press and describes his position as one of constitutional minimalism. He reviews the theories of critical law studies, critical race theorists, and legal realists. This author’s position departs from that of the Critical Race Theory group by proscribing legal redress for group defamation of character thereby narrowing the scope of speech covered. He turns to the interest-convergence principle postulated by Professor Derrick Bell as justification for legal proscription of group defamation.

Special features of this study include the very extensive bibliographic references and explanatory notes for each chapter. Also, each of the first five chapters provides an overview and summary conclusion with the preface giving a general overview and the final chapter providing the same for the entire study. The appendices provide documents that have been referenced in the chapter notes and include acts, statutes, laws from various jurisdictions, racist advertisements, and a holocaust controversy document. An index concludes the publication.

Kelly, Robert J., and Jess Maghan, editors, Hate Crime: The Global Politics of Polarization, Carbondale: Southern Illinois University Press, 1998. This publication consists of eight chapters plus a short introduction and epilogue. Half of the material is the writing of the two editors. All contributions are academic in nature and represent sociology, law, criminal justice, international programs, English, and political science. The collection of essays provides an historical perspective of hate crime phenomena across national boundaries. The first essay on Colin Ferguson of the railroad massacre case unfolds to reveal the perpetrator as the victim. Chapters two and three describe how neo-Nazis and skinheads, particularly in Germany, and the Ku Klux Klan in the United States grew, adjusted to the political climates and socioeconomic changes to refocus hate on new targets. Chapter four depicts
the Palestinians as a homeless people in Israel and the Arab world. Chapter five shows hate stemming from conflicts of interest and religions in India. Chapter six views social cleansing in Columbia by the elimination of unwanted children from the streets. Chapter seven surveys American hate crime jurisprudence, and chapter eight looks at punishment for crimes in England from an historical perspective. The epilogue looks back on the materials just presented, reflects on the current events of the Oklahoma City bombing and the World Trade Center terrorist detonation, terrorist acts generally, and social mobilization. The publication provides an annotated bibliography on hate crime literature and a list of the contributors with their credentials. There is no index.

Kinsella, Warren, *Web of Hate: Inside Canada’s Far Right Network*, Toronto: HarperCollins, 1994. Mr. Kinsella, a journalist, lawyer, and university lecturer, exposes a national network of groups and individuals involved in hate activities and the spread of hate literature and propaganda across Canada, crossing into the United States and reaching to parts of Europe. The perpetrators are portrayed as unique individuals standing apart from other family members, who lead and immerse their families in an attitude of hate.

Over a period of seven years, Mr. Kinsella conducted interviews, collected articles, reports, and printed propaganda and pursued research on hate movement leaders including Terry Long, Barry Dunsford, Mac a’Phearsion, Edgar Foth, Bill Harcus, George Burdi, Wolfgang Droege, Carney Nerland, Matt McKay, and Malcolm Ross among others. Douglas Christie, the high profile attorney for neo-Nazi and white supremacist members, is given extensive exposure in his representation of Jim Keegstra, a mathematics and English teacher accused of promoting hate. The publication does not provide an examination of cases and issues from a legal perspective but is an expose of leaders, members, and various hate group movements with most extensive attention given to anti-Semitism. The author provides an explanatory note regarding his research, lists some bibliographic reference and gives chapter notes which are not connected directly with chapter quotations. The book has an index.

Kleg, Milton, *Hate, Prejudice and Racism*, Albany: State University of New York Press, 1993. This is a comprehensive and scholarly publication that gives an overview of hate viewed through prejudice, stereotyping, discrimination, aggression, and scapegoating. Kleg begins and ends with chapters on education, which is viewed as an important method for addressing hate perpetrated in racism. Historical and conceptual background material is presented through the examination and evaluation of a broad array of publications, particularly in the social sciences. Individual and hate group perpetration is examined through the study of ideologies and methodologies.
Kronenwetter, Michael, *United They Hate: White Supremacist Groups in America*, New York: Walker and Company, 1992. This publication, appropriate for adolescent readers, begins by introducing the popular radio talk-show host Alan Berg who was a victim of a hate crime. The author then defines hate groups generally, provides an historical perspective and explains religious, racial, and cultural bigotry as a background for studying hate groups in the United States. To introduce the Ku Klux Klan, he provides an historical background of discovery, development, and division that sets the mood for social and political conditions in this country. Three chapters are used to show the Klan’s rise, fall, and resurgence, exposing personalities, organizational activities, atrocities, victims, perpetrators, and infiltration into politics and government leadership. Subsequent chapters expose additional hate groups including neo-Nazi groups, which split into the National youth Alliance and the Cosmotheist Church led by Pierce who also leads the National Alliance and authored the *Turner Diaries*. The New Order was founded by Peirce and Matthews to carry out terrorist wars against the government. Other groups include the Christian Identity movement, Posse Comitatus and Christian Patriots all, of whom manifest extreme religious beliefs, and the Aryan Nations who combine hate, religion, and business to promote white supremacy. Two chapters concentrate on how recruitment is accomplished by White Aryan Resistance (W.A.R.) in prisons. The author explains what draws individuals into hate groups, shows how some people work in disguise to promote hate, and concludes with ideas on fighting hate. The material for the publication is researched but Matthews was apprehended and killed outside of Portland, not Seattle, as reported. The publication contains black and white photographs.

LaMarche, Gara, editor, *Speech & Equality: Do We Really Have to Choose?*, New York: New York University Press, 1996. The three essays in this publication emerge from a seminar sponsored by Human Rights Watch and New York University School of Law’s Arthur Garfield Hays Program. Abortion clinic protests, hate crimes and hate speech, and workplace harassment find common ground in the clash between free speech and equality values. Each of the topics commences with presentations by three contributors and concludes with discussions and clarifications of key issues in those presentations. The first and third essays include accompanying bibliographic and explanatory notes but are lacking in the second essay.

In the second essay Ira Glasser focuses on freedom of speech and equality. He posits that almost all constitutional rights involve conflicts between or among persons so that it is important to recognize that the conflict in freedom of speech and equality is not a new concept. He describes many of the conflicts. He also points to the harms justified under freedom of speech
rights and focuses his talk on addressing the bigotry and prejudice behind the
words. Martin Redish’s focus is on hate speech regulation, distinguishing
between first and third party protection and the tension between the First and
Fourteenth Amendment. He enumerates the defenses made to regulate third
party hate speech and argues against enhanced criminal sentencing. Randall
Kennedy focuses on private versus public university rights, arguing that
private universities should have the right to determine their own policies for
campus activities.

The discussion which follows brings in additional participants, focuses on
issues from the presentations but expands the discussion to include
curriculum, recruitment, affirmative action, due process, historical treatment
of minorities, civil rights issues and controls and the debate over the Hyde
Bill. There is no index.

Lederer, Laura J., and Richard Delgado, editors, *The Price We Pay: The Case
Against Racist Speech, Hate, Propaganda, and Pornography*, 1st ed. New
York: Hill and Wang, 1995. This publication is comprised of over forty very
short essays and interviews, some of which emanate from a conference on
“speech, equality and harm” held at the University of Chicago Law School in
1993. Part one speaks about the harm experienced by women, minorities,
Jewish people, gay men and lesbians told through interviews and personal
narratives. The experience of harm depicted in the first chapter is followed by
social science research pieces that interpret the effects of hate speech, hate
propaganda, and pornography on the victims and society. Part one concludes
with a look at the legal analysis that reviews harm-based and equality-based
theories of hate speech and pornography. Part two of the publication examines
the remedies available for addressing hate speech, hate propaganda, and
pornography through a brief analysis of obscenity, hate crimes, and civil
rights laws, as well as tort actions for individual victims. The publication
concludes by examining new legal paradigms in which the authors posit we
are at a crossroads where our past system has failed to produce true
democracy and allow for self actualization. The final chapter examines value,
terminology, liberty, harm, exploitation, and human rights from an
international perspective.

The publication includes bibliographic and explanatory chapter notes and
a list of the 42 contributors and their credentials. There is no separate
bibliography or index.

Levin, Jack and Jack McDevitt, *Hate Crimes: The Rising Tide of Bigotry and
Bloodshed*, New York: Plenum Press, 1993. This publication begins with a
description of the murder of Alan Berg and moves quickly to other hate crime
incidents involving Michel Griffith at Howard Beach and the case of the
Central Park jogger. Hate is depicted as permeating all of society and
growing. It is present in our movies, music, media, in our homes, workplaces, and schools. It can take the form of a personal attack on an individual or damage to property. The target is usually within the hate group’s own neighborhood but when perpetrated for the thrill of the act attacks can be random and difficult to trace. Hate crimes can result from a mission to rid the world of perceived evil, such as racist attacks or attacks on gay men, or women motivated by ridding the world of all unwanted members of the victim group. Attacks can rise out of organized groups such as skinheads, Ku Klux Klan or White Aryan Resistance, or they may involve conflict between racial groups. The authors refute the idea that intergroup contact promotes harmony and instead posits that in some cases, getting to know one another better sometimes leads to despising the other.

The authors examine hate around the world in Germany, France, Italy, Russia, and Hungary viewing anti-immigrant and anti-Semitic violence, particularly in times of economic stress. They acknowledge conflict between police and minorities, but point out some successful police department hate crime training programs and stress the importance of training for hate incident identification and problems that can occur when it is lacking. Several bias crimes handled by the courts and hate crime statutes, hate crime enhancement statutes, and hate crime reporting statistic requirements are reviewed. Generally the criminal justice system is criticized because of overcrowding in jails, inmate violence, and presence of gangs in prisons. Prison terms actually may serve as a source of gang recruitment and intensify hate attitudes. Alternative rehabilitation is also criticized as often being more negative then positive in the results. Recommendations are made for developing national and community service programs, several of which are described. Finally the authors, when looking forward, see economic hard times, increased immigration, declining white population, and growing hatred. They recommend building coalitions.

MacKinnon, Catharine A, Only Words, Cambridge, Mass.: Harvard University Press, 1993. In three poignant essays Professor MacKinnon displays the deep pain and harm experienced by victims of words and expressions as she exposes the effects of pornography, racial and sexual harassment, and to a more limited degree, hate speech. She discusses the disparity she sees between freedom of speech promised by the First Amendment and equality protection by the Fourteenth Amendment. The first essay is particularly passionate and often graphic in depiction of pornography when the author sees protecting pornography as protecting sexual abuse as speech. She posits that pornography does not simply express or interpret experience but substitutes for it. She argues for law to shape society rather that to reflect its position on social issues. The anti-pornography statute proposed by Professor MacKinnon and Andrea Dworkin, which was subsequently ruled unconstitutional in the United States, was designed to do this. Some comparisons are drawn between
the treatment of freedom of expression in the United States and Canada by looking at both the law and cases, but the book is much more about subordination and harm experienced by victims of pornography, racial and sexual harassment, and hate speech.

Marcus, Laurence R, *Fighting Words: The Politics of Hateful Speech*, Westport, Conn.: Praeger, 1996. Professor Marcus begins this scholarly publication by describing the disruption on Kean College’s campus which resulted from Nation of Islam’s Khadul Abdul Mohamad’s 1993 speech. Following a brief overview of the prevailing social, political, and demographic climate and attitudes and increasing hostility toward racial and ethnic groups in America, the author discusses the affirmative action debate. He becomes more centered on the educational scene in the remainder of the publication beginning with a discussion of identity politics in which students seek truth and identity; multiculturalism in which programs are examined and developed; and political correctness where sensitivities are examined and evaluated. An examination of the campus climate shows a widespread hostile environment and self-segregation efforts to find support groups and establish communities. Regulation of hate speech on campus is discussed in relation to the First Amendment and Fourteenth Amendment debate, as well as campus speech code regulations and constitutionality.

Primarily the author presents the theories of numerous scholars, describes some successful multicultural programs, and calls for continued affirmative action efforts, development of leadership skills, teaching students to be critical thinkers, development of a crisis management plan, and working with the community.

The chapter notes are primarily explanatory statements. In addition, each chapter has its own bibliography with an integrated bibliography at the end of the book.

Moore, Kathleen M, *Al-Mughtaribun: American Law and the Transformation of Muslim Life in the United States*, Albany, N. Y.: State University of New York Press, 1995. This scholarly publication traces the historical changes in attitudes of and toward Muslims in the United States and to a lesser extent in Canada. The primary focus is on the treatment of Muslims as a religious minority—as a group, as well as individually—with some attention given to changing immigration policies based on ethnicity requirements. The chapter on imprisoned Muslims depicts inmates who experience discrimination regarding diet, grooming, prayer, and religious guidance requirements juxtaposed with Christians and Jews. Muslims have attempted with some degree of success to modify the systems. The chapter on hate crime legislation is general but covers work done to have mosques as protected religious property added to legislation. The struggle to find acceptance to construct
mosques is shown in several illustrative cases of failures and successes. Educating others to understand the minority group was the key to success. This publication is valuable for the study of religious and ethnic minority groups. An extensive bibliography and an index is provided.

Newton, Michael, and Judy Newton, editors, *Racial and Religious Violence in America: A Chronology*, New York: Garland Publishing, Inc., 1991. This publication lists incidents of racial and religious violence for the years 1501 through 1989. Entries provide exact date when verifiable, otherwise only general date such as season, month, or year. Location and description of the incident are included. A short preface defines racial or religious violence as harmful or destructive action consciously directed at an individual or group because of race or creed. Motive is critical for selection purposes. The preface also provides a very brief historical overview of religious and racial bigotry in the United States. A selective bibliography of more significant research tools consulted for this book are listed alphabetically under subjects. An index completes the publication.

*The Northwest Imperative: Documenting a Decade of Hate*, Portland, Ore.: Coalition for Human Dignity; Seattle, Wash.: Published in association with The Northwest Coalition Against Malicious Harassment, 1994. This publication focuses on hate groups in the Pacific Northwest, especially the states of Idaho, Montana, Oregon, and Washington, although historical connections take the reader to other areas in the United States and occasionally abroad. Each chapter provides an introductory profile of the various groups relating particular group activities and key concepts. The major part of each chapter provides more detailed profiles of individual groups and individuals active in those groups. Side bars on each page highlight individuals, groups, locations, activities, and concepts. Separate chapters focus on Neo-Nazis, including Klansmen and skinheads. Patriots, including protestors, populists and the New World Order; and the Identity movement of Christian Identity of the Kingdom of Hate. The publication is carefully researched with endnotes provided for each chapter. A lexicon and a usage guide are included in the appendix.

Phillips, John W, *Sign of the Cross: The Prosecutor’s True Story of a Landmark Trial Against the Klan*, Louisville: Westminster John Knox Press, 2000. Mr. Phillips relates the deep pain experienced by a black youth in Atlanta when his uncle was severely beaten by members of the Ku Klux Klan following a cross burning ceremony. The police department and district attorney review evidence but decline to press charges. They claim First Amendment rights and that members of the Klan had acted in self defense when Samuel attacked them. Twenty-five years later another cross burning
Mr. Phillips provides a brief history of Klan intimidation and violence. This true story describes the gathering of evidence, examination of witnesses, and attempts of the Klan to get the case dismissed and moved repeatedly from one judge’s chamber to another. The author’s conviction that the meaning of the cross is a symbol of love and forgiveness is juxtaposed against the intimidation and hate symbolized in the Klan’s cross burning. Throughout the publication the author explains court practices and procedures. The account is fast moving, and in the end Mr. Phillips prevails as prosecutor of the Klan members. There are no bibliographic references and no index.

Pilla, Thomas V., *Fair and Open Environment? Bigotry and Violence on College Campuses in California*, Washington, D.C.: California Advisory Commission on Civil Rights, 1991. This summary report reviews the efforts undertaken by colleges and universities to combat racism on campuses. It gives the demographics on the influx of minorities into California and examines campus issues of bias, growing diversity, admission policies, faculty representation of women and minorities, and the failure to meet university affirmative action hiring formulas. It suggests programs to combat bigotry, to increase awareness, and promote cultural sensitivity among faculty, staff and students, and to develop educational programs on diversity for campuses.

Pinkley, Alphonso, *Lest We Forget—White Hate Crimes: Howard Beach and Other Racial Atrocities*, 1st ed. Chicago: Third World Press, 1994. This publication restricts coverage to New York State, primarily to the boroughs of New York City from 1980 through 1990. It attributes the social conditions and racial attitudes to conservative political leadership, drawing comparisons with the reconstruction era of 1900. The victims include Michael Griffith of Howard Beach; Luis Rodriguez, Antoine Davis, Richard Renner of Manhattan; William Turks, Dennis Dixon, and Donald Cooper of Brooklyn; Michael Stewart at the IND subway station; Eleanor Bumpurs of the Bronx; Barry Allen, James Ramseur, Darrell Cabey, and Troy Canty of the Bronx; Yusuf Hawkins, Troy Banner, Claude Stanford, and Luther Sylvester of East New York.

The author provides area profiles, victim and perpetrator profiles, an account of the trial including jury selection, evidence presented, medical examiner reports, description of jury deliberations, verdict, sentencing decision, and sometimes an aftermath which describes individual and public responses to verdicts, community responses to the verdicts, and consequences for witnesses willing to step forward with evidence. The perpetrators include corrupt police officers, individuals and white gangs, expert witnesses, and
corrupt medical examiners. The author has selected the most virulent incidents for exposure of racial violence. Although there are numbered chapter footnotes at the end of the publication, these are not included in the text of the book.

Ridgeway, James, *Blood in the Face: The Ku Klux Klan, Aryan Nations, Nazi Skinheads, and the Rise of a New White Culture*, Newly revised and updated. New York: Thunder’s Mouth Press, 1995. “Blood in the face” comes from the white supremacist belief in the white race’s ability to blush so that only those with blood in the face are members of the elite race. Ridgeway devotes a chapter to each of the groups mentioned in the title after providing an overview that includes a chart of key racist groups and members in a “Web of Racism.” Distinct characteristics of each hate group emerge as the stories, sometimes reported in graphic detail, are told. Loyalty, defectors, recruitment, communism and politics all play a part in this publication which is liberally illustrated with pictures, slogans, cartoons, excerpts, and documents. There are no footnotes in the text and the “bibliographic notes” arranged by chapter references refer the reader to sources for more and sometimes current information. The latest date mentioned in the text is 1990.

Roleff, Tamara L., Brenda Stalcup, and Mary E. Williams, editor, *Hate Groups: Opposing Viewpoints*, San Diego, Calif.: Greenhaven Press, 1999. This Current Controversies series publication poses four questions about hate groups regarding the seriousness of hate crimes, the promotion of hate and violence, the threat of militia movements, and how hate crimes and terrorism can be reduced. An introduction is provided for each of the four chapters and the credentials of each author is given. Materials are composed of reprinted articles, speeches, and excerpts from published works. Each author’s viewpoint is stated, and introductory questions are raised about each author’s perspective to help the reader evaluate the viewpoint. The essays are appropriate for young adults and are designed to stimulate thinking about the subject. A list of organizations with addresses, phone numbers and a description of the purposes, a short bibliography, and an index complete the publication.

Shiell, Timothy C, *Campus Hate Speech on Trial*, Lawrence, Kan.: University of Kansas, 1998. Professor Shiell adds an important scholarly publication to the campus hate speech codes debate. In his preface he tells the reader that through examination and critical questioning he has changed positions in his assessment regarding campus hate speech codes. The publication presents the arguments on both sides of the issue. In the analysis the author illustrates how campuses could develop and implement hate speech codes and rules in response to incidents without opposition. He expresses concern over the moral and legal question of speech restriction and examines the deterrence argument, the First Amendment argument, and the university mission
statement argument. He presents and examines the cases that have tested the campus hate speech codes and rules. Then he examines the hostile environment regulations to determine in what kinds of situations it might be possible to develop sanctions. In the final analysis, Professor Shiell enumerates the arguments for free speech and the responsibility of the university to promote an open forum for speech. The publication includes an extensive bibliography, a list of cases, and an index.

Stern, Kenneth, *A Force Upon the Plain: The American Militia Movement and the Politics of Hate*, New York: Simon & Schuster, 1996. This publication covers the topic of militia groups in much greater depth than *The Militia Movement in America: Before and After Oklahoma City*, by Tricia Andryszewski, and it is written for a more mature audience. Although some connections are made between other hate groups and militia groups, attention is concentrated on the militia groups and their relations to government entities and individuals. The incidents at Ruby Ridge involving Randy Weaver and his family and the Branch Davidian Compound at Waco, Texas, as well as examples of efforts to protect the environment and gun control, are used to provide a backdrop for some understanding of how militia groups perceived government control. Mr. Stern provides a detailed history of militia group development and growth in the United States and an introduction to the major individuals involved in the movement. An appendix gives the Anti-Defamation League model statute for paramilitary training and a proposed federal anti-paramilitary-training statute. The reference sources for each chapter are listed in alphabetical order by reference entry and are not tied to footnotes in the book. These come primarily from newspapers, although there are references to other primary and secondary sources. The book concludes with an index.

Strum, Phillippa, *When the Nazis Came to Skokie: Freedom for Speech We Hate*, Lawrence, Kan.: University of Kansas Press, 1999. Professor Strum provides a scholarly publication written with meticulous detail. At the same time she includes the background information necessary for the reader to understand the feelings and beliefs of the various constituencies with interest in the Skokie case. She begins the book by presenting the historical background of a Jewish community who suffered through the holocaust and survived but whose fears and memories dominate their lives. This situation is juxtaposed against a Nazi group led by Frank Collins, himself of Jewish decent but lacking the experiences of the Jewish community of Skokie, bent upon obtaining publicity for his group. The book explains Collins’ attempt to obtain permission to march in Skokie, and the town’s response, including attempts to institute an insurance bond, writing ordinances, and planning counter demonstrations.
The primary focus of the book is on defending free speech and distinguishing rights guaranteed by the First Amendment, even when it is speech the defenders abhor. The story also becomes one that depicts the ACLU struggle with the loss of membership as an attorney with great courage prepares and presents the defense for Frank Collins. Professor Strum compares the basis of free speech rights in the United States and that of other nations while she examines the purposes behind the hate speech laws we enact.

The book contains a chronology of events from the birth of Sol Goldstein in Russia through the dedication of the Holocaust Memorial in Skokie. The book includes a table of cases, a bibliographic essay referencing the primary sources the author consulted in preparing this publication, and an index.

Taylor, Jared, Paved with Good Intentions: The Failure of Race Relations in Contemporary America, New York: Carroll & Graf Publishers, Inc., 1992. Mr. Taylor acknowledges the difficulty he encountered when he attempted to have this book published, attributing it to a matter of orthodoxy. He begins his book by looking at racism from a variety of perspectives, reviewing ways that have been used to test for racism in areas of white collar employment, the criminal justice system, college campuses generally and Stanford University in particular, as well as society in general. As hard as he tries, he fails to find racism directed at white people, but he posits the reverse is evident. He examines the lives of Asians and the role of prejudice as it has affected their lives, calling attention to their high level of success and accomplishment as a minority group.

Affirmative action in education, employment, and areas less often considered, such as savings and loan establishments, the banking industry, development of enterprise zones, and housing markets, are all reviewed for their effect on blacks. It is Mr. Taylor’s position that affirmative action efforts have failed because they have offered preferential treatment, and thus blacks have failed to learn self-reliance. Further he sees affirmative action along with civil rights efforts as having failed in eliminating racism and building equality; rather the effect has been that of creating a double standard for blacks and whites which he details.

The plight of the underclass involves the problems with which all of society must deal, including crime, poverty, lack of justice, greed and envy. These largely represent moral problems, and programs generally do little to address these kinds of problems. The one area that the author distinguished as moral to which society has responded is that of tolerance. The social programs that have been developed are seen as detrimental, especially for blacks, regardless of good intentions. The author calls for changes in morality in which blacks take responsibility for themselves, particularly in getting at minimum a high school education, getting and keeping a job, and bringing an
end to illegitimacy. He sees the lack of family stability as the single most devastating problem for blacks. His apparent lack of faith leads him to propose the use of Norplant as a form of social assistance.

The book has extensive footnotes with over 80 percent of the sources from newspaper reports and popular magazines. Although he could have at least at times have cited cases, ordinances or more substantial statistical sources, he does not. The publication concludes with an index.

Wade, Wyn Craig, *The Fiery Cross: The Ku Klux Klan in America*, Oxford University Press, 1998. This publication begins with a prologue which provides an overview of the treatment of blacks after emancipation showing political struggles to maintain enslavement in principle, including general mistreatment, severe abuses, beatings, house burnings, murders, and rapes. The remainder of the text breaks the history of the Klan activities into “books” covering 1865-1915, 1915-1930, and 1930-1987. The preface provides an update for the book published originally in 1987, which reflects work accomplished by the Southern Poverty Law Center which effectively prosecuted the United Klan of America in a civil suit that essentially bankrupted the Klan and brought activities to a halt. Other activities of the Southern Poverty Law Center are described including Klanwatch.

The author relates how the Klan was organized as a secret society by six men who were simply bored with life in their town. It was only a short time until the secret society turned from their entertaining social activities to unrelenting cruelty and terror as membership grew and the political climate changed. The Klan became the law as members infiltrated the criminal justice system, politics, and government. When a Klan member was brought to trial he would almost always win or appeal his case and gain acquittal. Referred to as the Invisible Empire, the group was thought to be a myth by many. Complaints to Congress resulted in an investigation in 1871 which found them to be large and strong but efforts to pass the Ku Klux Klan Act failed. Through detailed descriptions of some atrocities and catalogs of incidents perpetuated against blacks, politicians of unfavorable persuasion, tax officials, union organizers, civil rights workers, and others, the author provides an exhaustive history of how the Klan expanded into many groups.

The text is followed by a collection of appendices which include Klan related documents relating to formation, membership, orders, ledgers, questionnaires for perspective members, posters, and federal legislation to protect U.S. citizens from the Ku Klux Klan. The publication has extensive footnotes keyed to the text by page number and by person, subject or quotation; however the text does not indicate these references.

Waller, Samuel, *Hate Speech: The History of an American Controversy*, Lincoln: University of Nebraska Press, 1994. In contrast to most other
nations, the United States stands apart in its democratic belief that the people, not the government, decide what is true and what is false. In this scholarly book, Professor Waller presents a history of the hate speech issue in the United States. It is his contention that the strong support for freedom of speech is the result of a series of choices which could well have gone in the opposite direction. He looks at the advocacy groups that offered support and brought cases before the United States Supreme Court, as well as the resulting decisions. After briefly discussing the opinion in the R.A.V. v. City of St. Paul case, Professor Waller states that the purpose of this book is to examine how the commitment to protecting hate speech developed. He does this through an examination of First Amendment interpretation, particularly by looking at possibilities of using group libel for constitutional sanctions to restrict offensive speech in Beauharnais v. Illinois. He explores why American law and policy developed in a different direction from virtually every other country. He also looks at international human rights declarations that proscribe racial and religious propaganda. The book is not a legal history, but rather a social and political history of the hate speech dispute in the United States.

The author begins his discussion of events that brought the hate speech controversy to public attention in the 1920s, when victims of discrimination made concerted efforts to defend themselves. At this time the ACLU was formed and spoke out for protection of speech, and has remained a prominent voice in defense of free speech throughout the history of the hate speech controversy. Professor Waller demonstrates how protection of speech has worked for those who would perpetuate hatred through speech, as well as the victims who themselves at times sought protection under the First Amendment. He also argues that the United States Supreme Court has shaped social and public policy, attitudes and law, and that powerful advocacy groups, particularly the ACLU, have been instrumental in influencing the court without opposing advocacy groups calling for restriction on hate speech. One somewhat surprising turn in the hate speech controversy is seen in the 1990s with attempts to address hate speech on our college campuses through the development of policies and hate speech codes. In the end, challenges brought against the codes show free speech to have prevailed.

The book has extensive bibliographic and explanatory notes but no separate bibliography. An index completes the book.
addresses treatment and attitudes regarding the issues of immigration, quotas, deportation, and refugees. The response looks at economic insecurity and the blaming of immigrants for problems by the groups that oppose immigration and the formation of groups to counter this trend.

The second essay presents the debate over First Amendment free speech rights and hate crime enhancement laws. It presents the landmark cases involving hate crimes, and it discusses the rights of groups including hate groups, and the rights of association. An explanation and text of both the “Model Statute to Prohibit Militia Organizing” and “Model Anti-Paramilitary Training Statute” as well as the “Model Hate Crime Statute” are included. The author also provides maps that show adoption of hate crime statutes by jurisdiction and state laws pertaining to military activity with code citations. The response examines First Amendment interpretation and reviews the position of those who take the opposite view. The remaining essays examine civil unrest, the ideological roots of paramilitary and militia movements, and white supremacy groups. One of these pieces relates the experience of an environmentalist who battled with local farmers over property rights. Most of these essays are scholarly and include either reference sources or bibliographies.

Weaner, Frank A, The Hate Virus and How to Combat Hate, Tampa, Fla.: Mancorp Pub., 1992. This publication offers a personal philosophy on the presence of hate in our lives. The author’s background is in journalism and investment banking and his presentation is based on experience rather than scholarship. The book is void of references and has no index.

Weinberg, Meyer, compiler, Racism in Contemporary America, Westport, Conn.: Greenwood Press, 1996. This extensive bibliography lists 14,671 references under 87 subject headings. The section on education lists material for and about elementary and secondary education together and higher education separately. Racism is subdivided by seven categories: defining, exporting, institutional, psychology, scholarly, testing, and theory. There is a listing for each racist group as well as a special listing for Ku Klux Klan. Materials that do not fit easily into a specific subject are listed under the general category. The listing concludes with a collection of bibliographies. The materials selected for this bibliography include books, chapters from books, dissertations, legislative hearings, popular and scholarly journal articles, investigative accounts, newspaper articles, public opinion pole reports, government reports, and association publications. The book includes two extensive indexes: one for authors and one for subjects. Some entries show special emphasis of the publication such as “victims of KKK violence” or “written for young people,” and cross references to author entries are provided for multiple authors.
Whalen, Charles W., and Barbara Whalen, The Longest Debate: A Legislative History of the 1964 Civil Rights Act, Cabin John, Md.: Seven Locks Press, 1985. Written by a member of Congress and a newspaper columnist, this publication reads more like a novel than a collection of documents one might expect to find in a typical legislative history. Charles Whalen demonstrated interest in civil rights when he was a sponsor of the 1963 Public Accommodations Law. Members of the House and Senate came to life in behind the scenes meetings, negotiations, compromises, and filibusters civil rights supporters led public demonstrations, and two United States Presidents influenced legislation. The reader is exposed to the contrasting rules, procedures, and operations of the United States Congress in deliberations over controversial yet strong civil rights legislation. Many previously unavailable manuscripts, congressional newspapers, and presidential collections were consulted to research information for this publication. A list of these sources is provided proceeding the footnotes. The major provisions of the Civil Rights Act of 1964 are listed with a brief description of each title with changes made by Congress.

Whillock, Rita Kirk, and David Slayden, editors, Hate Speech, Thousand Oaks, Calif.: Sage Publications, 1995. This collection of ten scholarly essays focuses on communication phenomena from the perspectives of various disciplines as an avenue through which hate is conveyed, naturalized, credentialized and hidden particularly by the white elite. Rather than viewing hate as occurring in isolated incidents, the contributors expose hate as naturalized and permeating society. One contributor examines symbolism as a form of communication used to terrorize or make statements of warning or superiority. Another essay the contributor looks at hate speech in relationship to free speech positing that bringing hate speech into the open fosters critical exchange of ideas in which both sides of an issue or conflict can be examined. Finally, the role of power for purposes of maintaining the status quo or gaining control is examined in the context of inclusion-exclusion incidents. Each chapter includes bibliographic references and sometimes tables of cases cited. There is an index but no separate bibliography.

Wilson, William Julius, When Work Disappears: The World of the New Urban Poor, New York: Alfred A. Knopf, 1996. Professor Wilson begins this scholarly publication by describing the devastating decline of the inner city from a center of activity and production to a jobless ghetto, attributing the metamorphosis to the disappearance of unskilled jobs, global economic reorganization, and the departure of the upwardly mobile. Those left in the inner city experience isolation exacerbated by a variety of social ills involving lack of work, education, training, transportation, resources and privileges. The author utilizes the material gathered in ethnographic field research and three
surveys of Chicago’s urban centers and suburbs, conducted under his leadership, to show the plight of the inner city inhabitants, their attitudes regarding their neighborhoods, families, joblessness, isolation and social and economic deprivation. The attitudes of employers toward inner-city workers are also examined. The plight of the inner-city poor, who are primarily ethnic minorities, is seen not so much as a result of racism but a complex combination of social, moral, structural, and psychological factors and the rise of single-parent families. The survey results indicate that many inner-city inhabitants desperately want to work and if it were at all possible, many would prefer to move to different neighborhoods.

Professor Wilson’s recommendations to address the issues discussed include the creation of WPA type employment opportunities, the cooperation between urban and suburban areas, and national performance standards for public schools.

Detailed descriptions of the survey methodology are provided in the appendix for each survey. A bibliography and index complete the publication.

Winters, Paul A., editor, Hate Crimes, San Diego, Calif.: Greenhaven Press, 1996. This Current Controversies series publication raises four questions regarding hate: (1) Are hate crimes a serious problem? (2) Should racist speech be limited? (3) Should special penalties apply to hate crimes? (4) Are certain groups responsible for promoting hate and violence? Each of the four chapters provides a very brief introduction to the controversial subject followed by “yes” then “no” arguments regarding the issue. The contributors include magazine editors and contributors, a newspaper correspondent, the founder of the White Aryan Resistance, a college president, a staff member of Peace and Democracy, the president of the ACLU, and Rush Limbaugh, among others. The credentials of each contributor are briefly described at the beginning of the contribution. A wide variety of perspectives is offered on an array of hate crimes ranging from anti-Semitism to gay bashing and racism. Discussion of R.A.V. v. City of St. Paul, Wisconsin v. Mitchell and State v. Wyant figure prominently in several of the essays. In addition to discussing a topic, some contributors propose solutions to problems.

These short essays do not provide bibliographic or explanatory references, but the book contains a short bibliography of books and periodical references and a list of organizations with addresses, phone numbers, and descriptions of their purpose and interest. The book concludes with an index. It is appropriate for use by young adults.

Wolfson, Nicholas, Hate Speech, Sex Speech, Free Speech, Westport, Conn.: Praeger, 1997. Wolfson states the positions and arguments of several feminist and minority spokespersons for limiting freedom of speech, explains the dynamics of language, and presents some hypothetical examples of how
speech might be controlled. Many of the newer voices are gaining a hearing as they resonate from our universities in their call to censor certain speech, particularly in the areas of race, sex, and pornography. This publication reasons why people should support the First Amendment and thereby permit even hateful and sexually offensive speech in the persistent search for truth.

The author examines the pragmatic approach to seeking knowledge, looks at the critics of traditional free speech liberalism, and argues for a pragmatic approach to First Amendment doctrine. After presenting the arguments made by those seeking protection from hate and sexist speech, the author makes arguments for protecting hateful speech from censorship. He examines, evaluates, and criticizes the inequality arguments made by the disadvantaged, provides a brief historical background on religious and cultural beliefs regarding sex and the development of the concept of pornography, and finally reviews the feminist opposition to pornography as an expression of male domination with particular attention given to the work of Catharine MacKinnon. He believes those who oppose First Amendment protection of speech to be limited in vision by their focus on the power issue.

Words That Wound: Critical Race Theory, Assaultive Speech, and the First Amendment, Boulder, Colo.: Westview Press, 1993. In their introduction, the four contributors to this scholarly, yet personal publication identify themselves as proponents of critical race theory. They provide the historical background for the formation and development of Critical Race Theory and explain the characteristics which make each of them particularly suited to be a spokesperson for the theory. All are academics deeply involved in the CRT movement, and all are people of color. The common thread that connects the essays is the idea that racist speech, which serves to subordinate, should be regulated. Each contributor approaches the subject in his or her unique manner.

Mari Matsuda examines the values of freedom and equality as she considers the victim’s story and views racist speech linked to racial violence to be outside protected speech. She defines characteristics of racist speech and then applies it the hypothetical cases. She would apply the principles only to subordinate groups and argues for tolerance when one subordinate group lashes out against another subordinate group. In essence this theory suggests criminalization of a narrowly defined class of racist hate speech and provides sanctions, not defined, for the most harmful speech.

Charles Lawrence addresses the issue of regulating racist speech on campus through an alternative interpretation of Brown v. Board of Education. He examines the debate of racial harassment regulations on campus and the historical context from which racial harassment rises, showing the deep pain
suffered by victims. He examines the effects of how people participate in the debate about racist hate speech with some emphasis on the voice of the ACLU. He refutes the idea that racist speech in a face to face confrontation should be treated differently from fighting words in a captive audience situation, positing that both deserve equal protection afforded by the First Amendment. He sees that racist speech which tends to silence the victim fails to meet the intent of the First Amendment to broaden discussion.

Richard Delgado examines the harms of racism from a psychological perspective on victims with particular emphasis on harm to children. Next he looks at legal remedies to racial insults by examining a variety of cases, the Restatement of Torts, and constitutional statutory provisions. He concludes that together these offer inadequate tort action for racial insults.

Although some progress has been achieved through legislation and court decisions for women in recognizing that battering and rape are specific areas of gender subordination, Kimberly Krenshaw points out that this emphasis on gender detracts from the interaction of gender subordination with race and class. She shows how women of color are placed in a situation of double jeopardy, as they must deal simultaneously with sexism and racism in a position of subordination. Through an examination of structural, political, and representational intersectionality, which she explains, she views popular culture’s portrayal of women of color with misogynistic characteristics. She struggles with her own feelings as she reviews the debate over the performance of 2 Live Crew’s As Nasty As They Wanna Be.

The final essay reviews the decision of the R.A.V. v. City of St. Paul case which was reversed by the U.S. Supreme court.

Zingo, Martha T, Sex/Gender Outsiders, Hate Speech, and Freedom of Expression: Can They Say That About Me?, Westport, Conn.: Praeger, 1998. In this scholarly publication, Professor Zingo examines hate speech with a predominant focus on gender identity and affectional orientation/preference. She begins by providing an historical overview of the free speech and hate speech debate and a summary from the perspective of civil libertarians, civil rights adherents, and accommodationists, particularly as applicable to sex/gender outsiders. She analyzes the First Amendment, Fourteenth Amendment, and Title VII of the Civil Rights of Act of 1964 for the constitutional rights for equal protections, and draws parallels between discrimination and intolerance of Jews and sex/gender outsiders experienced in societal attitudes spread through stereotyping, jokes, verbal abuse and alienation. Next she examines solicitation, sodomy, hate speech, and hate crime laws seeing them as a way the government endorses violence against the gender identity affectional orientation preference (GI/AOP) group, and the Hate Crime Statistics Act fails to identify the group in statistics gathering. Finally she reviews judicial response to UWM Post Inc. v. University of
Wisconsin, R.A.V v City of St. Paul, and Wisconsin v. Mitchell. She concludes that controlling speech is not the answer to the problem, but identifying the root causes that trigger hate speech—and eradicating the underlying cause—is the only possible solution.

IV. UNITED STATES GOVERNMENT REPORTS AND DOCUMENTS RELATED TO HATE ISSUES

United States. Commission on Civil Rights. Bigotry and Violence on American College Campuses, Washington, D.C.: The Commission, 1990. This report resulted from a panel discussion which was held to assess bigotry and violence on American college campuses and to suggest possible solutions to the problem. It begins with a summary which describes the extent of the problem, describes perceived causes, and recommends solutions. The summary is followed by a transcript of the briefing session and a panel discussion held to answer questions and clarify issues. Murray Friedman of the Commission on Civil Rights introduced the speakers and chaired the panel which included representatives from The Department of Justice Community Relations Service, The Anti-Defamation League, The National Association of Scholars, The American Council of Education Office of Minority Concerns, a student leader and officer representing the Campuses Against Racist Violence, a professor of philosophy, The American Jewish Committee National Affairs director, and the vice president and vice provost of Penn State University.

The report represents some diversity in viewpoints on how bigotry is defined and how it is manifested on campuses. Lack of respect, standards and appropriate sanctions, insufficient recruitment efforts, multi-cultural training and staff development, college administrative leadership, competition for limited resources, the presence of extremist speakers, and the increase in minority students are all seen as factors which contribute to the problem.

Recommended solutions center around four basic areas which describe existing resources available through Community Relations Services, National Research Council, The National Commission on Minority Participation in Education, and the American Council on Education. Multi-cultural education is an area where there is some disagreement on focus and effectiveness in countering bigotry. Increased federal support and involvement is recommended. Finally, solutions to the visits of extremist speakers is discussed in the context of freedom of speech issues and resulting tensions on campus, with recommendations to address any issues that are criminal but with a warning about suppression of views that are offensive or vicious.

report updates the 1983 report of the same title. Primary changes from the earlier publication appear as implemented changes formerly described as promising responses to racial and religious bigotry. The appendix illustrating official resolutions that speak out against racial and religious bigotry has been omitted from this new edition. (Clearing House Publication 96).

United States. Commission on Civil Rights. Hearings Before the United States Commission on Civil Rights. Racial and Ethnic Tensions in American Communities: Poverty, Inequality, and Discrimination—A National Perspective. Executive summary and transcript of hearings held in Washington, D.C. May 21-22, 1992, Washington, D.C.: U.S. Government Printing Office, 1995. This publication includes the transcript of hearings on racial and ethnic tensions, hate incidents, changing demographics, multiculturalism, socioeconomic factors, and civil rights. The format for each section provides for a presentation from various group representatives who speak regarding the issues and what his/her group provides in the way of support, resources and limitations. Questions and answers, comments, and discussions are provided throughout the publication. The publication provides the current state of affairs (1992) regarding racial and ethnic tensions.

United States. Commission on Civil Rights. Intimidation and Violence: Racial and Religious Bigotry in America: A Statement of the United States Commission on Civil Rights, Washington, D.C.: The Commission, 1983. This very brief report measures and presents statistics on the extent and significance of racial and religious intimidation and violence in the United States with special emphasis on Georgia, Connecticut, Michigan, New Jersey, and California. It examines underlying causes that contribute to bigotry including Nazi connections, Klan and Nazi-like organizations, the role of hate groups, guerilla warfare training, the rhetoric of hate, scapegoating, media coverage of violence perpetrators, perception of law enforcement response to incidents, and racial integration of the police force, as well as slavery, anti-Semitism, and economic conditions.

Efforts described to deal with racism and anti-Semitism include educational programs sponsored by the National Education Association, Council on International Books for Children and the Connecticut Education Association to assist in curriculum planning as well as a curriculum guide from the Anti-Defamation League. ADL, KLANWATCH, Anti-Klan, Network, state, regional and local task forces and groups formed to promote education and fight bias are described. Special units within police departments formed to investigate, monitor, and assess potential violence, legislative initiatives passed to address racial and religious terrorism, sentencing enhancement standards, statistical gathering and reporting, and codes for responsible media coverage are all described as promising efforts to respond
to bigotry. All the ideas are summarized in the final chapter. An appendix presents two official resolutions that speak out against racial and religious bigotry. (Clearing House Publication 77).

United States. Commission on Civil Rights. Racial and Ethnic Tensions in American Communities: Poverty, Inequality, and Discrimination: A Report of the United States Commission on Civil Rights, Washington, D. C.: The Commission, 1993-1997. The Mount Pleasant report examines racial and ethnic tensions of the Latino population in the vicinity of the District of Columbia. Special emphasis is placed on El Salvadoran refugees. An overview provides background information on the socioeconomic makeup of the Latino population as well as the demographic and socioeconomic characteristics of the District of Columbia, needs of Latino residents, the government response to those needs, the mayor’s response to the Latino Blueprint, and the financial crisis in the District of Columbia. This is followed by a more in depth examination of immigration from El Salvador, police and community relations, civilian oversight of policing, Latinos in the District of Columbia court system, Latino employment opportunities with the government, access to social services and health care, low income housing, and educational opportunities. Findings and recommendations are summarized for each of the areas examined. Three main issues emerge: patterns of abuse, harassment and misconduct by the police department against the Latino community; inadequate Hispanic representation in government jobs; disproportionate receipt of government services. The primary shortcomings cited repeatedly include lack of communication, particularly bilingual and lack of goals, plans, strategies, assessments, monitoring of progress, representation, and funding. The police department was severely criticized for abusiveness, insensitivity, and for lacking Latinos on the force. Three responses to police misconduct allegations are included in the appendices. Numerous black and white tables and graphs accompany the text.

The Chicago report examines racial and ethnic tensions in Chicago, placing special emphasis on unequal economic opportunity, unequal access to public services, and police misconduct. The hearing expands on the Mount Pleasant report in its examination of services provided to a growing limited-English speaking population. The black community is viewed as existing in profound isolation with police seen as an “occupying force.” But the report also includes procedures for investigating and adjudicating police misconduct complaints, community policing, and training. Findings and recommendations are outlined for addressing issues in economic development, minority access to housing, minority health care, access to education, employment and training programs, access to services, and police-community relations. A letter from the Chicago Superintendent of Police which responds to the hearing is
included, as well as seven tables that relate to police-community relations.

The Miami study is introduced with a review of demographics which show a very high foreign-born population in Dade County. The hearing examines language policies in government and public services and its impact on race relations in Florida, immigrant use of public benefits programs, and asylum policies. In each area of concern, the report provides a summary of findings and makes recommendations for addressing those concerns. Three concurring statements and one dissenting view are included in the report. Appendices on adult education, a copy of the Federal Official Language Bill introduced in the 104th and 105th Congress, as well as five tables relating to foreign-born and minority residents in Florida and educational attainment of Dade County residents complete the report.

United States. Commission on Civil Rights. Racial and Ethnic Tensions in American Communities: Poverty, Inequality, and Discrimination—Los Angeles Hearing: Executive Summary and Transcript of Hearing held in Los Angeles, California, June 15-17, 1993; hearing before the United States Commission on Civil Rights. Washington, D.C.: The Commission, 1998. This report was intended to be a part of the above publication but was not published until 1998. The Los Angeles report provides a summary and transcript of the hearing held June 15-17, 1993. The impetus for this report was the brutal beating of Rodney King in 1991 caught on videotape and aired by the media, the acquittal on criminal charges stemming from the King beating which gave rise to rioting and destruction of property, and another video tape of the brutal beating of Reginald Denny which occurred during the riots of 1992. The primary focus in the hearing is on the administration of justice, particularly as it relates to police policies and practices; economic conditions pertaining to unemployment, the role of the Los Angeles Transportation System, job training and small business initiatives; and media portrayals of minorities in news and entertainment production. A wide spectrum of witnesses from civil rights organizations, justice administration, federal and local leadership groups, academia, and the private sector offered testimony, problem analysis, and suggestions for solutions for various conditions under examination.

figure prominently in foreign policy debates. It looks at repression of religious freedom in Beijing and Hanoi, Russia, Muslim countries, Iraq, Iran and Pakistan. Some of the wide variety of speakers make recommendations for addressing the issues.

United States. Congress. House. Committee on the Judiciary. Hate Crimes Prevention Act of 1997: hearings before the Committee on the Judiciary, House of Representatives, One Hundred Fifth Congress, second session, on H.R. 3081, July 22, 1998. Washington, D.C.: U.S. Government Printing Office, 2000. Impetus for this hearing was the tragedy involving James Byrd in Texas. The bill was intended to be named for James Byrd, to prevent crimes like that in Jasper, Texas and to assure there is a federal jurisdiction for cases. The goal was to create a statute that would allow for federal jurisdiction when there is the use of force up to and including murder or the intention of someone to harming another because of race, color, religion, national origin or because of any of the six federally protected activities in Title 18 Sec. 245(b)(2) and following. The Act adds new sections to include gays and lesbians, gender motivated hate crimes and disabled hate crimes. It looks at adults who recruit juveniles to commit hate crimes by directing the Sentencing Commission to examine appropriate penalty increases and to authorize additional funding for prevention programs. The examination raised possible constitutional questions that might arise, looked at comparative rights and jurisdictions and the power of states and federal legislation.

United States. Congress. Senate. Committee on the Judiciary. Combating Hate Crimes: Promoting a Responsive and Responsible Role for the Federal Government: Hearing before the Committee on the Judiciary, United States Senate, One Hundred Sixth Congress, first session, May 11, 1999. Washington, D.C.: U.S. Government Printing Office, 2000. This hearing was convened to look for appropriate means to meet the objective of dealing with hate crimes. The Senate responded to the tragedies of James Byrd and Matthew Shepard by proposing the establishment of a partnership between federal and state government in combating hate crimes and established a fund within the Justice Department a fund to assist state and local authorities in investigating and prosecuting hate crimes. The speakers recognized the need for a comprehensive analysis of raw data collected as a result of the Hate Crimes Statistics Act and the desirability of having a neutral forum develop a model hate crime statute to assist states in evaluating their hate crime legislation. Also they expressed a need to modify federal hate crime laws to give federal authority power to prosecute hate crimes within federal jurisdiction. The Hate Crimes Prevention Act is viewed as a preventative measure that increases coverage of all hate crimes. Those involved in the hearings represented a broad spectrum of concerns and included the mother of
Matthew Shepard.

United States. Congress. Senate. Committee on the Judiciary. Subcommittee on the Constitution. The Hate Crimes Statistics Act: Hearings before the Subcommittee on the Constitution of the Committee on the Judiciary, United States Senate, One Hundred Third Congress, second session, on the Implementation and Progress of the Hate Crimes Statistics Act (Public Law 101-275), June 28, 1994. Washington, D.C.: U.S. Government Printing Office, 1996. This hearing focuses primarily on the efforts and needs to provide education and training opportunities for young people and adults to enhance tolerance and stimulate understanding of others. Participants involved in the hearing include Steven Spielberg, producer of Schindler’s List; Sara Bullard, education director at the Southern Poverty Law Center; Philip Lyons, deputy Attorney General for training and standards of the North Carolina Department of Justice; Robert Machleder, chairman of the New York Regional Board of the Anti-Defamation League; several senators supporting the act; and federal and local government officials. Speakers focus on law enforcement participation in national hate crime data collection, the importance of community based programs, and need for funding and monetary reward for work well done.

United States. Congress. Senate. Committee on the Judiciary. Subcommittee on Terrorism, Technology, and Government Information. The Militia Movement in the United States: Hearings before the Subcommittee on Terrorism, Technology, and Government Information of the Committee on the Judiciary, United States Senate, One Hundred Fourth Congress, first session, June 15, 1995. Washington, D.C.: U.S. Government Printing Office, 1997. This hearing was held to examine the extent to which, if at all, the militia poses a threat to public safety and the Federal government and to what extent Americans are joining the militia because they feel that the Federal government poses a threat to their constitutional rights. The document ties Waco to the Oklahoma City bombing. The document consists of testimony from speakers, witnesses, and panelists as well as prepared statements, including the history of the militia movement and white supremacist group connections, updated materials from the Militia of Montana, a memo from the Aryan Nations, and published articles.

V. REPORTS FROM STATE ADVISORY COMMITTEES TO THE UNITED STATES COMMISSION ON CIVIL RIGHTS

A. Connecticut

Campus Tensions in Connecticut: Searching for Solutions in the Nineties, Connecticut Advisory Committee to the United States Commission on Civil Rights. Washington, D.C.: The Commission, 1994. This report expands and updates a report of April 27, 1992. Representatives from the Connecticut Department of Higher Education and Region I Director of the Office for Civil Rights of the Department of Education, as well as panelists representing students, administrators, faculty and staff from the University of Connecticut at Storrs and Wesleyan University, were involved in the discussions and presentations. Also the head of the Anti-Defamation League of B’nai B’rith in Connecticut and a local Hillel Foundation and the Connecticut Association of Latin Americans in Higher Education contributed to the report. Speakers, panelists, and contributors concurred that the bias-related problems and tensions adversely affected both campuses and that both campuses needed to do more to accommodate increasing multiculturalism. The summary outlines issues, problems and suggestions from the contributors. Although efforts continued to integrate minority students at the universities, the report noted that sensitivity toward cultural needs and increased demands for ethnic studies programs occurred at the same time the students sought self-segregation opportunities which brought about added tension.


United States. Commission on Civil Rights. Connecticut Advisory Committee. Hate Groups and Acts of Bigotry: Connecticut’s Response, Washington, D.C.: The Commission, 1982. This is one of several reports written in response to the United States Commission on Civil Rights request for state studies on religious and racial bigotry in the states. The Connecticut response is both well written and well organized. The introduction provides background information on the rise of bigotry, objectives of the study, organization and methodology for conducting the investigation, and questions and concerns of participants involved in gathering data and producing the report. The study recognizes the rise in bigotry at both the national and state levels. Concern for the growing number of incidents caused the Connecticut Commission on Human Rights to hold a series of hearings for fact finding purposes. The hearing sessions are described and are followed by a chronology of bigotry incidents. The study then turns to an examination of governmental responses, law enforcement agencies responses, and community response, devoting a
chapter to each. The text of the report concludes with a description of findings organized under acts of hate and actors, government response, and community response followed by recommendations for preventing acts of racial and religious hatred. Findings are presented in an appendix and coordinated with a list of recommendations that tie issues to particular groups in the state. Additional appendices provide copies of correspondence sent in connection with this study and “A Proposed Policy on Academic Freedom and Public Education.” Bibliographic references are included with each chapter.

B. Florida

United States. Commission on Civil Rights. Florida Advisory Committee. Racial and Ethnic Tensions in Florida, Florida Advisory Committee to the United States Commission on Civil Rights. Atlanta, GA.: U.S. Commission on Civil Rights, Southern Regional Office, 1996. This publication provides an edited transcript of six briefing meetings held to examine the extent of racial and ethnic tensions in Miami, Gainesville, Jacksonville, St. Petersburg, and Tallahassee, Florida. Participants agreed on the lack of equal opportunity in education, employment, housing, business opportunities, financial access, disaster relief, the justice system, and immigration issues. Residents of Miami were recovering from Hurricane Andrew and cited language issues as a major concern. Participants in St. Petersburg voiced concerns over confrontations with Nazis and Klansmen. Participants in Gainesville cited campus unrest, lack of equal treatment, and long-term student divisiveness on campus as concerns. Lack of economic opportunities, especially in government contracts, was of particular concern in Jacksonville. The Advisory Committee expressed concerns over the lack of financial resources for human relations endeavors in Tallahassee.

C. Georgia

United States. Commission on Civil Rights. Georgia Advisory Committee. Bigotry and Violence in Georgia, Prepared by the Georgia Advisory Committee to the United States Commission on Civil Rights. Washington, D.C.: The Commission, 1989. The Committee reports on fact finding efforts on racial and religious bigotry in Georgia and recommendations for action by the Governor, law enforcement officials, and the local communities. It includes a report of hate group growth in contiguous states. The material comes from the work of three panels. The antiterrorism task force was recognized in the report for its work, but there was consensus that a state human rights commission needed to be established. Four appendices accompany the report, including Antiterrorism Act from the Georgia Code Annotated, Anti-mask statute, Vandalism to places of worship, and racist
violence with a hate group activity reporting form.

D. Idaho

United States. Commission on Civil Rights. Idaho Advisory Committee. Bigotry and Violence in Idaho: A Report Prepared by the Idaho Advisory Committee to the United States Commission on Civil Rights, Washington, D.C.: The Commission, 1986. This report embarks on an analysis of the extent of hate crime in Idaho with special emphasis on Northwestern Idaho and some references to Eastern Washington. It reviews demographics and enumerates incident occurrences, impact of racial and religious violence on the victims, community support of victims, and the Idaho and national experiences. The report explores strategies to combat bigotry and violence, including legislative enactments, incident monitoring, task force formation, community interactions, government leadership, and law enforcement work with the community, prosecution of offences and need for significant training. The role of Critical Race Studies in supporting Interstate and Kootenai County Task Forces on Human Relations, and educational programs undertaken to inform the public train government officials regarding racial and religious bigotry and violence, white supremacist groups, and applicable laws are described. The role of schools in developing a curriculum that educates students in human and race relations is emphasized. The problem of attracting qualified minority professionals is discussed. The report provides a summary of findings and recommendations to address issues. An update to the text describes a national effort to combat hate in the United States v. Pierce case then before the court. Numerous appendices provide copies of documents which illustrate efforts to combat hate as well as state and federal legislative documents.

E. Illinois

United States. Commission on Civil Rights. Illinois Advisory Committee. Bigotry and Violence in Illinois, Prepared by the Illinois Advisory Committee to the United States Commission on Civil Rights. Washington, D.C.: The Commission, 1988. This Committee reports on a hearing held regarding the extent of bigotry and violence in Illinois. The Committee heard from civil rights groups, federal, state and local law enforcement officials, and educators. The level of bigotry and violence in the state are described and the organizations perpetrating it are identified. Responses and methods used in incidents by law enforcement agencies are described as well as efforts used by educators to combat hate.
F. Indiana

United States. Commission on Civil Rights. Indiana Advisory Committee. Hate Crime in Indiana: A Monitoring of the Level, Victims, Locations, and Motivation, A Report of the Indiana Advisory Committee to the United States Commission on Civil Rights. Washington, D.C.: The Commission, 1994. This report concludes that reporting by various monitoring groups was found to be in conflict but that there was agreement on the nature of hate crimes. The Hate Crimes Statistics Act was not adequately followed, and law enforcement agencies did not participate in collecting data. It was found that a person was most likely to be a victim in his own home and hate crime appeared to be a neighborhood phenomenon. African Americans, gay men, and lesbians were found to be primary targets of hate crimes. Suggestions are made to better monitor and trace the sale of weapons and to use electronic surveillance. Concern was expressed about excessive media coverage of acts of bigotry.

United States. Commission on Civil Rights. Indiana Advisory Committee. The Increase of Hate Crime in Indiana: Indiana Advisory Committee to the United States Commission on Civil Rights. Washington, D.C.: The Commission, 1992. The forum consisted of twenty participants representing government officials, community organizations, gay and lesbian community, law enforcement officials, and members of the public. There was concurrence that the amount of crime, including hate crime in Indiana, was on the increase. Discussion involved the nature of criminal behavior and how to control and eliminate hate crime. The report indicated that hate crime against gays and lesbians showed the highest incident rate with racial oriented crimes on the increase. Appendices show incidents of potential hate crime motivated by the Indianapolis police in 1991 and hate legislation documents.

G. Kentucky

United States. Commission on Civil Rights. Kentucky Advisory Committee. Bias and Bigotry in Kentucky: Perceptions from Louisville, Lexington, and Bowling Green, A Report of the Kentucky Advisory Committee to the United States Commission on Civil Rights. Washington D.C.: The Commission, 1997. This report consists of three briefings meetings in three Kentucky cities which experience severe racial tension and a sense of isolation and alienation for racial groups. In Bowling Green it found hate symbols and materials on school grounds and there were no school-based programs or other efforts to respond to the incidents or to nurture positive race relations. The report found a lack of economic opportunities which suggested discriminatory practices. Incidents and groups targeted by bigotry-related violence was found to be
increasing. The lack of community leadership was seen as a primary factor that allowed bigotry to grow. A lack of educational materials and programs to foster better ethnic relations were seen as other factors that contributed to bias and bigotry. The Advisory Committee listed specific suggestions for addressing the underlying causes of bigotry-related violence. The report includes several appendices which supplement the report with demographic information, a hate crime ordinance and a letter from Bowling Green.

H. Michigan

United States Commission on Civil Rights. Michigan State Advisory Committee. *Hate Groups in Michigan: A Sham or a Shame: A Report Prepared by the Michigan Advisory Committee to the United States Commission on Civil Rights.* Washington, D. C.: The Commission, 1982. This is one of several reports written in response to the United States Commission of Civil Rights request for state studies on religious and racial bigotry in the United States. The Michigan response is very brief. It begins by illustrating the prevalence of Klan member involvement in national politics, para-military training, and the concern for increases in the crime activities on a national level. The Michigan report presents an overview of the situation in the state. It describes incidents of bigotry drawn from national and local reports and newspapers. The committee conducted its investigation by reviewing studies issued by public and private agencies and statements made by community leaders and federal officials. The report provides a summary of findings with some suggested solutions and concludes that there is lack of agreement regarding the assessment of the nature and extent of the problem. A general agreement was reached regarding causes of bigotry and violence. The findings are enumerated, as are recommendations for addressing them. The report includes bibliographic chapter references

I. Ohio

United States. Commission on Civil Rights. Ohio Advisory Committee. *Hate Crime in Ohio: Ohio Advisory Committee to the United States.* Chicago: U. S. Commission on Civil Rights, Midwestern Regional Office, 1995. The focus of this report was to compile statewide information on the amount of hate crime, learn about hate group activities in the state and determine if state law enforcement agencies had tracked, monitored and reported incidents of hate crime activities. It also aimed to define hate crime and examine the extent of hate crime compared to other crimes. The Commission held two fact-finding meetings. Prior to the meetings the committee examined hate crime statistics and hate group activities. It found that hate crime reporting had decreased in the period examined, that hate groups were growing in the state and that hate
crimes motivated by sexual orientation biases were the most tolerated by society. The report recommends more training for law enforcement agencies and that hate crime prevention be made a top priority. Also it noted that hate crime statistic gathering needed to be done. Further it noted that all forms of hate crime were found to be unacceptable and that adults have the responsibility to teach respect and challenge those who promote bigotry.

VI. VIDEOS


Cochran, Floyd, Opposing Hate, Presentation by Floyd Cochran. Spokane, Wash.: Gonzaga University School of Law, 1995. The presenter of this video provides an inside story of hate group recruitment, expansion, fund raising, and connections with other groups. He tells how he left the hate group and how he was supported by people whom he had hated. He also talks about combating hate which is his purpose in educating people about hate and hate groups in videos like this one.

Facing Hate, With Elie Wiesel and Bill Moyers, Produced and directed by Catherine Tatge, Dominique Lasseur; a production of International Cultural Programming, Inc. and Public affairs Television, Inc. New York, N.Y.: Mystic Fire Video, 1991. This video provides a discussion of hate and its effect on people throughout the world including how Elie Wiesel managed to resist feelings of hate in his own experiences.

Guggenheim, Charles, Shadow of Hate, Guggenheim Productions; producer, Jennifer L. Gruber. Montgomery, AL.: Teaching Tolerance, 1995. This video comes as a kit with accompanying publications designed as a teacher’s manual with lesson plans to accompany each portion of the video and another publication that provides a printed copy of materials covered in the film.
Various aspects of racial and religious bigotry are covered from early immigration to the present.


Tucker, Andie and Bill Moyers, *Hate on Trial*, A production of Public Affairs Television, Inc. and International Cultural Programming, Inc.: produced and directed by Catherine Tatge, Dominique Lasseur. New York, N.Y.: Mystic Fire Video; distributed by PolyGram Video, 1992. This video includes footage from the trial of White Aryan Resistance leader Tom Metzger and his son John for inciting skinheads to murder Ethiopian student Mulugeta Seraw in Portland, Oregon. Morris Dees represents the Seraw family, and Tom Metzger represents himself and his son. The trial footage is interspersed with analysis and commentary from panel members who respond to questions by Bill Moyers.
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