



United States Mission to the OSCE

OSCE Conference on Anti-Semitism

As prepared for delivery by Wan Kim
Deputy Assistant Attorney General, Civil Rights Division, U.S. Dept of Justice
Workshop on State Action: Legislation, Enforcement, Prosecution and Training
Berlin, April 28, 2004

Thank you, Mr. Moderator.

I am honored to represent the U.S. Department of Justice on my country's delegation to this landmark OSCE conference on anti-Semitism. As Deputy Assistant Attorney General for Civil Rights, I have been involved directly in nationwide efforts to address anti-Semitism and other forms of intolerance, and more specifically to deal with hate crimes.

There is widespread consensus in the United States that crimes motivated by hate require special attention. Attorney General John Ashcroft has spoken clearly on this matter, stating: "Just as the United States will pursue, prosecute, and punish terrorists who attack America out of hatred for what we believe, we will pursue, prosecute, and punish those who attack law-abiding Americans out of hatred for who they are. Hatred is the enemy of justice, regardless of its source."

In the United States, we believe that hate crimes are so pernicious because they do more than just harm an individual victim. They also send a message of hatred to an entire community -- a community that is typically defined on the basis of immutable traits. It is one thing to be robbed because you happen to be in the wrong place at the wrong time; it is altogether another to be beaten and victimized just because of the color of your skin.

For this reason, forty-six states and the District of Columbia have criminal laws that specifically prohibit hate crimes. Congress, too, passed a federal law almost 40 years ago that criminalized certain crimes against "any person because of his race, color, religion or national origin."

Not only are hate crimes specifically targeted by both state and federal legislation in the United States, but we believe also that such crimes often should be punished more harshly than other crimes. It typically is appropriate to conclude that the worse the offender's motive, the worse the offense. Hate crimes may be more likely to provoke a wave of other crimes: both copycat crimes against other persons like the victim, in addition to retaliatory offenses from the targeted group. Hate crimes thus harm whole communities as well as individual victims and their families. In light of these concerns, the United States Sentencing Commission has established a provision that provides for an enhanced sentence for a federal defendant whose crime was motivated by hate.

As a nation, we remain steadfastly committed to this principle. Just weeks after the September 11th terrorist attacks, Attorney General Ashcroft, appeared publicly to condemn a rise in hate crimes against people of perceived Middle-Eastern descent. He said that: "Such

Obersteingasse 11

Telephone

Fax

press@usosce.at

Vienna, Austria A - 1190

+43-1-313-39 ext. 3201

+43-1-368-6385

<http://osce.usmission.gov/>

senseless acts of brutality violate federal law, and they run counter to the very principles of equality and freedom upon which our nation is founded. They are un-American.... Let there be no mistake: the Department of Justice will not tolerate acts of violence or discrimination against people in this country based on their national origin, religion, or race.” And to put action to these words, the Attorney General commissioned a task force to investigate and prosecute these cases. That task force ultimately investigated more than 500 allegations of such bias motivated crimes. These resulted in local prosecutors initiating 125 prosecutions. In addition, the Civil Rights Division brought Federal charges in 13 cases against 18 defendants, with a 100 percent rate of conviction.

The Civil Rights Division, of course, plays a regular role in enforcing the federal law that prohibits bias-motivated crimes. In just the past few months, we indicted five white supremacists in Springfield, Missouri for assaulting two African Americans in a restaurant. One of the victims was stabbed, and suffered serious injuries. The other was threatened with the same. The victims’ only “offense” was to enter the restaurant to eat with two white women. And, almost concurrently with that case, we indicted three men in New York on disturbingly similar charges. According to the indictment, these individuals assaulted six Hispanic teenagers – three boys and three girls, all under age 16 – who were entering a restaurant to celebrate one of their birthdays. One was beaten and stabbed so badly as to require emergency surgery to save the use of his hand.

In sum, we believe that hate crimes are insidiously harmful, and such offenses are vigorously prosecuted in the United States. Thank you for your attention, and I am pleased to answer any questions you may have.