

NCLR
NATIONAL COUNCIL OF LA RAZA

The Mainstreaming of Hate



A Report on Latinos and Harassment,
Hate Violence, and Law Enforcement
Abuse in the '90s

NCLR

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OF LA RAZA

The National Council of La Raza (NCLR)

The National Council of La Raza (NCLR), the largest constituency-based Hispanic organization in the nation, exists to improve opportunities for the more than 30 million Americans of Hispanic descent. A nonprofit, tax-exempt organization incorporated in Arizona in 1968, NCLR serves as an advocate for Hispanic Americans and as a national umbrella organization for more than 230 formal “affiliates,” community-based organizations serving Hispanics in 37 states, Puerto Rico, and the District of Columbia. NCLR seeks to create opportunities and address problems of discrimination and poverty through four major types of initiatives:

- ▶ Capacity-building assistance to support and strengthen Hispanic community-based organizations.
- ▶ Applied research, public policy analysis, and advocacy on behalf of the entire Hispanic community, designed to influence public policies and programs so that they equitably address Hispanic interests.
- ▶ Public information efforts to provide accurate information and positive images of Hispanics in the mainstream and Hispanic media.
- ▶ Special catalytic efforts which use the NCLR structure and reputation to create other entities or projects important to the Hispanic community, including international projects consistent with NCLR's mission.

NCLR is headquartered in Washington, D.C. and has program offices in Chicago, Illinois; Los Angeles, California; Phoenix, Arizona; and San Antonio, Texas.

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Hate

**A Report on Latinos
and Harassment,
Hate Violence, and
Law Enforcement
Abuse in the '90s**

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FOREWORD

One of the proudest moments of my career was the premiere of the feature film, *The Ballad of Gregorio Cortez*, a 1982 release co-produced by Moctezuma Esparza and the National Council of La Raza. In this critically acclaimed movie, taken from an old Mexican American folksong or corrido based on actual events, the protagonist, played by Edward James Olmos, is relentlessly chased by citizen vigilantes and the Texas Rangers for a crime he did not commit; he is ultimately acquitted after nearly being lynched. This movie meant a lot to me, both professionally and personally. On a professional level, it marked the fulfillment of a dream that Hispanic Americans could begin to produce quality entertainment that reflected our community's experiences, from our own perspective.

On a personal level, the film touched a nerve that ran deep within my own family. My maternal grandfather was nearly lynched by the Texas Rangers at the turn of the 20th Century. His "crime" was that he had the audacity to be on the streets on the "Anglo" side of town after dark. His story, and the thousands of others like his, was one of the principal reasons that I chose to work in the civil rights movement. I led a school boycott to protest unequal educational conditions – 80% of Mexican Americans attending partially-segregated schools in my native South Texas became high school dropouts. I joined the American GI Forum, which gained fame for insisting that World War II veterans who were killed in action, and who happened to be Latino, should be allowed to be buried in town cemeteries. I marched with Martin Luther King in Washington. I worked in support of the Civil Rights Act of 1964, which for the first time prohibited discrimination on the basis of national origin. I worked in the Office of Economic Opportunity, the nation's leading agency in the War on Poverty.

Later, I came to the National Council of La Raza, an organization whose principal constituency is local Hispanic community-based organizations. Over the years, NCLR has worked on a variety of civil rights issues, usually from a broad policy perspective. We decided early on that we would not attempt to be a litigating organization, that we would not provide legal representation to individuals, and that we would not pursue individual civil rights cases; after all, outstanding organizations like the Mexican American Legal Defense and Educational Fund and the Puerto Rican Legal Defense and Education Fund were established to provide these essential services to our community. Instead, NCLR thought we could have the greatest impact in this area by seeking broad, systemic policy changes to ensure that our community be fully included in a strong, effective civil rights enforcement system.

This did not mean that individual civil rights cases did not come to our attention from time to time. To be honest, neither dealing with individual civil rights cases nor addressing issues of hate violence was at the top of our priority list. In general, we referred these cases to the appropriate litigating groups and/or enforcement agencies and went back to our core public policy and program work in education, economic mobility, immigration, health, and civil rights. The system seemed to work well enough for my first two decades at NCLR.

Starting in the early 1990s, however, something changed. We began to receive numerous reports of harassment, hate violence, and law enforcement abuse against our community. The Mexican American Bar Association in Los Angeles produced a well-documented report of dozens of apparent cases of police abuse against Latinos in Southern California. In New York, Amnesty International documented a similar pattern of apparent abuses against Puerto Ricans and Dominicans in that city. And more individuals than ever before began to come forward with compelling cases of their own. Although all of these were referred to the Department of Justice and most were reported to local authorities for further investigation and prosecution, there was rarely any follow-up.

After the passage of California Ballot Proposition 187, civil rights and immigrant advocates documented dozens of cases of harassment of, and hate violence against, Latinos who happened to look “foreign.” Citizen vigilante groups, some with close ties to the militia movement and others with ties to “mainstream” advocates and politicians, got into the act. We began to receive other types of complaints as well: from American citizens caught up in community raids by the Immigration and Naturalization Service and local law enforcement, from church groups concerned about suspiciously high numbers of Latino church burnings, and from organizations who monitor hate groups who reported the increased targeting of Hispanics and immigrants by these groups.

We were obviously concerned about these types of incidents in and of themselves, and believe they represent only the tip of the proverbial iceberg; after all, we did not go looking for them, they found us. Furthermore, although many of these incidents were technically different – some involved local police, others involved organized vigilante groups, still others involved private acts by individuals, and some were carried out by federal agencies under color of law – there seemed to be a common thread that connected them. In short, it seemed that “open season” had been declared on our community, and private citizens and law enforcement officials alike felt they could harass or attack Hispanic Americans with almost complete impunity. But perhaps worst of all, despite heightened press and policy-maker attention to questions of police brutality and race relations in the U.S. overall, it was clear that most of the incidents that came across our desks involving Latinos were simply being ignored by the media and by policy-makers.

We therefore decided to pull together the data we had and publish a brief analysis; as you can see from this report, once compiled, the sheer weight of the evidence required production of a major report – even when each incident is summarized in the briefest possible form. This is not a report we wanted to write; rather it is one we were compelled to produce. We hope that it strikes a chord among law enforcement officials, the media, and people of conscience everywhere, and leads to the massive reforms needed to demonstrate the nation’s zero tolerance for hate, harassment, and violence. Maybe then would we be on our way to truly having a civil rights enforcement system that works for all Americans.

Raul Yzaguirre
President
National Council of La Raza

EXECUTIVE SUMMARY

This report represents one of the first efforts to document what appears to be a growing pattern of harassment, hate violence, and law enforcement abuse against Hispanics. This actual or potential violence cannot be understood solely under the paradigm of traditional “hate crimes” – violence motivated largely by pre-formed negative bias against persons, property, or organizations based solely on race, religion, ethnicity/national origin, or sexual orientation. As this report demonstrates, these crimes are not only perpetrated by the most commonly known hate groups, like the Aryan Nation, but also include more troubling and systemic acts of violence by those in law enforcement whose job it is to serve and protect Hispanics and other Americans.

The cases presented in the report involve a range of individuals and organizations, from private citizens and vigilantes to border enforcement agents and local law enforcement officials. This behavior is especially troubling because it suggests that the “mainstreaming of hate” is widespread. To date, the problem of hate violence and law enforcement abuse against Hispanics has not been adequately addressed, in part, because it has not been well documented or understood. Toward that end, NCLR has worked over an 18-month period to compile data on existing cases, review efforts by other organizations to monitor and track such behavior, and conduct research from a variety of sources to understand better the scope of the problem. Based on its research and analysis, NCLR finds that:

- **“Traditional” hate crimes against Hispanics have increased in number during the 1990s.** In 1993, the first year in which federal hate crime statistics were reported, there were 472 anti-Hispanic incidents reported in the ethnicity/national origin category. By 1995, the number had increased to 516, and to 564 in 1996, an increase of almost 20% over the 1994-1996 period. The latest figures, from 1997, continue to show a high rate of bias-motivated crimes against Hispanics.
- **Preliminary data suggest an emerging pattern of hate-related activity in Hispanic places of worship.** The National Church Arson Task Force and the National Coalition for Burned Churches, in collaboration with NCLR, are currently investigating confirmed church arsons that may be hate-related. At least 24 Hispanic places of worship throughout the country are on the list of church arson sites to be investigated. While NCLR does not know the extent to which these church burnings are bias-motivated, the data reflect an apparent pattern of doing harm to places of worship that serve members of the minority community.
- **The perception that Latinos are “foreign,” “un-American,” or illegal immigrants has translated into numerous incidents of discrimination, threats, and actual violence involving private citizens and vigilantes.** As Latinos become an increasingly more visible segment of American society, they have also become likely targets of harassment that often borders on hate violence. One apparent effect of the increasing anti-immigrant sentiment in the nation has been a surge in incidents of vigilantism – unauthorized, and often illegal, attempts to enforce immigration laws by ordinary citizens. Americans increasingly are taking the law into their own hands to try to stem the perceived “flood” of illegal immigrants into the country. Often armed and working in groups, many of the vigilantes commit acts of harassment and discrimination instigating actual violent confrontations. In addition, private individuals have also deliberately preyed on or abused Latinos by exploiting their immigration status.
- **One of the most troubling and serious types of violence facing the Latino community in the U.S. is police use of excessive and deadly force in the name of law enforcement.** NCLR has found a number of examples of both inappropriate use of force and delegation of authority by law enforcement officials that have resulted in discrimination and violence. These data corroborate other research that has shown widespread and persistent problems of police brutality across the U.S. in which the overwhelming majority of victims in many areas are members of racial or ethnic minorities.

- **In its efforts to step up immigration law enforcement significantly along the U.S./Mexico border and in the interior of the country, the Immigration and Naturalization Service (INS) has also committed civil rights violations.** Efforts such as increased workplace raids, an escalating number of armed INS agents along the border and in the interior, and more joint operations between INS and other local and federal law enforcement agencies have served to undermine the physical safety and constitutional and civil rights of Latino communities. Numerous incidents of illegal or inappropriate seizures, traffic stops based solely on ethnic appearance, “racial profiling,” arrests made without cause, deprivation of food, water, or medical attention, and actual physical abuse have been recorded. Many victims of abuse and mistreatment by immigration authorities are U.S. citizens or legal permanent residents. While these activities do not necessarily constitute traditional hate crimes, they do instill in Latinos a sense of fear, mistrust, and of “not belonging” in the communities in which they occur.
- **Initial review of data indicates that Latinos are also being unfairly targeted through the use of racial profiling policies.** Both the U.S. Border Patrol and local law enforcement authorities’ record-keeping show a pattern and practice of racial profiling. For example, Border Patrol agents on roving patrols near the southwestern border have been stopping Latino motorists without reasonable suspicion that violations of immigration law have occurred. The pattern and practice of racial profiling has also been documented in the interior of the country, as seen in Ohio, where a federal district court ordered the Ohio State Highway Patrol to stop confiscating “green cards” from Hispanic motorists being pulled over for routine traffic stops.
- **Latinos are increasingly becoming perpetrators of hate crimes themselves, especially in California.** In 1995, the Los Angeles County Commission on Human Relations found Latinos to be 22% of the perpetrators of hate crimes based on race and 30% of those based on sexual orientation. By 1997, the share of Latinos as perpetrators of hate crimes based on race increased to 34% and the proportion of those based on sexual orientation decreased to 31% – after a 1996 high of 39%. The same pattern holds true for figures in San Diego County, where Latinos were 27% of the perpetrators of hate crimes – 33% of those committed against African Americans and 31% of hate crimes against gays/lesbians.

While it is difficult to pinpoint with precision the root causes of the very troubling increase in violence against Hispanics, it is likely that its origins can be found in several areas. These include:

- **The pervasiveness of racism and negative stereotypes** – Racism against Hispanic Americans remains alive and well. Hate violence and related abuse are manifestations of continuing bias against Latinos in the U.S.
- **The media and its negative portrayals of Latinos** – A series of studies has demonstrated that media portrayals of Latinos reinforce, rather than counter, prejudicial stereotypes of Hispanic Americans. Latinos rarely appear in the media, but when they do appear, they are consistently portrayed more negatively than other ethnic groups.
- **Demographic change and inter-ethnic tensions** – While prejudicial stereotypes often provide the motive for hate violence against Hispanics, rapid demographic change has increased the opportunities for such violence. The Latino population has experienced significant growth over the past several decades, and this has often been accompanied by struggles with other ethnic groups over political power and representation, resources, employment, and other opportunities and issues.
- **Anti-immigrant sentiment** – Because Hispanics constitute the largest single immigrant group, it is perhaps not surprising that they frequently are singled out as the principal targets of anti-immigrant harassment and hate violence. This despite the fact that the majority of Latinos in the U.S. are native-born, and that the majority of immigrants in the country are not Hispanic. The latest wave of anti-immigrant sentiment is characterized by blatant appeals to racism by politicians and the “mainstreaming” of anti-immigrant hate groups. Moreover, the tenor of recent policy debates on immigration have taken on

racist overtones. This trend in public discourse has been accompanied by an increased focus on people perceived to be immigrants by citizen vigilantes, organized hate groups and networks, and law enforcement.

NCLR's analysis suggests that there are additional factors associated with law enforcement abuse against Hispanics. These include a "culture clash" between Latinos and law enforcement officials, particularly given the under-representation of Hispanics in the law enforcement community; "get-tough" anti-crime policies which have proliferated in recent years as a response to rising crime; and the absence of meaningful deterrents and remedies to address police abuse and harassment.

One major constraint, however, on both assessing the scope of the problem and on assuring effective responses is the fact that incidents of hate violence and law enforcement abuse are seriously under-reported. This is not just an academic issue. To the extent that deterrence of any crime depends in part on the criminal's perception of the likelihood of being arrested and convicted, the under-reporting phenomenon itself may be a major contributor to the problem.

While greater attention is needed to address the problem of hate violence against Latinos, the issue reaches beyond one specific community and must be dealt with by all Americans. Whether a victim of a crime is targeted because of his/her race, age, religion, gender, ethnicity, economic level, legal status, or sexual orientation, the proliferation of hate violence – and its underlying causes – is a national crisis that merits serious concern. Unfortunately, no community is free from such violence; thus the problem is one that all Americans must understand, confront, attack, and eradicate.

To reduce these incidents of violence and abuse, NCLR believes that:

- Congress should pass and the President should sign into law the Hate Crimes Prevention Act (HCPA) of 1999.
- Effective measures should be passed in each state to combat hate violence, including a statute that prevents the immigration status of a hate crime victim from being disclosed to federal immigration authorities.
- Elected officials, public figures, and mainstream media should be leaders against – not contributors to – the fight against racism and intolerance.
- Law enforcement agencies should more effectively comply with the Hate Crimes Statistics Act of 1990 and document hate violence accurately and completely.
- Local law enforcement should be required to receive extensive and ongoing training to improve its effectiveness in identifying and responding to hate violence.

To address law enforcement abuse, NCLR recommends that:

- The U.S. Department of Justice should seek and Congress should appropriate the resources it needs to compile accurate statistics and produce an annual report on the excessive use of force.
- The Department of Justice's Special Litigation Section should be provided adequate resources to enable it to fulfill its task of pursuing "pattern and practice" lawsuits against police agencies nationwide that commit widespread abuses.
- Each of the 94 United States Attorneys' Offices should create Civil Rights units whose sole responsibility is the enforcement of civil rights laws.
- The Administration should vigorously support, and Congress should pass, the Traffic Stops Statistics Act of 1999.

- The Administration should vigorously support, and Congress should pass, the Law Enforcement Trust and Integrity Act of 1999.
- White House conferences and summits on crime prevention should include an explicit focus on law enforcement abuse and accountability.
- The President should issue an Executive Order requiring all federal law enforcement agencies to cease using race or ethnicity in their profiling policies.
- The Department of Justice should end collaboration between INS and other law enforcement agencies in conducting enforcement operations.
- The INS should establish an improved mechanism to address complaints about abuse of authority in the enforcement of federal immigration laws.
- State and local authorities should establish independent and effective oversight bodies for their respective law enforcement agencies.
- State and local governments should appropriate sufficient funds to police departments for developing effective community policing programs.

Furthermore, to reduce hate violence motivated by prejudice, community-based and civic organizations should implement and support programs that allow communities to respond to bias-related incidents, prevent crimes in their neighborhoods, value diversity, and support “Best Practices” programs recognized by President Clinton’s One America Initiative.

The Latino community must also do its part to increase attention to and reduce the incidence of hate violence and abuse. Specifically, the community, including Latino organizations and elected officials, should:

- Elevate the attention given to these issues.
- Take seriously and help implement recommendations listed here, particularly to reduce the incidence of hate violence committed by Latinos.
- Strengthen the “infrastructure” needed to assure proper reporting and follow-up.

In addition:

- Mainstream civil rights community groups should respond more inclusively and aggressively to incidents of hate violence and law enforcement abuse against Hispanics. The civil rights community should respond in unity to recognize and fight such crimes against any member of its community. Hate violence and law enforcement abuse should not be tolerated against any human being in any community.

The role of the media is pivotal as well; NCLR believes that:

- The entertainment industry must take steps to eliminate the negative and stereotypical portrayals of Latinos.
- The news industry must take active steps to improve accuracy in covering issues affecting or involving Hispanics, particularly coverage of harassment, hate violence, and law enforcement abuse.

It is NCLR’s hope that with accurate reporting, sufficient documentation, and appropriate law enforcement, policy makers, public officials, and local communities can act together to educate the public and strengthen efforts to prevent and respond to violence and abuse motivated by hate.

I. INTRODUCTION

In recent years, NCLR has noticed what appears to be a growing pattern of harassment, hate violence, and law enforcement abuse against Hispanics.* Cases have come to NCLR's attention that involve private citizens or vigilantes; border enforcement agents, linked to raids, selective enforcement procedures, and "racial profiling"; and local law enforcement officials acting "under color of law" – a legal term used to imply that the officer is acting while under the protection of the law – and deploying the use of excessive force against Latinos.

This pattern of actual or potential violence cannot be understood solely under the traditional paradigm of "hate crimes" – violence motivated largely by pre-formed negative bias against persons, property, or organizations based solely on race, religion, ethnicity/national origin, or sexual orientation. Further, the perpetrators of these crimes are not just traditional or the most commonly known hate groups (e.g., Aryan Nation, Ku Klux Klan, militia groups). Rather, this violence is arguably more troubling because it is sometimes systemic and includes precisely those in law enforcement whose job it is to serve and protect Hispanics and other Americans.

Preliminary tracking of data on bias-related violence against Latinos suggests that the number of these incidents has been on the rise since the beginning of the 1990s. In order to understand adequately the scope of the problem and address these growing concerns, NCLR initiated an effort to gather and document hate crimes, harassment, and law enforcement abuse against Latinos, largely in response to receipt of unsolicited cases.

This is a first-of-its-kind report, and given the limited availability of data on Latinos and such violence, the sources of comprehensive and credible information were few. Annual reports from state commissions, civilian review boards, the Federal Bureau of Investigation (FBI), and national, state, and local non-profit organizations that monitor and collect reports of hate crimes and police abuse and/or civil rights complaint data served as key sources of information. In addition, NCLR collected relevant information from the Internet and newspapers, as well as compiled anecdotal accounts from a variety of sources. Data on incidents were also collected as part of NCLR's work with the National Network for Immigrant and Refugee Rights Raids Task Force. Tables and narrative comments have been used to illustrate and address the volume and types of hate violence and abuse. In addition to verbal and physical harassment, the offense categories included in the collection of hate crimes data are the 11 traditional hate crime categories used by the FBI.**

Incidents included in this report are limited to those that by their nature resulted in actual violence or the threat of violence against Latinos. Incidents that raised the possibility of inciting racial tensions, and/or served to foster fear or mistrust of law enforcement officials by the Latino community are also highlighted in this report. The report excludes "racial profiling" cases unless there was actual, or a threat of, violence involved. Also excluded are pre-1990 cases of violence. Taken together, this research suggests that Hispanic Americans – in large part because they are perceived to be "foreigners" – increasingly have become targets of harassment, and are subject to a growing and widespread pattern of abuse by private citizens, local and federal law enforcement authorities, and public officials.

The following report, organized into three main sections, discusses these issues in more detail. Chapter II presents the documented evidence and existing accounts of Hispanics and hate violence, including harassment, law enforcement abuse, and church arsons, as well as the serious but often neglected issue of

* The terms "Hispanic" and "Latino" are used interchangeably throughout this report to refer collectively to Mexicans, Puerto Ricans, Cubans, Central and South Americans, and others of Spanish and Latin American descent.

** The traditional hate crime categories used by the FBI are: murder and non-negligent manslaughter, forcible rape, robbery, aggravated assault, burglary, larceny-theft, motor vehicle theft, arson, simple assault, intimidation, and destruction/damage/vandalism of property.

A DEMOGRAPHIC SNAPSHOT OF U.S. HISPANICS

- Hispanics constitute the second-largest minority group in the United States; currently, one in nine Americans (11.3%) is Hispanic. Further, data indicate that Hispanics constitute two-fifths of the U.S. minority population (39.5%) and, as one of the fastest-growing and youngest population groups, are expected to become the nation's largest "minority" by 2005 and almost one-fourth of the total U.S. population by 2050.
- The latest data also show that the majority of Hispanics are U.S.-born or have U.S. citizenship. Nearly three-fifths (55.8%) of Hispanics were native-born, according to 1997 data, while less than two-fifths (38.4%) were foreign-born. Furthermore, 70% of Hispanics were U.S. citizens in 1997. Among Hispanic children under 18, more than four-fifths are native-born.
- More than three-quarters of the Hispanic American population are concentrated in five important states: California, Florida, New York, Illinois, and Texas. However, as the Hispanic community grows, it is moving to new "frontiers" and is becoming an increasing presence in the Northwest, Midwest, and Southern regions of the country. It is also the most urbanized of the minority populations; 91.4% of Hispanics live in major cities such as Los Angeles, Houston, New York, Miami, and Chicago.

Source: U.S. Bureau of the Census. *U.S. Population Estimates by Age, Sex, Race, and Hispanic Origin: 1990 to 1997*, March 1996.

hate crimes committed by Latinos. Chapter III analyzes in detail the conditions that contribute to the increase in hate violence against, and in part by, Latinos, and examines the implications of such violence for American society. The final chapter of the report provides recommendations for reducing the incidence of harassment, hate violence, and law enforcement abuse against Latinos, and, by implication, all Americans.

While greater attention is needed to address the problem of hate violence against Latinos, the issue reaches beyond one specific community and must be dealt with by all Americans. Whether a victim of a crime is targeted because of his/her race, age, religion, gender, ethnicity, economic level, legal status, or sexual orientation, the proliferation of hate violence – and its underlying causes – is a national crisis that merits serious concern. Unfortunately, no community is free from such violence; thus the problem is one that all Americans must understand, confront, attack, and eradicate.

It is NCLR's hope that with accurate reporting, sufficient documentation, and appropriate law enforcement, policy-makers, public officials, and local communities can act together to educate the public and strengthen efforts to prevent and respond to hate violence and abuse, motivated by hate and committed by or against Latinos or any other racial/ethnic group.

II. THE EVIDENCE

A. Overview

There have been increasing attempts to document and classify hate crimes in the U.S. Research efforts by NCLR and others have uncovered a disturbing range of crimes directed specifically at Latinos. These data show that Hispanics have become targets of a growing trend of abuse by private citizens, Immigration and Naturalization Service (INS) enforcement agents, and local law enforcement officers, acting under color of law and engaging in what appears to be a clear pattern of abuse against the U.S. Hispanic community. As the following discussion illustrates, the abuse is often quite blatant, but society, local governments, and law enforcement agencies appear to be either justifying it and not responding accordingly, or excusing it because of the belief that all Hispanics are “foreign.” Further, there is a perception of both an immigration “crisis” and a link between an increase in immigration and crime, and documentation exists which suggests that acts of violence are motivated by a belief that this is part of what it takes to “deal with” these problems. In addition, two particularly disturbing trends that may be growing in scope are arson in Hispanic places of worship, and hate violence committed by Latinos, particularly in California.

While many of the incidents noted in this report are not considered “traditional” hate crimes, they indicate the breadth and the depth of actual and threatened violence against members of the Latino community which together create an atmosphere of hostility and apprehension, especially toward those in positions of authority – such as law enforcement officers. This section also documents and includes those non-traditional hate crime incidents that NCLR believes have resulted in establishing environments of fear or mistrust or that appear to condone violence based on discrimination against Hispanics.

B. “Traditional” Hate Crimes

Every hour, someone commits a hate crime. Every day, eight Blacks, three Whites, three gays, three Jews and one Latino become hate crime victims. Every week, a cross is burned. (Southern Poverty Law Center, 1999)

Federal hate crime statistics demonstrate an increasing number of traditional hate crimes against Latinos. In 1993, the first year in which federal hate crime statistics were reported, there were 472 anti-Hispanic incidents reported in the ethnicity/national origin category.¹ By 1995, the number had increased to 516, and to 564 in 1996, an increase of almost 20% over the 1994-1996 period.² The latest figures, from 1997, continue to show a high rate of bias-motivated crimes against Hispanics (491 anti-Hispanic offenses).³ For example, in California alone, Los Angeles, Orange, and San Diego counties have experienced a rise in hate crimes over the past decade. In a period of dramatic decline in crime overall, the latest data show an unacceptably high level of crimes against Latinos motivated by hate.⁴

Two sets of evidence illustrate this point. First, a statewide coalition in Oregon, Causa '98,* compiled the following incidents that occurred against Latinos from September 1995 to January 1997 in the state:

- **October 30, 1996, Woodburn.** Northwest Treeplanters and Farmworkers United, a Latino organization, received a phone call in the early morning. Two women's voices were recorded on the answering machine saying that Mexicans were lying around their lawn “f— them in the a—,” among other such phrases. During the same call, the women exclaimed that “Mexicans should get their a— back to Mexico.”
- **September 1996, Lakeview.** Woodgrain Molding's factory workers, many of whom are immigrants, were evacuated after a bomb threat was phoned in to the company. The motivation behind the action was explicit in the caller's exclamation that there were “too many Mexicans” working there. A complaint has been filed with the local police, with no substantial results to-date.

* Causa '98, a statewide coalition of Latino, African-American, Asian, Native American, labor, religious, student, educator, business, and gay organizations as well as health and human services providers, organized in 1995 for the purpose of opposing anti-immigrant initiatives in Oregon.

- **June 1996, Salem.** Five to six skinheads yelled racial slurs at two Hispanic high school students waiting for the bus.

Second, in special 1998 and 1999 issues of the *Intelligence Report*, published by the Intelligence Project of the Southern Poverty Law Center, over four dozen incidents of hate crimes against Latinos were reported throughout the country in 1997 and 1998; most of the perpetrators of these particular incidents are part of White supremacist groups.⁵ For example:

CALIFORNIA:

- **November 17, 1998, Joshua Tree.** Three men pled guilty to racial terrorism for burning a swastika outside a Latino couple's residence.
- **September 5, 1998, Canyon Country.** Three White men were charged with suspicion of hate crimes, assault with a deadly weapon, and throwing objects at vehicles with the intent to cause injury after they allegedly threw chunks of asphalt at passing cars and yelled racial epithets at a Latino couple.
- **September 3, 1997, Brentwood.** The letters "KKK" (for Ku Klux Klan) and "White Power" were painted at a Hispanic family's residence.
- **April 9, 1997, Newhall.** Two Latino custodians were allegedly assaulted by three White youths, one of whom used a racial slur.
- **February 21, 1997, Covina.** Two Latino men were allegedly attacked by a White man who was armed with a machete and an ice pick and used a racial slur.

FLORIDA:

- **March 8, 1997, St. Petersburg.** A Puerto Rican man was allegedly beaten by three White men who yelled racial slurs.

IDAHO:

- **October 22, 1998, Boise.** Six men were sentenced to prison for a series of racially-motivated attacks against Hispanics in the summer of 1997.
- **August 31, 1998, Bonners Ferry.** A White man was charged with malicious harassment for allegedly haranguing a Mexican man and his child in a grocery store with racial threats.
- **September 3, 1997, Bonners Ferry.** Racist fliers opposing migrant workers were allegedly left at several residences and at a school attended by children of migrant workers.

IOWA:

- **September 26, 1997, Council Bluffs.** A Hispanic man was allegedly attacked by a group of White men who used anti-Mexican epithets.

NEW YORK:

- **January 6, 1997, Brooklyn.** Joseph Tinnirello, 19, and Paul Tinnirello, 18, were sentenced to seven to 21 years in prison for beating a Hispanic man and four Asian men in September of 1995.

OHIO:

- **August 29, 1998, Columbus.** A 23-year-old Hispanic male was gunned down in an alley allegedly by three or more White assailants. Police reported it as a racially-motivated incident.

OREGON:

- **November 10, 1998, Albany.** Two men were charged with attempted first-degree assault, third-degree assault, and first-degree racial intimidation for allegedly trying to drown a Hispanic man.

WASHINGTON:

- **January 25, 1997, Goldendale.** A Hispanic family was allegedly assaulted by three men who used racial slurs. The men were charged with assault and malicious harassment.

WISCONSIN:

- **April 9, 1997, Fond Du Lac.** Three reported skinheads were sentenced to three months in jail and two years' probation for beating a Hispanic youth and a Black woman in October 1996.

In addition to official statistics and published reports, NCLR has separately documented numerous incidents of hate crimes from a variety of sources, many of which were not officially reported as hate crimes. Selected examples of these incidents follow, organized by state:

ARIZONA:

☛ **January 1998, Lake Havasu City.** A Hispanic man was taunted with racial epithets like “wetback,” harassed, and intimidated before being clubbed over the head with a baseball bat in front of his three

children. Several of his attackers were members of a skinhead group called Fourth Reich Skins. One of them was his neighbor at the apartment complex where the victim lived and was attacked.⁶

CALIFORNIA:

☛ **August 22, 1999, San Francisco.** One-page fliers, which announced threats of bloody attacks on women and children unless Latinos left the neighborhood, were distributed and posted in doorways of San Francisco’s Mission District, and caused panic throughout the city’s Latino community. “Hispanics go away!!! When you leave, you won’t be able to rent back a place to live because we have order[ed] the house landowners to raise the rent to a price beyond your pockets!!!,” the fliers stated. This latest racist flyer comes on the heels of reports of anti-Asian flyers found in various neighborhoods throughout San Francisco. Latino residents believe the leafletting is directly tied to the Mission District’s gentrification.⁷

☛ **June 14, 1998, Lancaster.** Two Latino men were beaten at a gas station mini-mart while their attackers, eight to 10 Asian males, were yelling, “What are you wetbacks doing in here?” The two Latino men were kicked and assaulted with a “Club” steering wheel lock, suffering bruises and cuts to their heads.⁸

☛ **October 1, 1997, San Diego.** A Latino male and his family were eating at a deli when a White male exited a car and remarked, “You c—suckers go back to Tecate.” He then walked into the store, and bumped and pushed the victim’s 14-year-old son against the counter, calling him “A f— Mexican.” The suspect walked back to his car while yelling profanities at the family. He pulled out a semi-automatic pistol from his car, threatened the family, and said that he was tired of seeing Mexicans in the United States.⁹

☛ **October 1997, Santa Ana.** A Latino fisherman was stabbed and wounded in a racially-motivated attack.

The attackers were roaming the Balboa Pier in the evening when witnesses noticed that they were talking about “White power.” Moments later the victim was stabbed in the shoulder blade and sent to the hospital. The attacker admitted to the crime and faces a maximum of 17 years in prison.¹⁰

☛ **May 1997, Palmdale.** A Latina house renter received threatening phone calls from a woman who claimed to be the homeowner. The caller threatened to get Blacks to “do some harm.” She also said, “you guys can’t go to the cops because you’re illegal ... I know where your daughter goes to school and I’m gonna run over her,” and “go back to Mexico.”¹¹

☛ **November 12, 1994, San Fernando Valley.** Graziella Fuentes, a 54-year-old U.S. citizen, was taking her daily one-mile walk through the suburban San Fernando Valley, when eight young males 14 to 17 years old shouted at her that now that Proposition 187 had passed, she should go back to Mexico. After calling her “wetback” and other names, they threw rocks at her, hitting her on the head and back.¹²

☛ **August 1, 1994, San Diego.** Several members of an elite SWAT-type military team from Camp Pendelton handcuffed, beat, kicked, and left an elderly Latino migrant farm worker unconscious, according to authorities. One of the perpetrators testified that they had been talking about roughing up the Latino farm workers, who had staked a makeshift camp just a few hundred yards from a barbed wire fence encircling the Marine base. He said they did it because “they were migrants, and we thought we could get away with it. We didn’t think anyone would report it.”¹³

FLORIDA:

↪ **1997, Fort Lauderdale.** Jesiah Salas, 17 years old, was beaten unconscious during a rock concert by a skinhead and had to have stitches in his ear and mouth. His father William Salas, 42 years old, was also attacked and severely bruised while trying to protect his son. The attacker was reported to be a

leader of the White supremacist World Church of the Creator, an Illinois-based supremacist group that gained notoriety earlier this year when one of its former members killed two people and wounded nine in a shooting rampage in Illinois and Indiana.¹⁴

IDAHO:

↪ **December 1996 - August 1, 1997, Nampa.** Several Hispanic residents of Nampa were physically assaulted at or near their homes on five occasions in the summer of 1997; in two of these incidents, the victims were struck with firearms. In addition, a 14-year-old and a nine-year-old were chased through the streets of their neighborhood while their assailants yelled racial slurs,

and two Hispanic men were attacked as they arrived to visit Hispanic friends at their home by assailants yelling racial slurs and telling them that they should go back to Mexico. The assailants are accused of violating federal civil rights laws, as well as charged with conspiracy and the use of a sawed-off shotgun to commit a crime of violence. The case is pending in federal court.¹⁵

ILLINOIS:

↪ **February 9, 1996, Waukegan.** Ricardo "Richie" Arroyo was killed in a car accident while he was on his way to school. Arroyo, age 15, was a passenger in a car that went through a stop sign, colliding with another car. He was thrown to the ground. The passenger in the other car was so enraged about

the accident that he jumped out and began kicking Arroyo and his friend, Marcos Morales, the driver, while yelling racist names at them. Arroyo died about an hour later from injuries sustained in the accident. The man who beat him was convicted of a hate crime and aggravated battery.¹⁶

KENTUCKY:

↪ **May 22, 1998, Lexington.** A man who identified himself as a KKK member telephoned the Lexington Hispanic Association and said, "We're going to kill you Mexicans ... and we're going to start killing every Mexican in town, starting with one a week,

because we don't need Mexicans here to work." Lexington police took a report of the threatening call and indicated that the case would be handled by detectives.¹⁷

MAINE:

↪ **Summer 1995, Livermore.** Allen Adams and Tad Page were sentenced to 88 and 70 months, respectively, for their roles in the ethnically-motivated shooting of four Latinos. Three of the shooting victims were migrant laborers working at an egg farm, while the fourth was visiting his ailing mother, a migrant worker. The incident began at a store, where the victims were trying to make a purchase. Adams and Page, who were also at the

store, taunted the victims with ethnic epithets, telling them: "Go back to Mexico or [we'll] send you there in a bodybag." After the victims drove away from the store, Adams and Page chased them by car, firing 11 rounds from a nine-millimeter handgun at the victims' automobile. One victim was shot in the arm, while another bullet hit the driver's headrest, just a few centimeters from the driver.¹⁸

MASSACHUSETTS:

↪ **October 7, 1998, Boston.** At Boston College, 13 minority students, including at least one Hispanic, received e-mails that read, "BC is for white men ... you all need to go back where you came from." The message also included slurs against people who are

Asian, Black, Hispanic, or gay. According to the New York Times, six items of racist, sexist, or anti-gay graffiti have been reported in the dormitories since the beginning of Fall semester 1998 classes.¹⁹

NEW YORK:

☛ **March 1991, Corona.** Manuel Mayi, an 18-year-old Dominican immigrant, was fatally beaten with baseball bats and a fire extinguisher by a group of local Italian American youths who got upset because Mr. Mayi wrote his graffiti tag on a nearby billboard

while walking home through a small park called "Spaghetti Park" by the locals. The case became symbolic of the ongoing tensions between arriving Dominican immigrants and long-time Italian American residents.²⁰

NORTH CAROLINA:

* November 15, 1998, York. Two men were held at the city jail, pending charges in break-ins at four homes and a fire that destroyed one of the residences. No

one was killed in the fire, but the two men specifically targeted Hispanic residences for this crime.²¹

OREGON:

☛ **September 1997, Lincoln City.** At Taft High School, students and others began hurling racial slurs at two female Hispanic students. When the boyfriend of one

of the girls came to their defense, he was attacked and injured with a baseball bat.²²

TENNESSEE:

☛ **July 24, 1999, Bybee.** Tensions have risen in this community on the edge of the Great Smoky Mountains over a federally-funded day care center for Hispanic migrant farmworkers. The barn of a farmer leasing the tract for the center was torched. Across the street from the property, a homemade

dummy (a T-shirt and pantyhose stuffed with hay) smeared with ketchup was also found hanging on a pole.²³ The apparent message is that anyone doing anything to accommodate the recent influx of farmworkers is at risk.

SOUTH CAROLINA:

☛ **November 1998, York.** Four Hispanic homes were targeted and broken into; one of them was burned down. A York Police Detective stated that robberies and burglaries against an expanding Hispanic population are a growing problem in York. Several of the victims were home when the burglaries took place and sustained injuries. One was cut in the face and another was hit with a baseball bat; both required

stitches. The victims whose house was burned down were forced at gunpoint to lie on the floor, while the suspects poured kerosene around them and lit a match. "But it didn't light," said the detective. "Sometimes there are angels."²⁴ Residents believe that these crimes are part of a pattern in which Latinos are targeted for violence.

WISCONSIN:

☛ **May 24, 1998, Village of Westboro.** Racial epithets, including the term "spic," were yelled at two Hispanics, a father and his daughter, by three White males and one White female. The defendants then lit two bottle rockets and fired them at the victims.

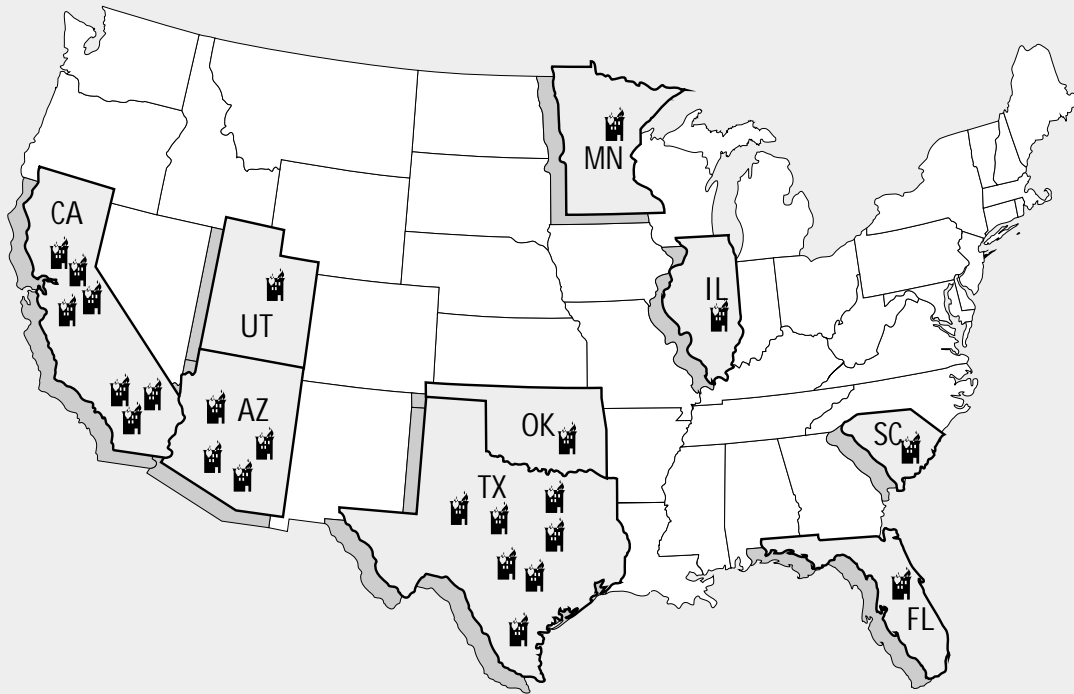
The first went over their house and the second landed under one victim's car, which was parked in front of the home. The defendants are also being charged with stealing property from the victims' home.²⁵

ACTIVE HATE GROUPS IN THE UNITED STATES IN 1998



Source: The Southern Poverty Project Law Center, "1998 The Year in Hate: Hate Groups Top 500," *Intelligence Report*, Issue 93, Winter 1999.

Confirmed Arsons, Bombings, or Attempted Bombings of Hispanic Places of Worship, by State 1995 - 1998



Source: The National Coalition for Burned Churches, 1998.

C. Church Burnings

The issue of church burnings may represent an emerging pattern of hate-related activity in Hispanic places of worship. The National Church Arson Task Force and the National Coalition for Burned Churches, in collaboration with NCLR, are currently investigating confirmed church arsons that may be hate-related. An estimated 24 Hispanic places of worship throughout the country are on the list of church arson sites to be investigated.²⁶

For example, on April 5, 1995, in Wallhala, South Carolina, an arson fire occurred at La Luz del Mundo Church. A White 14-year-old juvenile pled guilty in family court to delinquent arson, third degree. The juvenile prepared a written statement that he had poured fuel inside the structure and ignited it because he "dislikes Mexicans." He was ordered into the custody of the juvenile justice system and will be sentenced to imprisonment for a period of time not to extend beyond his 21st birthday.²⁷ While NCLR does not know the extent to which these church burnings are bias-motivated, the data reflect an apparent pattern to do harm to places of worship that serve members of the minority community and are, therefore, included in this report.

A few of these cases have resulted in state court convictions. In Salt Lake City, Utah, Templo Casa De Oración, a Hispanic church, was also burned on March 28, 1996. The defendant, a 32-year-old Caucasian female, pled guilty to state charges. After a 90-day mental evaluation, she was sentenced to a halfway house and ordered to pay \$38,000 in restitution.

The examples and cases presented in the previous pages provide a small glimpse into what NCLR suspects is a much larger and growing trend of violence against Latinos motivated by hatred and bias.

ARIZONA:	<ul style="list-style-type: none"> ✿ Chandler, January 23, 1997. New Life Trinity Church of God. 	<ul style="list-style-type: none"> ✿ Yuma, September 30, 1996. Our Lady of Guadalupe. 	<ul style="list-style-type: none"> ✿ Glendale, July 23, 1996. Iglesia del Nombre De Jesús Cristo.
CALIFORNIA:	<ul style="list-style-type: none"> ✿ Sylmar, May 18, 1997. Mary Immaculate Church. ✿ Wilmington, February 28, 1997. Cristo La Única Episcopal. ✿ N. Hollywood, December 31, 1996. Lluvias de Gracia. 	<ul style="list-style-type: none"> ✿ Los Angeles, October 9, 1996. Iglesia Pentecostés Filadelfia. ✿ Los Angeles, October 9, 1996. St. Vibiana Church. 	<ul style="list-style-type: none"> ✿ Highland, August 4, 1996. Church of the Body of Christ. ✿ Visalia, June 28, 1996. Visalia Community Church.
FLORIDA:	<ul style="list-style-type: none"> ✿ Jacksonville, October 30, 1997. Iglesia Adventista Del Séptimo Día. 	ILLINOIS:	<ul style="list-style-type: none"> ✿ Chicago, March 26, 1997. Iglesia Evangelio Jesucristo Primero.
MINNESOTA:	<ul style="list-style-type: none"> ✿ Shakopee, July 13, 1997. Light of the World Church. 	OKLAHOMA:	<ul style="list-style-type: none"> ✿ Oklahoma City, October 31, 1996. Holy Angel Baptist Church.
TEXAS:	<ul style="list-style-type: none"> ✿ Castroville, January 23, 1998. Primera Bautista Hispana Church. ✿ El Paso, March 18, 1997. Templo Corona De Gloria Christian Church. ✿ Odessa, February 19, 1997. Iglesia Fuente De Vida Church. 	<ul style="list-style-type: none"> ✿ Colorado City, December 3, 1996. Emanuel Baptist Church. ✿ San Antonio, July 4, 1996. Community Pentacostal Church. 	<ul style="list-style-type: none"> ✿ Dallas, June 23, 1996. East Spanish Congregation JW. ✿ Fort Worth, June 14, 1996. Festepco Baptist Church.
UTAH:	<ul style="list-style-type: none"> ✿ Salt Lake City, March 28, 1996. Templo Casa de Oración. 		

Source: The National Coalition for Burned Churches, 1998.

D. Private Citizens and Vigilantes

As Latinos become an increasingly more visible segment of American society, they have become likely targets of harassment that often borders on hate violence. One apparent effect of the increasing anti-immigrant sentiment in the nation has been a surge in incidents of vigilantism; that is, undue, and often illegal, enforcement of existing laws by ordinary citizens. Americans are taking the law into their own hands to try to stem the perceived “flood” of illegal immigrants into the country. Often armed and working in groups, many of the vigilantes commit apparent acts of discrimination and actual violent confrontations. In addition, private individuals have also deliberately preyed on or abused Latinos by exploiting their immigration status. For example:

CALIFORNIA:

- ☛ **May 1997, San Diego.** "Bob's Boys," a group of "volunteers" patrolling the San Diego border, arm themselves with semi-automatic rifles, seismic sensors, attack dogs, and camouflage outfits, ready to hold "illegals" at gun-point until Border Patrol agents arrive to arrest them and return them across the border. They use zip ties for handcuffs on those who try to "cause trouble" and use their dogs to chase those who try to run away. They are one band of many organized and working along the U.S./Mexico border region today.²⁸
- ☛ **May 1996, San Diego.** "Roger's Airport Posse," a local vigilante organization, patrolled the airport, "scouting" for and verbally abusing and intimidating persons "suspected" to be undocumented, until it was stopped by a temporary restraining order. The "Posse" members wore uniforms and badges that resembled those used by the Border Patrol.
- ☛ **1995, San Fernando Valley.** A doctor at a hospital insulted an immigrant patient and his aunt throughout the visit, calling them "f--- wetbacks" and telling them to go back to Mexico.²⁹
- ☛ **1995, Santa Monica.** A housekeeper was physically thrown out of a dry-goods store and was told by a store manager: "We don't wait on illegal wetbacks. Go back where you came from."³⁰
- ☛ **1995, Woodland Hills.** After passage of California Proposition 187, a Latina nurse was pelted with rocks and anti-Latino epithets by teenagers at a high school she has walked by for 10 years without incident.³¹

**WELCOME TO CALIFORNIA
THE ILLEGAL IMMIGRANT STATE**

DON'T LET THIS HAPPEN TO YOUR STATE:

**CALL TOLL FREE
(877) NO ILLEGALS**

Source: "Group Stirs Outrage With Billboard Deploing Illegal Immigration," *Los Angeles Times*, May 6, 1998.

MISSISSIPPI:

- ☛ **September 1994, Amory.** While attempting to shop at a store, 11 Hispanic men – 10 U.S. citizens and one legal resident – were, on two occasions, physically removed from the premises by security or other store personnel and informed it was the store's policy that they could not remain in or purchase groceries from the store because they were "Mexicans."³² A class action lawsuit against the store was settled in 1996.

NEW YORK:

- ☛ **September 1997, New York City.** Cesar Diaz, a Mexican immigrant, was physically assaulted by three men at Panarella's Restaurant on the Upper West Side, where he worked as a busboy. The attack ostensibly occurred because Mr. Diaz showed up to work 10 minutes late. Mr. Diaz' boss, the boss's cousin, and a friend were the accused attackers. There were numerous witnesses to the event, which occurred in the restaurant's second-floor stairway and which left Mr. Diaz hospitalized with a broken nose and eight stitches. Mr. Diaz, like the majority of Latino employees at the restaurant, is owed back wages from the owner and is paid an average of less than \$3 an hour. The police have given little attention to his case.³³
- ☛ **July 25, 1997, New York City.** A group of 55 deaf, undocumented Mexican nationals was smuggled into the U.S. and forced to peddle trinkets on city subways, and then turn all of its earnings over to the individuals charged with bringing them into the country. These individuals held the vendors in virtual slavery, keeping them in two cramped apartments and subjecting them to beatings, food deprivation, and sexual abuse; they were able to exploit their victims because of their immigration status and their disability.³⁴

"Are you tired of being stuck in traffic? Everyday, another 6,000 new immigrants arrive in this country. Everyday!"

Source: "New York: Community Leaders Protest Anti-Latino Immigrant Ads By New Group," *Politico*, August 9-15, 1999.

WASHINGTON:

← **January 1996, Yakima.** Three men of Mexican descent were threatened and asked to leave a tavern because they were speaking Spanish. The tavern owner had a sign above the bar that read "In the U.S.A. it's English or adios, amigo."³⁵

"DEFENDERS" OF THE U.S

"Helloo Beaners, let's give these greasers a welcome to America." Following these words, Todd Mills and Peter Kallagan shot their air rifles toward the distant and faint silhouettes dashing through the dry creek.

A few seconds later, Todd, Peter and their posse of five additional hunters reached the other edge of the dry creek led by the faint cry of their prey. Towering over Felipe, a short, 19-year-old young man from the Mexican state of Tamaulipas, stood seven adolescents in olive, camouflage military uniforms.

"What should we do with him? His 'amigo' already crossed back into Mexico."

"I think he learned his lesson. Why don't we make him walk back to his side of the border?"

"Hey, greaser, 'Hosee, camina' fast toward the border!"

Todd, who at 17 was the older hunter and the commander of this "mission," then noticed the blood that was gushing out of Felipe's right eye.

"Guys, I think the pellets blew his eye out! I think we better leave!"

The self-appointed "defenders" of the United States' national integrity practiced a tactical retreat and returned to the safety of their base camp in Vereda, an upper-middle-class suburb of San Diego, CA, that lies less than seven miles from the U.S./Mexico Border.

Excerpt from "Of Borders and Boundaries," by Dr. Victor M. Rodriguez in *No Hate Allowed: A Resource for Congregations for Action Against Racial Hate Crimes*. Evangelical Lutheran Church of America. 1993.

E. Law Enforcement

1. Police Brutality

One of the most serious types of violence facing minority communities in the U.S. is police use of excessive and deadly force in the name of law enforcement.³⁶ In a recent report by Amnesty International USA, the organization documented widespread and persistent problems of police brutality across the United States. Thousands of individual complaints about police abuse are reported each year and, as a result of lawsuits, local authorities pay out millions of dollars in damages to victims. They allege that police officers have beaten and shot unresisting suspects; they have misused batons, chemical sprays, and electro-shock weapons; and they have injured or killed people by placing them in dangerous restraint holds. The overwhelming majority of victims in many areas are members of racial or ethnic minorities, and relations between the police and members of minority communities are often tense.³⁷

Equally compelling, Human Rights Watch released a report in June of 1998 entitled *Shielded From Justice: Police Brutality and Accountability in the United States*. It details incidents of police brutality and excessive use of force in 14 U.S. cities and describes the accountability measures taken by the Civilian Complaint Review Boards and/or the police departments' Internal Affairs Office. The incidents of abuse are plentiful, yet the measures of accountability, they argue, point to the failure to act decisively to restrain or penalize such acts or even to record the full magnitude of the problem.³⁸ As in the earlier-cited Amnesty International report, Human Rights Watch documented incidents in which police officers engaged in unjustified shootings, severe beatings, fatal chokings, and unnecessarily rough physical treatment, while their police superiors, city officials, and the Justice Department failed to act decisively to end such abuse.³⁹

As with many other minority groups, relations between the Hispanic community and local police across the country have grown tense as the Latino population has increased both in number and as a proportion of those reporting civil rights abuses. Hispanics have long protested an apparent pattern of unfair or abusive treatment, based on their appearance or ethnicity, by police and other law enforcement officials.⁴⁰ According to a 1991 survey, 59% of the total respondents believe that police brutality is common in some or most communities in the U.S., and 53% think that police are more likely to use excessive force against Black or Hispanic suspects than against White suspects.⁴¹

Federal data on police brutality and excessive use of force by local law enforcement are scarce and at best incomplete in capturing the full picture of what is actually taking place in the nation's cities. The U.S. Department of Justice has yet to conduct a full-scale investigation into the patterns and practices of some of the largest cities' police departments – many of whom have been alleged to engage in intentional police brutality and violence. For example, in 1994, the Mollen Commission reported on widespread police corruption and brutality in the Bronx. It found that police corruption, brutality, and violence were present in every high-crime precinct "...[and] found disturbing patterns of police corruption and brutality, including ...unlawful searches, seizures, and car stops."⁴² It also found that they lied "in order to justify unlawful searches and arrests and to forestall complaints of abuse, and indiscriminate beating of innocent and guilty alike."⁴³ The "Us vs. Them" mentality remains very much a part of law enforcement today.

In addition to studies by national advocacy groups documenting the increase in excessive-use-of-force cases, NCLR has also found a number of other examples, outlined below, of both inappropriate use of force and delegation of authority by law enforcement officials that resulted in discrimination and violence:

ALABAMA:		
<p>◆ June 18, 1999, Albertville. Three Hispanic men complained that Marshall County police officers used undue force and did not explain why they entered their home in the late evening. A flash grenade was</p>	<p>tossed in the front door and several of the men were injured. The Police Department failed to give the men the medical attention they needed. Police claimed to be searching for a man suspected for murder – no</p>	<p>such suspect was found. The three Hispanic men did not know sufficient English and the police officers did not know Spanish, leading to additional communication problems in the evening raid.⁴⁴</p>

CALIFORNIA:		
<p>◆ August 1999, El Monte. In an early morning narcotics raid, a SWAT team from the El Monte Police Department burst into the home of a Mexican immigrant family and shot dead an unarmed elderly man, Mario</p>	<p>Paz, in his bedroom. According to press reports, he was shot twice in the back, and cash savings found in the home were confiscated. No drugs were found in the raid and a different name than that of the residents was on the search warrant.⁴⁵</p>	<p>◆ July 5, 1997, Riverside. In testimony before a grand jury, Riverside Police Officer Jason McQueen said he and two other officers picked up Jose Hilario Martinez, a 48-year-old construction worker, because he appeared to be</p>

CALIFORNIA (CON'T):

drunk while walking along the street. The three officers took Mr. Martinez to a local city park, beat him, and threw him into the park lake when he refused to cooperate with their demands, stated Office McQueen. According to a project specialist for a local anti-violence group, the only unusual thing about the Martinez incident is that the officers involved got caught.⁴⁶

- ◆ **April 1996, Riverside County.** Two Riverside County sheriff's deputies pulled two unarmed Mexicans suspected of being undocumented immigrants out of a car, and proceeded to prod and then brutally beat them with their batons, also slamming them against the car. Both victims required hospitalization for severe injuries.

A TV news crew captured the gruesome beating on videotape, prompting a nation-wide outcry.⁴⁷

- ◆ **March 1996, Santa Clara County.** Gustavo Soto Mesa, 33 years old and unarmed, was shot in the back of the head by a Santa Clara County Sheriff's officer. The Sheriff's Office claimed that they knew Mr. Mesa was unarmed; he was, however, "violently resisting arrest." The officer was shortly thereafter cleared of all charges.⁴⁸
- ◆ **1996, Los Angeles.** Javier Francisco Ovando, a Honduran immigrant, was handcuffed, shot point-blank in the head, and then accused of assaulting police officers. He was left paralyzed from the waist down as a result of the shooting and sentenced to

more than 20 years in prison for the alleged crimes committed. On September 16, 1999, the 22-year-old Ovando was released from prison after some of the officers involved admitted in court to shooting and framing him on false charges. The FBI is currently investigating the case.⁴⁹

- ◆ **1991-1996, Southern California.** According to the Mexican American Bar Association, 24 Hispanics have been shot and killed in the Southern California area by police officers and White vigilantes. In six of these cases, the victims were shot in the back, and in 14 of them the victims were completely unarmed. Local authorities have failed to prosecute in any of those cases.

COLORADO:

- ◆ **August 23, 1999, Denver.** A news helicopter taped 10 officers subduing and arresting

three unarmed Hispanic men during a rush-hour chase. The video shows at least two officers striking one suspect in the back

of the head with their guns, and other officers kicking and hitting the suspects on the ground.⁵⁰

FLORIDA:

- ◆ **May 1999, Miami.** A homeless man, Lewis Rivera, was sitting while eating in a Miami shopping mall, when according to eyewitnesses he was chased by five or six police officers who threw him on the ground and

bound his hands and feet before dragging him to a police car. He died less than an hour later in a police holding cell. He is the second homeless man in Miami reported to have died this year after being pepper-

sprayed and restrained by police. Rafael Perez Siberio died in February 1999 after a struggle with police who were arresting him for jumping on cars and "acting crazy."⁵¹

NEBRASKA:

- ◆ **October 1994, Lincoln.** Francisco Renteria was escorting his mother home, by foot, from the laundromat when he was suddenly set upon by

University of Nebraska police officers who apparently mistook him for a drunken suspect being sought for another crime. He was fatally beaten. The only match with the dispatcher's

description was that the suspect was "a Hispanic male."⁵² The city settled a lawsuit filed by the Renteria family in 1996.

NEW JERSEY:

◆ **April 17, 1998, Passaic.** Federal immigration officials, in conjunction with a Passaic County Sheriff's officer and state police, conducted a raid at three outdoor recreation areas frequented by Latino youth. Officials claimed that the raid was meant to pick up Mexican

gang members who were wanted on arrest warrants. Of the 19 people arrested, all were Latinos; 12 were U.S. citizens, and most had no gang connections. Children were forced to get on their knees and put their hands on their heads during questioning. Hugo Alvarez, 14 years old, was head-butted by a

police officer in Pulaski Park because he could not remember his Social Security number. "If you tell me 'I don't know it,' I'm going to hurt you," the officer told him. When the boy's father complained, he was ordered to show his green card and driver's license.⁵³

NEW YORK:

◆ **November 12, 1997, Albany.** According to a Los Angeles Times article, INS agents fired shots at fleeing migrant workers. The article stated that frightened migrant workers are leaving western New York farms before the work in the fields is completed; farmers blame overzealous immigration officials. "They're harassed at the laundromat, the grocery store, walking down the street, going to the post office," said a New York farmer.⁵⁴

◆ **December 22, 1994, New York City.** Anthony Baez, aged 29, of Puerto Rican origin, died of injuries sustained during his arrest by officers from the 46th Precinct in the Bronx. He had been visiting his family from

Florida and was kicking a ball with his brothers outside the family home when the ball accidentally hit two parked police patrol cars. According to family members who witnessed the incident, one officer lost his temper and arrested Anthony Baez' brother, placing him in handcuffs. When Anthony questioned the officer's arrest and treatment of his younger brother, the officer reportedly grabbed him, placing him in a choke hold; he and other officers present then allegedly knelt on Anthony's back while handcuffing him behind his back as he lay face-down on the ground. Anthony's father and other family members reportedly warned the officers to be careful as he suffered from chronic asthma. According to the civil action filed by the family in the

case, Anthony was left faced-down on the ground in a prone position for 10-15 minutes before being dragged into a police car, with no attempt made to resuscitate him. He was taken face-down in a police car to a hospital, where he was pronounced dead approximately one hour later. The Medical Examiner concluded that Anthony's death was caused by "asphyxia due to compression of the neck and chest" as well as acute asthma, and classified the death as a homicide. The officer who had allegedly applied the chokehold on Anthony had had 14 prior complaints of brutality filed against him, eight for excessive force and four for using a choke hold.⁵⁵

OHIO:

◆ **January 17, 1998, Cleveland.** A Puerto Rican family was terrorized and viciously beaten by Cleveland police in their own home when police rushed into their house to arrest a man accused of a traffic violation. A 53-year-old man was knocked out and had one of his ribs broken. A 25-year-old pregnant woman was pushed against the wall; she had to be taken to the hospital for treatment. One of

the children caught some of the incident on tape. The case is still under investigation.⁵⁶

◆ **1996-Present, Ohio Highways.** After a permanent injunction was ordered by a Michigan court against the Border Patrol to prohibit them from making traffic stops in both Michigan and Ohio, the Border Patrol began utilizing the Ohio Highway Patrol's drug enforcement task force for this purpose. In depositions of task force officers and in a response

filed by the Ohio Highway Patrol to the original complaint in a lawsuit filed in 1996 by the Equal Justice Foundation, the Highway Patrol admitted that they make routine stops of Hispanics on behalf of the Border Patrol. These stops occur whether or not there has been a traffic violation. They also admitted that they routinely confiscate "green cards" from legal immigrants and weekly turn them over to

OHIO (CON'T):

the Border Patrol for verification. During one deposition, an attorney for the Equal Justice

Foundation asked whether the officer would ask him for his "green card" if he was pulled over for a traffic stop in Ohio. The

response was "you being you, or you being Hispanic?"⁵⁷

TENNESSEE:

◆ **August 1997, Hamblen County.** Tennessee Highway Patrol tipped Miami-based Border Patrol that it would be "interested" in the traffic on highway 160 in the Lake-way area. Border Patrol and police set up a roadblock and requested documents only from Hispanics. One U.S. citizen,

Dennis Hernandez, a native of California, was pulled out of his car by his hair, punched in the face, and arrested. Apparently, his fingernails were long and impeded the border patrol's ability to take his finger-prints. The patrol officer used a pocketknife to cut Mr. Hernandez's fingernails, cutting his finger in the process. Mr.

Hernandez believes he was singled out and pulled over solely because of his ethnicity and that the police and Border Patrol arrested him because, like most Americans, he could not instantly produce a document to prove his citizenship.⁵⁸

TEXAS:

◆ **July 12, 1998, Houston.** Pedro Oregon Navarro, a 22-year-old Hispanic and father of two, was shot to death by six Houston police officers when they burst into Mr. Oregon Navarro's bedroom while chasing an informant's tip that drugs were being sold in the apartment. Of the 21 bullets fired by Houston police officers, Mr. Oregon Navarro had "nine gunshot wounds in the back... two [shots] entered his head from above and another hit his body

and went through his left hand."⁵⁹ The grand jury dismissed charges against most of the officers involved in the incident. One of the officers was given a misdemeanor charge for criminal trespass. The case is currently being investigated by the U.S. Department of Justice for possible civil rights violations.

◆ **May 1994, Katy.** The Katy Police Department and the INS conducted a joint operation in which vehicles driven by individuals of "Hispanic

appearance" were stopped and detained. Searches in homes, trailers, and apartment complexes where Latinos resided were also conducted. In addition, "street sweeps" in which Latinos were the only individuals stopped and questioned about their immigration status were also part of the operation. Katy City police officers acted out of their jurisdiction and wrongfully questioned, detained, and arrested individuals based on their immigration status.⁶⁰

UTAH:

◆ **April 25, 1997, Salt Lake City.** A group of 75 heavily-armed police officers and federal agents burst through the metal door of U.S. citizen Rafael Gomez' tortilla factory and Mexican food store. Wearing scarves over their faces, with bulletproof vests and brandishing rifles and pistols, the law enforcement agents ordered some 80 employees down on the floor. Gomez, who was standing near the door when the police arrived, was struck in

the face with what appears to have been the butt of a rifle. As he fell to the ground, he struck his head against the concrete floor and was later handcuffed by police. When he tried to lift himself to see what was happening, he was kicked in the back of the head and was ordered to stay down. Gomez says that police later pointed a rifle at the head of his six-year-old son. His secretary was dragged by her hair across the floor. According to the police,

they had been tipped off by an anonymous source that the tortilla factory was being used as a distribution center for drugs and illegal weapons. However, from the police's point of view, the raid proved to be a complete failure. No street drugs or weapons were found. So far, police have made no apologies for the raid, which appears to have been motivated solely by the ethnic nature of the business and its employees.⁶¹

2. INS Abuse

The INS has significantly stepped up efforts in the last several years to enforce immigration laws along the U.S./Mexico border, inland, and at the workplace. Efforts such as increased workplace raids, an escalating number of armed INS agents along the border and the interior, and more joint operations between INS and other local and federal law enforcement agencies have served to undermine the physical safety and constitutional and civil rights of Latino communities. NCLR has noted that civil rights violations and abuse have been committed in the process of enforcing immigration laws. Incidents of illegal or inappropriate seizures, traffic stops based solely on ethnic appearance (racial profiling), arrests made without cause, deprivation of food, water, or medical attention, and actual physical abuse have been recorded. Many victims of abuse and mistreatment by immigration authorities are U.S. citizens or legal permanent residents.

a. Border Issues

In 1997, the University of Houston's Center for Immigration Research released a report indicating that "more illegal immigrants die trying to enter the United States through San Diego County than anywhere else along the U.S./Mexico border."⁶² Later that year, a study conducted by the Immigration Law Enforcement Monitoring Project of the American Friends Service Committee (AFSC) concluded that 83 migrants died while crossing the border into San Diego and Imperial Counties, California from Mexico. Both reports argue that these deaths are the logical outcome of an immigration policy (i.e., Operation Gatekeeper*) that has driven many immigrants and border patrol agents alike to take risks that are extreme and often fatal in nature, including an increased integration of military and police units; heightened deployment of surveillance technology; and an inflamed political rhetoric that, on the one hand, has vilified immigrants and, on the other, legitimizes the tactics used by law enforcement agencies against them.⁶³ The AFSC report further documents over 200 incidents of excessive use of force, physical and/or sexual abuse, verbal abuse, and threats against undocumented immigrants by Border Patrol agents.⁶⁴ A May 1998 report by Amnesty International also cites an increase of ill-treatment, including people's being struck with batons, fists, and feet; sexual abuse; denial of medical attention; and denial of food and water. These cases included citizens and legal permanent residents of the U.S.⁶⁵

The militarization of the border, another dangerous aspect of escalating violence, was also reported as a serious concern in both the AFSC and Amnesty International reports. For example, on May 8, 1997, an 18-year-old Mexican American high school student in Texas was shot and killed by a U.S. Marine who was part of a four-person squad of the Joint Task Force Six, a military unit assigned to anti-drug operations under the jurisdiction of the Border Patrol. They were dressed in camouflage battle fatigues and hidden in the bushes. The Marines followed the student for 20 minutes before they shot him.⁶⁶ Mr. Esequiel Hernandez, Jr. was guiding his herd of 43 goats over rugged terrain when he was fatally shot by the U.S. Marine officer. The death threw wide open the controversial issue of the extent of military involvement in supporting anti-drug and anti-immigration law enforcement efforts along the border and the interior.

b. Selective Enforcement Issues

These types of abuses are increasingly taking place against legal permanent residents and U.S. citizens and have not been limited to the U.S./Mexico border, but have also occurred inland and in the workplace, areas in which Border Patrol and INS have not traditionally been active. NCLR has noted that while these types of incidents are not traditional hate crimes, they do instill a sense of fear and mistrust, and of not belonging in the communities where such incidents occur. As early as 1993, the National Lawyers Guild and the National Network for Immigrant and Refugee Rights published a report that provided an account of INS activities in non-border regions and documented abuses in Michigan, Washington, New York, Kansas, Illinois,

* Operation Gatekeeper began in 1994 as an effort by the U.S. government to curtail the flow of illegal crossings along the U.S./Mexico border. The walls along the border have been thickened and lengthened, sensors have been placed, and almost double the number of agents have been added to patrol the regions with the heaviest traffic.

and Puerto Rico. It found that U.S. citizens, as well as Hispanic immigrants, are victimized by immigration authorities, underscoring the fact that an abusive pattern of immigration law enforcement is not just a border problem, but a national problem.⁶⁷

A recent article in the *Seattle Times* reported that the INS now has more employees authorized to carry a gun than any other federal agency – a result of a 1996 law that gives unprecedented resources to immigration police. In the last three months of 1997, the INS deported 70% more people than it did during the same period of 1996.⁶⁸ Some of those efforts appear to be unfairly targeting Latinos – a pattern of “selective enforcement” that has undermined the rights of citizens and legal residents and terrorized the larger community. The following instances of INS enforcement-related civil rights abuses, presented with most recent incidents first, further substantiate these concerns:

- **August 1999, Orange County, CA.** Orange County Sheriff Deputies allegedly harassed Latino day laborers gathered at a strip mall by barring them from businesses, using ethnic slurs, and gave them tickets for loitering.⁶⁹
- **July 10, 1999, Wichita Falls, TX.** According to news reports, immigration officers broke down the front door of a Hispanic family's home, brandished firearms, and terrorized them, during a “routine” attempt to round up undocumented immigrants in their neighborhood.⁷⁰
- **February 1998, Seattle, WA.** In a raid at Steeler Manufacturing, INS agents detained 10 Latino workers. With one exception, all were legal residents or U.S. citizens. One citizen, Raul Chaves, was handcuffed and detained. Agents finally released him when a friend brought his birth certificate to the workplace. According to case law, ethnic appearance alone does not constitute “reasonable suspicion” that a person is undocumented.⁷¹
- **January 29, 1998, Bethesda, MD.** Waitress Allegra Foley was setting up tables for lunch at the Thymes Square Café when plainclothes INS officers entered the restaurant. They headed directly to the kitchen, where they questioned a number of Latino employees; six were arrested.⁷² Foley was particularly upset that employees at the café were clearly targeted for questioning based on their perceived racial appearance. In a notarized affidavit, Foley testified that “at no time did they ever question a white, black, or Asian employee on duty at the restaurant ... with the sole exception of the manager ... who ... voluntarily provided his green card.”⁷³
- **October 20, 1997, Elba, NY.** Sergio Cordoba, a permanent resident – and a supervisor at a farm located just east of Buffalo – witnessed immigration agents descend on Torrey Farms, searching fields and packing sheds. The agents handcuffed all workers who “looked” Latino without specifically interrogating them as to their immigration status. The *New York Times* reported that agents knocked down doors and wrestled workers to the ground, despite the fact that the latter offered little resistance.⁷⁴
- **July 9, 1997, Portland, OR.** INS agents in unmarked vehicles began arresting almost fifty Latino day laborers who were waiting for work on street corners along East Burnside Street. The agents did not identify themselves, and arrested the majority of people without asking questions. Most of the agents were dressed in plainclothes, although some of them later donned Border Patrol jackets when their colleagues arrived in bulletproof vests and uniforms. “I only saw one man questioned. It happened right in front of me. The INS agent came right up close to his face, leaned over him, and asked him where he was from and to show his papers. The worker didn't answer but started to fumble with his wallet in an effort to extract a document and was arrested before he could get it out. The entire interchange took less than a minute. Only Latino men were arrested. Other people on the scene, including a light-skinned Mexican, were not even questioned,” recalled Lucy Bernard, a witness from the Workers' Organizing Committee in Portland.⁷⁵
- **January - June 1997, Chicago, IL.** The INS apprehended a total of 609 people in 37 work site raids, making the workplace the most common site for an undocumented immigrant to be arrested. The INS

estimates that about 44% of the illegal immigrant population in Illinois is Mexican; however, the percentage of Mexicans out of all immigrants arrested in the state by INS in work site raids was 96%. Mexicans in Chicago are twice as likely to be arrested as their Polish or Filipino counterparts.⁷⁶

- **August 1996, Jackson Hole, WY.** INS agents conducted a raid in Jackson Hole, Wyoming, in which 153 suspected illegal immigrants were rounded up and detained. According to press reports, some of the suspects were picked up off the street merely because their skin was brown. It was reported that agents picked one man off his bicycle as he rode down the street; "they failed to ask him to stop, they simply ran him down, took him off his bike, put him in handcuffs, and stuffed him in the police car," stated an eye-witness.⁷⁷ Some of those picked up had large numbers written on their arms with black felt pens, as though they were cattle. Further press reports stated that 18 of those picked up were "hauled away in a dirty horse trailer lined with fresh manure."⁷⁸ In the end, 40 of the "suspects" were released after proving they were citizens or documented workers.
- **August 1996, Cincinnati, OH.** INS officials conducted a raid of a Hispanic restaurant and handcuffed a Mexican man who claimed he was a legal resident but failed to show proof of residency. The Mexican man willingly went with the INS officials, but was subject to a barrage of questions he was told he had to answer about the status and activities of his co-workers. Twenty minutes later, agents told the man that the computer had acknowledged his legal status, but only after the INS agents realized he could not answer any more of their questions. He proceeded to ask them if he had been obligated legally to answer those questions; they said, "No. You have a right to say no." They took his handcuffs off and told him he was free to go.⁷⁹

c. Delegation of Authority

In 1996, Congress passed the Illegal Immigration Reform and Immigrant Responsibility Act (IIRIRA) with a provision that grants the Attorney General the ability to delegate immigration powers to local police officers. Incidents involving INS and local police cooperation in immigration-related enforcement activities have resulted in a serious fracture in the relationship between immigrants, their neighbors, and the police, much of it due to the unnecessary use of force that has taken place during such encounters.

For example, in Chandler, AZ, during the last week of July 1997, local police and six Tucson-based Border Patrol officers conducted a sweep of the downtown area. A two-month investigation by Grant Woods, the Attorney General of Arizona, found that the sweep was part of the city's "Operation Restoration," an economic redevelopment plan for the downtown area. The report also records firsthand accounts, police reports, and radio transmissions that show that the police and Border Patrol singled out individuals based on ethnicity for detention and questioning about their immigration status, without cause, in their homes and on the streets. Below are two of the more egregious incidents in Chandler:

- An elderly legal immigrant walking on the street with her seven-year-old granddaughter was stopped without cause and forced to produce her "green card." The police officer then demanded papers for her granddaughter, who is a native-born U.S. citizen. He admonished the woman that she should always carry the girl's birth certificate wherever they went and "should teach her granddaughter to say 'I'm an American citizen.'"
- Another legal immigrant and his family were awakened in bed late at night by loud banging on the front door and bright lights shining through the windows. He saw two police officers with an INS/Border Patrol agent at the door. They demanded to be let in, and when he questioned if they had the right to enter he was told, "We can do whatever we want, we are the Chandler Police Department. You have people who are here illegally." The man denied that there were any undocumented immigrants, but the officers entered the trailer without a warrant, and roused his family from bed, including his daughters, who are U.S. citizens. His brother-in-law whose visa had expired was arrested, although he was later readmitted to the U.S. through a legal visa for which he had an application pending at the time of his arrest. The officers took the brother-in-law away but did not allow him to change from his bed clothes

and did not allow his brother to give him street clothes or money. The family was detained by the police in their home for 90 minutes and were questioned even after they had shown proof of legal residency. The police told the family that the owner of the trailer park in which they lived had marked on a map where Hispanic residents were living and had "given them permission" to search the trailers.

The Chandler incidents involved local police officers and INS officials who appeared not to have been concerned that the enforcement action involved the targeting of Latinos based on ethnicity; officials were repeatedly quoted in local newspapers heralding the operation as a model of efficient and effective enforcement. To date, Chandler Police Chief Bobby Joe Harris has not issued a formal apology to residents affected by the sweep. On August 1, 1997, The Tribune quoted the Chandler Police Chief as stating that there was probable cause for any contact made. Harris also said that if a Chandler Police officer went to a house, it was because somebody said, "Hey, there's illegal aliens living there."⁸⁰ According to Attorney General Woods' report, one of the written Chandler police arrest records stated, "The subject was dressed in clothing consistent with that of illegal entrant aliens ... and the lack of personal hygiene displayed by [the subject], and a strong body odor common to illegal aliens."⁸¹ A \$35 million lawsuit filed by U.S. citizens and permanent residents whose rights were violated during the five-day sweep was settled this past Spring.



The following are additional examples of delegation of authority by law enforcement officials that resulted in discrimination or violence:

FLORIDA:

← **January 29, 1997, Crescent City.** INS agents, Putnam County Sheriff's deputies, and Crescent City police officers conducted a nighttime joint operation in search of undocumented immigrants. They set up a highway checkpoint, and conducted a sweep of a trailer park and a public housing facility largely inhabited by Hispanic residents. Although the police explained to the press that they were searching for drugs, there were no drug arrests made, nor were any drug searches conducted. An eyewitness, a worker at the Farmworkers' Association of Florida, lives in the neighborhood between two White families whose homes were not raided. His home was approached twice. His wife was home, but did not respond to

the knock on the door. About 50 other homes with Hispanic residents were raided. The police and Border Patrol would knock, announce "Police!" and barge in after the door was opened, without consent and without cause. The officers also stopped Hispanics in the street and requested immigration documents without cause. A 12-year-old U.S. citizen was arrested in the street and taken miles from home for not having "papers." When police realized their "mistake" they let him go and told him where he could catch a bus home. Border Patrol agents were involved, but one of them told a local newspaper that he would never again participate in such a horrible operation.⁸²

ILLINOIS:

← **Present, Chicago Metropolitan Area.** Chicago suburban police officers are increasingly detaining and questioning Hispanic Americans for immigration purposes. A young U.S. citizen was detained for several hours by the local police in Summit, a southwestern Chicago suburb, because he had a thick Spanish accent and could not prove he was a U.S. citizen. Another young Mexican American U.S.

citizen was actually turned over to the INS detention facility by a suburban police officer, but was released by federal agents after a few questions. "The arrests follow a pattern of routine traffic stops, generally of Hispanic men in their 20s, followed by questioning and detention because, as one suburban police chief put it, 'they looked illegal.'"⁸³

MINNESOTA:

← **May 27, 1998, Minneapolis.** Just after 7:00 PM, five police cars arrived at southeast Minneapolis' Holmes Park – a popular hangout for some of the city's Latino community – and drove over street curbs and grass until they had surrounded the volleyball courts. Dozens of Latinos in the park were subjected to more than an hour of degrading interrogation; many were searched and frisked, with

legs spread and hands placed against squad cars. According to Curtis Aljets, INS District Director for Minnesota and the Dakotas, the raid was a joint operation between police and the INS to find the "twenty most egregious aggravated felons" from a computer-generated list of immigrants. Following the arrest, 14 people were deported; only one of the detainees had a criminal record.⁸⁴

d. Racial Profiling

Expanding on the selective enforcement issue, Latinos are also being unfairly targeted through the use of racial profiling policies. Even the U.S. Border Patrol's own minimal record-keeping shows a pattern and practice of racial profiling. Border Patrol agents on roving patrols near the southwestern border have been stopping motorists without reasonable suspicion that violations of immigration law have occurred. In fact, using information gathered through the use of "I-44" forms that Border Patrol agents are advised to fill out after traffic stops, the 9th Circuit Court of Appeals in the class action *Durgin v. De La Vina* case found that:

Plaintiffs produced evidence of a pattern and practice of stopping persons without reasonable suspicion in the numerous I-44s they submitted. Many of these reports do not describe facts that give rise to reasonable suspicion, and many of the reports list similar and repetitive reasons for stopping various persons. Plaintiffs also produced evidence of other persons of Hispanic appearance the Border Patrol had stopped, allegedly without reasonable suspicion. The Border Patrol had stopped some of these persons on numerous occasions.⁸⁵

Border Patrol's lack of record-keeping suggests an inclination to hide a pattern and practice of profiling. In the *Durgin* case, Border Patrol agents did not always fill out I-44 forms after stopping the plaintiffs. Agents are trained to use the forms to protect against potential frivolous allegations of civil rights abuses. The Court quoted an internal training memorandum that shows that Border Patrol agents are strongly advised to prepare I-44 forms after every traffic stop they conduct because:

Written descriptions of "reasonable suspicions" are important not only to win the case against the suspect, but also to prove that agents acted properly in the event of civil lawsuits... [I]f the Border Patrol and/or individual agents are sued in a civil lawsuit alleging a pattern of discriminatory vehicle stops ... [agents'] written description of "reasonable suspicion" will be critical to prove that the agents acted properly.⁸⁶

Instances in which an agent does not prepare an I-44 form raise concerns that ethnic and racial profiling may be relied upon instead of the reasonable suspicion standard.

Increasing the danger for potential abuse and harassment is that the Border Patrol transfers this pattern and practice of profiling to local law enforcement authorities during joint operations. After conducting his own investigation of a joint 1997 INS and local police operation that received national attention, Arizona Attorney General Grant Woods concluded "without a doubt that residents of Chandler, Arizona were stopped, detained, and interrogated by officers...purely because of the color of their skin." Courts have condemned INS and local police departments in several other similar cases, e.g., *Velazquez v. Ackerman* (Director of INS, San Jose, CA.); *de Haro v. City of St. Helena*; *Mendoza v. U.S. City of Farmersville*; and *Cedillo-Perez v. Adams* (Chief of Police of Katy, TX).*

The pattern and practice of racial profiling has also been documented in the interior of the country. In Ohio, a federal district court had temporarily ordered the Ohio State Highway Patrol to stop confiscating green cards from motorists being pulled over for routine traffic stops (*Farm Labor Organizing Committee vs. Ohio State Highway Patrol*). Highway patrol officers should not ask about immigration status when the cause for the stop is a minor traffic infraction. Apparently, the Ohio State Highway Patrol had been asking about immigration status on behalf of Border Patrol, which had been prohibited from stopping motorists without reasonable suspicion by a previous federal district court order in Michigan (*Ramirez v. Webb*, later affirmed by the 6th Circuit Court of Appeals).

Almost two years later, the same federal district court judge ordered that troopers must have a good reason to ask motorists about their immigration status and that troopers can confiscate someone's green card

* For a complete description of this final incident, see p.20.

HATE CRIMES COMMITTED BY LATINOS IN CALIFORNIA

Over the past few years, California has experienced an increase in the number of hate crimes overall. While the majority of hate violence perpetrators are White males, Latinos, African Americans, and Asian Americans have become much more active in this type of crime. These data indicate a growing trend in hate violence across racial and ethnic groups. For example:

- ◆ Hawaiian Gardens, November 1997. The home of an African American family was firebombed by a group of Latinos. Assailants discharged gunfire before fleeing.¹
- ◆ Los Angeles, July 1997. Three Hispanic men yelled racial slurs and attacked a Black youth.²
- ◆ Quartz Hill, May 16, 1997. A Black man was allegedly stabbed by a man who yelled "Brown Pride."³
- ◆ Santa Cruz, April 19, 1997. A Black man and a White woman were allegedly accosted by a group of Hispanic men who used racial epithets and vandalized their car.⁴
- ◆ Los Angeles, January 1997. A Latino male attempted to run down a White male with his car, calling him "White trash."⁵
- ◆ Perris, January 31, 1997. A White man was allegedly attacked by two Hispanic men who used anti-White slurs.⁶
- ◆ University of California, Irvine (UCI), September 20, 1996. Richard Machado, a 20-year-old resident of Los Angeles and student at UCI, sent e-mail messages to Asian students warning that all Asians should leave UCI or the sender would "hunt all of you down" and kill them. "I personally will make it my [life's work] to find and kill everyone of you personally. OK? That's how determined I am. Do you hear me?" Mr. Machado signed the e-mail message, "Asian Hater."⁷
- ◆ Los Angeles, July 1996. Five Latino men, all teenagers, shouted racial epithets at a Black man and stabbed him.⁸
- ◆ Ventura, May 1996. A Latino man, along with a non-Hispanic White male, yelled racial slurs and assaulted a Black man.⁹
- ◆ San Diego, October 8, 1992. An African American male and passenger were stopped in the left-turn lane in traffic. A Latino adult male approached the vehicle saying, "Go back to the jungle," then kicked the left rear quarter panel of the vehicle. As the suspect attempted to open the vehicle doors, the traffic flow enabled the victims to drive away.¹⁰

1. *Hate Crime in Los Angeles County in 1997*. Los Angeles County Commission on Human Relations. Los Angeles, CA: 1997.

2. *Ibid.*

3. *Ibid.*

4. *Ibid.*

5. *Ibid.*

6. *Ibid.*

7. "Prosecutors Seek Retrial in E-Mail Hate Crime Case," *Los Angeles Times*, December 2, 1997.

8. *Ibid.*

9. *1997 The Year in Hate: 474 Hate Groups Blanket America*. The Southern Poverty Project Law Center. Montgomery, AL: Winter 1998.

10. *Hate Crimes: A Report to the People of San Diego County, 1992-1995*. Hate Crimes Registry - A Consortium of Agencies. San Diego, CA: January, 1997.

if there is reason to believe the cards are counterfeit. Attorneys for *Farm Labor Organizing Committee vs. Ohio State Highway Patrol* are in the process of appealing. If upheld, the decision would significantly set back the civil rights community's efforts to eliminate racial profiling altogether, particularly in light of continued allegations of racial profiling by other law enforcement entities, such as local police officers, state troopers, and U.S. Customs and Drug Enforcement Administration agents.

F. Hate Violence by Latinos

In California, Latinos are increasingly becoming perpetrators of hate crimes themselves. In 1995, the Los Angeles County Commission on Human Relations found Latinos to be 22% of the perpetrators of hate crimes based on race and 30% of those based on sexual orientation.⁸⁷ By 1997, the share of Latinos as perpetrators of hate crimes based on race increased to 34%, and the proportion of those based on sexual orientation decreased to 31% – after a 1996 high of 39%.⁸⁸ These are the two categories in which Latinos as perpetrators stand out. The same pattern holds true for figures in San Diego County, where Latinos were 27% of the perpetrators of hate crimes – 33% committed against African Americans and 31% against gays/lesbians.⁸⁹ Advocates believe that the increased number of incidents is an indication of better reporting, as well as of an overall increase of hate violence by Latinos.

The majority of the attacks by Latinos against African Americans may have to do with the racial strife frequently associated with gang activity, and appear to be concentrated in particular neighborhoods that are experiencing significant demographic changes, as well as racial tension. According to the *1997 Hate Crime in Los Angeles County* report, these numbers do not point to a wide-scale conflict between African Americans and Latinos, but rather to specific tensions under specific conditions, including economic status.⁹⁰

Hate crimes committed by Latinos in California are increasingly an issue of concern, as brought to light by the media. In February 1998, the *New Times Los Angeles* ran a special series entitled “City of Fear,” an expose on Hawaiian Gardens, a blue-collar suburb just southeast of Los Angeles County with a population of about 14,500. The series’ leading article stated, “Amid a wave of hate crimes committed by Latinos – including murder – Blacks are fleeing the tiny community of Hawaiian Gardens.”⁹¹ According to the article, turf jealousy, as elsewhere, appears to be at the root of the racial attacks that have plagued Hawaiian Gardens. “You’ve got a small vicious group of racists who are out of control, and you’ve got a decent majority who are absolutely scared to death to intervene for fear of retaliation,” stated Radames Gil, a former police detective. Lupe Herera, a county probation officer, offered a similar view: “The feeling [among the city’s Latino gangs] is that Blacks don’t belong here [their thinking is], they have Watts. This is our territory.”⁹² According to Dr. Jack Devitt, a criminologist at Northeastern University in Boston, “hate crimes are message crimes, different from other crimes in that the offender is sending a message to members of a certain group that they are unwelcome in a particular neighborhood, community, school, or workplace.”⁹³ This appears to be a part of what is occurring in many urban areas undergoing demographic change.

California State University at Northridge demographer James P. Allen argues that many of Hawaiian Gardens’ Black residents moved in after being displaced by the influx of Latinos into the once-predominantly African American communities nearby, including Compton, Watts, and South-Central. “Almost everywhere else [in Los Angeles] the demographic story is one of Hispanics moving into black areas,” says Allen, author of *The Ethnic Quilt: Population Diversity in Southern California*. Similar patterns of hate violence already exist, as African American gangs target Latinos who live in mostly Black neighborhoods in Los Angeles.⁹⁴ Police and human relations experts were reporting increases in minority-on-minority incidents as early as the 1990s. In Los Angeles, 51% of those arrested in 1992 for racial hate crimes were Black and 42% Latino. In 1991, 24% of hate violence offenders in Boston were Black and 9% were Hispanic.⁹⁵

G. Other Inter-Ethnic Violence

Not only are minority-on-minority incidents becoming less isolated, but they are also increasingly intra- and inter-ethnic-group in nature. Earlier this year, two Mexican immigrants were severely beaten in Queens, NY, by eight to ten attackers they described as Puerto Ricans wielding baseball bats and hurling ethnic insults. Latino community officials pinned the violence on a growing rift between long-settled Puerto Ricans and new arrivals from Mexico.⁹⁶ Similarly, the March 1991 fatal beating case of Manuel Mayi, an 18-year-old Dominican immigrant living in Corona, NY, by a group of local Italian American youths who got upset because Mr. Mayi wrote his graffiti tag on a nearby billboard while walking home through a small park called

“Spaghetti Park” by the locals, is an example of the ongoing tensions between arriving Dominican immigrants and long-time Italian American residents.⁹⁷ The National Asian Pacific American Legal Consortium’s *1996 Hate Crimes Audit* reported a case in which a 12-year-old Latino boy attacked a pregnant Chinese immigrant with a knife and demanded money from her while in the elevator of a residential building in lower Manhattan, New York. After his arrest, authorities found that the boy had in the past confessed to eight other attacks, all against Asian Americans.⁹⁸

Advocates say that such incidents are several of dozens of bias crimes that occur each year in neighborhoods across New York City perpetrated by other ethnic and/or racial groups against immigrants. Once again, the interesting distinction here is that while much of the information is still anecdotal – mostly because specific evidence is hard to come by, and maintaining separate categories for immigrant-specific hate crimes is almost non-existent – many argue that it is in large part due to demographically-changing neighborhoods that hate crimes against immigrants are on the increase.⁹⁹ Sociologist and Yale University professor Donald Green argues in his forthcoming report on the correlation between hate crimes and neighborhoods in New York City with changing demographics, that conditions are ripest for hate crimes when you have a district or area that was formerly all White suddenly undergoing rapid immigration. “That’s what leads to an explosion of bias incidents,” he continues.¹⁰⁰ For example, the Ridgewood and Middle Village areas reported 22 anti-Latino incidents between 1987 and 1995, more than any other area in the city, according to Green’s report. According to the report, the area had been over 90% White and only a fraction of the population was Latino in 1980. By 1990, the Latino population had grown substantially, while the White population had decreased.¹⁰¹

This preliminary compilation of troublesome incidents suggests a disturbing subcategory of hate violence among and within minority groups, stemming, in part, from racial/ethnic tension, competition for neighborhood control, and limited resources. For example, according to several Yale University professors, many social science theories trace inter-group antagonism and violence to adverse economic conditions.¹⁰² In the field of psychology, the frustrations attendant to economic downturns produce aggressive impulses that are directed at vulnerable targets, such as minority groups, even when these groups bear no actual or perceived responsibility for economic decline.¹⁰³ Whether it is territorial control or the preservation of economic interests, the extent and depth of hate violence by Latinos, as well as other ethnic groups, should continue to be documented in order to better understand ways to address and prevent it.

Endnotes

1. *Hate Crime Statistics 1993 and 1994*. Washington, D.C.: U.S. Federal Bureau of Investigations. June, 1993 and 1994.
2. *Hate Crime Statistics 1995 and 1996*. Washington, D.C.: U.S. Federal Bureau of Investigations. June 1995 and 1996.
3. *Hate Crime Statistics 1997*. Washington, D.C.: U.S. Federal Bureau of Investigations. June 1997.
4. *Hate Crime in Los Angeles County 1997*. Los Angeles County Commission on Human Relations. Los Angeles, CA: 1997. *Hate Crimes: A Report to the People of San Diego County, 1992 - 1995*. Hate Crimes Registry - A Consortium of Agencies. San Diego, CA: January, 1997. *Hate Crime: Annual Report on Hate Crimes and Incidents in Orange Country, 1996*. Orange County Human Relations. Santa Ana, CA: 1996.
5. *1997 The Year in Hate: 474 Hate Groups Blanket America*. The Southern Poverty Project Law Center. Montgomery, AL: Winter 1998. *1998 The Year in Hate: Hate Groups Top 500*. The Southern Poverty Project Law Center. Montgomery, AL: Winter 1999.
6. "4 Accused in Beating of Hispanic," *The Arizona Republic*, July 2, 1998.
7. "Anti-Latino Leaflet Threatens Violence Against Women, Kids," *The San Francisco Examiner*, August 22, 1999.
8. "8 Arrested in Suspected Antelope Valley Hate Crime," *Associated Press*, June 15, 1998.
9. *Hate Crimes: A Report to the People of San Diego County, 1992 -1995*. Hate Crimes Registry - A Consortium of Agencies. San Diego, CA: January, 1997.
10. "Teen Pleads Guilty to Racial Attack," *Los Angeles Times*, November 4, 1997.
11. *Hate Crimes: A Report to the People of San Diego County, 1992 -1995*, op. cit.
12. *Cause for Concern: Hate Crimes in America*. Washington, D.C.: LCEF/LCCR, 1997.
13. "Ex-Marine Describes Beating, Camp Raid: He Says He Helped Invade Migrant Site," *San Diego Union Tribune*, June 17, 1998.
14. "Reputed Supremacist Convicted in Beating," *Reuters*, July 30, 1999.
15. "Three Indicted for Civil Rights Attack on Hispanics in Idaho." U.S. Department of Justice Press Release. Washington, DC: February 16, 1998.
16. "Price of Hate \$6 Million," *The News-Sun*, February 24, 1998.
17. "Deported Immigrants Already Trying to Return," *Lexington Herald-Leader*, May 22, 1998.
18. *Cause for Concern: Hate Crimes in America*, op. cit.
19. "Racist E-Mail Is Sent to 13 at Boston College," *New York Times*, October 7, 1998.
20. "Stricter Tracking Sought of Anti-Immigrant Crime," *Newsday - Queens Edition*, August 16, 1998.
21. "Pair Held in Break-Ins, Fire at Hispanics' Homes," *Regional Dispatches*, November 15, 1998.
22. "Climate of Hate Must be Changed," *The Sunday Oregonian*, November 16, 1997.
23. "Flames of Hate Dividing Tennessee Farming Area: Heated Passions Over a Head Start for Migrant Children Come to a Head as Program Backer Hit by Suspicious Fire," *The Atlanta Journal and Constitution*, August 26, 1999.
24. "Police: Suspects Targeted Hispanics," *The Herald*, November 14, 1998.
25. Letter from Patricia L. Krueger, Victim/Witness Coordinator for the Taylor County District Attorney's Office in Medford, Wisconsin, to Carmen Joge, June 30, 1998.
26. National Coalition for Burned Churches. Memo To NCLR. June 9, 1998.
27. Fax transmission from the Office of the U.S. Assistant Attorney General for Civil Rights. June 24, 1998.
28. "Border Vigilantes," *New York Times Magazine*, May 11, 1997.

29. *Advocacy Guide for Community Groups Addressing Proposition 187-Related State Initiatives*. Washington, D.C.: National Council of La Raza. January, 1996.
30. Ibid.
31. Ibid.
32. Plaintiff's First Amended Complaint, *Robert Teviño, et al. vs. Wal-Mart Stores, Inc.* Civil Action No. B-94-33, District Court of the United States for Southern District of Texas, Brownsville Division, December 15, 1995.
33. The Latino Workers Center. E-Mail to NCLR. September 5, 1995.
34. *Washington Post*, July 25, 1997.
35. "Hispanic Patrons Sue Over 'English Only' Tavern Access," *Yakima Herald-Republic*, January 4, 1996.
36. *Beyond the Rodney King Story: An Investigation of Police Conduct in Minority Communities*. Criminal Justice Institute at Harvard Law School and the NAACP. Northeastern University Press, Boston: 1994.
37. *United States of America: Rights For All*. New York, NY: Amnesty International USA, 1998.
38. *Shielded from Justice: Police Brutality and Accountability in the United States*. New York, NY: Human Rights Watch, June 1998.
39. Ibid.
40. *United States of America: Police Brutality and Excessive Force in the New York City Police Department*. Amnesty International. New York, NY: June, 1996. *Racial and Ethnic Tensions in American Communities: Poverty, Inequality, and Discrimination*. U.S. Commission on Civil Rights. Washington, D.C.: January, 1993. *United States of America: Torture, Ill-Treatment and Excessive Force by Police In Los Angeles, California*. Amnesty International. New York, NY: June, 1992. *United States of America: Allegations of Police Torture in Chicago, Illinois*. Amnesty International. New York, NY: December, 1990.
41. Poll by Princeton Survey Researching Associates for Lifetime Television. New Jersey: April, 1991.
42. Cole, David, *No Equal Justice: Race and Class in the American Criminal Justice System*. New York: The New Press, 1999.
43. Ibid.
44. "No Complaint Filed in Wake of Police Raid," *Huntsville Times*, June 23, 1999.
45. "Bereft Family Disputed Police Shooting Report," *Los Angeles Times*, August 26, 1999.
46. "FBI Probes Possible Civil Rights Violations," *The Press Enterprise*, February 25, 1998.
47. "The California Beating: The Rest of the Story," *New York Post*, May 1, 1996.
48. "Grand Jury Clears Deputy in Fatal Shooting: Gustavo Soto Mesa & San Jose's 27-Year Fight," *Policing by Consent*, August, 1996.
49. "Los Angeles Police Officer Admits to Shooting, Framing Honduran Immigrant," *Hispanic Link Weekly*, September 27, 1999.
50. "Prosecutor Gets Denver Police Case," *The Associated Press*, August 26, 1999.
51. *United States of America: Race, Rights and Police Brutality*. Amnesty International USA. New York, NY: September 1999.
52. "Immigrant Killed While Lincoln's 'Proud Citizens' Watch," *Pacific News Service*, July, 1996.
53. "Critics Blast Passaic Raid," *The Record*, April 22, 1998.
54. "Harvest Workers Harassed in N.Y." *Los Angeles Times*, November 17, 1997.
55. *United States of America: Police Brutality and Excessive Force in the New York City Police Department*. Amnesty International, op. cit.

56. "Family Accuses Police of Brutality: Officers Say Arrested Men Threatened Them," *Plain Dealer Reporter*, January 17, 1998.
57. "Judge to Patrol: Stop Questioning Motorists About Immigration Status," *Akron Beacon-Journal*, December 9, 1997.
58. Telephone interview with Dennis Hernandez, Berkeley, CA, August 19, 1997.
59. "Houston Police Face Civil Rights Probe," *Washington Post*, November 11, 1998.
60. *Mauro Cedillo-Perez, et al. v. Pat Adams, et al.* Civil Action No. 94-2461. United States District Court for the Southern District of Texas, Houston Division. November 26, 1996.
61. "Immigrant Business Owner Harassed by Law Enforcement," *The Salt Lake City Tribune*, May 18, 1997.
62. "Border Crossing Here Rated Deadliest in U.S.," *The San Diego Union Tribune*, August 12, 1997.
63. *Human and Civil Rights Violations On the U.S. Mexico Border: 1995-1997 San Diego, CA.* American Friends Service Committee. San Diego, CA: January, 1998.
64. Ibid.
65. *United States of America: Human Rights Concerns in the Border Region with Mexico.* Amnesty International. New York, NY: May, 1998.
66. "Troops Pulled From Anti-Drug Patrols," *Washington Post*, July 30, 1997.
67. *The Violation of Rights in Immigration Policing in Non-Border Areas.* National Lawyers Guild. 1993.
68. "Immigration Enforcement's Little Secret," *Seattle Times*, May 11, 1998.
69. "Latino Day Laborers' Gripe of Harassment by Deputies Probed Sheriff: Workers Waiting at Lake Forest Shops Say it's Been Going on For Months," *Los Angeles Times*, August 31, 1999.
70. "Unlawful Entry? INS Denies Terrorizing Hispanic Family in Wichita Falls During Search," *Dallas Morning News*, July 10, 1999.
71. "Immigration Enforcement's Little Secret," op. cit.
72. "INS Accused of Targeting Latinos in Recent Raids," *Washington Post*, February 5, 1998.
73. Affidavit of Allegra S. Foley, notarized by Laura M. Soluri, February 22, 1998.
74. "I.N.S. Raid Reaps Many, But Sows Pain," *New York Times*, November 20, 1997.
75. "Workers' Organizing Committee Witnesses INS Raid," Press Release, Workers' Organizing Committee, Portland, OR, July 12, 1997.
76. "INS Aims at Businesses, Hits Mexicans," *The Chicago Reporter*, July-August, 1997.
77. "Probe Sought into INS Raid," *Jackson Hole News*, August 28, 1996.
78. "FBI Probes Possible Civil Rights Violations," *The Press Enterprise*, February 25, 1998.
79. Telephone interview, Cincinnati, OH, September 10, 1996.
80. "Hispanic Residents Voice Concerns After Roundup of Illegal Immigrants," *The Tribune*, August 1, 1997.
81. "Chandler Roundup Alarms INS: New Border Patrol Chief Changing Policy," *The Arizona Republic*, November 25, 1997.
82. Eyewitness accounts and *Palatka Daily News*, January 29, 1997.
83. *Chicago Tribune* editorial, September 26, 1997.
84. "Blue Against Brown?" *Connection to the Americas*, July/August 1998.
85. Najar, Joel, *Issue Brief: The Impact of Immigration Enforcement by Local Police on the Civil Rights of Latinos.* Washington, D.C.: National Council of La Raza, 1996.

86. Ibid.
87. *Hate Crime in Los Angeles County in 1995*. Los Angeles County Commission on Human Relations. Los Angeles, CA: 1995.
88. *Hate Crime in Los Angeles County in 1997*, op. cit.
89. *Hate Crimes: A Report to the People of San Diego County, 1992-1995*, op. cit.
90. *Hate Crime in Los Angeles County in 1997*, op. cit.
91. "City of Fear," *New Times Los Angeles*, February 12-18, 1998.
92. Ibid.
93. "Hate Crimes Today: An Age-Old Foe In Modern Dress," in *Clarifying the Debate: Psychology Examines the Issues*. Washington, D.C.: American Psychological Association and the Society for the Psychological Study of Social Issues, July 1998.
94. "Hate Crimes Down 17.6% in L.A. County," *Los Angeles Times*, April 21, 1998.
95. *Testimony on Bias Crimes*, presented by Brian Levin, Center for the Study of Ethnic and Racial Violence, before the Subcommittee on the Constitution, U.S. Senate Judiciary Committee, Washington, D.C., June 28, 1994.
96. "Mexicans Beaten, Cops Eye Bias Crime," *New York Daily News*, August 4, 1998.
97. "Stricter Tracking Sought of Anti-Immigrant Crime," *Newsday - Queens Edition*, August 16, 1998.
98. *1996 Audit of Violence Against Asian Pacific Americans: The Violent Impact on a Growing Community*. Washington, D.C.: National Asian Pacific American Legal Consortium, 1997.
99. "Stricter Tracking Sought of Anti-Immigrant Crime," op. cit.
100. Ibid.
101. Ibid.
102. Green, Donald P., "Defended Neighborhoods, Integration, and Racially Motivated Crime," Working Paper No. 96-06.1 for the Institution for Social and Policy Studies at Yale University, New Haven, CT, March 1998.
103. Green, Donald P., et al, "From Lynching to Gay Bashing: The Elusive Connection Between Economic Conditions and Hate Crime," *Journal of Personality and Social Psychology*, Vol. 75, No. 1, 1998, pp. 82-92.

III. ANALYSIS: CONDITIONS CONTRIBUTING TO HATE VIOLENCE AND LAW ENFORCEMENT ABUSE

A. Overview

As the previous chapter illustrated, hate violence against Latinos appears to have grown in scope. Traditionally limited to violence by a small segment of racist groups, the reality of hate violence now ranges from incidents perpetrated by organized private groups to offenses committed by law enforcement officials acting under color of law. It also appears, increasingly, that hate crimes are initiated by Hispanics against other Americans.

One major constraint on both assessing the scope of the problem and assuring effective responses is the fact that incidents of hate violence and law enforcement abuse are seriously under-reported. This is not just an academic issue. To the extent that deterrence of any crime depends in part on the criminal's perception of the likelihood of being arrested and convicted, the under-reporting phenomenon itself may be a major contributor to the problem (see box on *Under-reporting*).

While it is difficult to pinpoint with precision the root causes of this very troubling increase in violence against Hispanics, it is likely that its origins can be found in several areas. These include: 1) the pervasiveness of racism and negative stereotypes, 2) the media and its negative portrayals of Latinos, 3) demographic change and inter-ethnic tensions, and 4) anti-immigrant sentiment. Additional factors related to law enforcement abuse are also included. These factors give an indication of some of the types of changes that are likely to have led to an increase in hate violence and law enforcement abuse. Similarly, they help lay out and explain the context in which the concept of the "mainstreaming of hate" has been able to permeate national policy and America's system of values.

B. Factors Related to Hate Violence

1. Racism

One of the essential elements of hate crimes against Latinos, which by definition are motivated by bias, is racism – the belief that certain races or ethnic groups are inferior to others. Historically, every Hispanic group has encountered the type of bias which underlies hate violence; both the popular and trade literature of the late 19th and early 20th centuries is replete with references to Latinos as "lazy," "ignorant, illiterate, and non-moral," "greasers," "idle," "thrifless," "sneaky," "do-nothing," "sloppy," and "undependable."¹

Virtually every recent report on the subject identifies such bias as a key factor in the commission of hate crimes against minority groups.² For Latinos in the U.S., the link between discrimination and hate violence has deep roots. The signing of the Treaty of Guadalupe Hidalgo in 1848 ended the Mexican War; under its terms, Mexicans residing in the Southwest became American citizens. In its aftermath, thousands of Mexican Americans were murdered, executed without trial, or lynched. Some scholars have compared data on lynchings of Mexican Americans in the Southwest with that of African Americans in the South from 1850 to 1930.³

While most Americans would prefer to believe that such blatant prejudice and bigotry are a thing of the past, recent survey research suggests otherwise. For example, in a 1989 University of Chicago survey on the perceived "social standing" of 56 ethnic groups, five Latino groups – Mexicans, Guatemalans, Nicaraguans, Puerto Ricans, and Cubans – ranked 49th or lower; only "Gypsies" were ranked below Mexicans and Puerto Ricans.⁴ A 1990 National Opinion Research Center study examined public perceptions of six major American cultural groups – Whites, Jews, Asian Americans, African Americans, Hispanic Americans, and Southern Whites – and found that Hispanics were ranked last or next to last in each characteristic measured, including wealth, work ethic, violence, intelligence, dependability, and patriotism.⁵ More recently, a 1994 survey by the

National Conference for Community and Justice (formerly known as the National Conference of Christians and Jews) reaffirmed the prevalence of negative stereotypes against minority groups. ⁶ For example, a significant percentage of Americans believe Latinos “lack ambition and the drive to succeed.” According to the survey, this is agreed to by 35% of Asian Americans, 24% of African Americans, and 20% of Whites. In addition, according to the survey, 68% of Asian Americans, 49% of African Americans, and 50% of Whites agree that Hispanics “tend to have bigger families than they are able to support.”⁷

In sum, more than 150 years after Mexicans in the Southwest became American citizens, and more than 100 years after the end of the Spanish American War – which resulted in Puerto Rico’s becoming a territory of the U.S. – racism against Hispanic Americans remains alive and well. Hate violence and related abuse are manifestations of continuing bias against Latinos in the U.S.

2. Media

The media plays a special role in informing Americans about each other. A series of studies has demonstrated that media portrayals of Latinos reinforce, rather than counter, prejudicial stereotypes of Hispanic Americans. Latinos rarely appear in the media, but when they do appear, they are consistently portrayed more negatively than other ethnic groups. For example, in the entertainment media:

- A 1989 study of fictional entertainment programs on television over the 1955-1986 period by the Center for Media and Public Affairs found that only 32% of Hispanics were portrayed positively, compared to 40% of Whites and 44% of Blacks. By contrast, 41% of Hispanics were portrayed negatively, compared to 31% of Whites and 24% of Blacks. Moreover, the study found that Latino characters were twice as likely as Whites, and three times as likely as African Americans, to commit a television crime.⁸
- A 1993 study by the Annenberg School of Communications covering television over the 1982-92 period grouped characters into simple “hero” and “villain” categories. Of 21,000 characters in its database, the Annenberg School found that for every 100 “good” White characters, there were 39 villains, but for every 100 “good” Hispanic characters, there were 74 villains.⁹
- More recent studies have largely confirmed these long-term trends. An NCLR study prepared by the Center for Media and Public Affairs of the 1992-93 TV season found that Latino characters were four times more likely to commit a crime than were either Whites or Blacks, and that more than twice as many Hispanic TV characters engaged in violent behavior than either their African American or White counterparts. Although a study of the 1994-95 season found some improvement, Latinos continued to be portrayed more negatively than any other ethnic group during this period as well.¹⁰
- A 1999 study by the Tomás Rivera Policy Institute which examined the portrayals of Latinos in television found that where Latino men were present, they were generally portrayed in negative roles such as gang members, criminals, or drug dealers. For Hispanic women, positive images were more common, although far from universal.¹¹

Latinos also tend to receive highly unbalanced news coverage. According to a 1998 study by NCLR and the National Association of Hispanic Journalists, only 1% of network television news stories focused on issues related to Hispanics. Moreover, 80% of these stories focused on just four topics – immigration, affirmative action, crime, and drugs – in which Latinos are likely to be portrayed in “negative” roles.

Sometimes, the media goes beyond unbalanced portrayals and steps over the line to stereotypes and blatantly racist views. For example, in the summer of 1999, a national talk radio program, “The Don and Mike Show,” phoned City Commissioner Flora Barton of El Cenizo, Texas, and aired their conversation without her permission. They made the following comments:

“Get on your burro and go back to Mexico!...My name is Señor Donnie and I’m an American and I want all your people to speak American...Eat me. Cómeme...Eat (bleep) and die...This is a free country. I can say anything I want.”¹²

Taken together, the negative portrayals of Hispanics in both the entertainment and news media tend to confirm the worst stereotypes of this community. In addition, to the extent that such stereotypes reaffirm racist attitudes, it would appear that they also play a role in the escalation of hate violence against Hispanics. As some scholars have noted:

...negative, one-sided or stereotyped medial portrayals and news coverage do reinforce racist attitudes in those members of the audience who have such attitudes and can channel mass actions against the group that is stereotypically portrayed.¹³

3. Demographic Change and Inter-ethnic Tension

While prejudicial stereotypes often provide the motive for hate violence against Hispanics, rapid demographic change has increased the opportunities for such violence. The Latino population has experienced significant growth over the past several decades; according to the Census; Hispanics comprised 6.4% of the total U.S. population in 1980, 9.1% of the population in 1990, and 11.3% of the population in 1998. Demographers predict that Latinos will become the nation's largest ethnic minority in less than six years.¹⁴

This rapid population growth has often been accompanied by struggles with other ethnic groups over political power and representation, resources, employment, and other policy questions. For example, in Compton, CA, demographic change has resulted in bitter struggles over issues such as the distribution of public jobs. In other cases, Hispanic population growth does not appear to have led to increased inter-ethnic tension. In neighboring Lynwood, CA, the transition has been accelerated by an existing political infrastructure that has welcomed, and even encouraged, integration of Hispanics.¹⁵

In addition, the Latino population is increasingly expanding into "non-traditional" states and regions outside of the Southwest, Greater New York, and South Florida. According to the latest July 1998 Census population figures, there are four states in which the Hispanic population doubled: Arkansas (increased by 149%), Nevada (124%), North Carolina (110%), and Georgia (102%). The population almost doubled in Nebraska (a 96% increase) and Tennessee (90%). In addition, a new phenomenon common in rural areas across the deep South and the Midwest involves a rapid influx of Hispanics recruited by poultry processing and meat-packing companies.¹⁶ It appears that some of the more egregious incidents of harassment and hate violence against Latinos are taking place in these regions, as noted in the discussion on page 29, where there is relatively less understanding and acceptance of Latinos than in more "traditional" Latino areas of the country. This is not surprising; scholars have noted that one factor in hate crimes is the perception that a group is encroaching on another's traditional "turf."¹⁷

One extremely disturbing trend in race relations that has yet to receive substantial media or policy-maker attention is that growing racial and ethnic tensions increasingly appear to affect all groups. For example, recent public opinion polls suggest that Hispanics harbor the same kinds of negative stereotypes of other racial and ethnic groups that such groups hold against Latinos.¹⁸ Similarly, as noted in Chapter III, a review of hate crimes statistics show that Latinos are increasingly represented as perpetrators, as well as victims, of race-related harassment and violence. Although understandable – Latinos are subject to the same cultural and media stereotypes affecting other Americans – these data reveal the considerable challenge faced by a society seeking racial reconciliation at a time of dramatic demographic change.

4. Anti-Immigrant Sentiment

One manifestation of rapid demographic change has been increasing anti-immigrant sentiment. Because Hispanics constitute the single largest immigrant group, it is perhaps not surprising that they frequently are singled out as the principal targets of anti-immigrant harassment and hate violence. NCLR notes that other groups with large immigrant populations (e.g., Asian and Arab Americans) have similar experiences. This is despite the fact that the majority of Latinos in the U.S. are native-born, and that the majority of immigrants in the country are not Hispanic.¹⁹

Xenophobia is hardly a new phenomenon in American history.²⁰ However, several factors distinguish the latest wave of anti-immigrant sentiment from those of the recent past, including blatant appeals to racism by politicians and “mainstreaming” of anti-immigrant hate groups. Perhaps the most widely-cited example of anti-immigrant posturing by politicians involves the 1994 California gubernatorial campaign and the accompanying public debate over Ballot Proposition 187, which sought to deny public benefits, education, and services to illegal immigrants.

Although legitimate differences exist over various aspects of immigration policy, there is little question that the tone and tenor of recent political debates on immigration have taken on racist overtones. This trend in public discourse has been accompanied by an increased focus on immigrants by organized hate groups and networks. Organizations that study hate groups in America increasingly are finding explicit anti-immigrant references in these groups’ literature and doctrines. One report from the Anti-Defamation League documented that more than a dozen hate groups or leaders had adopted explicitly anti-immigrant sentiments into their more “traditional” racist and anti-Semitic appeals.²¹

For example, Samuel Francis, an informal advisor to 1996 presidential candidate Pat Buchanan and a member of a number of hate groups, once commented:

Immigration from countries and cultures that are incompatible with and indigestible to the Euro-American culture core of the United States should be prohibited.²²

According to the extremist newspaper, *The Nationalist Times*, Francis, in speaking to members of the 1995 Populist Party conference about immigration, said, “We must get on with taking the country back now or it will never be ours again.”²³

More troubling than the mere existence of such groups are the linkages they have with otherwise respectable and mainstream organizations. For example, until he was dismissed in 1995, Samuel Francis was a columnist for the *Washington Times*. Similarly, White supremacist David Duke, who is openly antagonistic towards Latino immigrants, received more than 140,000 votes in an unsuccessful open primary run for the U.S. Senate in Louisiana in 1996.

Another example is Samuel Jared Taylor, who heads an organization called the New Century Foundation, and publishes a newspaper, *American Renaissance*, which, according to the Anti-Defamation League, “focuses almost entirely on the alleged genetic superiority of white people, the high number of black criminals, and hostility towards nonwhite immigration.”²⁴ Recently, writing under the name Jared Taylor, he defended the Council of Conservative Citizens, with whom press reports had linked Rep. Bob Barr (R-GA) and Senate Majority Leader Trent Lott (R-MI). In his *Washington Post* article, Taylor defended the Council of Conservative Citizens and attacked groups like the National Council of La Raza, implying that the existence of civil rights organizations required Whites to organize in self-defense.²⁵

These developments appear to be closely linked to increased hate violence against Hispanics. After the passage of Proposition 187, for example, there was a dramatic increase in reports of harassment of Latinos and Asians in California linked to anti-immigrant sentiment.²⁶ Moreover, many of the perpetrators of the incidents cited in this report expressed explicit anti-immigrant sentiments during or after the commission of their crimes. While such sentiments are troubling in and of themselves, the Anti-Defamation League has noted:

More ominous is the rhetorical support these extremists have received from the mainstream.... [T]he callous demonization of immigrants and other minorities in many political campaigns and legislative initiatives...indicates a growing tolerance for intolerance.²⁷

C. Additional Factors Related to Law Enforcement Abuse

Law enforcement officers are human beings. It would be unreasonable to expect them to be immune from the same societal forces that affect their civilian counterparts. Thus, one might logically assume that a rise in private acts of harassment and hate violence against Hispanics would be accompanied by a concomitant

increase in law enforcement abuse. Indeed, in its exhaustive 1998 report on police brutality, Human Rights Watch concluded that “race continues to play a central role in [police] brutality in the United States.”²⁸ But law enforcement officers are expected to live up to a higher standard than ordinary civilians, and the vast majority do not engage in acts of police misconduct against Latinos or other groups.

As the previous chapter indicates, however, there have been a growing number of reports of such abuse against Latinos. The discussion below explores a number of factors, in addition to race, associated with increased police abuse against Latinos, including cultural clashes, “get tough” anti-crime policies and related effects, and the absence of meaningful deterrents to police abuse.

1. A Clash of Culture

One manifestation of rapid Latino population growth, and the concomitant failure of public institutions to accommodate this growth, has been a growing “culture clash” between Hispanics and law enforcement officials. Encounters between Latinos and non-Hispanic law enforcement officials present a variety of challenges, of which language difference is only the most obvious. The customs, values, and understandings that inform everyday encounters between and among police, White Americans, and minorities are the product of complex traditions and can be bewildering, particularly to newcomers. The mini-drama that ensues every time a law enforcement officer stops someone or pulls over a car may evoke excessive fear of authority and power in recent immigrants or members of minority communities. For example, even nuances of body language can be “booby-trapped”; the Asian or Hispanic who averts her eyes when speaking to a police officer may intend to show respect, but may be perceived as acting suspiciously.²⁹

This problem, and numerous variations of it, could be alleviated substantially if law enforcement agencies more accurately represented the communities they serve. However, the data demonstrate that Latinos are substantially under-represented in the law enforcement community, particularly in decision-making positions. For example, in Houston, a city that is 26% Hispanic, Latinos hold fewer than 8% of supervisory positions within the police department. In Los Angeles, a city that is more than one-third Hispanic, Latinos constitute only 22% of officers and 14% of supervisors. In the Metro-Dade Police Department, in a county that is nearly one-half Hispanic, fewer than 14% of top supervisors are Latino.³⁰ While minority officers are not immune from the commission of abusive acts, previous studies have found strong, if anecdotal, evidence that “minority citizens report greater violence at the hands of white officers.”³¹ Equally important to note is the increasing number of lawsuits filed by Latino law enforcement officers against local police departments and federal agencies for employment discrimination, “hostile work environments,” or for being “disciplined more harshly than their white, non-Latino colleagues.”³²

2. “Get Tough” Policies

The perception of rising crime, particularly in central cities and other highly urbanized areas with large minority populations, has led to a wave of “get tough” anti-crime policies in recent years. One popular component of these policies involves more aggressive policing. Several studies by respected human rights organizations have identified a link between these types of policies and rising levels of police abuse against ethnic minorities. For example, a 1998 report by Amnesty International found that:

...the emphasis on the “war on crime” in recent years has reportedly contributed to more aggressive policing in many areas. [In New York City] local community and civil rights leaders have reported that “zero tolerance” policing has been accompanied by unacceptable levels of brutality, especially toward racial minorities.³³

One caller to *New York Times* columnist Bob Herbert was more blunt: “Crime is down. If the police have to kick a little butt to make the city safer, so be it.”³⁴ A similar attitude appears to exist on the opposite coast. In his recent book entitled, *Race, Police and the Making of a Political Identity: Mexican Americans and the Los Angeles Police Department, 1900-1945*, Professor Edward J. Escobar of Arizona State University argues that the “get tough,” “war on crime” policies are not new inventions in law enforcement. In his book, he

shows that the zoot suit hysteria of 1942-43 led police officials to conclude that Mexican Americans were inclined toward violent crime. As a result, the Los Angeles Police Department (LAPD) decided to adopt a “war on crime” orientation as its primary operating principle. In addition, the LAPD defined Mexican Americans, and later African Americans, as “criminal elements” within the society, and thus justified virtually any action against them.³⁵ Since then, Los Angeles has been plagued by the Bloody Christmas beatings in the 1950s, the attacks on Latino and Black activists in the 1960s, the Eula Love case of the 1970s, and the Rodney King beating several years ago - all grim reminders of the hostility between the police and racial minorities in Los Angeles.³⁶

Latinos, who are the most highly-urbanized population in the U.S., continue to be highly affected by these overall “get tough” policies, such as the “war on drugs.” They are even more affected by specialized variants in the immigration law enforcement arena. As noted in Chapter II, “get tough” immigration law enforcement is characterized by “dragnet” tactics whereby U.S. citizens and legal residents are systematically harassed, as well as targeted with direct physical abuse. In addition to increasing the incidence of abuse by federal immigration officials, the recent trend toward delegating immigration law enforcement to local police officials, combined with a “get tough” mentality, is producing policies that result in wholesale harassment by local police of Latinos who appear “foreign.” One all-too-typical example, in Magee, Mississippi, is Police Chief Tom Royal, who has stated:

I bring them, and put them in jail. I call it Motel Six and my name's Tom. I keep the light on for them.... The people of Magee are scared of these people.³⁷

Many of “these people” that Chief Royal is referring to are legal permanent resident Latinos, who are held, sometimes for days, until INS agents arrive and confirm their legal status.³⁸ Thus, in addition to harassment or abuse that may result from racism or cultural misunderstandings, the trend toward “get tough” law enforcement policies appears to be encouraging a climate in which systematic harassment of and abuse against Latinos is not only tolerated, but encouraged.

3. The Absence of Meaningful Deterrents and Remedies

Virtually every study of the subject of law enforcement abuse has found that few, if any, meaningful deterrents or remedies exist for police abuse and harassment. As noted in this chapter's *Under-reporting* box, the barriers for individuals seeking to report an act of hate violence or law enforcement abuse are extremely formidable, and the vast majority of such incidents are never formally reported. Even when such incidents are reported, it is highly unlikely that any subsequent action will take place. For example:

- **Internal Affairs:** Police Internal Affairs departments are the first line of defense against abuse. According to Human Rights watch, however, not a single outside review “has found the operations of internal affairs divisions in any of the major U.S. cities satisfactory.... Sloppy procedures and an apparent bias in favor of fellow officers combine to guarantee that even the most brutal police avoid punishment for serious violations.”³⁹

Recent scandals are further evidence of how law enforcement has, for far too long, been allowed to function without accountable leadership:

- ➔ **Los Angeles, CA.** The LAPD's Rampart Division has been exposed for widespread corruption ranging from illegal shootings and drug dealing to excessive use of force and “code of silence” offenses that allowed unlawful behavior to go unreported.
- ➔ **New York, NY.** According to an independent review board study, hundreds of NYPD officers were found to have engaged in misconduct.⁴⁰ The report went on to say that the NYPD “effectively encouraged brutality by failing to discipline officers who engaged in misconduct.”⁴¹

After years of political pressure from local and national advocacy groups, both departments are currently under investigation by federal prosecutors.

Cases of Federal Criminal Civil Rights Violations against Hispanics by Police Officers
1980-1998

YEAR	1980	1981	1982	1983	1984	1985	1986	1987	1988	1989
CASES	1	2	2	1	3	0	1	7	1	3
YEAR	1990	1991	1992	1993	1994	1995	1996	1997	1998	
CASES	10	7	7	5	10	5	6	7	11	

Source: Letter from U.S. Department of Justice Deputy Assistant Attorney General Thomas E. Perez to NCLR Policy Analyst Carmen T. Joge, December 7, 1998.

- **Civilian Review Boards:** Although three-quarters of the police departments in the largest cities have some form of external oversight authority, these review boards generally only have advisory powers, lack sufficient budgets and investigative authority, cannot compel witnesses to appear, and have little recourse if police refuse to cooperate. As a result, they provide more form than substance as a deterrent to police misconduct.⁴²
- **Federal Enforcement Authority:** The federal government has a variety of means at its disposal to deter and provide relief to victims of law enforcement harassment and abuse, but these are rarely exercised. For example:

 - ↳ **Criminal Civil Rights Prosecutions:** In theory, the Department of Justice (DOJ) has enormous authority to bring criminal civil rights charges against individuals and law enforcement officials. In practice, however, the 8,000-12,000 complaints received by the Civil Rights Division each year result in fewer than 100 prosecutions; criminal civil rights cases have by far the lowest rates of both prosecution and conviction of any category of offenses within DOJ.⁴³ The reasons cited for this situation include a high legal standard required for conviction, deference to local authorities, lack of resources and experienced staff, and what one human rights group termed federal "passivity."⁴⁴
 - ↳ **DOJ "Passivity":** Specifically, the limited data available from the Department of Justice suggest that this "passivity" particularly applies to Latino-related cases. For example, the box above shows that the number of DOJ cases over the past 19 years in which Latinos were the victims has been minimal. Of these few cases, only 22% resulted in convictions. The overall rate in which officers pled guilty was 50%, but data on sentences received were not available. Based on available data, NCLR believes that DOJ has been ineffective in prosecuting and holding abusive law enforcement officers accountable for their misconduct.
 - ↳ **Civil Relief:** In 1994, DOJ was provided the authority to pursue civil relief in cases involving a "pattern or practice" of police misconduct. Although a powerful tool – remedies can include consent decrees requiring major systemic reforms in local police departments – this authority has been used only rarely; observers cite severe resource constraints as a principal cause of DOJ's failure to exercise its power more frequently.⁴⁵
 - ↳ **Title VI of the Civil Rights Act:** Because most local law enforcement agencies and virtually all state and local governments receive federal funding, they must as a condition of funding attest that they will abide by Title VI of the Civil Rights Act of 1964, which among other things prohibits discrimination in public accommodations, and in the distribution or implementation of federally-funded benefits and programs. Incidents of law enforcement abuse motivated by race or national

origin arguably violate Title VI, and the failure of a local government to act to remedy such incidents almost certainly do so. However, Title VI litigation of any kind is extremely rare, and is almost nonexistent in the context of law enforcement abuse.

• **Federal Oversight over Federal Policy and Personnel:**

- ↳ **DOJ Oversight:** The Attorney General has direct oversight authority over DOJ agencies such as the INS. Several of the types of harassment and abuse cited in Chapter II, including expansion in the use of “dragnet” tactics and the delegation of immigration law enforcement authority to local police officials, are the direct result of policy decisions made by the Attorney General or her designees.
- ↳ **INS Oversight:** The long history of abuse by the Border Patrol and other INS enforcement officials led the INS Commissioner to establish a Citizen Advisory Panel (CAP) in 1994, which met infrequently and had no investigative authority or resources. In 1997, the INS issued an Action Plan to implement some – but not all – of the reforms recommended by the CAP. Nevertheless, civil and human rights activists charge that the system does not effectively identify and punish abusers, particularly at a time when the Administration has emphasized its own “get tough” immigration law enforcement policies.⁴⁶

- **Media Coverage:** Another form of “sanction” involves widespread media coverage and exposure of law enforcement abuse, which may help to deter subsequent acts. Moreover, according to some human rights experts, media coverage may also encourage action by the Justice Department.⁴⁷ For a variety of reasons, Latino advocates believe that law enforcement abuse, like other civil rights issues, involving Latinos does not receive adequate media or policy-maker attention.⁴⁸ Furthermore, the continuing portrayal of Hispanics as criminals in both the entertainment and news media exacerbates, rather than ameliorates, a climate in which widespread law enforcement abuse against Latinos is tolerated.

Taken together, the above-cited factors help to explain why there appears to be a growing pattern of harassment, hate violence, and law enforcement abuse against Americans of Hispanic descent. In the following section, NCLR identifies a series of policy recommendations for reducing the incidence of such harassment, violence, and abuse.

Under-reporting is a Principal Concern in Addressing and Preventing Hate Violence and Law Enforcement Abuse

A. OVERVIEW

While the problem of under-reporting is not a major contributing factor to the incidence of hate violence and law enforcement abuse, it is central to this analysis since it is a principal concern in understanding, addressing, and preventing such crimes. Specifically, reporting discrepancies become an issue when: 1) law enforcement agencies do not document the number of bias-motivated crimes, or when they disguise them as other types of crimes; and 2) when individual citizens do not come forward and file complaints against their attacker(s), whether they be police officers, citizen vigilantes, or member(s) of hate groups. Therefore, while there are significant obstacles to addressing factors that contribute to the increase of hate violence and law enforcement abuse, substantial barriers also exist in reporting and recording the incidents.

For example, problems with data collection, lack of knowledge on how to file a complaint, and community fear or mistrust of the criminal justice system are all barriers that exist in the reporting and/or recording of such crimes. Under-reporting of law enforcement abuse, however, encompasses additional barriers, such as the "code of silence" that exists within law enforcement which serves to shield the men and women in blue from being held accountable for their misconduct. In addition, a lack of legal representation, and ineffective systems to investigate the cases and properly prosecute the guilty officers, are also obstacles to accurate reporting at both the local and federal level.

Immigrants, particularly non-U.S. citizens, are particularly vulnerable to certain types of bias-related and law enforcement crimes. Moreover, many immigrants frequently hesitate to report abuse for a variety of reasons including, but not limited to, threatened exposure to immigration officials by their bosses, criminals, or people with whom they get involved in disputes.¹

B. HATE VIOLENCE

Research indicates that hate crimes are at least twice as likely to go unreported as other crimes. Overall, it is estimated that between 66% and 92% of victims do not report their crimes

to law enforcement officials. According to some experts, the under-reporting rate for ethnic minorities as well as for the gay community is higher.² Additionally, victims of bias crimes often do not report the incidents to the police, believing that the crimes were not serious enough, the police would be unresponsive, or the matter is too personal.³ As a result, perhaps as few as three- to 13% of hate crimes are reported.⁴ Given these data gaps, the incidents reflected in this report do not adequately capture the actual scope of hate violence against Latinos. There are three specific factors that contribute to the undercount of such incidents:

1. Lack of knowledge as to how to file a complaint.

Even bias crime victims who are inclined to go to the authorities face substantial barriers, including the lack of knowledge that a legal separate category for hate crimes exists. For Latinos, one problem is the relative absence of Hispanic-focused civil rights organizations, particularly at the local level, and the perception that many government and private civil rights groups are unresponsive to Hispanic concerns. Language difficulties, and the general lack of outreach programs targeted to Hispanics, further contribute to the lack of knowledge among the one-quarter of the Latino population that has limited English proficiency.

2. Misclassification of incidents and inconsistent reporting procedures.

The uneven identification and collection of specific hate crimes data by law enforcement agencies is problematic. Thanks to the 1990 Hate Crimes Statistics Act (Public Law 101-275), the FBI now has a data collection system for hate crimes in which law enforcement agencies volunteer statistical information on incidents in their jurisdictions. But the reporting of such crimes varies widely. Deciding how the crimes should be classified is highly subjective. The decisions are often made by front-line investigators who – many critics charge – often feel they are protecting the image of their community by not reporting hate or bias-

¹ For example, according to *The News & Observer* in March 1998, at a bilingual community watch meeting in Raleigh, NC, one man said some of his friends were assaulted and robbed of their last two dollars, but they did not report the attack because they feared deportation. Widespread knowledge that immigrants and Latinos in general are unlikely to report such crimes, and that many police departments fail to take steps to gain the trust of these communities, virtually invites criminals and ill-intended individuals to prey on these populations. While this issue is not technically "abuse," it does involve a failure on the part of the criminal justice system to protect one segment of a community from certain crimes.

² Herek, Gregory, Roy Gillis, and Jeanine Cogan, *Psychological Correlates of Hate Crime*. American Psychological Association, Washington, D.C.: 1998.

³ *Testimony on Assembly Bill 695*, presented by Brian Levin, Center for the Study of Ethnic And Racial Violence, State Assembly Hearing, California State Assembly, Sacramento, CA, April 4, 1995.

⁴ Levin, Brian, "Bias Crimes: A Theoretical & Practical Overview," *Stanford Law & Policy Review*, Winter 1992-1993, pp. 165-181.

motivated crime. The officer may also have a bias against the victim or for the attacker(s). For example, in January 1998, the *Chicago Tribune* conducted an investigation and found that hate crimes in Illinois and other states are under-reported or ignored by police.⁵ In a random examination of Illinois police and court files, the *Tribune* uncovered dozens of incidents that were misclassified as motivated by intoxication, or solely as vandalism or trespassing. Often, due to leanly-staffed offices, and a lack of uniform reporting procedures and proper training, many jurisdictions fail to report incidents as hate crimes or do not file a report with the FBI, leading many to label the findings of the FBI's Hate Crime Report, the "Zero Report."⁶

3. **Fear or mistrust of the police and the criminal justice system.** Social science research also shows that one of the reasons for the lack of reporting of hate crimes is a concern that the system is biased against the group to which the victim belongs; therefore, victims believe police authorities will not be responsive to the incident.⁷ In addition, the lack of appropriate prosecution of such crimes deters other victims from filing complaints. To illustrate, because these crimes often involve unprovoked physical attacks by assailants unknown to the victim, arrest rates are also significantly lower than they are for other types of violent crimes. Furthermore, restrictive laws, the prevalence of youthful offenders, and the difficulty of establishing bias motivation weigh heavily against prosecution of these crimes, even in those rare instances where the incident is cleared by arrest. It is not uncommon to see only two or three dozen bias-crime prosecutions out of hundreds of reported cases in some of the nation's most populous counties.⁸

C. LAW ENFORCEMENT ABUSE

Many of the same factors present in the under-reporting of hate violence are also present with regard to law enforcement abuse. There are, however, some unique factors, including the "code of silence" and ineffective or nonexistent systems to handle

complaints, that serve as barriers to the reporting of law enforcement abuse.

1. **Absence of information regarding complaint procedures.** According to a study of the relationship between the community and immigration law enforcement authorities in the Lower Rio Grande Valley, the greatest obstacle to filing complaints about alleged mistreatment by Border Patrol is the absence of information about the existence of a complaint procedure.⁹ In the case of excessive use of force, many police officers and police departments fail to inform the victim of how he or she can file a complaint, assuming a procedure exists by which to do so. Moreover, even when victims are successful at filing a case, problems arise when complaints are not appropriately handled or resolved.

2. **Ineffective complaints system.** There are two sets of concerns here:

- **INS** - Long one of the most negligent federal government agencies in handling and processing civil rights complaints, the INS, at present, has no effective method for reporting grievances about INS misconduct. According to a 1993 report by Americas Watch, the investigation mechanisms utilized by INS are plagued by overlapping jurisdictions and broad gaps that result in inadequate investigations and abusive agents.¹⁰ In a March 1997 report, the Arizona, California, New Mexico, and Texas Advisory Committees to the U.S. Commission on Civil Rights recommended the creation of an independent review commission to investigate charges of serious misconduct arising against INS and Border Patrol agents.¹¹ The report noted that procedures to redress agent misconduct have been inadequate and inaccessible, and lack the confidence of the communities most directly affected. The findings reinforce a conclusion reached by the U.S. Commission on Civil Rights in a 1980 report entitled, *The Tarnished Golden Door: Civil Rights*

⁵ "Hatred a Crime Many Just Ignore," *Chicago Tribune*, January 11, 1998.

⁶ For example, ignoring overwhelming evidence to the contrary, the FBI's report says that Alabama experienced no hate crimes in 1996. In Hawaii, officials refuse to report their hate crimes. Six states – Indiana, Ohio, Mississippi, Missouri, New Mexico, and Tennessee – do not require police agencies to report hate crimes. Therefore, while the Justice Department is required to publish the report, many state police agencies either knowingly fail to report hate crimes, report "0" when in reality bias-related crimes are misclassified, or do not report at all because such reporting is not required by state law.

⁷ Herek, G.M., J.R. Gillis, J.C. Cogan, and E.K. Glunt, "Hate Crime Victimization Among Lesbian, Gay, and Bisexual Adults: Prevalence, Psychological Correlates, and Methodological Issues," *Journal of Interpersonal Violence*, Vol. 12, 1997, pp. 195-215.

⁸ *Testimony on Assembly Bill 695*, op. cit. For instance, in Brooklyn, New York in 1992, only 34 defendants were prosecuted out of 203 reported cases. A Northeastern University study indicated that out of 452 cases in Boston over a five-year period, only 38 defendants were charged. In 1993, Los Angeles County prosecuted fewer than 20 cases of the 783 cases reported.

⁹ *Pilot Study of the Relationship Between the Lower Rio Grande Valley Community and Immigration Authorities*. University of Wisconsin: Border Interaction Project, May 1993.

¹⁰ *United States, Frontier Justice: Human Rights Abuses Along the U.S. Border with Mexico Persist Amid Climate of Impunity*. New York, NY: Americas Watch, May 13, 1993.

¹¹ *Federal Immigration Law Enforcement in the Southwest: Civil Rights Impacts on Border Communities*. Arizona, California, New Mexico, and Texas Advisory Committees to the United States Commission on Civil Rights. Los Angeles, CA: March 1997.

Issues in Immigration. Many deficiencies then found by the Commission in the complaint and investigation procedures of INS have not been adequately addressed or rectified – 19 years later. In addition to the Department of Justice's Civil Rights Division and FBI, the Office of Inspector General (OIG) is a pivotal office in investigations of complaints against INS and Border Patrol agents. Yet the report found that the extensive emphasis on immigration law enforcement oftentimes serves to diminish the OIG's protection of civil rights, especially for Hispanics.¹²

- **Local police departments** - Many critics have argued that weak citizen review agencies – where they exist – are a part of the problem. These agencies are tasked with monitoring, and in some cases investigating, cases of excessive force, and are under-funded by city officials, undermined by police officers who refuse to cooperate with them, under attack by police unions and others, and under-utilized by the public.¹³ Ideally, external citizen review should be an integral part of police oversight and policy formulation, but instead it has been sidelined in most cities. Failure in police leadership also contributes to the poor performance of police departments, particularly with regard to their internal affairs divisions, which too often conduct sloppy and incomplete investigations that tend to be biased in favor of fellow officers.¹⁴ In addition, local prosecution of officers who commit civil rights violations is far too rare, with many local prosecutors unwilling to pursue vigorously officers who normally help them in criminal cases.
3. **"Code of silence."** The existence of a "code of silence," or "blue/green wall of silence" as referred to by others (to include INS agents), has severely hindered the ability of victims to believe that justice will prevail if they come forth with a complaint. Practices by law enforcement officers such as withholding evidence, lying for their partners, or changing the version of how events occurred, perpetuate a culture in which

protecting colleagues is a virtue.¹⁵ This case was made most apparent recently in the Abner Louima torture case in New York City. Mr. Louima, a Haitian immigrant, was hospitalized after being sodomized with a stick by a New York City police officer, who later bragged about the incident to his colleagues. As a result of enormous political and legal pressure, one of the police officers present during the incident eventually provided testimony to the prosecution. A *New York Times* columnist wrote, "The police witnesses emerged more slowly than necessary, and there are those who suggest that they were talking only because they were afraid of being implicated themselves in this high-profile case. They will undoubtedly encounter colleagues from the old school who will label them unfairly as 'rats' or persecute them in other unsanctioned ways."¹⁶

4. **Lack of Legal Representation.** Pursuing a charge of law enforcement abuse typically requires effective legal representation, particularly in the absence of effective independent review authorities. However, the availability of lawyers with the expertise and resources to hold law enforcement authorities accountable is minimal. Although survey research on this topic does not appear to exist, NCLR's admittedly anecdotal experience with several cases of apparent law enforcement abuse against Latinos strongly suggests that many such cases are not resolved because of limits on legal representation. In one case involving a municipal police department in a Midwestern city, the solo practitioner representing the victim's family was more than \$60,000 in debt after successfully overcoming a series of procedural motions by the city. Even though a federal judge admonished the city for its dilatory tactics and declared the plaintiff's case to be very compelling, the family settled soon thereafter for a nominal amount, in large part because its attorney's financial resources were exhausted. In another case involving "dragnet" tactics in a joint INS-city operation that was heavily criticized by the state Attorney General, a modest settlement was reached with a local municipality by the plaintiffs in part due to the attorney's financial constraints.

¹² Ibid.

¹³ *Shielded from Justice: Police Brutality and Accountability in the United States.* New York, NY: Human Rights Watch, 1998.

¹⁴ Ibid.

¹⁵ "Illegal Drug Scene Spurs Rise in Police Corruption Crime: Number of Officials Jailed Has Multiplied 5 Times in 4 Years, Study Says," *Los Angeles Times*, June 13, 1998.

¹⁶ "A Blue Wall of Witnesses," *New York Times*, May 26, 1999.

Endnotes

1. For a list of citations, see Claire Gonzales, *The Empty Promise: The EEOC and Hispanics*, Washington, DC: National Council of La Raza, 1993.
2. See, for example, Anti-Discrimination League, *Audit of Anti-Semitic Incidents*, New York, 1996; National Asian Pacific American Legal Consortium, *Audit of Violence Against Asian Pacific Americans*, Washington, DC, 1996; American-Arab Anti-Discrimination Committee, *Hate Crimes and Discrimination Against Arab Americans*, Washington, DC, 1997.
3. McWilliams, Cary, *North From Mexico*, New York, NY: Greenwood Press, 1968. See also Moquin, Wayne and Charles VanDoren, eds., *A Documentary History of the Mexican Americans*, New York, NY: Praeger Publishers, 1971.
4. Smith, Tom W., *Working Papers on Contemporary Anti-Semitism: What Do Americans Think About Jews?*, New York, NY: American Jewish Committee, December 1991.
5. Smith, Tom W., *Ethnic Images*, General Social Survey Topical Report No. 19, National Opinion Research Center, Chicago, IL: University of Chicago, December 1990.
6. *Taking America's Pulse: The National Conference Survey on Inter-group Relations*. New York, NY: The National Conference of Christians and Jews, 1994.
7. Ibid.
8. Lichter, S. Robert, Linda S. Lichter, and Stanley Rathman, *Watching America*. New York: Prentice Hall Press, 1991.
9. Gerbner, George, *Women and Minorities On Television: A Study in Casting and Fate*, report to the Screen Actors Guild and the American Federation of Radio and Television Artists. Philadelphia, PA: Annenberg School of Communication, University of Pennsylvania, 1993.
10. Amundson, Daniel R. and Robert S. Lichter, *Distorted Reality: Hispanic Characters in TV Entertainment*, Washington, D.C.: National Council of La Raza, 1994.
11. Pachón, Harry P., Ph.D., Louis DeSipio, Ph.D., Rodolfo de la Garza, Ph.D., and Chon A. Noriega, Ph.D., *Missing in Action: Latinos In and Out of Hollywood*. Los Angeles, CA: The Tomás Rivera Policy Institute, 1999.
12. "Excerpts From Don & Mike's Messages of Hate to Hispanics," *Hispanic Link Weekly Report*, August 30, 1999.
13. Wilson, Clint and Felix Gutierrez, *Minorities and Media*. Beverly Hills, CA: Sage Publications, 1985.
14. *The Hispanic Population in the United States: March 1998*, Current Population Survey, WDC: U.S. Department of Commerce, Bureau of the Census.
15. "Compton Latinos Still on Outside Looking In," *Los Angeles Times*, April 16, 1998.
16. "Hispanic Population Moves Closer to Surpassing That of Blacks," *New York Times*, August 7, 1998.
17. Verdugo, Richard, *Hate-Motivated Crime and Violence*. Washington, D.C.: National Education Association, 1998.
18. *Taking America's Pulse: The National Conference Survey on Inter-group Relations*, op. cit.
19. *The Hispanic Population in the United States: March 1998*, op. cit.
20. Keely, Charles B., *U.S. Immigration: A Policy Analysis*. New York, NY: The Population Council, 1979.
21. *Danger: Extremism, The Major Vehicles and Voices on America's Far-Right Fringe*. New York, NY: Anti-Defamation League, 1996.
22. *Greensboro News & Record*, February 19, 1996.
23. *Danger: Extremism, The Major Vehicles and Voices on America's Far-Right Fringe*, op. cit.
24. Ibid.
25. "Preserving The Ways of My Ancestors," *Washington Post*, February 6, 1999.

26. *Advocacy Guide for Community Groups Addressing Proposition 187-Related State Initiatives*. Washington, D.C.: National Council of La Raza, January 1996.
27. *Danger: Extremism, The Major Vehicles and Voices on America's Far-Right Fringe*, op. cit.
28. *Shielded From Justice: Police Brutality and Accountability in the United States*. New York, NY: Human Rights Watch, 1998.
29. "Immigration and the Justice System," *Research Perspectives on Migration*, International Migration Policy Program of the Carnegie Endowment for International Peace and the Urban Institute, July/August 1997
30. *Beyond the Rodney King Story: An Investigation of Police Conduct in Minority Communities*. Boston, MA: National Association for the Advancement of Colored People, 1995.
31. *Beyond the Rodney King Story: An Investigation of Police Conduct in Minority Communities*, op. cit.
32. "Latino Officers Sue NYPD, Allege Bias," The Associated Press, September 10, 1999.
33. *United States of America: Rights For All*. New York, NY: Amnesty International USA, 1998.
34. *Shielded From Justice: Police Brutality and Accountability in the United States*, op. cit.
35. Escobar, Edward J., *Race, Police and the Making of a Political Identity: Mexican Americans and the Los Angeles Police Department, 1900-1945*. Los Angeles, CA: University of California Press, 1999.
36. Ibid.
37. "Police and INS Crackdown in Mississippi," MSNBC Web Page, January 13, 1999.
38. Ibid.
39. *Shielded From Justice: Police Brutality and Accountability in the United States*, op. cit.
40. "Police Department Routinely Drops Cases of Officer Misconduct, Report Says," *New York Times*, September 15, 1999.
41. Ibid.
42. *United States of America: Rights For All*, op. cit.
43. *Shielded From Justice: Police Brutality and Accountability in the United States*, op. cit.
44. Ibid.
45. *United States of America: Rights For All*, op. cit.
46. See, for example, *United States of America: Rights For All*, op. cit. *Human Rights Concerns in the Border Region with Mexico*. London, UK: Amnesty International, May 1998. *Immigrant Rights are Human Rights: 1998 End of Year Abuse Report*. Oakland, CA: American Friends Service Committee, December 1998. *Portrait of Injustice: The Impact of Immigration Raids on Families, Workers and Communities*. San Francisco, CA: National INS Raids Task Force of the National Network for Immigrant and Refugee Rights, October 1998.
47. *Shielded From Justice: Police Brutality and Accountability in the United States*, op. cit.
48. Kamasaki, Charles K. and Raul Yzaguirre, "The Latino Civil Rights Crisis," comment prepared for The Harvard Civil Rights Project's Research Conference at the Brookings Institution, Washington, D.C., December 5, 1997.

IV. RECOMMENDATIONS

A. Overview

Protection from violence is arguably the second most vital function – after national defense – of any society. In a multiracial, multiethnic nation committed to the principle of equal opportunity, violence, harassment, and law enforcement abuse motivated by racism, xenophobia, and bigotry are particularly untenable. This report demonstrates that such hate violence and abuse against, and by, Hispanics is a serious and potentially growing problem. Considerations of data limitations notwithstanding, the incidents documented in this report should be troubling to all Americans. Furthermore, this evidence suggests that all Americans have a role to play in reducing the incidence of harassment, hate violence, and law enforcement abuse against – and by – Latinos.

In this section, NCLR outlines a series of recommendations for addressing these issues by different sectors of society. The discussion begins with public policy recommendations to address private acts of hate violence and harassment. It also includes public policy recommendations to address law enforcement abuse. The report concludes with recommendations for society at large, including the Hispanic community itself.

B. Public Policy Recommendations to Address Private Hate Violence and Harassment

1. Federal Government

- **Congress should pass and the President should sign into law the Hate Crimes Prevention Act (HCPA) of 1999.** The HCPA would provide new authority for federal officials to investigate and prosecute cases in which the bias violence occurs because of the victim's real or perceived sexual orientation, gender, or disability (race/ethnicity is currently covered). It would also remove the overly-restrictive obstacles to federal involvement by permitting prosecutions without having to prove that the victim was attacked because he/she was engaged in a federally-protected activity.

2. State Government

- **Effective measures should be passed in each state to combat hate violence,** including a statute that prevents the immigration status of a hate crime victim from being disclosed to federal immigration authorities. All Americans should have a right to be protected by their states from crime and violence. Only when the state fails to act, or acts inappropriately, should the federal government have jurisdiction. Coverage of protected groups should also include non-traditional, bias-motivated crimes such as those based on sexual orientation, gender, and immigration status. Undocumented persons are especially vulnerable to bias victimization because of their diminished legal and social status. Without such a provision, undocumented hate crime victims would be placed in a position of having to choose between their own deportation and the prosecution of their assailants. Protecting undocumented persons would also help citizens and legal residents who, because of their race, ethnicity, or national origin, are singled out for attack by those who either associate them with undocumented persons or perceive them to be undocumented.
- **Elected officials, public figures, and mainstream media should be leaders against – not contributors to – racism and intolerance.** Inflammatory rhetoric perpetuates ignorance and creates an atmosphere conducive to hate-motivated violence. Public officials and the media have a civic responsibility to raise these issues in a way that promotes a climate of tolerance – not of fear or hatred.
- **Law enforcement agencies should more effectively comply with the Hate Crimes Statistics Act of 1990** and document hate violence accurately and completely. Far too many states are not documenting hate crimes appropriately. The problem of under-reporting is significant, and agencies must be made to

comply with documentation laws. In addition, Congress should create additional incentives for the data collection of hate crimes from every police department by giving national recognition and/or grants to exemplary programs involving proactive and innovative problem-solving.

- **Local law enforcement should be required to receive extensive and ongoing training to improve its effectiveness in identifying and responding to hate violence.** Training to provide information and assistance in preventing, documenting, and following up on hate crimes or related violence should be mandatory for every police department as a condition of federal funding. Excellent resources now exist to help municipalities establish effective hate crime-response procedures. The FBI has recently updated its model-training guide for state and local law enforcement authorities on how to identify, report, and respond to hate crimes. The Justice Department has also recently completed hate crimes curricula for victim assistance and juvenile justice professionals. These resources should be made available to and used by local law enforcement authorities.

C. Public Policy Recommendations to Address Law Enforcement Abuse

1. Federal Government

- **In an effort to fulfill its obligation under the Police Accountability Act and provisions of the Violent Crime Control and Law Enforcement Act of 1994, the Department of Justice should seek, and Congress should appropriate the resources it needs, to compile accurate statistics and produce an annual report on the excessive use of force.** Despite Congressional authorization in the 1994 Act and widespread attention to police brutality since the passage of the legislation, no such report has been published. The lack of information and attention to these concerns has meant that communities' civil rights continue to go unprotected, with little response from the Administration. Without data, reporting, and accountability, local and federal law enforcement agents cannot be made responsible for their violent and inappropriate actions.
- **The Department of Justice's Special Litigation Section should be provided adequate resources to enable it to fulfill its task of pursuing "pattern and practice" lawsuits against police agencies nationwide that commit widespread abuses.** While many in Congress and the White House have said that they want to ensure that prosecutors have all the resources they need to enforce U.S. laws in these cases, funding of the Civil Rights Division's work in this area remains inadequate.
- **Each of the 94 United States Attorneys' Offices should create Civil Rights units whose sole responsibility is the enforcement of civil rights laws.** While NCLR acknowledges that these offices currently assign attorneys to do civil rights work, that level of commitment is inadequate. U.S. Attorneys' Offices should create Civil Rights divisions or units to handle civil rights cases, as is the case in hate crimes prevention. These units should be prominent within the Offices. Federal prosecutors, if funded and supported as NCLR proposes, would have the resources and the greater independence from local police departments to investigate and bring actions against both local and federal law enforcement agencies. NCLR notes that state and federal authorities have successfully cooperated in recent years in the investigation and prosecution of what had previously been considered local offenses, such as crimes involving guns and drugs. Such successful cooperation in efforts to prosecute offenders could provide a model for similar cooperation in the area of law enforcement abuses.
- **The Administration should vigorously support, and Congress should pass, the Traffic Stops Statistics Act of 1999.** The Act, recently introduced by Representatives John Conyers (D-MI) and Bob Menendez (D-NJ), and Senators Russell Feingold (D-WI) and Frank Lautenberg (D-NJ), would require the collection of traffic stops data, and would provide a crucial tool in evaluating the extent of racial and ethnic profiling in motor vehicle stops. While there have been many individual accounts of stops that can only be explained by the race or ethnicity of the motorist, the absence of reliable and comprehensive national statistics has allowed the problem of racial and ethnic profiling to evade systematic review.

- **The Administration should vigorously support, and Congress should pass, the Law Enforcement Trust and Integrity Act of 1999.** The Act, recently introduced by Representative John Conyers (D-MI), would require a series of efforts to improve the accreditation standards of law enforcement agencies and its officers; provide grants for pilot programs focused on effective training, recruitment, hiring, management, and oversight of law enforcement officers; call for full funding for DOJ's Civil Rights Division; and grant enhanced authority in pattern and practice investigations.
- **White House conferences and summits on crime prevention should include an explicit focus on law enforcement abuse and accountability.** It is increasingly popular for White House summits to tout falling crime rates. Only the most recent such meeting, however, included the subject of law enforcement abuse on the agenda. To the extent such meetings are held in the future, they should devote greater attention to tensions between respect for civil rights and civil liberties on the one hand, and crime prevention on the other.
- **The President should issue an Executive Order requiring all federal law enforcement agencies to cease using race or ethnicity in their profiling policies.** The evidence in this report demonstrates a strong connection between racial and ethnic profiling and widespread abuse and civil rights violations. With the stroke of a pen, the President could order all federal law enforcement agencies, including the INS, the Drug Enforcement Agency, the Customs Service, and the Bureau of Alcohol, Tobacco, and Firearms, immediately to cease explicit or implicit use of profiling based on race or ethnicity.
- **The Department of Justice should end collaboration between INS and other law enforcement agencies in conducting enforcement operations.** Any existing cooperation agreements between the INS and local police and sheriff departments should be terminated, and the Attorney General should decline to pursue additional agreements.
- **The INS should establish an improved mechanism to address complaints about abuse of authority in the enforcement of federal immigration laws.** The federal government has the authority and obligation to ensure that enforcing the nation's immigration laws not result in abuse. A body, such as a "civilian review panel" with the ability and resources to accept and investigate complaints of federal law enforcement abuse and to make recommendations for remedial actions, should be established to help ensure government accountability and deter further rights violations. Such a panel could be a step forward in addressing the ever-increasing number of complaints filed against immigration enforcement agents.

2. State/Local Governments

- **State and local authorities should establish independent and effective oversight bodies for their respective law enforcement agencies.** Among experts, there is strong preference for civilian and independent review authority with respect to civil rights law enforcement. Such bodies should have the power to investigate or review complaints of civil rights violations against law enforcement agents. Such bodies should also have subpoena power to require witnesses to appear and to insist on cooperation from police departments, law enforcement agencies, and individual officers. Establishment of such independent oversight bodies should be a necessary condition for receiving federal law enforcement monies.
- **State and local governments should appropriate sufficient funds to police departments for developing effective community policing programs.** Community policing programs have proven successful at building community trust and cooperation in the prevention of neighborhood crime. Such efforts need to be replicated to reach low-income, high-crime, and immigrant communities where the relationships between local law enforcement and the community tend to be strained. Community policing can serve as a vehicle (although not the only approach) to bridge the distance and begin paving the way toward a more positive and interactive relationship between these groups.

D. Recommendations for Society at Large

1. Community Groups

Community-based and civic organizations should:

- **Implement and support programs that allow communities to respond to bias-related incidents, prevent crimes in their neighborhoods, and value diversity.** Creating safer communities should be a priority for all Americans. By working in partnership with schools, businesses, and others, a combination of efforts can help to address and defuse the sources of hate violence, and to respond more effectively when it occurs. NCLR strongly suggests that significant resources be targeted toward youth, specifically toward school programs for diversity and conflict resolution training for grades K-12, and existing materials such as DOJ's Healing the Hate school curriculum should be used.
- **Support "Best Practices" programs recognized by President Clinton's One America Initiative.** In January 1999, the President's Initiative on Race produced a report, *Pathways to One America in the 21st Century: Promising Practices for Racial Reconciliation*, which compiled information about efforts that are helping to fulfill the President's vision of "One America." These programs represent many approaches and pathways that can lead the country toward racial reconciliation, including models that can be duplicated and put into practice to serve the needs of diverse communities throughout the U.S.



2. Hispanic Community

The Latino community must also do its part to increase attention to and reduce the incidence of hate violence and abuse. Specifically, the community, including Latino organizations and elected officials, should:

- **Elevate the attention given to these issues.** The time has come for Hispanics to organize against hate violence and law enforcement abuse and send a unified message that such crimes will not be tolerated. Hispanic leaders in different sectors must commit resources and time to educating all communities of this problem, and be visible and vocal in their support of inclusive and effective efforts to combat hate violence and law enforcement abuse. Researchers must also help to document and analyze such incidents. Finally, the leadership should expand its advocacy agenda to include a media focus so that these issues gain national attention and appropriate responses.
- **Take seriously and help implement recommendations listed here, particularly to reduce the incidence of hate violence committed by Latinos.** Just as the Hispanic community demands that its rights be protected, Latinos too must respect the rights of others to live a safe and hate-free life.
- **Hispanic civil rights organizations should strengthen the "infrastructure" needed to assure proper reporting and follow-up.** Law enforcement cannot solve hate crimes if they are not reported, nor can the media report on cases of law enforcement abuse that are not filed. One positive step would be for more Latino community groups to assume responsibility for assisting victims of hate violence in reporting such crimes to the proper authorities. In the case of law enforcement abuse, community and civil rights organizations should work with the private bar to assure appropriate legal representation.

3. Civil Rights Community

- **Mainstream civil rights community groups should respond more inclusively and aggressively to incidents of hate violence and law enforcement abuse.** The civil rights community should respond in unity to recognize and fight such crimes against any member of its community. Hate violence and law enforcement abuse should not be tolerated against any human being in any community.

4. Media

- **The entertainment industry must take steps to eliminate negative and stereotypical portrayals of Latinos.** Changing public perceptions of Latinos depends in part on reducing stereotypical portrayals of Hispanics in TV and film entertainment. NCLR believes that clearly-articulated voluntary standards and codes of ethics are one means of promoting increased and more accurate, sensitive portrayals of Latinos and other minorities.
- **The news industry must take active steps to improve accuracy in covering issues affecting or involving Hispanics, particularly coverage of harassment, hate violence, and law enforcement abuse.** NCLR believes that continued neglect of Latino issues and perspectives contributes to hate violence by reinforcing negative stereotypes. By developing internal mechanisms for monitoring the comprehensiveness and accuracy of its coverage and doing periodic self-assessments, the news industry can begin to be a part of the solution.

It is NCLR's hope that there will come a day when all Americans are free from hate violence. It is, however, imperative that until that day comes, all sectors of society must work together in an effort to secure for all safer lives, homes, and communities.

APPENDIX: ORGANIZATIONAL RESOURCES

The following list of organizations is included as resources because they either advocate at the national, state, or local level for legislation to address and prevent hate crimes and law enforcement abuse, or they have programs in place that promote racial harmony and work to address the factors that ignite racial hatred and intolerance in all its many manifestations.

AMERICAN-ARAB ANTI-DISCRIMINATION COMMITTEE

4201 Connecticut Avenue, N.W. Suite 500
Washington, DC 20008
(202) 244-2990
www.adc.org

AMERICAN CIVIL LIBERTIES UNION

National Headquarters
125 Broad Street
New York, NY 10004
(212) 549-2500
www.aclu.org

AMERICAN FRIENDS SERVICE COMMITTEE

National Office
1501 Cherry Street
Philadelphia, PA 19102
(215) 241-7000
www.afsc.org

AMNESTY INTERNATIONAL, USA

322 Eighth Avenue
New York, NY 10001
(212) 807-8400
www.amnesty.org

ANTI-DEFAMATION LEAGUE

823 United Nations Plaza
New York, NY 10017
(212) 490-2525
www.adl.org

CALIFORNIA ASSOCIATION OF HUMAN RELATIONS ORGANIZATIONS

1426 Fillmore Street, Suite 216
San Francisco, CA 94115
(415) 775-2341
www.cahro.org

CENTER FOR CONSTITUTIONAL RIGHTS

666 Broadway, 7th Floor
New York, NY 10012
(800) 764-0235

CENTER FOR DEMOCRATIC RENEWAL

P.O. Box 50469
Atlanta, GA 30302
(404) 221-0025
www.publiceye.org/cdr//cdr.html

CENTER FOR NEW COMMUNITY

6429 W. North Avenue, Suite 101
Oak Park, IL 60302
(708) 848-0319
www.newcomm.org

CHICAGO LAWYERS' COMMITTEE FOR

CIVIL RIGHTS UNDER LAW, INC.
Project to Combat Bias Violence
100 N. LaSalle, Suite 600
Chicago, IL 60602
(312) 630-9744

COALITION AGAINST POLICE ABUSE

2824 S. Western Avenue
Los Angeles, CA 90018
(323) 733-2107

COALITION FOR HUMAN DIGNITY

P.O. Box 21266
Seattle, WA 98111
(306) 756-0914
www.halcyon.com/chd

COLORADANS UNITED AGAINST HATRED

c/o AMERICAN JEWISH COMMITTEE
P.O. Box 11191
Denver, CO 80301
(303) 320-1742
www.cuah.org

COMMUNITIES AGAINST HATE/YOUTHS FOR JUSTICE

P.O. Box 10837
Eugene, OR 97440
(541) 485-1755

EDUCATORS FOR SOCIAL RESPONSIBILITY

23 Garden Street
Cambridge, MA 02138
(1-800) 370-2515
www.epicent.com

GREEN CIRCLE PROGRAM

c/o NATIONALITIES SERVICE CENTER
1300 Spruce Street
Philadelphia, PA 19107
(215) 893-8400

HUMAN RIGHTS CAMPAIGN

919 18th Street, N.W., Suite 800
Washington, DC 20006
(202) 628-4160
www.hrc.org

HUMAN RIGHTS WATCH

350 Fifth Street, 34th Floor
New York, NY 10118-3299
(212) 290-4700
www.hrw.org

LAMBDA LEGAL DEFENSE AND EDUCATION FUND

120 Wall Street, 15th Floor
New York, NY 10005
(212) 809-8585
www.lambdalegal.org

LEADERSHIP CONFERENCE ON CIVIL RIGHTS/**LEADERSHIP CONFERENCE EDUCATION FUND**

1629 K Street, N.W., Suite 1010
Washington, DC 20006
(202) 466-3311
www.civilrights.org

LEAGUE OF UNITED LATIN AMERICAN CITIZENS

7125 Gulf Freeway
Houston, TX 77087
(713) 643-4222
www.lulac.org

MEXICAN AMERICAN LEGAL DEFENSE

AND EDUCATIONAL FUND
634 South Spring Street, 11th Floor
Los Angeles, CA 90014
(213) 629-2512
www.maldef.org

NATIONAL ASIAN PACIFIC AMERICAN LEGAL CONSORTIUM

1140 Connecticut Avenue, N.W., Suite 1200
Washington, DC 20036
(202) 296-2300
www.napalc.org

NATIONAL ASSOCIATION FOR THE ADVANCEMENT OF COLORED PEOPLE

4805 Mount Hope Drive
Baltimore, MD 21215
(410) 359-8900
www.naacp.org

NATIONAL CONFERENCE FOR COMMUNITY AND JUSTICE

71 Fifth Avenue, 11th Floor
New York, NY 10003
(212) 807-8440
www.nccj.org

NATIONAL COUNCIL OF CHURCHES

475 Riverside Drive, Room 670
New York, NY 10115
(212) 870-2376
www.nccusa.org

NATIONAL COUNCIL OF LA RAZA

1111 19th Street, N.W. Suite 1000
Washington, DC 20036
(202) 785-1670
www.nclr.org

NATIONAL HATE CRIMES PREVENTION PROJECT**EDUCATION DEVELOPMENT CENTER**

55 Chapel Street
Newton, MA 02158-1060
(1-800) 225-4276 or (617) 969-7100
www.edc.org

NATIONAL NETWORK FOR IMMIGRATION AND REFUGEE RIGHTS

310 8th Street, Suite 307
Oakland, CA 94607
(510) 465-1984
www.nnirr.org

NATIONAL SCHOOL SAFETY CENTER

4165 Thousand Oaks Blvd; Suite 290
Westlake Village, CA 01362
(805) 373-9977
www.nccs1.org

NEW YORK CITY GAY AND LESBIAN ANTI-VIOLENCE PROJECT

647 Hudson Street
New York, NY 10014-1650
(212) 807-6761
www.avp.org

NORTHWEST COALITION AGAINST MALICIOUS HARASSMENT

P.O. Box 21428
Seattle, WA
(206) 233-9136
www.members.aol.com/\ncamh

NOT IN OUR TOWN**THE WORKING GROUP**

P.O. Box 10326
Oakland, CA 94610
(510) 268-9675
www.igc.org/an/niot

OCTOBER 22ND COALITION

P.O. Box 2627
New York, NY 10009
(212) 477-8062
www.unstoppable.com

PENNSYLVANIA NETWORK OF UNITY COALITIONS

P.O. Box 8168
Pittsburgh, PA 15217
(412) 521-1548

PEOPLE FOR THE AMERICAN WAY

2000 M Street, NW; suite 400
Washington, DC 20036
(202) 467-4999
www.pfaw.org

POLICE-BARRIO RELATIONS PROJECT

2828 N. 5th Street
2nd Floor
Philadelphia, PA 19133
(215) 223-1900

POLICE COMPLAINT CENTER

4244-223 W. Tennessee Street
Tallahassee, FL 32304
(850) 894-6819
www.policeabuse.com

PRESIDENT'S INITIATIVE ON ONE AMERICA OFFICE OF THE PRESIDENT

OEOB, Room 468
Washington, DC 20502
(202) 395-1011
www.whitehouse.gov/Initiatives/OneAmerica

PUERTO RICAN LEGAL DEFENSE AND EDUCATION FUND

99 Hudson Street
New York, NY 10013
(800) 328-2322

SIMON WIESENTHAL CENTER

International Headquarters
9760 West Pico Blvd.
Los Angeles, CA 90035
(310) 553-9036
www.weisenthal.com

SOUTHERN POVERTY LAW CENTER

400 Washington Avenue
Montgomery, AL 36104
(205) 264-0286
www.splcenter.org

STUDY CIRCLES RESOURCES CENTER

P.O. Box 203
697A Pomfret Street
Pomfret, CT 06258
(860) 928-2616
www.ncl.org/anr/partners/scrd.htm

U.S. COMMISSION ON CIVIL RIGHTS

624 9th Street, N.W.
Washington, DC 20425
(202) 376-7700

U.S. DEPARTMENT OF JUSTICE CIVIL RIGHTS DIVISION

Criminal Section
P.O. Box 66018
Washington, DC 20035-6018
(202) 514-8336
www.usdoj.gov

U.S. DEPARTMENT OF JUSTICE

COMMUNITY RELATIONS SERVICE
600 E Street, N.W., Suite 2000
Washington, DC 20530
(202) 305-2935
www.usdoj.gov.crs

U.S. DEPARTMENT OF JUSTICE

Hate Crimes Hotline: 1-800-347-Hate

YWCA OF THE USA

The Empire State Building
350 Fifth Avenue, Suite 301
New York, NY 10118
(212) 273-7800
www.ywca.org

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