



Leading at Every Level

A Community Education Forum on Hate Crime Prevention

Presentations and Supplemental Resources

January 26, 2012

Presented by The Metro Human Relations Commission
in Partnership with the U.S. Department of Justice



Opening Remarks from the Executive Director Metro Human Relations Commission - January 26, 2012

Caroline G. Blackwell
Executive Director

Scott Ridgway, Chair

Mark Baugh

Iris Buhl

Vincent Campbell

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Dan Cornfield

Nonye Ejiofor

Deb Palmer George

King Hollands

Susan McDonald

Nick Patel

Don Peterson

Loraine Segovia-Paz

Remziya Suleyman

Patricia Totty

Ladies and Gentleman,

The Metro Human Relations Commission is pleased to present ***Leading at Every Level: A Community Education Forum on Hate Crime Prevention***, and we thank all of our partners and sponsors who helped bring us to this occasion. I am confident we are all looking forward to hearing the distinguished array of presenters who will help us better understand the provisions and protections of the Matthew Shepard and James Byrd, Jr. Hate Crime Prevention Act of 2009, a truly landmark piece of legislation in our country. And in moments, Metropolitan Government Mayor Karl Dean will open these proceedings.

However, before Mayor Dean comes to the podium, I want to dispel any notion that this forum is fundamentally about hate. If you came here today with that frame of mind, I trust you will be disappointed. Instead, ***Leading at Every Level*** is about building capacity in each one of us to go beyond mere tolerance of difference to ***acceptance of difference, the kind of acceptance that ensures safety, security, and personal dignity for every resident of Nashville-Davidson County and beyond.***

That, my friends, is the mission of the Metro Human Relations Commission, and I can think of no better use of our resources than to collaborate with this audience, and our outstanding speakers, in service to that goal.

Today, we have an opportunity meet people who have triumphed over tragedy, who place their lives on the line for our safety, who work into the wee hours prosecuting those who would do us harm, who help equip our teachers with the skills they need to enhance the climate in our schools, and who advocate for the rights each of us holds dear, even when we cannot find our own voice.

If you are tempted to think that I speak only of our presenters, again that is not the case. Because before this forum ends, ***each of you*** will have the opportunity to share your stories and contribute your ideas and expertise on how we can ***Erase Hate***, engender compassion, and make our city--and surrounding communities--the safest they can be.

Thank you for joining the Metro Human Relations Commission in this committed action.

Caroline G. Blackwell,
Executive Director

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Leading at Every Level: A Community Education Forum on Hate Crime Prevention

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Tennessee Suicide Prevention Network

The Matthew Shepard Foundation

The Roasterie

The U.S. Department of Justice, Community Relations Service

Todd Shelton

Walgreens Nashville South District



Leading at Every Level: A Community Education Forum on Hate Crime Prevention

Thursday, January 26, 2012
Program Agenda

8:30 a.m. – 9:00 a.m.	Registration and Coffee	Avon Williams Atrium
9:00 a.m. – 9:15 a.m.	Welcome and Introductions	Scott Ridgway Caroline Blackwell
9:15 a.m. – 9:45 a.m.	Opening: Leadership Vision for Community Safety	Honorable Mayor Karl Dean
9:45 a.m. – 10:15 a.m.	Erase Hate	Dennis Shepard, Co-Founder, Matthew Shepard Foundation
10:15 a.m. – 10:30 a.m.	Break	Avon Williams Atrium
10:30 a.m. – 11:15 a.m.	Overview of the Matthew Shepard & James Byrd, Jr. Hate Crime Prevention Act	Assistant U.S. Attorney, Blanche Cook
11:15 a.m. – 11:30 a.m.	The Federal Bureau of Investigation's Civil Rights Program	Special Agent Mary Beth Wright, FBI Special Agent Steve Fogarty, FBI
11:30 a.m. – 11:45 a.m.	Tennessee Bureau of Investigation's Response to Hate Crime	Assistant Special Agent in Charge, Dale Armour
11:45 a.m. – 12:30 p.m.	Lunch (on your own)	Avon Williams Atrium Cafe
12:30 p.m. – 1:00- p.m.	The Department of Justice's Priority of Civil Rights Enforcement in the Middle District of Tennessee	U. S. Attorney Jerry Martin
1:00 p.m. – 1:20 p.m.	The Department of Justice as a Partner and Community Resource	Walter Atkinson, Sr. Conciliation Specialist, Community Relations Service, U.S. Department of Justice
1:30 p.m. – 2:15 p.m.	Nashville Responds: Community Leadership Panel <ul style="list-style-type: none"> • Michael Dixon, Detective, MNP • Daoud Abudiab, President Islamic Center of Columbia, TN • Hedy Weinberg, Executive Director, ACLU of Tennessee • Walter Searcy, Legal Redress Committee Chair, NAACP • Chris Sanders, Nashville Committee Chair, Tennessee Equality Project • Rodger Dinwiddie, CEO, STARS Nashville • Jonathan Orr, Program Manager of School Safety, Metro Nashville Public Schools 	
2:15 p.m. – 2:30 p.m.	Community Questions and Answers	
2:30 p.m. – 3:15 p.m.	Word Café, Facilitated by MHRC Commissioner	Deb Palmer George
3:15 p.m. – 3:25 p.m.	Closing Remarks	Caroline Blackwell
3:30 p.m.	Adjourn	

FEDERAL CRIMINAL CIVIL RIGHTS LAWS

Hate Crimes - Violent and intimidating acts motivated by animus based on race, ethnicity, national origin, religious beliefs, gender, sexual orientation, or disability.

Conspiracy against rights, 18 U.S.C. § 241. Section 241 makes it a federal crime to conspire to injure, oppress, threaten or intimidate another person in the exercise or enjoyment of their rights under the U.S. Constitution or laws, that is, to have an agreement to violate someone's civil rights. Penalties include imprisonment of up to ten years and up to life imprisonment if the offense involved kidnaping, aggravated sexual abuse, an attempt to kill, or the death penalty if death results.

Federally Protected Activities, 18 U.S.C. § 245. Section 245 makes it unlawful to willfully injure, intimidate or interfere with any person, or to attempt to do so, by force or threat of force, because of that other person's race, color, religion or national origin and because of his or her activity as one of the following:

A student at or applicant for admission to a public school or public college;

A participant in a benefit, service, privilege, program, facility or activity provided or administered by a state or local government;

An applicant for private or state employment; a private or state employee; a member or applicant for membership in a labor organization or hiring hall; or an applicant for employment through an employment agency, labor organization or hiring hall;

A juror or prospective juror in state court;

A traveler or user of a facility of interstate commerce or common carrier;

A patron of a public accommodation or place of exhibition or entertainment, including hotels, motels, restaurants, lunchrooms, bars, gas stations, theaters, concert halls, sports arenas or stadiums.

This statute also prohibits willful interference, by force or threat of force, with a person because he or she is or was participating in, or aiding or encouraging other persons to participate in any of the benefits or activities listed above without discrimination as to race, color, religion, or national origin. The offense is punishable by a range of imprisonment from one year up to life, or the death penalty, depending upon the circumstances of the crime, and the resulting injury, if any.

Hate Crime Acts (The Matthew Shepard and James Byrd, Jr., Hate Crimes Prevention Act of 2009), 18 U.S.C. § 249. Section 249, which went into effect in October 2009, created a new federal criminal prohibition against willfully causing bodily injury (or attempting to do so using fire, a firearm, or another dangerous weapon), when (1) the crime was committed because of the

actual or perceived race, color, religion, national origin of any person, or (2) the crime was committed because of the actual or perceived religion, national origin, gender, sexual orientation, gender identity, or disability of any person and the crime affected interstate or foreign commerce or occurred within federal special maritime and territorial jurisdiction. The law also provides federal funding and technical assistance to state, local, and tribal jurisdictions to help them to more effectively investigate and prosecute hate crimes. Penalties range from ten years imprisonment or up to life imprisonment or the death penalty.

Criminal Interference with Right to Fair Housing, 42 U.S.C. § 3631. Section 3631 of Title 42 makes it unlawful for an individual to use force or threaten to use force to injure, intimidate, or interfere with, or attempt to injure, intimidate, or interfere with, any person's housing rights because of that person's race, color, religion, sex, handicap, familial status or national origin. Among those housing rights enumerated in the statute are: 1) the sale, purchase, or renting of a dwelling, 2) the occupation of dwelling, 3) the financing of a dwelling, 4) contracting or negotiating for any of the rights enumerated above, and 5) applying for or participating in any service, organizations, or facility relating to the sale or rental of dwellings.

This statute also makes it unlawful to use force or threaten to use force to injure, intimidate, or interfere with any person who is assisting an individual or class of persons in the exercise of their housing rights. The offense is punishable by a range of imprisonment from one year up to a life term, depending upon the circumstances of the crime, and the resulting injury, if any.

Interference with the Exercise of Religious Beliefs & Destruction of Religious Property - Violent conduct targeting religious houses of worship, usually involving the arson of churches or synagogues.

Damage to Religious Property, 18 U.S.C. § 247. Section 247 of Title 18 prohibits anyone from intentionally defacing, damaging or destroying religious real property because of the religious nature of the property, so long as the crime is committed in or affects interstate commerce. The statute also prohibits anyone from intentionally obstructing or attempting to obstruct, by force or threat of force, a person in the enjoyment of that person's religious beliefs, where the crime is committed in or affects interstate commerce. Finally, the statute prohibits anyone from intentionally defacing, damaging or destroying any religious real property because of the race, color, or ethnic characteristics of any individual associated with the property, regardless of any connection to interstate or foreign commerce. Section 247 also prohibits attempts to do any of the above.

The offense is punishable by a range of imprisonment up to a life term or the death penalty, depending upon the circumstances of the crime, and the resulting injury, if any.

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

Peonage, 18 U.S.C. § 1581. Section 1581 makes it unlawful to hold a person in "debt servitude," or peonage, which is closely related to involuntary servitude. Section 1581 prohibits using force, the threat of force, or the threat of legal coercion to compel a person to work against his/her will. In addition, the victim's involuntary servitude must be tied to the payment of a debt. Penalties include up to twenty years imprisonment or life, depending on the circumstances.

Involuntary Servitude, 18 U.S.C. § 1584. Section 1584 makes it unlawful to hold a person in a condition of slavery, that is, a condition of compulsory service or labor against his/her will. A Section 1584 conviction requires that the victim be held against his/her will by actual force, threats of force, or threats of legal coercion. Section 1584 also prohibits compelling a person to work against his/her will by creating a "climate of fear" through the use of force, the threat of force, or the threat of legal coercion (i.e., "If you don't work, I'll call the immigration officials.") which is sufficient to compel service against a person's will.

Forced Labor, 18 U.S.C. § 1589. Section 1589 makes it unlawful to provide or obtain the labor or services of a person through one of three prohibited means. Congress enacted § 1589 in response to the Supreme Court's decision in *United States v. Kozminski*, 487 U.S. 931 (1988), which interpreted § 1584 to require the use or threatened use of physical or legal coercion. Section 1589 broadens the definition of the kinds of coercion that might result in forced labor.

Trafficking with Respect to Peonage, Slavery, Involuntary Servitude, or Forced Labor, 18 U.S.C. § 1590. Section 1590 makes it unlawful to recruit, harbor, transport, or broker persons for labor or services under conditions which violate any of the offenses contained in Chapter 77 of Title 18.

Sex Trafficking of Children or by Force, Fraud, or Coercion, 18 U.S.C. § 1591. Section 1591 criminalizes sex trafficking, which is defined as causing a person to engage in a commercial sex act under certain statutorily enumerated conditions. A commercial sex act means any sex act, on account of which anything of value is given to or received by any person. The specific conditions are the use of force, fraud, or coercion, or conduct involving persons under the age of 18. The punishment for conduct that either involves a victim who is under the age of 14 or involves force, fraud, or coercion is any term of years or life. The punishment for conduct that involves a victim between the ages of 14 and 18 is 40 years.

Unlawful Conduct with Respect to Documents in Furtherance of Trafficking, Peonage, Slavery, Involuntary Servitude, or Forced Labor, 18 U.S.C. § 1592. Section 1592 makes it illegal to seize documents in order to force others to work. By expanding its coverage to false documents as well as official documents, § 1592 recognizes that victims are often immobilized by the withholding of whatever documents they possess, even if the documents are forged or fraudulent. Section 1592 expands the scope of federal trafficking statutes to reach those who prey on the vulnerabilities of immigrant victims by controlling their papers.

Interference with Access to Reproductive Health Care - Violence directed at abortion clinics or health care providers, such as doctors or nurses.

Freedom of Access to Clinics, 18 U.S.C. § 248. Section 248 of Title 18 protects the exercise of free choice in obtaining reproductive health services, and the exercise of First Amendment religious freedoms. Section 248 makes it unlawful for a person to use force, threat of force, or physical obstruction to intentionally injure or intimidate a person because he/she is or has been obtaining or providing reproductive health services. Section 248 also makes it unlawful for a person to use force, threat of force, or physical obstruction to intentionally injure or intimidate a person because he/she is lawfully exercising the right of religious freedom at a place of worship. Finally, Section 248 makes it unlawful for a person to intentionally damage or destroy the property of a facility because it provides reproductive health services, or because it is a place of worship. Section 248 also prohibits anyone from attempting to commit any of the above. Read about the work of the National Task Force on Violence Against Health Care Providers .

An offense under this statute is punishable by a range of imprisonment up to a life term, depending upon the nature of the offense and whether or not it is a repeat conviction under this statute.

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

Conspiracy Against Rights, 18 U.S.C. § 241. Section 241 makes it unlawful for two or more persons to agree together to injure, threaten, or intimidate a person in any state, territory or district in the free exercise or enjoyment of any right or privilege secured to him/her by the Constitution or the laws of the United States, (or because of his/her having exercised the same). Unlike most conspiracy statutes, Section 241 does not require that one of the conspirators commit an overt act prior to the conspiracy becoming a crime. The offense is punishable by a range of imprisonment up to a life term or the death penalty, depending upon the circumstances of the crime, and the resulting injury, if any.

Deprivation of Rights Under Color of Law, 18 U.S.C. § 242. This provision makes it a crime for a person acting under color of any law to willfully deprive a person of a right or privilege protected by the Constitution or laws of the United States.

For the purpose of Section 242, acts under "color of law" include acts not only done by federal, state, or local officials within their lawful authority, but also acts done beyond the bounds of that official's lawful authority, if the acts are done while the official is purporting to or pretending to act in the performance of his/her official duties. Persons acting under color of law within the meaning of this statute include police officers, prison guards and other law enforcement officials, as well as judges, care providers in public health facilities, and others who are acting as public officials. It is not necessary that the crime be motivated by animus toward the race, color, religion, sex, handicap, familial status or national origin of the victim.

The offense is punishable by a range of imprisonment up to a life term, or the death penalty, depending upon the circumstances of the crime, and the resulting injury, if any.

Interference with the Right to Vote - Voter intimidation or voter suppression schemes that target victims on the basis of race, color, national origin, or religion. The punishment imposed by these statutes generally depends upon the injury suffered by the victim. The more serious the injury, the more severe the penalty. In some cases, where the victim had died as a result of the defendant's conduct, the death penalty applies. Statutes that protect the right to vote include 18 U.S.C. § 241, 18 U.S.C. § 242, 18 U.S.C. § 245, 18 U.S.C. § 594 and 42 U.S.C. § 1973gg-10(1).

Intimidation of Voters, 18 U.S.C. § 594. Section 594 makes it illegal to use intimidation, threats, or coercion, or attempt to use any of these means, to interfere with the right of another to vote or vote as the individual chooses, or to cause the individual to vote or not vote for any particular candidate for federal office.

National Voter Registration Act, 42 U.S.C. § 1973gg-10(1). Section 1973gg-10(1) of Title 42 criminalizes, in a federal election, intimidating, threatening, or coercing a prospective registrant or voter from registering to vote, voting, or attempting to register or vote, or for urging another to register or vote.



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*The best way to predict the future
is to create it.*

— Abraham Lincoln

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