

Preface

This handbook provides a practical guide to hate crimes laws. While the final product is immediately useful to attorneys and even accessible to lay advocates, it is a result of comprehensive analysis of the federal and state statutes that have been enacted to address the problem of hate or bias-motivated crime, the cases that have applied and interpreted those laws, civil law that might be invoked in incidents of hate offenses, and the complex dynamics between legislators and advocates on all side of this controversial and developing area of law. When this project was begun in the mid 1990's by the original author, Lu-in Wang, she believed that a treatise on the subject would be useful in helping to sort out developments in the law because the problem of hate crime was on the rise and the law related to this type of crime was growing steadily and was constitutionally uncertain. Since the 2008 release, Zachary Wolfe has brought his considerable expertise to the handbook, providing detailed analysis of the whirlwind of activity in this area of the law.

Beyond annual updates, the book was substantially reorganized for the Second Edition to be more useable for practitioners and to reflect the evolution of hate crime law. That reorganization reflected that today, especially compared with when the treatise was first released, the constitutional limits surrounding hate crime as a concept are relatively clear and the existence of hate crime laws is hardly novel, although a relatively recent federal hate crime law raises new and distinct constitutional and federalism questions. Most significantly, the content has been reorganized and structured around types of events and circumstances that more closely match real-world cases. Additional content provides due attention to hate crimes in the workplace and at universities, elementary, and secondary schools, and addresses the importance of civil litigation. This organization also allows for seamless integration of new developments with each year's release.

The public is increasingly aware of the concept of hate crimes, leading to extensive policy debates whenever apparent hate crimes gain media attention. Attitudes of acceptance appear to be gaining ground, but hate groups are increasing in number and activity. Even as some still question the wisdom of hate crimes laws, others seek to expand the groups protected and the types of conduct reached.

Definitive resolution of these and other debates will not be quick in coming. However the legislatures and courts resolve them, one thing is certain: This area of law will continue to grow and change.

A note about usage: The language of identity is at least as dynamic as the law that is the subject of this text. Please understand that the prose in this book may use the terms for groups that are generally preferred at the time of writing, or it may adopt the language of the courts or other source being discussed.