

# **HATE GROUPS**

## **Mainstreaming of the Far Right**

Response to the Periodic Report of the United States  
to the United Nations Committee on the Elimination  
of Racial Discrimination

**February 2008**

**Prepared by:**

The Center for Democratic Renewal

# HATE GROUPS

## Mainstreaming of the Far Right

prepared by  
Center for Democratic Renewal

### I. EXECUTIVE SUMMARY

*“The presence of this heinous tool of intimidation conjures up memories of when the KKK would routinely lynch thousands of African-Americans. All Americans of good conscious must act now to ensure that this trend is reversed.”<sup>1</sup>*

Today we are experiencing unprecedented levels of intolerance, racism, xenophobia, anti-Semitism, nationalism, bigotry and homophobia as the ideologies of white supremacists gain greater public acceptance. The rhetoric of the new right-wing has become almost indistinguishable from mainstream politicians, public policy makers, talk radio and our next door neighbors. Stepping outside the democratic process with guns and threats of violence has become the norm in some areas of our country. The new faces of white supremacy are succeeding where the old Klan had failed.

We are seeing an incredible backlash to the progress made by the modern civil rights and human rights movements. The old justifications for slavery, segregation and genocide have resurfaced in the guise of patriotism, nationalism and ultra-conservatism. It is frightening to realize that to many people scientific racism is okay as long as we’re talking about *The Bell Curve*, and anti-immigrant sentiments are all right as long as they’re validated by Proposition 187. Or that the old state’s rights tactics of bypassing civil rights and environmental laws are acceptable as long as they’re called “unfunded mandates” or “10<sup>th</sup> Amendment Resolutions.”

The United States of America, commonly referred to as a “melting pot,” has benefited from the labor and workforce of diverse people representing a broad spectrum of the international community at large. Its “founding fathers” drafted a Constitution designed to govern the law of the land. Historically, those persons of European descent have been the greatest benefactors of the U.S. Constitution and remain in control of mainstream commercial and governmental entities. Despite the gains made in the progress of the nation, there remains an insidious form of racism tearing at the core of the fabric of this nation. An ideology espousing hatred of non-whites belies a dangerous undercurrent ready to rise and destroy our common goal of “life, liberty and the pursuit of happiness.”

Throughout the history of the U.S., indigenous people and immigrant populations of color have been the victims of this faction of society that espouses “white nationalism” and advocates the extinction of the “mud races” – hence, all people of color. Homogenized as the “far right,” this dissonant faction espouses an ideology of racial superiority that denounces the human rights of people of color. Their belief system is grounded in the notion that “race is real and entails significant human group differences in behavioral genetics and social identity. White Nationalists believe that these differences lead to inevitable conflicts

---

<sup>1</sup>

Vivian, C. T. Rev., Chairman Board of Directors, Center for Democratic Renewal.

of interest between racial groups living in the same society. They argue that multiracial and multicultural societies are inherently less stable than mono-racial and mono-cultural ones, and that the only way to minimize ethnic and racial conflicts is to minimize ethnic and racial differences within nations. To White Nationalists, race is nation – they believe that a healthy nation is one based upon a common culture and heredity.’<sup>2</sup>

Despite their many contributions to the prosperity of this nation, people of color have suffered egregious acts of violence by hate groups espousing this skewed ideology simply because of their color. “All men are created equal” forms the basis of the U.S. Constitution. The Equal Protection Clause under the Fourteenth Amendment affirms “equal protection of the laws” for both white supremacy groups and those whom their ideologies adversely affect; those identities based on actual or perceived status characteristics that may be motive for a crime. There is an inconsistency in balancing the guarantees of the First and Fourteenth Amendments to the U.S. Constitution. *R.A.V. v. St. Paul* is an example of the collision of core values. On one hand, hate speech harms the targets of such speech. On the other hand, protection of free speech is a primary value among democratic nations.<sup>3</sup>

The Supreme Court’s exposition of First Amendment law consistently holds that not all uses of words are covered by “freedom of speech or of the press”. If a use of words has “the effect of force” inciting a murder-prone person to murder, those words in those circumstances are not considered protected by the Constitution. These include the lewd and obscene, the profane, the libelous, and the insulting or “fighting” words- those which at their very utterance inflict injury or tend to incite an immediate breach of the peace.<sup>4</sup> While these groups hold the same First Amendment protections in regards to free speech, if the status based legal protections of race, national origin, gender, sexual orientation, and religion are attacked based on an ideology of blatant hatred, then white supremacy groups are in jeopardy of forfeiting their free speech rights based on the basic premise of First Amendment Jurisprudence.

An analysis of the 9,035 hate crime offenses reported by law enforcement agencies in 2004 showed that intimidation accounted for 31.3 percent. Racial bias motivated crimes against 5,119 hate crime victims of single-bias incidents. 67.9 percent of the victims were the object of an anti-black bias<sup>5</sup>. As intimidation increasingly becomes the motive to invoke physically or emotionally violent acts, the exceptions to the First Amendment pose a greater need for analysis in determining the scope of violent, hate based acts. In order for the prosecution of these groups and in accordance with the Fourteenth Amendment, it is necessary for Hate Crime Penalty Enhancement Laws and State ordinances to act as determining factors in conjunction with regulation to use the First Amendment against Hate groups. The flexibility of the law remains in question. “Criminal law in general, and Hate Crime laws in particular, adjust punishment among instances of seemingly similar

---

<sup>2</sup> “White Nationalism and Race: Race & Identity.” \_\_\_\_\_

<sup>3</sup> “Hate Speech and Constitutional Protection: Priming Values of Equality and Freedom.” *Journal of Social Issues*, Vol. 58, No. 2 247-263.

<sup>4</sup> Growth of Klan membership *Virginia v. Black: Hard-Core Hate Speech, Hard Core Porn and The First Amendment*. *The Good Society* 14:1-2 (2005) 44-49.

<sup>5</sup> Hate Crime Statistics 2004. U.S. Department of Justice

conduct according to the type of victim, the context of the offense, the offender's motive, the severity of the result, and the effect on the overall community”<sup>6</sup>. Regardless how heinous a crime, there is a need for law enforcement officials to provide a careful balance between the rights of each group. However, in reference to the logic behind the *R.A.V. v. City of St. Paul* decision, Judge Samuel A. Alito Jr. states, “When laws against harassment attempt to regulate oral or written expression on such topics, however detestable the views expressed may be, we cannot turn a blind eye to the First Amendment implications”<sup>7</sup>. The existing buffer to gain justice for victims of Hate Crimes is to determine regulation. The problem exists in creating equality in rights guaranteed by the First and Fourteenth Amendments in juxtaposition with State ordinances regarding bias-motivated crimes for both victim and aggressor. However, in times of economic and social upheaval, people of color have been subjected to rampant and escalating violence by members of the dominant white culture with little to no punishment to the perpetrators.

There has been a 40% increase since 2000<sup>8</sup> as a result of the backlash from non-white immigration and the subsequent change in demographics in America. White supremacist ideologies of racial hate and intolerance have moved into the mainstream of the body politic, furthering a climate of hate in America. We are concerned about this resurgence because:

- a) This may indicate a modern day social movement given the proliferation of websites and other communication technologies used by these groups. The human right to be free to express one's ideas and the human right to be free from hate speech are historical mainstays in the United States, where exploration of rights remains an unequal distribution system. Individuals proposing the Violent Radicalization and Homegrown Terrorism Act find that, “The Internet has aided in facilitating violent radicalization, ideologically based violence, and the homegrown process in the United States by providing access to broad and constant streams of terrorist-related propaganda to United States citizens.”<sup>9</sup> The First Amendment does not offer protection for libelous speech on the internet or speech that harasses or threatens. Paragraph 142 of Article 4 in the Periodic Report of The U.S. to The U.N. Committee on the Elimination of Racial Discrimination states, “The U.S. Supreme Court has made it clear that communications on the internet receive the same constitutional protections under the First Amendment that communications in other media enjoy...Nonetheless, when speech contains a direct, credible threat against an identifiable individual, organization, or institution, it crosses the line to criminal conduct and loses that constitutional protection.” The very symbolism of a noose posted on a Neo-Nazi website, which openly advocates, “Tired of Black?..., Exercise YOUR rights to free speech by hanging one of these{nooses}from a tree in YOUR town!...,Send Al Sharpton and Jesse Jackson into hissy-fits!...,The Black 'Race-Hustlers' can't protest these things {nooses}everywhere, so let's show them what we really think about Black Crime and their disgusting rallies to support the 6 black thugs in

---

<sup>6</sup> From Slavery to Hate Crime Laws: The Emergence of Race and Status-Based Protection in American Criminal Law. *Journal of Social Issues* 58:2 (2002) 227-245.

<sup>7</sup> [www.Firstamendmentcenter.org](http://www.Firstamendmentcenter.org)

<sup>8</sup> “The Year in Hate,” a report by the Southern Poverty Law Center, Intelligence Report, Spring 2007.

<sup>9</sup> H.R.1955: Violent Radicalization and Homegrown Terrorism Prevention Act of 2007.  
<<http://www.govtrack.us/congress/billtext.xpd?bill=h110-1955>>

Jena, LA!,”<sup>10</sup> which by its very definition is intimidating to a specific, status-protected group. Nooses are symbolic in their intended display to incite follow-up action. Bias-motivated violence that ensues from website activity has no universal monitoring system unless Commercial ISP's agree to monitor the use of their services used by hate groups. However, the aforementioned quote from a Neo-Nazi website maintains their position to brutally intimidate African Americans. The American landscape is poised for realignments making it a perfect time for the far right to bid for power.

- b) There exists a pattern of hate in the United States. Pending legislation, supported by the U.S. Congress and cited as the “Violent Radicalization and Homegrown Terrorism Prevention Act of 2007” states and defines Homegrown Terrorism as, “The use, planned use, or threatened use, of force or violence by a group or individual born, raised, or based and operating primarily within the United States or any possession of the United States to intimidate or coerce the United States government, the civilian population of the United States, or any segment thereof, in furtherance of political or social objectives.”<sup>11</sup> There must be an inherent threat to certain groups in this country for our Congress to feel legitimate in passing the Bill. Congress found that, “The promotion of violent radicalization, homegrown terrorism, and ideologically based violence exists in the United States and poses a threat to homeland security.” At each resurgence period, the rights of targeted groups are sacrificed for the free exercise of speech by hate groups. This represents the fourth resurgence in 140 years, thereby proving their tenacity. The multiple citing of hanging nooses across the United States indicates the need for our government to reconsider current legislation and provide a universal, federally-enforced legislation that the very hanging of a noose is unlawful in order to increase the protection of groups that are directly affected by these tactics. The current growth in membership numbers and activities identifies a disturbing historical pattern. Initially, the Klan emerged in 1866 to terrorize newly freed slaves and to respond to reconstruction. They resurfaced in the 1920s to halt Jewish immigration from Eastern Europe and in the 1950s to defend segregation and to attack the Civil Rights Movement. They expanded their work again in the 1970s when David Duke and others lashed out against gains made by the Civil Rights Movement. The group actively created measures such as public lynching in order to detour African Americans from exercising their Thirteenth, Fourteenth, and Fifteenth Amendment rights. An excerpt of Klan ideology, printed in a Cincinnati, Ohio African American newspaper quotes, “But everybody and everything lands on the Negro, because they know he is not ready for anything but heaven and so certain of our white friends use every means to send him there as quickly as possible.”<sup>12</sup> They resurfaced in the 1920s to halt Jewish immigration from Eastern Europe and in the 1950s to defend segregation and to attack the Civil Rights Movement. They expanded their work again in the 1970s when David Duke and others lashed out against gains made by the Civil Rights Movement. This was the era in which CDR was founded as the National Anti-Klan Network.

---

<sup>10</sup> [www.HalTurnerShow.com](http://www.HalTurnerShow.com)

<sup>11</sup> <http://thomas.loc.gov/>

<sup>12</sup> “Klu Klux Klan.” The Union. 1922. Ohio Historical Society. 15 November 2007 <<http://ehistory.osu.edu>>.

- c) Each resurgence has been powerful enough to change the discourse and policies of our nation. The Memphis and New Orleans Race Riots of 1866, in response to Reconstruction, proved to be a bloodshed backlash to the far rights perpetuation in denying rights to freed slaves. These acts led to the passing of the Fourteenth Amendment, guaranteeing equal protection of the laws. Klan members have been so influential that some have made political gains. “Klan efforts were credited with helping to elect governors in Georgia, Alabama, California, and Oregon”.<sup>13</sup> There is a need for the government to claim its position in passing legislation that protects all people in balance with all other law despite the radically hateful platforms of individual representatives of the U.S House and Senate. These groups and supporters have perpetuated hate violence and hate activities against individuals and communities because of race, religion, sexual orientation and ethnicity.
- d) The National Socialist Movement (NSM) formerly the American Nazi Party, has emerged as the fastest growing group. The group is under new and younger management that increased chapters by 44% in 2004-05, establishing 26 chapters in six months. Point 7 of the 25 Points of American National Socialism states, “All non-White immigration must be prevented. We demand that all non-Whites currently residing in America be required to leave the nation forthwith and return to their land of origin: peacefully or by force.”<sup>14</sup> Their very platform alluding to violent 'elimination' ideologically attacks, glorifies violence as an ethical stance, and must be consistently addressed under legislation. An example of the popularity of neo-Nazi beliefs is the racist teenage twins, Lamb and Lynx who sold 91,000 copies of “End of a Black World” its first week out and Billboard picked it as one of the top five releases. Their stage name, *Prussian Blue*, is the name of the blue residue left over by the use of Zyklon B, the poison the Nazis employed to kill millions of Jews and others in concentration camps during World War II.
- e) The David Duke model demonstrated how affiliations can advance a movement. Duke, active in the KKK, was the architect of integrating neo-Nazi and Klan ideas together to bind the groups. He linked white supremacists in Europe with their counterparts in America. In 1989, Duke ran as a Republican for the Louisiana House of Representatives. His attacks over the past 30 years have been on welfare, affirmative action, crime, big government, taxes, immigration and a host of other topics that found popular support in mainstream public policy.
- f) NSM is on the rise and reaching out to share platforms and hold dialogues with other organizations as well as attracting racist Skinheads or new members from other far right groups (e.g. Aryan Nations, World Church of the Creator etc.). As a result of the dismantling of group leaders of the National Alliance and Aryan Nation, NSM is responsible of the recruitment of members from the aforementioned groups creating a denser population and thus an increase in hate group activities. “Whereas other neo-Nazi groups have cloaked themselves in intellectual pretensions, screened their members and

---

<sup>13</sup> “A Hundred Years of Terror.” Southern Poverty Law Center. 15 November 2007  
<<http://www.iupui.edu/~aao/kkk.html>>

<sup>14</sup> “The 25 Points of National Socialist Movement of America.” <<http://www.nsm88.org/25points/25pointsengl.html>> 13 November 2007.

operated in the shadows, the NSM is open to practically anyone willing to dress in a Nazi costume and march in public screaming ‘nigger’.”<sup>15</sup> A 15 year-old member of the NSM Viking Youth Corps at a Toledo rally asserted, “I kind of hope we get into it with the niggers. I’m ready to fight if I have to.” The rhetoric and overall stance of these groups is action-oriented, where the targets of these groups become victims of hate crimes because these free speech platforms encourage the implementation of violent activities. Speeches that promote terrorist ideology and specific actions to carry-out violent crimes must be considered subversive when the motif to harm fall on those with protected status under the Constitution. This recruitment of like-minded groups and individuals provides the building blocks for a united front that will increase their capacity and further their agendas. They are also strengthening the dialogue with organizations in Europe, Australia and other countries, furthering the globalization of hate.

- g) These groups are no longer under funded. Nor can they be called ignorant misfits. Anti-immigrant group, The Center for American Unity, funds the VDARE project which promotes the proliferation of far-right hate doctrine. With control of its website by means of large financial endowments, groups are able to paint ideas like VDARE's publication by white supremacist Jared Taylor that dismisses “the fantasy of racial equality,” and claims that the Civil Rights Act of 1964 “stripped Americans of the right to make free decisions,” and says that “blacks, in particular, riot with little provocation,” unlike the far more peaceable white race.”<sup>16</sup> With this influential platform and uncontrollable access, hate groups with an Internet base have the means to promote hate activities such as lynching and “race wars.” Today, hate groups use sophisticated networks, are well versed in the use of technology; publish books and newsletters; produce video tapes and records; own record companies, broadcast over the air waves and sites on the internet. (CDR has a comprehensive listing of relevant web sites.) With headquarters in Fallbrook, California, White Aryan Resistance has one of the largest white supremacist web sites and touts over seven-million hits per month. These sites increased phenomenally from 2000 to 2007. This has enhanced their recruitment, spread their ideology and publicized their events. We cannot neglect the possible relationships between hate epithets with the recent noose sightings around the United States.
- h) Their message advocates hate and hate violence and they use inflammatory terms with overtures to injure, threaten and intimidate non-whites and the Jewish population.

The white supremacist movement, through this penetration of racist, anti-Semitic, and homophobic ideology into the American mainstream, has changed from a violent vanguard into a mass movement with a considerable constituency. In the mid-1980s, the white supremacist movement became a leading force whose ideology now defines the issues that are echoed by others. Hate groups have become politically astute, eschewing vulgar racism for more sanitized versions of bigotry. The far right, the religious right, and the ultra-conservatives have joined forces. Together, they are attempting to undermine democracy and destroy freedom.

---

<sup>15</sup> “Nazis Rising,” a report by the Southern Poverty Law Center, Intelligence Report, Spring 2006.

<sup>16</sup> “Into The Mainstream,” a report by the Southern Poverty Law Center, Intelligence Report, Summer 2003.

And, it's working. Recent years have seen a dramatic shift in the political and social arenas as intolerance, anger; scapegoating, aggressiveness, and alienation from the political process have become part and parcel of the American fabric. Increasingly, Americans are choosing individualism over democracy, nationalism over pluralism, and "family values" over tolerance. The mainstreaming of white supremacy ideologies is illustrated in homophobic state and local laws across the nation, in California's Proposition 187, in the national attack on affirmative action, in increasing incidents of bigoted and racial violence, and in the overwhelming support given to the militia movement by citizens and lawmakers alike.

On the local level, the radical rights is affecting public policy – opposing the extension of the Voting Rights Act's and provisions and crying "no special rights" in an attempt to deny gays and lesbians protection under existing and civil rights laws. In addition to promoting scientific racism and biological determinism, they are opponents of busing, multi-cultural curriculum and sex education in the schools. These extremists want to censor artistic expression and remove books from our libraries. Television and talk radio airways are being used for hatemongering and distorting the truth. The environmental movement is being assaulted and it is more dangers and difficult for women to exercise their right to choose.

## **II. RELEVANT CONVENTION PROVISIONS**

### **Article 4**

1. There is an over-arching notion that the theorized recommendations that have been made in the Periodic Report of the United States of America are used in practice. Recommendation I of 1972, VI of 1985, and XV of 1993, Paragraph 146 notes that, "47 of the 50 states also enforce their own hate crimes law, as a way to supplement current legislation."<sup>17</sup> This reflects the federal government's support of consistent legislation in prosecuting hate crimes. However, if the state provides adequate hate crime law, why are the Department of Justice and the Federal Bureau of Investigation now 'actively investigating' these crimes {the hanging of nooses}? "The Convention, also requires that State parties 'undertake to adopt immediate and positive measures designed to eradicate all incitement to, or acts of, such discrimination' as specified in articles 4 (a), (b), and (c)."<sup>18</sup>The state has been given the responsibility of regulating such crime through enforcement of law, where the law is designed to act as a preventative measure yet individuals or groups have felt inclined to act against the law in order to perpetuate hate displayed through noose hangings across the U.S. How can we adequately note then, that the platform of the U.S. is to promote the law of the land for the protection of its citizens? In *R.A.V. v. St. Paul*, the city ordinance allowed legal prosecution of bias-motivated conduct that 'aroused anger, alarm, or resentment in others on the basis of race, color, creed, religion, or gender was found unconstitutional on the grounds that the ordinance violated the Constitutions protection of free

---

<sup>17</sup> Periodic Report of the U.S. of America to the U.N. Committee on the Elimination of Racial Discrimination Concerning the International Convention on the Elimination of All Forms of Racial Discrimination, April 2007

<sup>18</sup> Periodic Report of the U.S. of America to the U.N. Committee on the Elimination of Racial Discrimination Concerning the International Convention on the Elimination of All Forms of Racial Discrimination, April 2007

speech rights<sup>19</sup>. Cases of this nature require a federally regulated and consistent hate law in order to provide functional levels of justice. In a Denver Post article, “Spate of Noose Sightings Alarms Feds,” Acting Attorney General, Petre Keisler said, “Many of these cowardly actions may also violate federal and state civil rights and hate crime laws.” Part C of Article 4, paragraph 147 highlights existing penal laws where **18.U.S.C. 245 (b) (2) Federally Protected Activities- This law makes it unlawful to willfully injure, intimidate, or interfere with any person, or attempt to do so, by force or threat, because of that person’s race, color, religion, or national origin and because he or she has been (C) applying for or enjoying employment by any private employer or any agency of any state or subdivision thereof, or joining or using the services of any labor organization, hiring hall, or employment agency.** The intimidation tactic of the hanging of a noose on the office door of Columbia University professor, Madonna Constatine is evidence of the penal law and its lacking effectiveness. The fact that prosecution based on bias motivation is credible exists on the grounds of the blatantly racist connotations a noose holds. In a similar case, a Philadelphia woman was charged by the FBI and the Department of Justice with committing a federal hate crime after she sent a letter to her Arab-American supervisor that included phrases, “*Remember 9/11*”, “*You and your kids will die like dogs*”, “*Tie onto the Fence*”, and “*Death*”.<sup>20</sup> The action of the employee interfered with the supervisor’s federally protected employment activity, contained threat and force, and was indicative of apparent bias. It is also noted in the periodical report in Paragraph 136 that, “The American people reject all theories of the superiority of one race or group of persons of one color or ethnic origin, as well as theories that attempt to justify or promote racial hatred and discrimination.” However, the American people have shown that progressive thoughts of equality exist in theory and not consistently in practice. In order for American society to corroborate with the recommendations, the law must support the theory.

a) Ku Klux Klan

Founded in 1866 in Pulaski, Tennessee, the Ku Klux Klan (KKK) was established as one of the first organized hate groups in the U.S. It was an organization that claimed to have in its membership “a large proportion of the white population of every profession and class.” However, its main purpose was to resist Reconstruction through violent methods. It has a long history of hate violence towards African-Americans due to their successful gain of freedom from the oppression of chattel slavery in the U.S. The KKKs history includes the torture and murder of many African Americans and sympathetic whites to include:

- Alabama 1963: Bombing of Sixteenth Baptist Church and Killing of Four African American Girls, Denise McNair, Addie Mae Collins, Carole Robertson, and Cynthia Wesley: Ex-Klansman Thomas Blanton Jr. and Bobby Frank Cherry were both convicted of first degree murder in 2001 and sentenced to life in prison.
- Mississippi 1964: Murder of Henry Hezekiah Dee and Charles Eddie Moore: Ex-Klansman James Ford Seale was found guilty by a federal jury in Mississippi and

---

<sup>19</sup> Cowan et al. “Hate Speech and Constitutional Protection: Priming Values of Equality and Freedom.” Journal of Social Issues, Vol. 58. No. 2, 2002. pp. 247-263

<sup>20</sup> [www.adc.org](http://www.adc.org)

convicted January 25, 2007 for the kidnapping, abduction, and slaying of two 19 year old African American boys.<sup>21</sup>

- Mississippi 1964: Deaths of Three Civil Rights Workers (James Chaney, Andrew Goodman, and Michael Schwerner): Ex- Klansman and KKK organizer, Edgar Ray Killen was convicted of three counts of Manslaughter in 2005 and sentenced to three consecutive 20-year terms.
- Mississippi 1966: Murder of Ben Chester White: Ex-Klansman Ernest Avants found guilty and convicted by a federal jury in 2003. This case was the first federal conviction of a murder trial surrounding a civil-rights tragedy.

The Klan's reign of terror in the U.S. has countless incidences too numerous to mention in their entirety. Suffice it to say that the KKK are strong proponents of violence and racial hatred. The two combined make for a formidable opposing factor in society. A Ku Klux Klan flyer promotes "the only reason you are white today is because your ancestors believed in and practiced segregation yesterday. Yesterday, today, tomorrow, forever – White Power."<sup>22</sup>

#### b) The Seeds of a Movement

The emergence of a modern organized white supremacy movement began during the presidency of Richard Nixon. The success of the civil rights movement in ending segregation and enacting civil and voting rights legislation generated significant opposition from disgruntled racists. This group became the backbone of George Wallace's presidential candidacy in 1968. After the disabling attack that ended Wallace's candidacy, Nixon successfully appealed to large numbers of his supporters. Once elected, Nixon continued Lyndon Johnson's affirmative action programs, resulting in a claim of betrayal from the Wallace supporters. Up until this time they had been acting defensively, trying to preserve what they could of white racism and privilege. Nixon's actions convinced them that it was time to switch from defense to offense.

One of their first moves was to increase support for extremist anti-government groups and organize some of their own. In search of broader strategies, they found common ground with neo-Nazis and their ideology of a racist revolution to overthrow the US government. Those requiring religious sanctions found a new neo-Nazi religion or turned to Christian Identity, a virulently racist version of Protestant Fundamentalism. Far-right, conservative religious groups' doctrine exemplifying attitudes of hate are in equal standing with other Christian Fundamentalists. Less extreme groups like the Southern Baptist Convention are politically influential, where their platform represents 42,000 religious church bodies. Rev. Jerry Vines' Anti- Muslim Comments began at a Convention gathering as to convey Islam to be terrorist in nature and that, "*People promoting 'religious pluralism are responsible for many of the country's problems'*". Vines condemnation of the Islamic prophet Muhammad coupled with discriminatory statements continued to perpetuate a hegemonic stance. "*And I will tell you Allah is not Jehovah, either. Jehovah's not going to turn you into a terrorist'*". These and

---

<sup>21</sup> [www.usdoj.gov/opa/pr/2007/June\\_crt\\_431.html](http://www.usdoj.gov/opa/pr/2007/June_crt_431.html)

<sup>22</sup> Ku Klux Klan Flyer, March Demonstration, Rally & Cross Lighting, June 16, 1990 – Rome, Georgia.

other Anti-Arab (Muslim, Middle East) sentiments extend as an effect of the increased discriminatory attitudes and behavior after 9/11, thus increasing the rate of bias-motivated hate crimes toward those identified as being of Middle Eastern descent. According to the U.S. Department of Justice 2004 report, of the 1,374 reported religious bias-motivated criminal acts, 156 incidents were anti-Islamic in nature. The tenacity of less-extreme groups are harmful in that their doctrine is given increased credence because of its use of religion to support discriminatory views and in this way, justification of hate crimes have the propensity of being supported. In time, lines of communication were drawn to religious and political circles touting a new authoritarianism as a response to what they considered a widespread decline in respect for authority and morality. Behind the scenes, wealthy individuals provided financing and some groups acquired cash by illegal means.

### c) The Basics of White Supremacist Thought

By the early 1990s, it was clear that a new social and political force was at work. Current estimates report between 500 and 900 separate white supremacy groups. The Southern Poverty Law Center (SPLC), which has one of the most comprehensive monitoring systems, estimated 603 white supremacy groups in 2000.

However, in its Spring 2007 report, the SPLC boasts a 40% increase in hate groups since 2000.<sup>23</sup> One month after 9/11 attacks, the American Arab Anti-Discrimination Committee collected more than 700 hate crimes and the Council on American-Islamic Relations had 785 reports<sup>24</sup>. Post 9/11 and its propaganda surrounding the 'face of the terrorists' is a major catalyst in the increased and widening scope of hegemonic attitudes toward minority populations. FBI statistics show 11% of hate crime motivated by religious-bias target Muslims. The increase of hate groups from 602 in 2000 to 844 in 2006<sup>25</sup> is in direct response to The Department of Justice's initiative in combating post 9/11 discriminatory backlash that combats violations of civil rights laws against Arab, Muslim, Sikh and South Asian Americans and those perceived to be members of the aforementioned group. "Since the terrorist attacks of September 11, 2001, members of these groups and those perceived to be members of this group have been the victims of increased numbers of bias-related assaults, threats, vandalism and arson."<sup>26</sup>

The diversity between these hundreds of groups is reflected in their ideologies and visions for the future. Most groups in the white supremacy movement are committed to the destruction of our multicultural democracy through a program of extreme nationalism, authoritarian government and cultural hegemony, three elements common to all form of fascism. The movement has the following characteristics:

- Its point of departure is the belief that people of white European descent are biologically superior and consequently have a right to dominate others.

---

<sup>23</sup> "A Year in Hate," a report by the Southern Poverty Law Center, Intelligence Report, Spring 2007.

<sup>24</sup> "Anti-Arab Terrorism," a report by the Southern Poverty Law Center, Intelligence Report, Spring 2002

<sup>25</sup> [www.splc.org](http://www.splc.org)

<sup>26</sup> [www.doj.gov](http://www.doj.gov)

- It relies on white racism, a complex set of legal, economic, political, social and religious systems that establish and maintain white people in positions of power and guarantee superior status.
- It also relies on an extreme form of white ethnocentrism that exceeds simple preference for a certain culture. White supremacists today believe that all multicultural plans, program and activities are a threat to the survival of the white European people and their way of life.
- It rejects contemporary scientific findings that those physical characteristics commonly used to define race are insignificant categories for determining differences between human populations.
- It relies on a population that is ignorant of its own history. The United States has always been an interdependent, multicultural society although our education, cultural and religious institutions have not communicated this reality.
- It benefits from the fact that many white people knowingly and unknowingly support white supremacy by accepting and enjoying white privilege, a generic term that describes those advantages, both blatant and subtle, that white people have as a result of our legacy of white racism. White privilege refers to the greater access of white people to education and employment, medical care, housing, financial markets, social mobility and fair humane treatment under the justice system. This privilege is granted solely because the person appears to be of European descent.
- The white supremacist movement has a comprehensive social and political agenda that is promoting within our religious, social and political institutions.<sup>27</sup>

The National Socialist Movement (NSM), with 81 chapters in 36 states, remained the largest groups on the neo-Nazi scene last year and was highly active for the first half of that period. NSM has been pushing immigration heavily, and planned to follow a rally held in Texas last fall with a “Rock Against Illegal Immigration” concert and “mass rally” scheduled for Laurens, S.C., this April. NSM leader Jeff Schoep has led several such rallies, attacking Latina immigrants for “stealing jobs” and more.<sup>1</sup>

#### d) Global Hate

The global reach of the Internet has allowed the creation of a truly international racist skinhead community, with international groups such as Hammerskin Nation and Blood & Honour. It has made white power music a global phenomenon and created a network of international white supremacist sites that put haters around the world in touch with each other. European racist skinheads, using the Internet, helped to play a role in reinvigorating the American scene. Now, both American and European racist skinheads are helping the subculture to expand rapidly in the countries of the former Communist bloc.<sup>28</sup>

---

<sup>27</sup> “When Hate Comes to Town: A Handbook of Effective Community Responses” Faith Based Edition, Center for Democratic Renewal, 2001 – 2002, Third Edition.

<sup>28</sup> “Racist Skinhead: A Resurgent Movement.” ADL

## e) Hate Crimes on the Internet -- Selected List of Influential Hate Groups

### American Renaissance

*Date Established:* 1990

*Location:* American Renaissance is an extremely influential magazine within the white supremacy movement and is based in Oakton, Virginia. The magazine has subscribers in every region in the United States, as well as a few foreign countries.

[www.amren.com/](http://www.amren.com/)

*Structure:* American Renaissance is made up of an editorial board headed by Jared Taylor and co-edited by Gladys Whitney. Taylor and Whitney use the magazine to spread their belief in white supremacy and support white supremacist groups. Regular contributing editors include former Washington columnist Samuel Frances, professor Philippe Rushton, and lawyer Sam Dickson. The magazine hosts conferences across the country advertised as “academic seminars” providing revenue in addition to the money generated through subscriptions.

### National Socialist Movement (NSM)

*Date Established:* 1974 by Robert Brannen and Cliff Herrington

*Targets (Victims):* All people of color, Jews, gays and lesbians

*Location:* Minneapolis, MN

*Leaders:* Jeff Schoep

*Philosophy/ Ideology:* They demand the union of all Whites into a greater America on the basis of the right of national self-determination. They demand equality of rights for the American people in its dealings with other nations, and the revocation of the United Nations, the North Atlantic Treaty Organization, the World Bank, the North American Free Trade Agreement, the World Trade Organization, and the International Monetary Fund. They demand land and territory (colonies) to feed their adherents and to settle surplus population. They espouse that only members of the nation may be citizens of the state. Only those of pure White blood, whatever their creed, may be members of the nation. Non-citizens may live in America only as guests and must be subject to laws for aliens. Accordingly, no Jew or homosexual may be a member of the nation. They believe that the right to vote on the State government and legislation shall be enjoyed by citizens of the state alone. They declare that all official appointments, of whatever kind, whether in the nation, in the states or in smaller localities, shall be held by none but citizens that they decree. They believe that all non-White immigration must be prevented. They demand that all non-Whites currently residing in America be required to leave the nation forthwith and return to their land of origin: peacefully or by force.

[www.nsm88.org](http://www.nsm88.org)

### Posse Comitatus

*Date Established:* 1970

*Targets (Victims):* people of color, Jews, gays and lesbians

*Location:* The Posse Comitatus is a loosely organized group without a true “headquarters,” but the group’s most often cited location is Ulysses, Pennsylvania

*Leaders/Founders:* The emergence of the Posse Comitatus first occurred in Mariposa County, California and was organized by William Potter Gale. A former aid to Gen. Douglas MacArthur

during WWII, Gale was the originator of another paramilitary group called the California Rangers. Gale was one of the first leaders in the white supremacist movement to mix Christian Identity Ideology with the anti-tax movement. In essence, the Posse Comitatus does not have leaders. From the 1980s to the year 2000, Christian Identity pastor James Wickstrom was the Posse's "National Director of Counter-Intersurgency." Presently, the "spokesperson" for the Posse is August Kreis who maintains the posse website and disseminates its propaganda.

*Philosophy/Ideology:* Posse philosophy is rooted in Christian Identity and constitutional fundamentalism. In many ways it is the precursor to the modern day militia movement. Posse doctrine teaches that the highest legitimate level of government is at the county level. All politics are local. This is inferred in the name "Posse Comitatus," which is Latin for "power of the county." According to the Posse handbook, which claims to derive its authority from the U.S. Constitution, "In the formation of this constitutional republic, the county has always been and remains to this day, the true seat of the government for the citizens who are the inhabitants thereof. The county sheriff is the only legal law enforcement officer in these United States of America." Like the militias, the Posse Comitatus believe it is their constitutional right to mobilize themselves as a posse, "to preserve the public peace or execute any lawful precept that is opposed." The sheriff can mobilize the Posse, or since the sheriff is a servant of the people, the people can form a posse to oppose the sheriff or higher levels of government. The only people capable of holding power are white, Christian Identity males.

*Motto:* NEVER FORGET, "VIOLENCE SOLVES EVERYTHING!"

The Posse Comitatus is more of a concept than it is an actual organization. Posses can be organized in response to a crisis and then disband afterwards. The only central point for information dissemination is Kreis' website. As the PC network is made up of an underground, loosely affiliated group of activities, funding is not important until activity levels rise. When a crisis hits, PC followers will resort to any means necessary to generate funds. Former Posse leader James Wickstrom was arrested in 1988 along with five other Posse members on charges of attempting to distribute \$100,000 in counterfeit money.

[www.posse-comitatus.org](http://www.posse-comitatus.org)

## Racist Skinheads

*Date Established:* First began appearing in the United States in the mid-1980s.

*Targets (Victims):* Racist skinheads target people of color, gays and lesbians and anti-racist activists.

*Location:* There are approximately 40 organized racist skinhead groups in the United States. These groups are located in 23 different states, but unorganized racist skinheads are located in nearly every state.

*Leaders/Founders:* There is no central leader, although key white supremacist leaders like Tom Metzger (White Aryan Resistance) and William Pierce (National Alliance) provide ideological leadership.

*Philosophy/Ideology:* Skinhead philosophy varies widely. Most skinheads follow some sort of Nazi or fascist doctrine, whether it is National Socialism or the more recent "third position" popularized by Tom Metzger of White Aryan Resistance. Skinheads affiliated with organizations like the Aryan Nations follow the doctrine of Christian Identity. Many others adhere to what is called Odinism, a religion based on Norse mythology. Skinheads often target other young people that come from broken homes or difficult socio-economic situations. Unity and loyalty are emphasized within the skinhead culture and this appeals to young people that

have little direction in their lives. Initially, the skinhead movement serves as a surrogate family for these wayward youth just like a gang. As more time is spent with the skinheads, new recruits slowly accept the ideology. Traditionally, most skinheads entered the movement because they had a strong working class identity or lower-middle class background. The development of the skinhead movement, both racist and non-racist, was firmly rooted in working-class politics. Skinhead leaders are now beginning to understand the importance of a stable movement, one that has a clear direction. They are specifically recruiting young middle and upper-middle class youth that have the potential to bring strategizing and organizing abilities into the culture. Music is an important vehicle for recruitment. White power shows provide fertile ground to bring in potential new recruits. A continued dangerous trend has been the attempt to recruit within the military.

[www.hammerskins.com](http://www.hammerskins.com)

### World Church of the Creator

*Date Established:* 1973

*Targets (Victims):* All people of color, Jews, gays and lesbians and anti-racist activists.

*Location:* The World Church of the Creator headquarters is located in East Peoria, Illinois. The organization claims to have 81 chapters in 28 states. The most heavily concentrated states are Illinois, Florida and Texas.

*Leaders:* The late Ben Klassen founded the WCOTC. Klassen was state chairman of George Wallace's 1968 presidential campaign and a former Florida State legislator. In an interesting side note, he also invented an early version of the electric can opener. Klassen committed suicide in 1993 at the age of 75. Matt Hale, the group's current leader, took over the organization in 1995. In 1990, Hale started the American White Supremacist Party while in college. In 1991, he joined the National Association for the Advancement of White People led by David Duke. One year later, he started the National Socialist White Americans Party. He led this organization until 1995 when he took over the WCOTC.

*Philosophy/Ideology:* The philosophy of this group is called "Creativity" and is outlined in "The White Man's Bible," written by Klassen. The WCOTC promotes the idea that the white person's race is their religion. The WCOTC's "religion" is based on four basic needs: sound mind, sound body, sound society and a sound environment. The WCOTC rejects all other religions including Christianity and Eastern religions. This distinguishes them from most other hate groups that try to use Christian rhetoric to attract followers. The organization has historically been one of the most violent modern hate groups in the country. WCOTC members openly espouse violence and have used it to a great degree. As Klassen once wrote, "There are basically two ways. One is persuasion and reason, and the other is terrorism. When persuasion and reason fail, the only recourse is violence, legal or illegal." Their battery cry is RAHOWA, which stands for Racial Holy War.

[www.creator.org](http://www.creator.org), [www.wcotc.com/sisterhood](http://www.wcotc.com/sisterhood)

### White Aryan Resistance

*Date Established:* 1983

*Targets (Victims):* Jews, people of color, immigrants, and white elites

*Location:* White Aryan Resistance has its headquarters in Fallbrook, California. One state chapter is located in Catoosa, Oklahoma. They boast average monthly hits exceeding seven million on their web site. [www.resist.com](http://www.resist.com)

*Leaders:* Tom Metzger is a former John Birch Society member who left the organization after becoming disillusioned with the methods employed. He joined David Duke's Knights of the KKK in 1975 and shortly thereafter became Grand Dragon of California. In 1979, he and David Duke led a contingent of Knights on an organized border patrol to capture illegal Mexican immigrants entering the United States. In 1980, he entered the political arena and ran in the California Democratic Congressional primary on a George Wallace style populist platform. He won with over 30,000 votes. He ultimately lost the congressional election to the state incumbent. Metzger is one of the most important ideologues on the racist right.

*Philosophy/Ideology:* W.A.R. has synthesized aspects of left-wing and right-wing thinking into a view that Metzger calls "Third Position." This system of beliefs is similar to the European fascists who distance themselves from the Community East as well as the Capitalist West. Third position followers are critical of economic and political elites. They tend to be pro-union and working class and, in the case of W.A.R., push to build a global movement of racial solidarity. The philosophy has grown to include other racist groups like the revolutionary skinhead organization American Front. W.A.R. adherents believe that "only a focused view which adopts any idea from any source that leads to the betterment of the white race is acceptable." According to W.A.R., to be exclusively right or left leads to the downfall of the white race. What is unusual about W.A.R. is that, unlike other organizations, it does not focus on favored issues of the far right such as abortion or gays and lesbians. Metzger has stated that anti-gay violence, such as the 1997 bombing of the Otherside nightclub in Atlanta, Georgia is a waste of resources and anyone that wants to risk going to jail for committing an act like this, "doesn't have their head screwed on straight." Metzger apparently feels the same way regarding abortion. His theory about abortion is that if non-white babies are being aborted, then it should not be an issue.

*Location:* White Aryan Resistance has its headquarters in Fallbrook, California. One state chapter is located in Catoosa, Oklahoma. They boast average monthly hits exceeding seven million on their web site. [www.resist.com](http://www.resist.com)

## **Article 5**

Information on the legislative, judicial, administrative or other measures that give effect to the provisions of article 5 of the Convention, taking into consideration general recommendations XX on article 5 of the Convention (1996) and XXII regarding refugees and other displaced persons (1996), in particular, measures taken to prohibit racial discrimination in all its forms and to guarantee the right of everyone, without distinction as to race, color, or national or ethnic origin, to equality before the law notably in the enjoyment of the rights listed.

A. The right to security of persons and protection by the State against violence or bodily harm, whether inflicted by government officials or by an individual group or institution.

### **Hate Group Resurgence**

"They're being very strategic about taking advantage of the immigration issue, and they're very good at blending into society."

The troubling Klan resurgence has manifested itself in a number of ways:

- Longstanding groups have increased their activity and experienced a rapid expansion in size.

- New groups have appeared, causing racial tensions in communities previously untroubled by racial issues. They hold anti-immigration rallies and recruitment drives and distribute racist literature with a new emphasis on the immigration issue, and Hispanics.
- Klan groups have become more active in parts of the country that had not seen much activity in recent years, including the Great Plains States such as Iowa and Nebraska, and Mid-Atlantic states such as Maryland, Pennsylvania and New Jersey.
- Klan groups increasingly are cooperating with neo-Nazi groups, especially the Minnesota-based National Socialist Movement.
- The Klan has adopted new publicity tricks, such as sending racist fliers to school teachers during Black History Month, and has embraced the Internet as a means to spread anti-Semitism and racism. One group, the Empire Knights of the KKK, runs an Internet-based radio station, dubbed "KKK Radio," which broadcasts white power music and racist and anti-Semitic propaganda.<sup>29</sup>

#### d) Racially Motivated Hate Crimes

As reported by the United States Periodic Report to ICERD, through its Uniform Crime Reporting Program, the F.B.I. collects hate crime statistics including both federal and state crimes. In 2005, the most recent year for which statistics were available, 2,037 law enforcement agencies reported the occurrence of 7,163 hate crime incidents involving 8,380 offenses.

The U. S. report further writes that Congress passed the Hate Crime statistics Act of 1990, mandating the collection of those crimes that law enforcement has determined were motivated by the offenders' bias against a race, religion, ethnicity, sexual orientation or disability.

There are 12,417 law enforcement agencies that participated in 2005 which represents a population of 245 million people. Less than 20% of the participating law enforcement agencies submitted an incident report. Further analysis of the reported incidents reveals that 60.5% of the offenders were white, 55.7% of the victims were targeted because of a bias against race and 67.9% were victims of anti-Black violence.

According to the U.S. Department of Justice, the 1990 Hate Crime statistics act requires the Attorney General to collect data, but the reporting by law local law enforce Thomas Heflinment agencies is not mandatory. This contradicts the U.S. report which states that the data collection of hate crimes is mandatory.

Some experts, including the Center for Democratic Renewal and the Southern Poverty Law Center assert that hate crimes occur in the United States at a rate of six incidents an hour, but only one per hour is reported to law enforcement, leaving the majority of hate crimes undocumented and subsequently underreported.

---

<sup>29</sup> "A Year in Hate," a report by the Southern Poverty Law Center, Intelligence Report, Spring 2007.

e) Federal Hate Crime Laws: Enforcement against Hate Crimes

The current status permit federal prosecution of hate crimes committed on the basis of a person's race, color, religion or national origin when engaged in a federally protected activity. Legislation is currently pending that would add gender, sexual orientation, gender identity and disability to this list, as well as remove the prerequisite that the victim be engaged in federally protected activity.

On May 3, 2007, the House of Representatives passed the Local Law Enforcement Hate Crimes Prevention Act of 2007, HR 1592. Similar legislation is expected to pass in the Senate, but President Bush has indicated that he may veto the legislation if it reaches his desk. Currently, 45 states and the District of Columbia have statutes criminalizing various types of bias-motivated violence or intimidation. However, the United States government has not passed comprehensive Hate Crimes legislation which could potentially stem the tide of this growing phenomenon.

### III. CERD VIOLATIONS

a) A Historical Perspective of the Hangman's Noose and Lynching in America

Historically, one of the major manifestations of hate crimes directed against African Americans has been the crime of lynching, often disguised as "white justice." Indeed, the noose is historically the most frightening tool of intimidation in America, especially when examined in the context of a lynching. Take for example the following description:

Lynching. Unlawfully hanging or otherwise killing a person by mob action. The term is believed to have been derived from Col. Charles Lynch, a Virginia planter who made a practice of punishing Loyalists during the American Revolution. However, it is most commonly applied to racist violence in the post-Civil War era American South. The practice was common among North American pioneers, where legal institutions were not yet established. Lesser crimes might be punished by exile, while crimes that seemed to them capital, such as rape, horse stealing, and cattle rustling, were punished by lynching. Pioneers formed vigilance committees to repress crime. When legal institutions had been duly established, such vigilance committees normally tended to disappear. Measures by such committees had the intrinsic danger of resorting to violence and hasty injustice, and posed a tangible threat to the basis of the law. Between 1882, when reliable data was first collected, and 1968, when the crime had largely disappeared, there were at least 4730 lynchings in the United States, including some 3440 black men and women. Most of these were in the Reconstruction era South, where southern whites used lynching and other terror tactics to intimidate blacks into political and social submission.<sup>30</sup>

The sight of the hangman's noose poignantly reminds us of an era that encompasses roughly the five decades between the end of Reconstruction and the beginning of the Great Depression. During these years scholars estimate that there were 2018 separate incidents of lynchings in which at least 2,462 African-American men, women and children met their deaths in the grasp of southern mobs, comprised mostly of whites. Although lynchings and mob killings occurred before 1880, notably during early Reconstruction when blacks were enfranchised, radical racism and mob violence peaked during the 1890s in a surge of terrorism that did not dissipate until well into the twentieth century.

---

<sup>30</sup>

R. I. Zangrando, R. I. the NAACP Crusade Against Lynching, 1909-1950 (1980)

Lynching as a source of fear and tool for dominance and control occurred as a need for white supremacy groups to maintain economic, social, and political power. Common allegations for lynching black men were absurd and yet upheld because of the 'uncivilized Negro' stereotype after Reconstruction and the Jim Crow law that provided African Americans with no rights that whites were to respect despite the guarantees of the Fourteenth Amendment. "Lynchings weren't just murders- there were, in many cases, sanctioned murders: casually reported in the newspapers; ignored by law enforcement; celebrated with family picnics; photos of hanging victims turned into postcards, and 'souvenirs' were taken from the scene of the crime."<sup>31</sup> Society used the mystification of the white woman as pure and fragile to emasculate blacks in general, and black men in particular. Lynching was a source of population control for black men as white women were painted as a goal to be achieved and one was killed for the pursuit. "Whenever a Negro crosses this dead line between the white and the Negro races and lays his black hand on a white woman, he deserves to die."<sup>32</sup> Some Reasons Given for the murder of African Americans include, "Improper with white women, insulting white men, insulting white women, living with white women, eloping with white women, entering a white women's room, frightening white women, courting white women, testifying against white men."<sup>33</sup> Ideologies in support of lynching are supported on the grounds that the freedom of blacks threatens white privilege. Further, the combination of race, specifically the 'brute Negro' stereotype, and the obsession of the Negro's sexual appendages, were two main driving forces of lynching. Criminal activity was not necessarily a precursor to lynching.

The practice of lynching exploded following the establishment of the Ku Klux Klan in 1867 as the organization used lynching to promote the concept of white supremacy. It has been estimated that between 1880 and 1920, an average of two African Americans per week were lynched in the United States. Motivated by the increase of lynching, Ida B. Wells, editor of Free Speech, a small newspaper in Memphis, carried out an investigation into lynching in 1884. Wells discovered during a short period 728 black men and women had been lynched by white mobs, and that two-thirds of the lynchings were for small offenses such as public drunkenness and shoplifting. (At the Hands of Persons Unknown: The Lynching of Black America, Phillip Dray).<sup>34</sup>

b) Jena, Louisiana: Noose Hangings – "Noose on the Loose"

As a result of the immigration issue bringing an influx of people of color into the U.S., there currently exists in American society a pervasive climate of hate and the neo-Nazi group NSM openly advocates "noose on the loose" on its website. Their campaign advocates:

### **JOIN THE NATIONAL PROTEST AGAINST BLACK ON WHITE CRIME**

---

<sup>31</sup> "The History of the Noose" <<http://www.tolerance.org>>

<sup>32</sup> Senator James Thomas Heflin (D-Ala) 1930.

<sup>33</sup> Beck, E.M and Tolnay, Stewart E. A Festival of Violence: An Analysis of Southern Lynchings, 1882-1930. Urbana & Chicago.

<sup>34</sup> "The Epidemic of the Hangman's Noose in the Workplace: Examining the Social and Economic Cost of Noose Harassment" a publication of the Center for Democratic Renewal, 2002.

All across the country, white people are spontaneously hanging nooses from trees to say that white people will not be intimidated by nigger mob rule and to show support for our "Lynch the Jena 6" campaign!

Join us by hanging a noose around a prominent symbol of nigger rights in your community!<sup>35</sup>

In addition to posting this inflammatory message, the website has posted the names, addresses and phone numbers of prominent civil rights leaders and African-American youth involved in a racially charged legal incident in Jena, Louisiana.

### Concerns Regarding Rights of Jena 6 Youth

There is a discrepancy in the Department of Justice's 'active' role in addressing noose sightings and its actions taken at the inception of events that occurred before the general population were able to define the symbolism of the Jena 6. The fact that the six black students needed to ask permission to sit under a tree on government-funded property, because there was an unwritten rule that the tree was for whites only, is a testament of civil rights violations. Paragraph 147 of the Periodic report of the United States to CERD highlights 18.U.S.C. 241-Conspiracy Against Rights and 18 U.S.C. 245 (b) (2)-Federally Protected Activities penal laws. It is evidence that these laws, protected by the Constitution, were violated by the white students who hung three nooses from the 'whites only' tree. It is also evident that the hanging of a noose is a tool of intimidation, thus, in violation of the law. The ingrained societal norms of stratification and white supremacy are effects of policy-supported inferiority legislation like Black Codes and Jim Crow law.

### Other Documented Incidents Involving Nooses

The high level of hate crimes produced each year give rise that lynching remains a social problem. In the October 2007 of the Noose Hanging and Swastika Report completed by CDR, there are 41 documented cases of noose hangings. Since the September 2007 'Jena 6' rally in Jena, LA, there have been about 50 to 60 noose incidents.<sup>36</sup> White Supremacy websites flooded their sites with promises of race wars in the future. On the Wednesday, November 14, 2007 airing of the Warren Ballentine show, guest Hal Turner, with conviction, told the American people, "We are going to begin lynching blacks in this country again next year!"<sup>37</sup> Turner goes on further to allude that there must be a return to what worked in the past, a rope. The dissonant views in support of racial tension and conflict as well as the intolerance have set precedence in the U.S.

The U.S. report references the recent Supreme Court decision which upheld a statute that prohibited cross-burning with the intent of intimidating any person or group of persons and "held that the protections of the first amendment are not absolute, and that cross-burning with the intent to intimidate is in the nature of a true threat – a type of speech that may be banned without infringing the First Amendment, whether or not the person uttering the threat actually intends to carry it out."<sup>38</sup>, In the case of "noose" hangings, this same rule should apply given the history of the lynching of African-Americans by hate groups in our society.

---

<sup>35</sup> White, William A. "Noose on the Loose" <<http://www.overthrow.com>>

<sup>36</sup> Frankel, Barbara et al. "The Geography of Hate" 25 November 2007. The New York Times

<sup>37</sup> "The Warren Ballentine Show". The Power XM 169. 14 November 2007.

<sup>38</sup> Periodic Report of the U.S. of America to the U.N. Committee on the Elimination of Racial Discrimination Concerning the International Convention on the Elimination of All Forms of Racial Discrimination, April 2007.

Statutes that determine an act as a hate crime and establish the intent as intimidation is not sufficient to the goals of regulating and prosecuting hate crimes. Pending legislation such as the Violent Radicalization and Homegrown Terrorism Prevention Act of 2007 could provide universal legislation that presumes noose hangings and cross-burnings at their very display is intended to intimidate. “Understanding the motivational factors that lead to violent radicalization, homegrown terrorism, and ideologically based violence is a vital step toward eradicating threats in the United States.”<sup>39</sup>

### **c) Climate of Hate**

The federal government has failed to weigh in on the current climate of hate that pervades the nation threatening to tear down the core of our society. History shows us that with each resurgence of hate group activity, the lives of many innocent citizens are at stake and the nation is thrust into a perilous mode. Notwithstanding the race riots of this country referred to as the “American Dark Ages” by historians, hate groups are poised and through their proliferation on the internet inciting an insidious climate of hate that permeates throughout the country. “The seven most serious race riots were those which occurred in Wilmington, N.C. (1898), Atlanta, GA (1906), Springfield, IL (1908), East St. Louis, IL (1917), Chicago, IL (1919), state's rights Tulsa, OK (1921) and Detroit, MI (1943).”<sup>40</sup> These race riots were fueled by propaganda much like what we see in the media today.

African-American citizens are being vilified through mainstream media with the internet serving as a mass weapon of destruction. With this vilification comes a culture and climate of hate aimed at those citizens who were originally bought to this country as chattel slaves. The U.S. Government is in violation of Articles 4 and 5 as referenced herein. The violations deprive minority citizens of their rights to be unencumbered from the rise of hate and hate culture in American society. The ban on affirmative action, first legislated by David Duke in the 1980s and used as a recruiting tool to far-right factions in the 1970s; anti-immigrant sentiments, promoted by the Klan for the past 70 years, and the issue of state legislation, used first to justify slavery and then to try to maintain legal segregation in the South in the 1950s, are now widely accepted by many who don't consider themselves racist. The new faces of white supremacy have succeeded where the old Klan failed.

Though the far right, the religious right, the paramilitary right and ultraconservatives may speak different languages, the bottom line is that they promote a mean-spirited, narrow-mindedness that poses a threat to everyone who is not like them. Unless we act now, as a cohesive and collaborative progressive movement, the danger will continue to grow, and democracy as we know it will be changed for years to come.

---

<sup>39</sup> H.R.1955: Violent Radicalization and Homegrown Terrorism Prevention Act of 2007.  
<<http://www.govtrack.us/congress/billtext.xpd?bill=h110-1955>>

<sup>40</sup> Gibson, Robert A., “The Negro Holocaust: Lynching and Race Riots in the United States, 1880-1950,” Yale-New Haven Teachers Institute, 1979.

#### IV. RECOMMENDATIONS

We must move ahead in the battle against hatred and hate groups. We must collaborate, use advanced research methods, high technology, training, and education to advance the cause of pluralism, diversity, and unity in a democratic society.

Hate groups and their adherents are the bane of a civilized society. The U.S. Government should adopt legislation that punishes hate group activities that threaten, intimidate and victimizes the lives of other people. The proliferation of hate groups through the internet gives cause for great concern. It is imperative that the rights of other citizens are not minimized to allow the vicious and rabid “self expression” of hate groups. In an effort to stem the tide of the mainstreaming of the far right, CDR recommends the following:

a) Documentation

The Federal Bureau of Investigation (FBI) should increase the number of local law enforcement agencies that participate in reporting bias-motivated offenses under its Uniform Crime Reporting Program.

b) Monitor Hate/Public Awareness

The U.S. Department of Justice should implement a more aggressive and comprehensive plan, involving public awareness, to deter the dramatic increase in hate group activity in the United States.

c) Legislation

The United States Senate should pass HR 1592, the Local Law Enforcement Hate Crimes Prevention Act of 2007 which would expand existing U.S. federal hate crime law. The Senate should further override the President’s veto, which he has promised to do if the bill reaches his desk.

Additional recommendation regarding better protocols for the DOJ and U.S. Attorneys re: when hate crimes charges should be filed and pursued.

#### VI. CONCLUSION

As we rapidly approach the 21<sup>st</sup> Century, our world is becoming smaller and smaller. America is facing the challenge of securing a democracy that accommodates all of its people. All individuals, traditional minority groups, and the rich tapestry of new immigrants that are endowing America with the complexion and cultural diversity of the entire globe should be able to live and work in a civil society. America is facing an unprecedented crossroads in history, when it is absolutely necessary that democracy is preserved and strengthened.

Hate groups and democracy are inherently incompatible. Hate groups perpetuate racism and bigotry; they are manifestations of violence, hate and intolerance. They weaken and destroy democratic values, and they destroy our civil society.

## Addendum

There needs to be much more discussion of the constitutional problem raised by protection of hate speech because of concerns about regulating otherwise protected speech based on its content (difficult) or its viewpoint (impermissible). Much of this is due to a number of factors: (1) does not fall within one of the four categories of unprotected speech, although there are places where this could have happened – *Beauharnais* (sp?) (group libel committed against African Americans), *Brandenburg* (advocacy of illegal action and “clear and present danger” rule where KKK was deemed not to have the ability to put into action what they were advocating, and fighting words (where hate speech not *per se* in this category); (2) there are additional jurisprudential limits placed on the ability to regulate on the basis of viewpoint, chief among which the formal equality and color-blindness that make the white supremacist objectives of speech by organizations such as the KKK legally irrelevant (ironic in light of the fact that maintaining the racial integrity of whiteness was considered to be a legitimate justification for exercising state police power under the Tenth Amendment until *Loving v. Virginia* was decided. In this way, the KKK and organizations such as the Nation of Islam and the Black Liberation Army are constitutional equivalents; (3) the requirement for regulating speech based on content involves narrow tailoring which cases such as *RAV* won’t permit because of concerns about viewpoint based regulation; (4) additional First Amendment protections for private organizations whose individual members enjoy a right to associate and not to associate, particularly when mandated association would change the essential message or purpose of the organization (*Dale v. Boy Scouts of America* – particularly problematic where state laws provide more protection than federal laws; and (5) the state action requirement that limits the ability of Congress to reach private actors relying solely on the Fourteenth Amendment. While the Thirteenth Amendment does not have the same requirement, the Enforcement Acts passed by Congress in the 1870s appear to be the last time Congress was willing to use the Thirteenth Amendment to reach private racist violence as “badges and incidents of slavery.”