TRACKING THE INCIDENCE OF US HATE CRIMES
BY KEY LEGISLATIVE MARKERS (1991-2020)

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Abstract

The *Hate Crime Statistics Act (1990)* in the US requires that the Attorney General collect and publish annually the incidence of hate crimes in the US based on a victim's race, religion, disability, sexual orientation, or ethnicity. With almost 220,000 hate crimes committed from 1991-2020, the present study tracked changes in the incidence of 163,375 racially-motivated hate crimes, as perpetrated against each of the following groups: Arabs, Asians, Blacks, Hispanic, Indigenous, Jews, and Whites. Crimes ranged from intimidation to homicide. Legislative markers included both widely publicized incidents (viz. James Byrd and Matthew Shepard, 1998), as well as significant changes to law enforcement and criminal punishment including the *Violent Crime Control Act* (1994), *Church Arson Prevention Act* (1996), *Hate Crimes Prevention Act* (2009); and most recently the *Emmett Till Antilynching Act* (2022). We tracked changes in crime rates by six 5-year time periods and region in the US. Initial analysis indicated changes in hate crime rates over time, but with a unique pattern for each racial group. For instance, hate crimes against both Asian and White victims were at their highest in 1991-1995, but steadily decreased despite a rise in 2016-2020. Crimes against Indigenous were lower in the first two decades only to increase in 2011-2020. Black victims (routinely with the highest incidence) saw a zigzag pattern: low in the early 90s, then high; low again in the early 2000s, then high; but lower from 2011-2020 (likely due to wider news coverage). Hispanics saw a steady rise in incidence over time, whereas Arabs were targeted more following Sept.11/2001. Crimes against Jews were largely invariant across the 30 years. Implications of these data to the wider social arena are discussed, as are directions for future research.

Keywords: US, racial hate crimes, 1991-2020, demographics, legislation.

1. Introduction

American entertainer Billie Holiday sang in 1939 of lynchings in the South:

> *Southern trees bear a strange fruit, blood on the leaves and blood at the root.*
> *Black bodies swinging in the Southern breeze; strange fruit hanging from the poplar trees.*

This song, *Strange Fruit,* became a battle cry for social change in the 1940s and although public intolerance to prejudice and discrimination today has grown loud and far-reaching, acts of violence are not unheard of. The United States has gone so far as to specifically identify criminal activity directed at members of a designated group as a hate crime. In particular, federal jurisdictions label a criminal (often violent) act as a hate crime if it is motivated by prejudice on the basis of race, religion, gender, gender identity, or disability. Violent acts may be committed against people, property, or society. In short, if a violent act was motivated by the victim's membership to a designated (often marginalized) group, federal authorities may classify it as a hate crime and prosecute the accused thusly. Moreover, prior to designation as a 'hate crime,' law enforcement requires sufficient evidence to conclude the crime was motivated by bias. The *Hate Crime Statistics Act (1990)* in the US requires that the Attorney General collect and publish annually the incidence of hate crimes in the US. Based in Clarksburg, West Virginia, the FBI's Uniform Crime Reporting Program logged over 220,000 hate crimes from 1991-2020, drawn from 15,000 law enforcement agencies across the United States (Federal Bureau of Investigation, nd).

Given that most of the hate crimes reported in the US to date are spurred by racial bias, and given that different racial groups have unique (but largely consistent) hate crime incident rates (Statistica, nd), we limited our analysis to just racial biases, but further divided our analysis of US hate crimes according to specific racial bias. In the wake of social movements such as *Pink Wallets* and *Black Lives Matter*, it is important to recognize the social, political, and historical context in which hate crimes are committed, and

we propose that the pattern of their occurrence can be traced to such events, especially in the wake of wider publicity. These could entail the publication of more heinous crimes (viz. Matthew Shepard and James Byrd Jr. in 1998), yet these could further incorporate state or federal legislation following passage of key hate crime bills to empower local, state, and federal law enforcement agencies. The present study tracked the incidence of 163,375 racial hate crimes on the basis of victim racial bias. In order to identify more regional trends, we further tracked the incident of hate crimes by US state.

2. Method

The Attorney General Office makes publicly available each reported incident of hate crimes committed in the United States, dating back to the inception of the program in 1991. We compiled those data from 1991 to 2020. and included the following variables: US state plus date of incident, race of victim, number of victims, urban size, and type of crime – be it to people, property, or society (Federal Bureau of Investigation, nd). We elected not to include race of perpetrator since records were largely listed as 'unknown.' Years were divided into six uniform categories: 1991-1995, 1996-2000, 2001-2005, 2006-2010, 2011-2015, and 2016-2020. Our analysis only considered those hate crimes motivated out of a racial bias (74% of all hate crimes; the remainder are based on religion, gender, etc.).

3. Results

Across the 30 years, the Department of Justice logged 219,575 hate crimes (1991-2020). However, these statistics varied by state, as shown in the Figure 1 heat diagram (where darker blue shades denote a higher number of hate crimes for that state). Arguably, larger populations states such as California, New York, and Texas should harbour more hate crimes than comparatively underpopulated Vermont and Wyoming.

Figure 1. State change in hate crime rates over time.
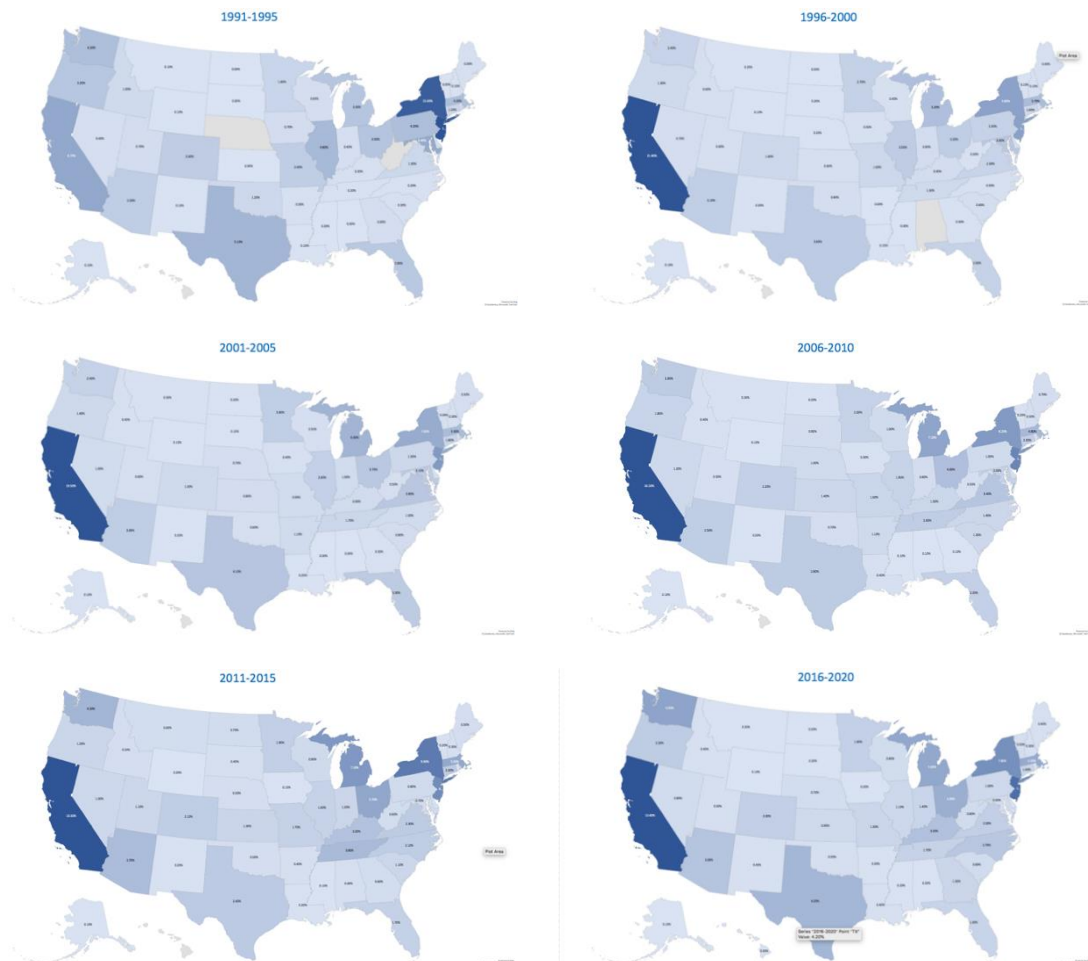
Whereas one may assume that the incidence of hate crimes should be uniform over time, a chi squared statistic confirmed significant variation, χ^2 (219577) = 2411, $p < .001$. As expected, the incidence was comparatively lower in 1991-1995 (27,485), 2006-2010 (26,675) and 2016-2020 (26,465), but higher in 1996-2000 (32,001) and 2001-2005 (29,998) and lower than expected in 2011-2015 (20,747). However, further inspection showed differential changes to particular racial groups over time (see Figures 2 and 3). To begin, crimes against White and Asian victims reached a peak in 1991-1995, but witnessed a steady decline over subsequent years (despite a rise in 2016-2020). Crimes against the Indigenous were lower in the first two decades but increased in the third. Alternatively, Hispanic Americans had seen a steady rise in incidence over the decades. Whereas violence against Black victims has historically been higher, these data reach the same conclusion. However, we observed a cubic zigzag pattern over time, likely fueled by social factors such as the *Black Lives Matter* movement. Specifically, hate crimes against Black victims were low in the early 90s, then increased; it was low again in the early 2000s, then increased. Since 2011, the trend in incidence has decreased – one might expect a coming rise. Conversely, crimes against Jews remained steady across the decades. Finally, we noted a spike in hate crimes directed at Arabs shortly following Sept.11, 2001; incidence thereafter decreased but has returned to higher levels in 2016-2020.

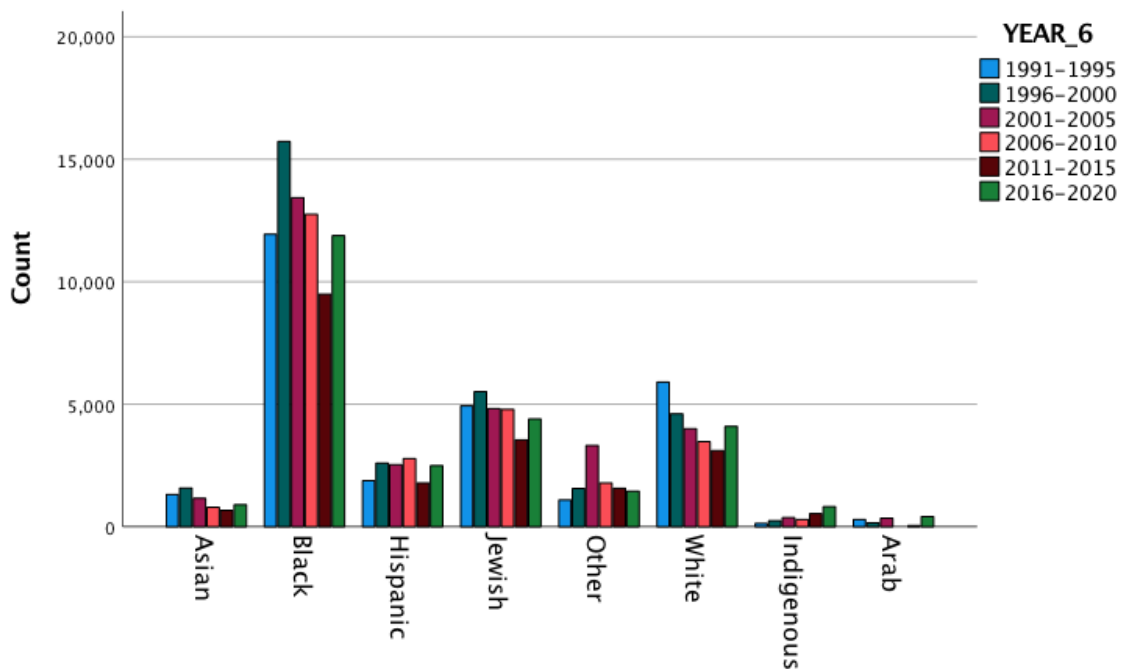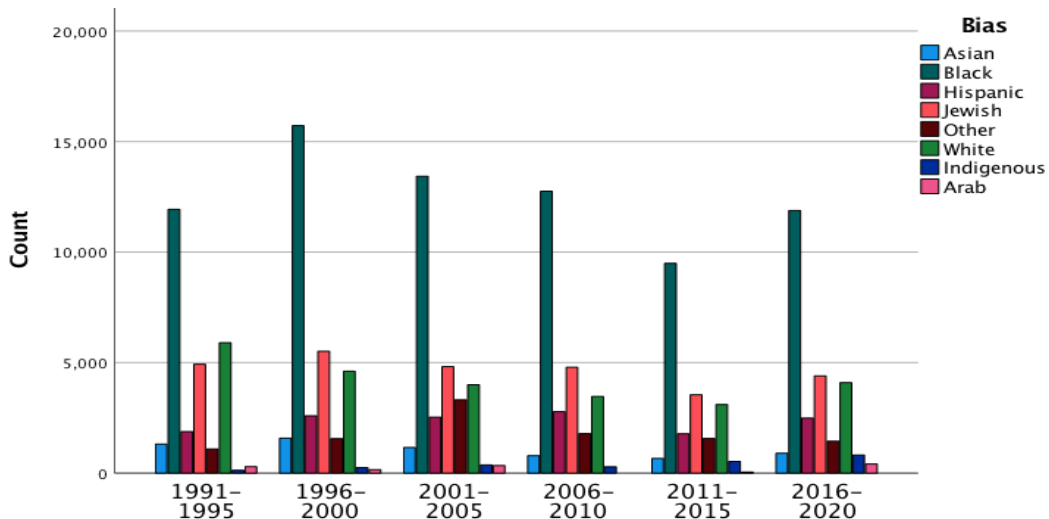*Figure 2. Hate crime incidence across time by racial bias.*

Figure 3. Hate Crime Incidence Across Racial Bias by Time.

In our legislative analysis, we considered whether hate crime incidents changed by race based on well-publicized events. For example, the case of James Byrd Jr. from Jasper Texas in 1998 shocked the nation for its savagery and stirred citizen groups to demand change and accountability. Another example can be found in the September 11, 2001 Al-Qaeda attack on US soil. We ask presently whether those news events would mark the record of subsequent hate crimes in the US. Following up from the data presented in Figure 3, we conducted a crosstabs analysis comparing racial bias with year of study and reviewed the standardized residuals (see Table 1). Values outside the range ± 2.0 suggest rates either greater than expected under the null hypothesis (viz. with positive values) or lesser than expected (viz. with negative values). Review of Table 1 shows that following the expected drop in hate crime incidents for Black victims in 2001-2005; but rebounded to prior levels in the 5-year period thereafter. The same can be said about the sizable drop in incidence in the 2016-2020 period, that witnessed wider publicity amidst the *Black Lives Matter* movement. So too, the incidence of hate crimes committed against Arab Americans rose sharply following the 9/11 attacks.

Table 1. Standardized residuals of racial bias by year.

					Bias				
		Asian	Black	Hispanic	Jewish	Other	White	Indigenous	Arab
YEAR_6	1991-1995	7.2	−6.4	−10.0	3.2	−17.0	25.6	−13.6	5.6
	1996-2000	9.1	8.2	−3.0	.4	−12.0	−4.6	−10.2	−5.5
	2001-2005	−.5	−3.2	−.9	−4.5	30.1	−9.2	−3.1	7.6
	2006-2010	−7.9	4.3	10.1	3.3	.7	−10.0	−5.1	−14.4
	2011-2015	−5.2	−.6	−.1	−.1	5.5	−1.6	13.0	−9.1
	2016-2020	−4.3	−2.7	4.5	−2.0	−7.1	.3	22.0	14.8

4. Discussion and conclusions

The present study analyzed the US Department of Justice hate crime data from 1991-2020 so as to track differential incidence rates by racial bias. We further considered key legislative markers as both social and public watersheds that could predict changes in incidence rates.

Whereas the incidence of hate crimes for Black Americans remained high over the 3 decades, a zigzag pattern, spurred by greater public awareness, would suggest a forthcoming rise in incidence. Conversely, the incidence against White victims dropped steadily over time, only to rebound in the most recent time block. Alternatively, hate crimes commited against Jewish victims was largely invariant over time. Finally, Arabs saw a key rise in hate crimes following the 9/11 attacks. Overall, this suggests a unique model by racial bias is required so as to predict rising or falling incidence according to ongoing social and political factors. One may anticipate for instance a rise in hate crimes by an Asian bias in the shadow of the COVID-19 pandemic (Gover, Harper, & Langton, 2020).

Of course, how social scientists and public policy makers in the field of law enforcement anticipate changes in hate crimes should build into unique models by relevant social factors. Legislation may be one factor, but more public designations of outcry should prove more effective. Consider the rise and fall of the Ku Klux Klan in the decades following the first World War. Bruce (2019) states that national membership peaked at over 2 million; however, the fall came from widely heard radio broadcasts based on the rogue infiltration of the organization by Stetson Kennedy (family to inventors of the famous hat). By revealing inner clandestine operations (such as passwords and organizational structure like the role of the 'Kleasurer' who managed the money), public disinterest rapidly turned to outrage in light of their vicious criminal conduct – membership plummeted. Indeed, the Georgia chapter of the KKK closed as a result of Kennedy's radio broadcasts. Thus, the act of shining a light on the subject helps dispel the wickedness.

Future researchers should plan to analyze subsequent layers of hate crime data as they become available. Specific models and hypotheses, by racial bias, should help policy analysts to address public awareness and education in an effort to reduce incidence in regions of key concern. So too, given that the present study excluded approximately 50,000 hate crime incidents of a different nature – whether by gender or religion – should invite researchers to conduct a similar analysis therein.

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