COMMONWEALTH OF MASSACHUSETTS

MPTC

Municipal Police Training Committee

In-Service Training

Freedom and Hate: Speech, Crimes & Groups

Version: A2025

INSTRUCTOR LESSON PLAN

The Municipal Police Training Committee (MPTC), an agency of the Executive Office of Public Safety and Security (EOPSS), serves the Commonwealth by establishing training standards, oversight, and policy guidance for policing professionals.

Title: Freedom and Hate: Speech, Crimes & Groups

Version: A2025

Course Purpose: To provide law enforcement officers with the information and training needed to understand the protections and limitations of the First Amendment when it comes to hate speech.

Length: 3 hours

Learning Objectives: By the end of the lesson, participants will be able to:

1. Evaluate the limitations and protections of the First Amendment when differentiating free speech from hate speech using prevalent case law.
2. Review current hate crimes data, prevalent hate crime statutes, and relevant terminology.
3. Identify the attributes of hate groups and movements currently active in Massachusetts.
4. Discuss the current resources made available to Massachusetts police officers and victims when investigating hate crimes.

Instructional Methods:
Direct Instruction (Lecture)
Guided Note Taking
Individual Reflection
Cooperative Group Work
Video Analysis
Open Discussion

Case References:
Batchelder v. Allied Stores Intern., Inc., 388 Mass. 83 (1983).
Brandenburg v. Ohio, 395 U.S. 444 (1969).
Brown v. Board of Education, 347 U.S. 483 (1954).
Cohen v. California, 403 U.S. 15 (1971).
Commonwealth v. Sholley, 432 Mass. 721 (2000).
Commonwealth v. Stephens, 25 Mass. App. Ct. 117 (1987).
Counterman v. Colorado, 600 U.S. 66 (2023).
Griffin v. Breckenridge, 403 U.S. 88 (1971).

Human Rights Commission of Worcester v. Assad, 370 Mass. 482 (1976).
Snyder v. Phelps, 562 U.S. 443 (2011).
United States v. Classis, 313 U.S. 299 (1941).
Watts v. United States, 394 U.S. 705 (1969).

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INSTRUCTOR NOTES

1. Delivering instructor for this section must have an active MPTC TY25 In-Service: Freedom and Hate: Speech, Crimes and Groups instructor certification. For lessons taught at MPTC operated academies, instructors must also have an active state contract at the time of instruction. Instructors at operated academies without an active state contract at the time of instruction will not be paid.
2. This lesson plan may contain photographs. Instructors must instruct training attendees that any duplication or dissemination of any photograph that depicts a victim of a crime, accident or emergency is prohibited by law. MGL c 271 § 51.
3. Instructors should use and refer to the Massachusetts District Court Criminal Model Jury Instructions when describing Massachusetts General Laws (MGL) elements. The document is available online (http://www.mass.gov/courts/docs/courts-andjudges/courts/district-court/jury-instructions-criminal/criminal-model-juryinstructions.pdf) and made available in lesson to student officers.
4. Instructors must use the "Instructor" lesson plan and deliver the lesson in its entirety. Instructor NOTES are inserted throughout the lesson plan to choreograph delivery and ensure content is presented as intended and within the prescribed timeframe.
5. This lesson utilizes adult learning principles and may include activities, checkpoints, facilitated discussion questions, videos, and other instructional methods. The various instructional methods are intended to make the lesson learner-centered and provide different opportunities for participants to spiral through the learning cycle with the goals of retaining the information and to reinforce the concepts covered in the lesson. For this reason, it is important that all activities, checkpoints, and facilitated discussion be completed during the lesson.
6. Opportunities for facilitated discussion are provided throughout the lesson. Key takeaways are included with these discussion questions to clarify the purpose of the facilitated discussion. The takeaways help instructors confirm that participants understand the key ideas presented.
7. Instructors are encouraged to share relevant personal work experiences to help illustrate concepts in the lesson. Instructors should be mindful of the time allocated to the lesson so that all material in the lesson plan is presented.
8. "Version" numbers are used to identify the most current lesson plans, visual aids, and handout materials. Instructors must confirm they have the most current materials for delivery by checking MPTCtraining.com.

ICONOGRAPHY



Corresponding Slide Title



Video



Instructor Note



Facilitated Discussion

INTRODUCTION



Introductions

Instructors should introduce themselves, share their professional backgrounds, and explain and emphasize that the primary goal of this training is to understand the protections and limitations of the First Amendment when it comes to hate speech.

As covered in this morning's class, the First Amendment protects free speech by prohibiting the government from stifling speech and expressive conduct based solely on its content and by prohibiting the passage of vague or broad laws that unlawfully limit the right of free speech.

Speech that demeans on the basis of race, ethnicity, gender, religion, age, disability, or any other similar ground is hateful; but the proudest boast of our free speech jurisprudence is that we protect the freedom to express "the thought that we hate."[1]



Learning Objectives



Review the course objectives with participants.

1. Evaluate the limitations and protections of the First Amendment when differentiating free speech from hate speech using prevalent case law.

2. Review current hate crimes data, prevalent hate crime statutes, and relevant terminology.

3. Identify the attributes of hate groups and movements currently active in Massachusetts as well as resources available for officers and victims.

4. Discuss the current resources made available to Massachusetts police officers and victims when investigating hate crimes.

[1] *Matal v. Tam*, 582 U.S. 218, 246 (2017).

HATE SPEECH

OBJECTIVE #1: Evaluate the limitations and protections of the First Amendment when differentiating free speech from hate speech using prevalent case law.



What is Hate Speech? [2]

The term "hate speech" is generally agreed to mean abusive language specifically attacking a person or persons because of their race, color, religion, ethnic group, gender, or sexual orientation. [3]

The United Nations Strategy and Plan of Action on Hate Speech defines hate speech as:

> *"any kind of communication in speech, writing or behavior, that attacks or uses pejorative or discriminatory language with reference to a person or a group on the basis of who they are, in other words, based on their religion, ethnicity, nationality, race, color, descent, gender or other identity factor."*

Hate speech can be conveyed through any form of expression, including:
images, cartoons, memes, objects, gestures and symbols and it can be disseminated offline or online.

Hate speech is "discriminatory" (biased, bigoted or intolerant) or "pejorative" (prejudiced, contemptuous or demeaning) of an individual or group.

Hate speech calls out real or perceived "identity factors" of an individual or a group, including: "religion, ethnicity, nationality, race, color, descent, gender," but also characteristics such as language, economic or social origin, disability, health status, or sexual orientation, among many others.



Cyberhate

Cyberhate is the use of electronic communications technology that attacks people based on their actual or perceived race, color, religion, national origin, sexual orientation, gender identity, or disability to spread bigoted or hateful messages or information.[4]

[2] UN. (2023). Understanding Hate Speech. *United Nations.* What is hate speech? | United Nations
[3] Demaske, C. (2023). Hate Speech. *Free Speech Center at Middle Tennessee State University*. Hate Speech - The Free Speech Center (mtsu.edu)
[4] ADL. (2016). Responding to Cyberhate. *Anti-Defamation League.* Responding to Cyberhate | ADL

With the increased use of the internet (websites, social networking sites, user-generated content, dating sites, blogs, online games, instant messages, and email), so has the use of the internet to spread hate. While there is limited research and data on its widespread prevalence, there is anecdotal evidence of its existence, especially in school communities.[5]

Cyberhate can be experienced through:

- Online forums
- Group chats between students
- "Zoombombing"- unwanted disruptions of online learning by a cyber intruder
- School community communications
- Online harassment



Video- Winthrop Antisemitic 'Zoombombing'



Video – Winthrop Antisemitic "Zoombombing"

This video summarizes an incident of online hate, "zoombombing", that occurred during a Winthrop town meeting. This town meeting took place both virtually and in person. An individual wearing a black mask with a swastika displayed behind him, identified themselves as "Judy Stroyer" and made a derogatory slur aimed at Jews. Later investigation revealed that the name "Judy Stroyer" had been used frequently throughout the country at online town meetings where similar conduct occurred. Although this type of speech may be hurtful it is protected by the First Amendment.



Online Hate Speech

As in many areas of life, advances in technology have impacted the spread of hate. Unlike in traditional media, online hate speech can be produced and shared easily, at low cost and anonymously. It has the potential to reach a global and diverse audience in real time. The relative permanence of hateful online content is also problematic, as it can resurface and (re)gain popularity over time.[6]

As discussed in the Freedom of Speech lesson plan, any online activity leaves a trail in its metadata. Any investigation about online communications should consider what metadata may be helpful.

[5] EOPSS. (2021). School Hate Crime Resource Guide: Executive Summary. *Massachusetts Executive Office of Public Safety and Security.* download (mass.gov)
[6] UN. (2023). Understanding Hate Speech. *United Nations.* What is hate speech? | United Nations

Video- What Does "Freedom of Speech" Mean in the U.S.?

Video – What Does "Freedom of Speech" Mean in the U.S. (3:17 minutes)

This video delves into what exactly free speech is as well as its limits and protections. Using a historical timeline to explain the case law and rulings pertaining to free speech, this video serves as an overview of the material that will be covered in this section.

Hate Speech is Protected Speech

"Hate speech" is not defined under U.S. law, as it is not an outlawed class of language. It is not treated differently than any other protected speech under U.S. law. [7]

The United States Supreme Court has held that openly offensive and/or hateful speech do not automatically incite others to imminent lawless actions and are, thus, protected under the United States Constitution.[8]

Restrictions of the First Amendment

As discussed in the Freedom of Speech lesson, there are a very, narrow category of expressive conduct that are NOT protected by the First Amendment.

These categories include[9]:

- Obscenities – "valueless material appealing to the prurient interests and describing sexual conduct in a patently offensive way."
- Incitement - "statements directed at producing imminent lawless actions and likely to do so."
- True threats
- Defamation – "false statements of fact harming another's reputation."

[7] Kline, L. (2021). You Don't Say: American First Amendment Protection of Hate Speech. *University of Cincinnati Law Review.* You Don't Say: American First Amendment Protection of Hate Speech – University of Cincinnati Law Review Blog (uclawreview.org)

[8] Kline, L. (2021). You Don't Say: American First Amendment Protection of Hate Speech. *University of Cincinnati Law Review.* You Don't Say: American First Amendment Protection of Hate Speech – University of Cincinnati Law Review Blog (uclawreview.org)

[9] *Counterman v. Colorado,* 600 U.S. 66 (2023).

If speech, hateful or not, falls within one of these unprotected categories, then it is not protected by the First Amendment. Speech that does not fall within one of these categories is protected by the First Amendment in most contexts.

Discussion



The following scenarios provide participants an opportunity to think about real life situations and whether the behavior would be considered protected speech. Have participants read the scenarios and answer the discussion questions that follow. Instructors can either have participants briefly discuss the scenarios with others around them or lead a discussion all together as a group. Following each scenario is a summary of the court decision that the scenario was based on.



Statement 1

A local white supremacist group is holding a gathering at a local park. Members can be overheard making several anti-Semitic and anti-Black statements. Several members give speeches during the gathering. In one of the speeches which is recorded and later broadcast by a local news station, the speaker says, "Our members are not vengeful. That is not what our group is about. But if this President, this Congress, this Supreme Court continues to suppress the God given rights of the white, Caucasian race, it is possible that some revenge might have to be taken."



Facilitated Discussion Question

1. **Would this speech be protected by the First Amendment?**
   - *Yes*
2. **Why or why not?**

   Takeaways:
   - *While the speech could be interpreted as advocating for violence, such speech is protected unless it is inciting imminent lawless action and is likely to produce such action.*



Brandenburg v. Ohio (1969)

In *Brandenburg v. Ohio,* 395 U.S. 444 (1969), the U.S. Supreme Court established that speech advocating illegal conduct is protected under the First Amendment unless the speech is likely to incite "imminent lawless action." [10]

Clarence Brandenburg was the leader of a Ku Klux Klan group in Ohio. The group held a rally on a farm in Hamilton County, Ohio, during which Brandenburg gave a speech. In the speech he said, "We're not a revengent organization, but if our President, our Congress, our Supreme Court, continues to suppress the white, Caucasian race, it's possible that there might have to be some revengeance taken." The only people present for the rally were the participants and a news crew who had been invited by Brandenburg. Footage of the rally was broadcast on local and national television.

Brandenburg was charged with violating the Ohio Criminal Syndicalism statute for "advocating the duty, necessity, or propriety of crime, sabotage, violence, or unlawful methods of terrorism as a means of accomplishing industrial or political reform" and for assembling a group formed to "teach or advocate the doctrines of criminal syndicalism." Brandenburg was convicted and appealed arguing that the statute violated his rights guaranteed by the First Amendment.

The court found that the Ohio statute violated the First Amendment. The statute, failed to distinguish between mere advocacy of lawlessness from advocacy of lawlessness "directed to inciting or producing imminent lawless action and is likely to incite or produce such action."[11] Because the statute punished mere advocacy and the assembly with others for that advocacy, it violated the First Amendment.



Statement 2

The legislature is scheduled to debate a highly publicized proposal for stricter gun regulations on Beacon Hill today. Two groups with opposing views on the proposal have gathered on Boston Common. Local news crews are on scene recording footage of the protests and interviewing some of the attendees. During an interview that is later broadcast during the 6 o'clock news, one of the protesters said:

[10] Walker, L., J. (2024). Brandenburg v. Ohio (1969). *Free Speech Center at Middle Tennessee State University.* Brandenburg v. Ohio (1969) - The Free Speech Center (mtsu.edu)

[11] Brandenburg p. 447.

"*The world is crazy now. I am afraid to send my kids to school. The Commonwealth has to do more to protect our kids. If this law doesn't pass, I'll have to take matters into my own hands and get a gun. Then the first thing I am going to do is find my local rep and see how much they like my new toy*."



Facilitated Discussion Question

1. **Would this speech be considered protected?**

   Takeaways:

   - *Yes.*

2. **Why or why not?**

   Takeaways:

   - *This statement, based upon the context in which it was given, would not be considered a true threat.*



Watts v. United States (1969)

In *Watts v. United States*, 394 U.S. 705 (1969), the Supreme Court held that the First Amendment does not protect true threats. The Court also explained that political hyperbole does not qualify as such a threat. [12]

In August 1966, an 18-year-old African American war protestor, Robert Watts, attended an anti-war rally at the Washington Monument. During a small discussion group designed to discuss the problem of police brutality, Watts said:

> *"They always holler at us to get an education. And now I have already received my draft classification as 1-A and I have got to report for my physical this Monday coming. I am not going. If they ever make me carry a rifle the first man I want to get in my sights is L.B.J. . . .They are not going to make me kill my black brothers*."[13]

Both Watts and the others in the group laughed after he made the statement.

[12] Hudson, L., D. (2024). Watts v. United States (1969). *Free Speech Center at Middle Tennessee State University.* Watts v. United States (1969) - The Free Speech Center (mtsu.edu)
[13] Watts at 706.

Watts was charged with violating a statute from 1917 which "prohibits any person from knowingly or willfully making any threat to take the life of or to inflict bodily harm upon the President of the United States."

The U.S. Supreme Court determined that the statute was constitutional on its face.

> "The Nation undoubtedly has a valid, even an overwhelming, interest in protecting the safety of its Chief Executive and in allowing him to perform his duties without interference form threats of physical violence."[14]

But the court also recognized that a statute that prohibits speech must be interpreted with the protections guaranteed by the First Amendment in mind. This requires the court to distinguish threats from other Constitutionally protected speech. When interpreting the statute, the court must balance the language of the statute "against the background of a profound national commitment to the principle that debate on public issues should be uninhibited, robust, and wide open, and that it may well include vehement, caustic, and sometimes unpleasantly sharp attacks on government and public officials."[15]

The statements of Watts, taken in the context in which it was made, was "a kind of very crude offensive method of stating a political opposition to the President."[16] The court found that the "political hyperbole" at issue here did not qualify as a true threat. The speech was protected by the First Amendment.



Statement 3

An individual is attending the annual town fair. It is a busy Saturday, and the fair is well attended by families with young children as well as adults. A woman tells you there is someone wearing a vulgar t-shirt in line to get tickets. You go to the ticket booth and see a female, 20-25 years old, wearing a t-shirt that says, "*Fuck the Police*."



Facilitated Discussion Question

1. **Is this protected speech?**

   Takeaways:

[14] Watts at 707.
[15] Watts at p. 708.
[16] Watts at p 708.

- *Yes.*

2. Why or why not?

Takeaways:

- *Written words are speech. Unless the words fall into the narrow categories of unprotected speech, they are protected by the First Amendment. The words on the t-shirt are offensive, but they are not threatening, obscene, defamatory or words that would likely incite someone to imminent lawless action.*



Cohen v. California (1971)

In *Cohen v. California*, 403 U.S. 15 (1971), the Supreme Court established that the government cannot, without a particularized and compelling reason, criminalize the display of profane words in public places.

In April 1968, Paul Robert Cohen wore a jacket bearing the words "*Fuck the Draft*" into a Los Angeles courthouse. He was arrested and charged with violating a state breach of the peace law prohibiting disturbing of the peace by "offensive conduct."

The U.S. Supreme Court found that individuals cannot be punished for expressing their views. Nothing in the wearing of the shirt would rise to the level of incitement or threatening. It would also not be considered obscene for purposes of the First Amendment. "Whatever else may be necessary to give rise to the State's broader power to prohibit obscene expression, such expression must be, in some significant way, erotic."[17]

The parties argued that the State should be able to prohibit such a "distasteful mode of expression…thrust upon unwilling or unsuspecting viewers" to protect "the sensitive" from being exposed to such a "crude form of protest."[18] The court noted the public location was a factor as well. When in public places, people who were offended by Mr. Cohen's jacket could "avoid further bombardment of their sensibilities simply by averting their eyes."[19] The State would have a greater interest in protecting individuals from offensive conduct if they were a captive audience.

[17] *Cohen* at 20.
[18] *Cohen* at 21.
[19] *Cohen* at 21.

The court must be vigilant in preserving the right to free speech and allow the suppression of speech in very narrow circumstances.

> "*The constitutional right of free expression is powerful medicine in a society as diverse and populous as ours. It is designed and intended to remove governmental restraints from the arena of public discussion, put the decision as to what views shall be voiced largely into the hands of each of us, in the hope that use of such freedom will ultimately produce a more capable citizenry and more prefect politic and in the belief that no other approach would comport with the premise of individual dignity and choice upon which our political system rests."*[20]

> "*For, while the particular four-letter word being litigated here is perhaps more distasteful than most others of its genre, it is nevertheless often true that one man's vulgarity is another's lyric. Indeed, we think it is largely because governmental officials cannot make principled distinctions in this area that the Constitution leaves matters of taste and style so largely to the individual."*[21]



Statement 4

Earl Sholley was an active member of a father's rights organization. The group was critical of the justice system and what it believed to be the unfair treatment of men in domestic violence cases. Sholley and other members of the group often protested outside the local District Court. Sholley also directed some of his activities toward the Assistant District Attorney (ADA) who handled the majority of domestic violence cases in that court.

Sholley went to the courthouse one day to check on a domestic violence trial that started the previous day. He was told by the court officer that the defendant had been found guilty and was sentenced to the house of correction. Upon learning this, Sholley began yelling and shouting. When he got to the top of a set of stairs he yelled several times "This means war! There's going to be bloodshed all over the streets!"

When the ADA heard the commotion, she left the courtroom on the first floor and headed up the stairs. She encountered Sholley, whom she recognized from prior dealings, on the stairs. Sholley pointed a finger in the ADAs face and yelled, "Watch out, Counselor."

[20] *Cohen* at 24.
[21] *Cohen* at 25.

Facilitated Discussion Question

1. **Would this speech be protected?**

   Takeaways:

   - *No.*

2. **Why or why not?**

   Takeaways:

   - *This was a true threat and therefore not protected by the First Amendment.*

Commonwealth v. Sholley (2000)

This scenario is based on the SJC decision, *Commonwealth v. Sholley*, 432 Mass. 721 (2000). Sholley argued that his statement to the ADA did not express an intent to commit a crime. In its decision the court found that when considering whether words constitute a threat, context matters.

> "*the assessment whether the defendant made a threat is not confined to a technical analysis of the precise words uttered. Rather, the jury may consider the context in which the allegedly threatening statement was made and all of the surrounding circumstances.*" P. 725.

When the statements were made, the defendant was yelling and screaming as he ran through the halls and down the stairs of the courthouse and was described by witnesses as being "out of control." Based upon the statement made in this context, it was reasonable for a jury to find that the statement was intended to be a threat.

Sholley also argued that his statements were similar to that in *Watts* and were mere political hyperbole and therefore protected by the First Amendment. The court found that free speech concerns in threats cases are resolved by clearly defining the elements of the offense.

> "*By limiting the crime of threats to those cases where the defendant expresses an intention to inflict a crime on another, has the ability to carry out that crime, causes the victim to fear harm, and does so in circumstances that make the victim's fear justifiable, the offense of threatening to commit a crime only reaches cases of "true threats" that would not qualify as free speech*." P. 727.



Statement 5

Fred Phelps founded the Westboro Baptist Church in Topeka, Kansas. Members of the congregation often picket military funerals because of the church's belief that "God hates and punishes the United States for its tolerance of homosexuality, particularly in America's military."[22]

Marine Lance Corporal Matthew Snyder died in the line of duty in Iraq. Phelps and other members of his congregation learned of the funeral arrangements for Lance Corporal Snyder. The group traveled from Kansas to Maryland. On the day of the services, the group picketed on public streets adjacent to the Maryland State House, the US Naval Academy and the funeral. They carried signs that said things such as: "God Hates the USA/Thank God for 911"; "Thank God for IEDs"; "Thank God for Dead Soldiers"; and "You're going to Hell."

The authorities were notified in advance that the picketers were coming. The group complied with police instructions regarding staging their picket line. The picketing took place about 1,000 feet away from the funeral on public land adjacent to a public street. The group showed their signs, sang hymns and recited Bible verses for approximately 30 minutes before the funeral.



Facilitated Discussion Question

1. **Are the actions of the pickets protected by the First Amendment?**
    - *Yes.*



Snyder v. Phelps (2011)

This fact pattern was based on *Snyder v. Phelps*, 562 U.S. 443 (2011). In this case, the father of Lance Corporal Snyder sued the picketers for various grounds, including for intentional infliction of emotional distress. In deciding whether the family could recover damages based upon the conduct of the picketers, the U.S. Supreme Court had to address the picketer's First Amendment right.

The family argued that the speech should get less protection because of the hateful words they used and because they exploited the funeral to get their message to a broader audience.

[22] *Snyder v Phelps*, 562 U.S. 443, 448 (2011).

> "*There is no doubt that Westboro chose to stage its picketing at the Naval Academy, the Maryland State House, and Matthew Snyder's funeral to increase publicity for its views and because of the relation between those sites and its views – in the case o the military funeral because Westboro believes that god is killing American soldiers as punishment for the Nations sinful policies*."[23]

The court noted that choice of the funeral made the group's expression of their views particularly hurtful, especially to the family. But the picketing was peaceful, it was conducted on a public street in accordance with police guidance, and was on a matter of public concern, and did not otherwise disrupt the funeral. "Speech cannot be restricted simply because it is upsetting or arouses contempt."[24]

> "*Speech is powerful. It can stir people to action, move them to tears of both joy and sorrow, and – as it did here – inflict great pain. On the facts before us, we cannot react to that pain as punishing the speaker. As a Nation we have chosen a different course – to protect even hurtful speech on public issues to ensure that we do not stifle public debate. That choice requires that we shield Westboro from tort liability for its picketing in this case*."[25]



What do you do?



During this section of the lesson, we covered important cases pertaining to hate speech. As we transition the conversation to hate crimes in Massachusetts, have officers discuss what they would do if faced with the following scenario.

You are called to your local Stop and Shop grocery store on a report of a heated verbal altercation in the parking lot. Upon arrival you observe an individual (Max) bleeding and holding his nose. The second individual (Keith) had bloody knuckles and is shouting profanities at Max. After separating the parties, you speak to Keith who says "I hit his sissy ass because these snowflake liberals think they can get away with anything." You talk to Max who is wearing a shirt that reads "*Why I'm Not a Republican: I don't hate women, I don't hate minorities, I don't hate the poor, I don't hate gay people, I believe in evolution, I'm not greedy and I'm not a traitor.*" Max tells you that Keith approached him and stated that, as a gay Latino Republican, he found Max's shirt to be very offensive. The two began to argue. During the argument Max began making comments about border control and how Keith should really take that into consideration when voting seeing as he is Hispanic. Keith then punched him in the face. Max

[23] *Snyder* at 455.
[24] *Snyder* at 458.
[25] *Snyder* at 460 – 461.

wants to press charges against Keith. Keith admits to losing his temper and hitting Max. He asks if Max can be charged with a hate crime because of his offensive shirt.



Facilitated Discussion Question

1. **What do you do?**

   Takeaways:

   - *While Keith was offended by Max's t-shirt, the First Amendment protects his right to wear it. The First Amendment, with very narrow exceptions, protects free speech, even if it is hateful. Wearing this t-shirt would be protected conduct.*
   - *Keith can be charged with assault and battery on Max.*

HATE CRIMES

OBJECTIVE #2: Review prevalent hate crime statutes, relevant terminology and current hate crimes data.



Underreporting

The National Crime Victimization Survey (NCVS) was analyzed from 2012 to 2016. Results from this study revealed that more than 2.4 million crimes were committed where the suspect at hand was motivated by hate or biases on their victim population.[26] During this same five-year span, the FBI reported 30,000 hate crime incidents. Two-thirds of victims who reported hate crime incidents were unable to prove criminal intent due to a lack of evidence, such as hate speech, that could be used by law enforcement to establish intent.[27]

Annually, 200,000 to 300,000 hate crime incidents occur; however, the FBI data records less than 10,000 of them.[28] When comparing this data to the records reported by the National

[26] Byington, L., Devine, C., & News21 Staff. (2018). Millions are victims of hate crimes, though many never report them. *The Center for Public Integrity.* Millions are victims of hate crimes, though many never report them – Center for Public Integrity

[27] *Ibid.*

[28] Olmos, S. (2023). Researchers say the FBI's statistics on hate crimes across the country are flawed. NPR: *National Public Radio.* Researchers say latest FBI statistics on hate crimes nationwide are flawed : NPR

Crime Victimization Survey over 18 years, it was discovered that roughly 40-50% of all hate crimes go unreported to the police.[29]

Another study found that 30% of hate crime victims do not report the crime because they believe the police could not or would not help.[30]



Historical Significance of Hate Crimes

Feelings of hate toward people have been around for centuries. Hate is mentioned in religious texts and ancient societies. Humans are naturally capable of hate. However, getting an entire group of people to hate another group requires convincing. For hate to flourish, people must believe their problems and fears are caused by others who threaten to take away something of value. The following historical events are some national examples of how hate was perpetuated by both governments and individuals.

"Historical Memory" comes from how people and nations identify, construct, and remember the past. The prevailing spirit of the present dictates these memories of the past.

The past events covered in this lesson plan are included because they remain relevant and shape the present culture of hate crimes and their underreporting by victims. Each event left lasting legacies of hate and discrimination. Lingering mistrust by targeted groups toward law enforcement also endures, as police officers oftentimes played a role in enforcing the unjust laws of the time.

Jim Crow Laws (1865-1965)

- Jim Crow laws were state and local statutes that legalized racial segregation across 36 states from 1865 until 1965 with the passage of the Civil Rights Acts. They marginalized Black and Brown citizens by denying them the right to vote, hold jobs, and receive an education.
- During this period of history, more than 6,400 people, mainly Black citizens but also Mexican Americans, were lynched by white mobs, members of the Ku Klux Klan, and other hate groups, especially if the victim defied or disturbed the existing social order.[31]
- The impact of civil rights leaders and the many people who joined marches, boycotts, sit-ins, picket lines, voter registration drives, and freedom rides is reflected in the

[29] Olmos, S. (2023). Researchers say the FBI's statistics on hate crimes across the country are flawed. NPR: *National Public Radio.* Researchers say latest FBI statistics on hate crimes nationwide are flawed : NPR

[30] Pezzella, F. S., Fetzer, M. D., & Keller, T. (2019). The dark figure of hate crime underreporting. American Behavioral Scientist, 0002764218823844.

[31] Equal Justice Initiative. (2017). *Lynching in America: Confronting the Legacy of Racial Terror.* https://lynchinginamerica.eji.org/report

opportunities and achievements that people of color have accumulated since the Civil Rights Movements.

Chinese Exclusion Act (1882)

- In 1882, Congress passed the Chinese Exclusion Act, which prohibited Chinese immigration to the United States and barred Chinese immigrants who were already working and living in America from obtaining citizenship. With this law, the Chinese became the first "illegal immigrants." Congress made the ban permanent in 1902.
- Only in 1943, as America looked for more troops during World War II and as China was a member of the Allied Nations, did Congress repeal all exclusion acts.[32]

Antisemitism in America (1830-1939)

- American history is full of episodes of physical violence against Jews and Jewish institutions.[33]
- Between 1830 and 1860, an influx of Jewish immigrants arrived in the United States looking for economic opportunity and relief from discrimination and conflict elsewhere. It did not take long for age-old antisemitic stereotypes and scapegoating to surge in popular opinion.[34] Anti-Jewish restrictions ("No Hebrews" signs) appeared in fraternities, clubs, resorts, hotels, and particular neighborhoods in which homeowners' associations regularly restricted the sale of property to Jews. This systematic exclusion echoed the spirit of Jim Crow legislation.[35]
- Wealthy and powerful Americans circulated antisemitism from their positions of power. From 1920-1924, Henry Ford, the automaker, published antisemitic conspiracy theories in 91 consecutive weekly newspaper issues, reaching a circulation of 700,000 by 1924. Father Charles Coughlin, a Catholic figure whose weekly radio show reached 15 million listeners per week, shared his antisemitic beliefs, justified Nazi violence against Jews overseas, and encouraged his American followers to paint swastikas on Jewish businesses and gang up on Jews in the streets.[36] Hitler praised these efforts in *Mein Kampf,* and Nazi race laws were drawn directly from the influence of American racial policies.

[32] The U.S. National Archives and Records Administration. (2022). Chinese Exclusion Act (1882). https://www.archives.gov/milestone-documents/chinese-exclusion-act

[33] Fattal, I. (2018). A Brief History of Anti-Semitic Violence in America. *The Atlantic.* Attacks Against Jews in America, a History of Violence - The Atlantic

[34] ADL. (2022). Antisemitism Uncovered: Antisemitism in American History. *Anti-Defamation League*. Antisemitism Uncovered: Antisemitism in American History (adl.org)

[35] *Ibid.*

[36] *Ibid.*

- In 1939, antisemitism reached a fever pitch when the pro-Nazi German American Bund, which also hosted youth training camps nationwide, held a rally at Madison Square Garden, advocating antisemitism into a crowd of 20,000 cheering Americans with large banners of the Nazi swastika and George Washington behind the podium.[37]

Japanese Internment (1942-1945)

- In response to the Japanese attack on Pearl Harbor on December 7, 1941, President Roosevelt issued Executive Order 9066 and forced 120,000 Japanese Americans into internment camps across the western United States. The announced purpose was to protect the West Coast from sabotage.[38]
- Years later, internees would recollect the cold, heat, wind, dust and isolation endured at the internment camps. There was no wholesale incarceration of US residents who traced their ancestry to Germany or Italy.[39]
- In 1976, President Ford formally apologized to the internees saying their incarceration was a "setback to fundamental American principles." Additionally, Congress authorized the payment of reparations in 1988. The United States Supreme Court also declared in 2018 that, "the forcible relocation of U.S. citizens to concentration camps, solely and explicitly on the basis of race, is objectively unlawful and outside the scope of Presidential authority." *Trump v. Hawaii,* 138S.Ct. 2392, 2423 (2018). Despite these acknowledgments of wrongdoing by the government, for many it remains a living memory. There is a Japanese phrase used to refer to the internment. It is *shikata ga nai,* which translates to "it can't be helped." It is a phrase used to refer to the sense of loss and betrayal Japanese feel toward the event.[40]

Stonewall Uprising (1969)

- Gay men and women negotiated a harsh world in the 1950s and 1960s that stigmatized homosexuality as a mental illness or immoral depravity. Building on post-World War II efforts by gay rights organizations, young gay activists organized to bring homosexuality out of the closet and into the mainstream of American culture.
- Perhaps no single incident did more to galvanize gay and lesbian activism than the 1969 uprising at the Stonewall Inn in New York City's Greenwich Village. Police regularly

[37] ADL. (2022). Antisemitism Uncovered: Antisemitism in American History. *Anti-Defamation League*. Antisemitism Uncovered: Antisemitism in American History (adl.org)

[38] Frail, T.A. (2017). The Injustice of Japanese-American Internment Camps Resonates Strongly to This Day. *Smithsonian Magazine*. https://www.smithsonianmag.com/history/injustice-japanese-americans-internment-camps-resonates-strongly-180961422/

[39] *Ibid.*

[40] *Ibid.*

raided gay bars and hangouts. But when police raided the Stonewall in June 1969, the bar patrons protested and sparked a multiday street battle that catalyzed a national movement for gay liberation.

- In the following years, gay Americans gained unparalleled access to private and public spaces. Gay activists increasingly attacked cultural norms that demanded they keep their sexuality hidden. Citing statistics that sexual secrecy contributed to stigma and suicide, gay activists urged people to come out and embrace their sexuality. The American Psychiatric Association stopped classifying homosexuality as a mental illness in 1973.[41]
- Like all social movements, the sexual revolution was not free of division. Transgender people were often banned from participating in Gay Pride rallies and lesbian feminist conferences. They, in turn, mobilized to fight the high incidence of rape, abuse, and murder of transgender people. Debates over the morality of gender identity continue to the present, and they have their roots in Stonewall.[42]

9/11 (2001)

- In 2001, Al-Qaeda terrorists hijacked four planes from Boston's Logan Airport and crashed them into the North and South towers of the World Trade Center in New York City and the Pentagon. Passengers on a fourth plane fought the hijackers and brought the plane down in a Pennsylvania field before it could reach its target, thought to be the U.S. Capitol Building or the White House.
- Following 9/11, hate crimes against Muslims in the United States spiked 500%.[43] President Bush pleaded with Americans and condemned all attacks[44] while, at the same time, aspects of the Patriot Act and the expanding "war on terror" internationally had the effect of continuing the mistrust of Arab Americans in the spirit of the time.[45]

COVID-19 Pandemic (2020-2023)

- COVID-19, the highly contagious virus that originated in Wuhan, China, and has led to countless deaths in the U.S. alone, has informally been called by some the "China Virus" or "Kung-flu." Hate crimes against Asians increased 189% from January through April

[41] Anziska, Seth et al., "The Unraveling," Edwin Breeden, ed., in *The American Yawp*, eds. Joseph Locke and Ben Wright (Stanford, CA: Stanford University Press, 2018).
[42] *Ibid.*
[43] See FBI Crime Data and Ser, K. (2016, September 12). Data: Hate crimes against Muslims increased after 9/11. *The World*. https://theworld.org/stories/2016-09-12/data-hate-crimes-against-muslims-increased-after-911
[44] The White House. (n.d.) Backgrounder: the President's Quotes on Islam. https://georgewbush-whitehouse.archives.gov/infocus/ramadan/islam.html
[45] Fam, M. (2021, September 7). Two decades after 9/11, Muslim Americans still fighting bias. *AP News*. https://apnews.com/article/september-11-muslim-americans-93f97dd9219c25371428f4268a2b33b4

2021 alone. In Boston, hate crimes against Asians surged by 60% from January through April 2021.[46]

- Thirty-one percent of Asian Americans reported worrying "all the time" or "often" about being victimized because of their race, and 36% have changed their personal life routines over concerns about personal safety.[47]



Barriers to Reporting

A victim's lack of comfort to come forth and report a hate crime stems from a variety of different reasons. Understanding the reasons behind a victim's decision not to report is the first step that can be taken to tackle the obstacles and boost the reporting of hate victimization.

There are two types of reporting barriers associated with hate crime reporting: internal and external. Under these two branches of reporting barriers, four common themes that victims may experience when determining whether they should report a hate crime arise are internalization, lack of awareness, fear of consequence, and lack of trust in statutory agencies.[48]



Internal Barriers to Reporting

Internalization: are the beliefs, ideologies, values or perceptions that normalize, validate or minimize hate victimization. Once internalized, these ideas can make victims and witnesses of hate-related incidents unwilling to report.[49]

Further barriers that may be observed because of internalization are:

- ***Hopelessness:*** members of marginalized groups may accept repeated harassment and hostility as an unavoidable consequence of being different. These victims believe that change cannot occur and, instead, think that they must put up with the victimization.
- ***Normalization:*** the continuous experience of discrimination often causes victims to believe that 'everyday' verbal abuse, online harassment, and other forms of targeted hostility are not serious enough to be reported to the police. Some even worry that they

[46] Center for the Study of Hate and Extremism. (2021). *Report to the Nation: Anti-Asian Prejudice & Hate Crime – City Data Chart* (June 1, 2021). https://www.csusb.edu/hate-and-extremism-center
[47] Lee, J. (2022). Stop dismissing anti-Asian racism. *Science*. https://www.science.org/content/blog-post/stop-dismissing-anti-asian-racism
[48] Navarro, C. (2020). Hate Crime reporting Barriers: Why Are Victims Reluctant to Report?. *Tackling Hate.* Hate crime reporting barriers: why are victims reluctant to report? - Tackling Hate
[49] Navarro, C. (2020). Hate Crime reporting Barriers: Why Are Victims Reluctant to Report?. *Tackling Hate.* Hate crime reporting barriers: why are victims reluctant to report? - Tackling Hate

are wasting police time and resources or think that they have to deal with these issues by themselves.

- ***Structural Oppression***: marginalized communities may suffer from structural discrimination, historical trauma and marginalization from power structures, where covert racism, sexism, heterosexism, and other forms of oppression are an integral part of their everyday experiences. People from these marginalized groups may feel disempowered and unable to voice their concerns about hate incidents and have a general distrust of authority, which creates a barrier for reporting of hate crimes.
- ***Self-deprecation***: some victims may feel embarrassed about the incident and others may experience disempowerment associated with recognizing oneself as a victim. In an attempt to avoiding these feelings, victims of hate crimes may prefer to not report the incident.
- ***Cultural Differences***: barriers to reporting hate incidents also stem from differences in cultural values and beliefs between minority groups and mainstream society.

Lack of awareness: The reporting of hate-related events relies on people understanding what hate crime is, why it happens, and what people's rights are when a hate incident affects them. A lack of awareness in the community surrounding these points will affect the reporting of hate incidents. Common reasonings why hate crime victims do not come forward to report is their lack of awareness on what a hate crime is and/or where to go to report the incident.



External Barriers to Reporting

Some victims easily recognize a hate-related event as unjust and understand how to report it. However, many feel discouraged to report it due to their direct or indirect knowledge about what happens when a victim does decide to report a hate crime. The following reasons are commonly observed external barriers that may prevent a victim from reporting.[50]

Fear of consequence: victims of hate-related attacks feel insecure about reporting their victimization; they fear that negative consequences may result from a report and bring great personal harm. While such hesitations are common across hate crime victims from different groups, the feared consequences may vary across different communities.[51]

Barriers that exist within this category consist of the fear of:

[50] Navarro, C. (2020). Hate Crime reporting Barriers: Why Are Victims Reluctant to Report?. *Tackling Hate.* Hate crime reporting barriers: why are victims reluctant to report? - Tackling Hate
[51] *Ibid.*

- *Being outed:* Research has indicated that one of the main concerns amongst the LGBTQ+ community is that reporting homophobic and transphobic hate crimes could lead to them **being 'outed'**. This fear affects a victim's willingness to report to the police.
- *Retaliation:* Some victims feel as if when they report a hate crime, their safety will be compromised, and the perpetrator will go after them. Individuals with disabilities who are care-dependent on others fear the withdrawal of benefits, rights, care, or supportive assistance if they make a complaint or report the incident.
- *Getting in trouble*: many victims are fearful that if they report a hate crime, they may make matters worse. Individuals without citizenship may fear that they will jeopardize their immigration status and be reported or deported if they decide to come forward and report a hate crime.
- *Affecting an existing relationship*: In the context of dependency and unequal power relations, the victim may feel they will destroy their relationship with the perpetrator if they report the hate incident.

Lack of trust in statutory agencies:[52]

Distrust and low expectations of the response by justice agencies, more specifically distrust in law enforcement, prevent most hate crime victims from reporting to those agencies.

Victims may express disbelief and feel as if reporting the incident is useless. Some victims may not come forward to report because they fear how the frontline staff will treat them. These two ideals, in collaboration with a negative perception of police response, limit many victims from feeling as if they have a supportive environment to come forth and report a hate crime to.

There are also practical limitations that prevent hate crime victims from reporting. Two barriers fall within this category: [53]

- *Inaccessibility*: victims may decide not to report if the reporting mechanism is not easily accessible to them**.**
- ***Language Limitations***: victims from ethnic communities and immigrants who are not proficient in English and/or unable to speak English at all may not feel confident that they will be understood if they report. Individuals with a disability may not be able to articulate what happened or have difficulty understanding the questions they are asked.

[52] *Ibid.*
[53] Navarro, C. (2020). Hate Crime reporting Barriers: Why Are Victims Reluctant to Report?. *Tackling Hate.* Hate crime reporting barriers: why are victims reluctant to report? - Tackling Hate



Massachusetts Hate Crime Reporting Act (1991)

The Hate Crime Reporting Act, MGL c 22C § 32, defines ***hate crime*** as any criminal act coupled with overt actions motivated by bigotry and bias including, but not limited to a threatened, attempted or completed overt act motivated at least in part by the victims:

- Race
- Ethnicity
- National origin
- Religious beliefs
- Sexual orientation
- Handicap (physical, mental or health)
- Gender/Gender identity (male, female, transgender, and non-binary)

or which otherwise deprives another person of his constitutional rights by threats, intimidation or coercion, or which seek to interfere with or disrupt a person's exercise of constitutional rights through harassment or intimidation. [54]



What is a hate crime in Massachusetts?

Violations of the following criminal statutes are considered hate crimes under MGL c 22C § 32:

- MGL c 265 § 37 – Violations of Constitutional Rights
- MGL c 265 § 39 – Assault or battery for purposes of intimidation
- MGL c 266 § 127A Destruction of place of worship
- MGL c 272 § 92A Advertisement, book, notice or sign relative to discrimination.

Just because an offender is biased against a person's actual or perceived race, religion, disability, sexual orientation, ethnicity, gender and/or gender identity does not mean a hate crime was committed. To be a hate crime, the criminal act must have been motivated, in whole or in part, by the suspect's bias.

Motivation is subjective, and officers must conduct a fact intensive investigation to determine what the motivation of the perpetrator was. Before an act can be reported as a hate crime, objective facts (bias indicators) must be present to lead a reasonable person to believe the offender's actions were motivated by bias.

While no single indicator is conclusive of bias, 501 CMR 4.04 allows police to use common sense to determine if a crime was committed out of hate or bias.

[54] 501 CMR 4.02.



Bias Indicators

501 CMR 4.00: Hate Crimes, provides the following definitions:

Bias indicators are objective facts, circumstances, or patterns attending a criminal act which, standing alone or in conjunction with other facts or circumstances, suggest that the offender's actions were motivated, in whole or in part, by any form of bias enumerated in 501 CMR 4.02.

Bias Motive is hatred, hostility, or negative attitudes towards, or prejudice against, any group or individual on account of race, religion, ethnicity, handicap, gender, or sexual orientation, which is a contributing factor, in whole or in part, in the commission of a criminal act. A bias motive can be inferred from the presence of one or more bias indicators.



What is a Hate Crime?

Hate crimes affect more than just the victim at hand. Hate crime victims extend far past the initial target and harm those like them, families, communities, and even the entire nation at some points in time.[55]

As we discuss hate crimes, it is important to understand that in this context, "hate" means bias against people or groups with specific characteristics that are defined by the law. Hate crimes violate a person's civil rights because victims are targeted for traits they cannot change or beliefs they do not have to change under the law. Officers must be able to recognize hate crimes and incidents, promptly identify offenders, and help rehabilitate communities impacted.



Hate Crime vs. Hate Incident

501 CMR 4.00: Hate Crimes, provides the following definitions:

A ***hate crime***, which can be referred to interchangeably as a "bias crime" or "bias-related / motivated crime," is not reported as a stand-alone offense but rather as part of a separate criminal violation, ranging from vandalism to harassment to violent crimes.

A ***hate incident*** is defined as any act, whether consisting of conduct, speech, or expression, to which a bias motive is evident as a contributing factor, without regard for whether the act constitutes a crime.

[55] US DOJ. (2017). Hate Crime Victimization, 2004-2015. *Bureau of Justice Statistics.* Hate Crime Victimization, 2004-2015 (ojp.gov)

Video- Belmont Road Rage Homicide

Video – Belmont Road Rage Homicide (2:13 minutes)

This video summarizes a hate crime incident that turned fatal. The interaction started out as a road rage incident where words were exchanged between a white male and Black male. It escalated when the white male hurled a derogatory slur towards the Black male. The altercation was captured by a ring camera system. The white male then drove his vehicle towards the Black male and struck him, killing him. The white male was charged with Violating Constitutional Rights with Bodily Injury and was found guilty.

Discussion

Have participants turn and talk to those around them.

Facilitated Discussion Question

1. **What are your general reactions and thoughts surrounding this incident?**

   Takeaways:

   - *Answers will vary.*

Violation of Civil Rights (MGL c 265 § 37)

1. the victim was exercising a right or privilege protected by the Constitution or laws of the Commonwealth of Massachusetts or of the United States;
2. the defendant either injured, intimidated, interfered with, oppressed or threatened the exercise or enjoyment of that legally protected right by the victim, or attempted to do so;
3. That the defendant did so by using force or by threatening to use force; and
4. That the defendant did so willfully.

Right of Arrest:

- **Felony** if bodily injury occurs.
- **Presence** for breach of peace.
- **Complaint** for all others.



Element 1: Rights / Privileges

To meet the first element, the Commonwealth must prove that the victim was exercising a right or privilege protected by the Constitution or laws of the Commonwealth of Massachusetts or of the United States.

The courts have recognized several acts that are considered civil rights or privileges which are protected by the Constitutional or laws of the United States or Massachusetts. The following is a list of some of the civil rights each of us enjoy that are protected by this statute:

- **Personal security:** 42 USC § 1981, the equal rights act states, in pertinent part, "All persons within the jurisdiction of the United States shall have the same right in every State and Territory to make and enforce contracts, to sue, be parties, give evidence, and to the full and equal benefit of all laws and proceedings for the security of persons and property as is enjoyed by white citizens, and shall be subject to like punishment, pains, penalties, taxes, licenses, and exactions of every kind, and to no other."
- **Housing:** 42 USC § 3604, The Fair Housing Act guarantees everyone the right to own, rent and occupy housing without discrimination. The right to fair housing includes peaceful enjoyment in one's home. *Commonwealth v. Stephens*, 25 Mass. App. Ct. 117 (1987).
- **Travel:** The US Constitution guarantees every individual the right to travel freely between states and to use highways to do so. *Griffin v. Breckenridge*, 403 U.S. 88 (1971). This protection extends to public transportation vehicles, like MBTA buses and subway cars, platforms, stations, and bus stops under the Massachusetts Public Accommodations Law.
- **Employment:** MGL c 151B § 4 prohibits an employer from discriminatory hiring or employment practices. The statute states, in part:

  It shall be an unlawful practice: For an employer, by himself or his agent, because of the race, color, religious creed, national origin, sex, gender identity, sexual orientation, which shall not include persons whose sexual orientation involves minor children as the sex object, genetic information, pregnancy or a condition related to said pregnancy including, but not limited to, lactation or the need to express breast milk for a nursing child, ancestry or status as a veteran of any individual to refuse to hire or employ or to

bar or to discharge from employment such individual or to discriminate against such individual in compensation or in terms, conditions or privileges of employment, unless based upon a bona fide occupational qualification.

Employers may not discriminate against applicants or employees in their compensation or other terms of employment.

- **Religious Worship:** Religious worship is guaranteed by the First Amendment and Articles 2 and 3 of the Massachusetts Declaration of Rights. This right protects religious worship, religious practices, meetings for those purposes, and ownership and use of building and other property for religious purposes.
- **Voting:** The rights to vote and to run for office is guaranteed by federal and state constitutions. *United States v. Classis*, 313 U.S. 299 (1941). Article 9 of the Massachusetts Declaration of Rights also protects the right of individuals who wish to run for office to solicit nominating signatures in a "reasonable and unobtrusive manner, in the common areas of a large shopping mall, subject to reasonable regulations adopted by the mall owner." *Batchelder v. Allied Stores Intern., Inc.*, 388 Mass. 83, 84. (1983).
- **Education:** Under Federal and state law, public school students have a right to attend school and to be educated without discrimination or segregation based on race. *Brown v. Board of Education*, 347 U.S. 483 (1954).
- **Public accommodations and facilities:** MGL c 272 § 92A, 98, the Massachusetts Public Accommodations law guarantees all people full and equal access to all places of public accommodation. A place of public accommodation includes "any place, whether licensed or unlicensed, which is open to and accepts or solicits the patronage of the general public."
- **Private establishments are open to the public:** Any privately owned facility which is open to the public is also a place of public accommodation.
- **Excessive use of force by police:** The use of excessive force by police violates one's civil rights. *Human Rights Commission of Worcester v. Assad*, 370 Mass. 482 (1976).



Element 2

To injure, intimidate, interfere with, oppress or threaten another person in the free exercise or enjoyment of a right or privilege means in general to impede or prevent the full and free benefit of that right. The alleged victim need not be completely prevented from exercising the right, just hampered in exercising it.

To "intimidate" means to put in fear. To "interfere" means to hinder or meddle in the affairs of another. To "oppress" means to use authority or power abusively or excessively. To "threaten"

means to express an intention to harm another's person or property. This element is satisfied if it is proven beyond a reasonable doubt that the defendant negatively affected the alleged victim's rights in any one of these ways.[56]



Element 3: Force / Threat of

The suspect must willfully interfere with someone's civil rights through threats or force. Force means physical force directed at either the victim or toward their property. The amount of force does not matter, even a minimal amount of force will be enough.

A threat of force is an expression of intent to use force which is communicated to the person threatened. It must also seem to any reasonable person standing in the place of the threatened person that the person making the threat had the ability to carry it out.[57]



Element 4: Violation of Civil Rights

To meet the fourth element, the Commonwealth must prove that the defendant's acts were done with either the specific purpose of interfering with the victim's enjoyment of the interests protected by their Constitutional right or that it was done because the victim had exercised that right.

The actions of the defendant do not need to be done solely with the purpose of interfering with the victim's Constitutional rights. It will be enough if the acts are intended, at least in part, with interfering with the victim's Constitutional rights.



Assault and Battery to Intimidate (MGL c 265 § 39)

1. The defendant touched the victim;
2. The defendant intended to touch the victim;
3. The touching was *either* likely to cause bodily harm *or* was offensive; and
4. At the time of the touching the defendant had the specific intent to intimidate the victim because of their race, color, religion, national origin, sexual orientation, gender identity, or disability.

Right of Arrest:

- **Felony** if bodily injury occurs or if the defendant committed the offense while armed with a firearm, rifle, shotgun, or assault weapon.

[56] Model Jury Instructions 6.620.
[57] Model Jury Instructions 6.620.

- Otherwise, **presence** for breach of peace.
- **Complaint** for all others**.**

NOTE: For purposes of this section, "bodily injury" shall mean substantial impairment of the physical condition, including, but not limited to, any burn, fracture of any bone, subdural hematoma, injury to any internal organ, or any injury which occurs as the result of repeated harm to any bodily function or organ, including human skin.

This statute also makes it a crime to damage the real or personal property of a person intending to intimidate them.

To prove the fourth element of the offense, the Commonwealth must prove beyond a reasonable doubt that, at the time of the touching, the defendant had the specific intent to intimidate the victim because of their actual or perceived race, color, religion, national origin, sexual orientation, gender identity, or disability. That need not be the only motivating factor, but the race, color, religion, national origin, sexual orientation, gender identity, or disability of victim must be proven to be one of the factors that led to the commission of the crime. The crime must be motivated at least in part by hatred, bias or prejudice toward the actual or perceived race, color, religion, national origin, sexual orientation, gender identity, or disability of the victim.[58]

For Massachusetts laws that prohibit discrimination based on race, the term "race" shall include traits historically associated with race, including, but not limited to, hair texture, hair type, hair length and protective hairstyles. Protective hairstyle is defined: shall include, but not be limited to, braids, locks, twists, Bantu knots, hair coverings and other formations.[59]



Destruction of a Place of Worship (MGL c 266 § 127A)

1. The defendant destroyed, defaced, marred or injured any of the following:
    a. Church
    b. Synagogue
    c. Other building, structure or place used for the purpose of burial or memorializing the dead
    d. A school or educational facility
    e. community center
    f. the ground adjacent to and owned or leased by any of the above listed places
    g. Personal property contained in one of the above listed places

[58] Model Jury Instructions 6.205.
[59] MGL c 4 § 7

2. the defendant *either* acted willfully, intentionally, and without right *OR* was wanton and without cause.

Right of Arrest:

- **Felony** if damage or loss to property exceeds $5,000.00.
- Otherwise, **presence** for breach of peace.
- **Complaint** for all others.

NOTES:

The statute also makes it a crime to threaten to burn, deface, mar, injure, or in any way destroy a church, synagogue, or other building, structure, or place of worship.

There is no requirement to prove that the defendant did the act with the specific intent to discriminate or intimidate. Intending to do the act itself is enough.

The damage does not need to be permanent. Throwing eggs against the outside wall of such a building is enough, even if it is able to be washed away. *Commonwealth v. DiPietro*, 33 Mass.App.Ct. 776 (1992).



Notice or Sign Relative to Discrimination (MGL c 272 § 92A)

1. The defendant is an owner, lessee, proprietor, manager, superintendent, agent or employee of any place of public accommodation, resort or amusement
2. Directly or indirectly publish, issue, circulate, distribute or display, in any way, any advertisement, circular, folder, book, pamphlet, written or painted or printed notice or sign, of any kind or description;
3. Defendant does so with the intent to discriminate against a person or persons of any religious sect, creed, class, race, color, denomination, sex, gender identity, sexual orientation, nationality or because of deafness or blindness or any physical or mental disability
4. While the victim is in the full enjoyment of the accommodations, advantages, facilities or privileges offered to the general public by such places of public accommodation, resort or amusement.

Right of Arrest:

- **PRESENCE** for breach of peace
- Otherwise, **COMPLAINT**



Potential Hate Crimes

The list of hate crimes in MGL c 22C § 32 is not exhaustive. MGL c 22C § 32 defines a hate crime as "any criminal act coupled with overt actions motivated by bigotry and bias..."

The following crimes are likely to meet the definition of a hate crime if the motivation of the suspect is known or reasonably can be inferred:

- Destroying Grave Sites (MGL c 272 § 73)
- Defacement or Injury to Schoolhouse or Church (MGL c 266 § 98)
- Disturbance of Assembly of Worship (MGL c 272 § 38)
- Arson of a Meeting House or Church (MGL c 266 § 2)



National Scope

The FBI's Uniform Crime Report (UCR) is published annually. While not every law enforcement agency reports their crime levels or incidents to the FBI, it is a used to better address criminality across various communities in the country. The 2022 UCR report found that there were 11,613 reported Hate Crime incidents:[60]

- 57% were motivated by a bias against race, ethnicity, or ancestry.
- 17% were motivated by religious bias
- 16.7% were motivated by sexual orientation bias
- 4% were motivated by a bias against gender identity
- 3% were multiple bias incidents
- 1.5% were motivated by disability bias
- 0.8% were motivated by gender bias
- The total number of recorded bias incidents reported by the FBI was the highest observed since 2008.[61]



Rise of Hate Crimes in Massachusetts

In Massachusetts, hate crimes are reported by officers through their Records Management System and monthly NIBRS reports. This information is collected by the Crime Reporting Unit of the Criminal History Systems Board and the Department of State Police. Based upon the information reported by the various police agencies, the Executive Office of Public Safety and

[60] FBI. (2023). Hate Crime in the United States Incident Analysis. *Federal Bureau of Investigation.* CDE (cjis.gov)
[61] Hernandez, J. (2021). Hate Crimes Reach The Highest Level in More Than a Decade. *National Public Radio.* Hate Crimes In 2020 Their Highest Level Since 2008, According To FBI : NPR

Security (EOPSS) publishes an annual report on hate crimes in Massachusetts. The annual Massachusetts Hate Crime Report can be found here: Reports on hate crimes in Massachusetts | Mass.gov

Counts of Incidents and Offenses 2014 - 2022[62]

Year	Incidents	Offenses
2014	415	429
2015	411	424
2016	389	411
2017	427	438
2018	351	390
2019	376	421
2020	385	395
2021	406	424
2022	440	458
Average:	400	421.1

The chart above distinguishes incidents from offenses, some incidents included multiple offenses. For example, a victim was threatened and also had their property damaged, resulting in a higher number of offenses.

Between 2000 and 2002, there were approximately 500 bias motivated incidents reported each year. From 2003 through 2018, this number declined to an average of roughly 360 reported incidents per year. [63]

EOPSS 2022 Annual Hate Crimes Data

The 2022 EOPSS Annual Hate Crimes data summary found that there were 440 total reported bias incidents, the highest reported count since 2002.[64] This report also indicated that:

- 53.6% of reported hate crimes were a result of Race/Ethnicity/Ancestry Bias

[62] HART Team. (2023). Hate Crime Awareness and Response Team (HART). *Massachusetts State Police.*
[63] HART Team. (2023). Hate Crime Awareness and Response Team (HART). *Massachusetts State Police.*
[64] EOPSS. (2023). Massachusetts Hate Crime Statistics 2022. *Executive Office of Public Safety and Security.* Hate Crime 2022 (beyond2020.com)

- 21.3% of reported hate crimes were a result of Religious Bias
- 19.3% of reported hate crimes were a result of Sexual Orientation Bias
- 5.3% of reported hate crimes were a result of Gender Identity Bias
- 0.5% of reported hate crimes were a result of Gender Bias

Race/ethnicity/national origin is the largest affected category, however incidents are down from 2021. Anti-religion and anti-sexual orientation bias incidents have both increased since 2021.[65]



What Crimes are Being Reported? [66]

The most common crimes reported in Massachusetts during bias incidents in 2022 were:

- Destruction/Vandalism (143)
- Intimidation (138)
- Simple Assault (100)
- Aggravated Assault (54)
- All Other Larceny (6)
- Robbery (5)
- Theft from Building (5)



Who/What is Being Targeted? [67]

In 2022 the most common targets of bias crimes in Massachusetts were:

- Individuals (434)
- Businesses (36)
- Government (31)
- Other (19)
- Law Enforcement Officer (8)
- Religious Organization (8)
- Financial Institution (1)

[65] HART Team. (2023). Hate Crime Awareness and Response Team (HART). *Massachusetts State Police.*
[66] HART Team. (2023). Hate Crime Awareness and Response Team (HART). *Massachusetts State Police.*
[67] HART Team. (2023). Hate Crime Awareness and Response Team (HART). *Massachusetts State Police.*



Top Communities Affected[68]

In 2022 the Massachusetts communities that were most significantly affected by hate crime incidents, meaning the agencies that received 4 or more reported hate crime incidents, include:

- Boston (159)
- Cambridge (48)
- Newton (20)
- Quincy (13)
- Lynn (10)
- Somerville (8)
- Marblehead (7)
- Framingham (6)
- Westfield (6)
- Arlington (5)
- Worcester (5)
- Wellesley College (5)
- Andover (4)
- Brookline (4)
- Plymouth (4)
- Provincetown (4)
- Salem (4)
- Yarmouth (4)

An important take away when looking at these numbers is that these incidents are not just occurring in major urban areas and cities. We saw 20 reported incidents in Newton, and other smaller communities like Marblehead and Arlington are on this list.

Community outreach and hearing from community leaders on the needs of the community are so important in order to help understand what is going on and listening to ideas from others on how we can make strides to drive these numbers down.



Hate Crimes in Massachusetts

The Anti-Defamation League (ADL) has been documenting and producing reports on antisemitic incidents since the late 1970s. The International Holocaust Remembrance Alliance defines antisemitism as *"a certain perception of Jews, which may be expressed as hatred toward Jews. Rhetorical and physical manifestations of antisemitism are directed toward Jewish or non-*

[68] HART Team. (2023). Hate Crime Awareness and Response Team (HART). *Massachusetts State Police.*

Jewish individuals and/or their property, toward Jewish community institutions and religious facilities."[69] In the ADL's 2023 Annual Audit of Antisemitic Incidents, there were close to 4,000 recorded incidents; this is the highest number of antisemitic incidents on record since the ADL began its data collection in 1979.[70]

The state of Massachusetts had the sixth-highest number of reported antisemitic incidents in the year 2022.[71] Massachusetts was found to have the nation's second-highest rate of white supremacist propaganda in the year 2022, falling second only to the state of Texas. Hate group recruitment efforts and the spread of propaganda could be found reflected on fliers, handouts, banners, posters, etc. across the state.

In Massachusetts, antisemitic instances of vandalism increased by 41%, while incidents involving bias-related harassment increased by 38%.[72] The recorded number of bias-related assaults in Massachusetts was double the number observed in the year prior; overall, a 33% increase in hate crimes was depicted in Massachusetts.

Massachusetts also witnessed considerable anti-LGBTQ+ hate in 2022. Over the last year, extremists targeted LGBTQ+ events, particularly drag shows, throughout the state. Throughout 2022, Boston Children's Hospital endured multiple waves of threats and harassment because of the gender-affirming care the hospital provides to its patients.[73]

Surge in Antisemitic Incidents[74]

The ADL's New England region, which includes Maine, Massachusetts, New Hampshire, Rhode Island and Vermont, saw a staggering surge in antisemitic incidents in 2023. There were 623 antisemitic incidents of assault, harassment and vandalism. The total is a record high for the region and represents a 205% increase over 2022.

A dramatic spike in antisemitism began in New England after Hamas' attack on Israel last fall. The ADL stated that 44% of all incidents in the region occurred after October 7th last year. Massachusetts recorded the fifth highest number of incidents per state in the country.

[69] ADL. (2024). About the IHRA Working Definition of Antisemitism. *Anti-Defamation League.* About the IHRA Working Definition of Antisemitism | ADL
[70] ADL. (2023). Audit of Antisemitic Incidents 2022. *ADL Center on Extremism.* Audit of Antisemitic Incidents 2022 | ADL
[71] ADL. (2023). Hate in the Bay State: Extremism & Antisemitism in Massachusetts, 2021-2022. *ADL Center on Extremism.* Hate in the Bay State: Extremism & Antisemitism in Massachusetts, 2021-2022 | ADL
[72] ADL. (2023). Hate in the Bay State: Extremism & Antisemitism in Massachusetts, 2021-2022. *ADL Center on Extremism.* Hate in the Bay State: Extremism & Antisemitism in Massachusetts, 2021-2022 | ADL
[73] ADL. (2023). Hate in the Bay State: Extremism & Antisemitism in Massachusetts, 2021-2022. *ADL Center on Extremism.* Hate in the Bay State: Extremism & Antisemitism in Massachusetts, 2021-2022 | ADL
[74] JDL. (2024). Report Finds Surge in Antisemitic Incidents. *Massachusetts Lawyers Weekly*.

HATE GROUPS

OBJECTIVE #3: Identify the attributes of hate groups and movements currently active in Massachusetts.

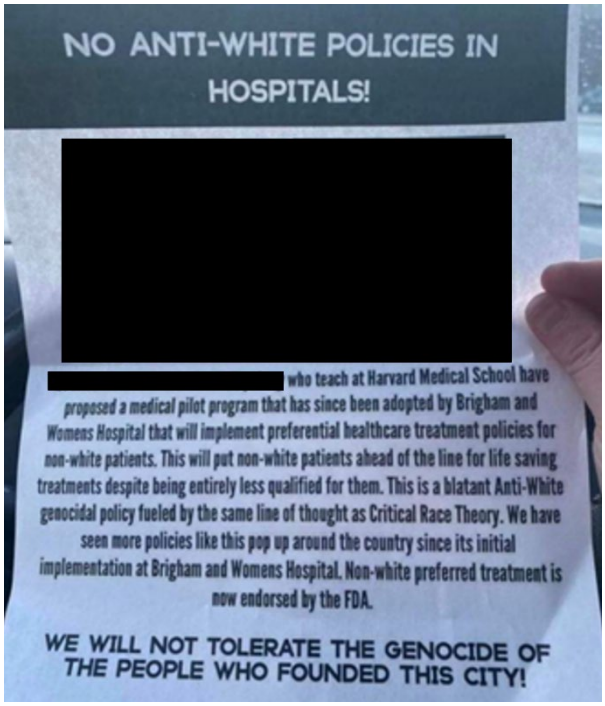
Scenario

You are called to the local medical facility on the report of around two dozen people demonstrating outside. Upon arrival you observe the large group of individuals dressed in identical beige khaki pants and dark hoodies holding a bedsheet with black lettering reading "[name of local hospital] Hospital Kills Whites." The group is rowdy and can be heard making claims that the hospital's doctors are "putting non-white patients ahead of the line for life saving treatments." Furthermore, the group can be heard saying that the hospital is anti-white and genocidal.



Scenario (con.)

A nurse from the hospital provides you with a flier that the group was handing out to patients and employees. He claims that the group had been asked to leave several times as they were disrupting patient care and safety, they have refused to leave and have become more combative. [75]



Facilitated Discussion Question

What do you do?

Have participants discuss and develop a plan of action. Pose the following questions to help guide this discussion.

What actions, if anything in this scenario, is protected speech under the First Amendment?

Are there bias indicators that suggest this is a hate crime or incident? If so, what are they?

Has a crime been committed? If so, what crime?

[75] Martin, P. (2022). Neo-Nazis target anti-racist doctors at Brigham and Women's Hospital calling them 'anti-white'. *GBH News.* Neo-Nazis target anti-racist doctors at Brigham and Women's Hospital, calling them 'anti-white' | GBH (wgbh.org)

This scenario is based upon a January 22, 2022 incident that occurred outside of Boston's Brigham and Women's Hospital. Around two dozen NSC-131 members demonstrated outside, after the institution announced its intention to find ways to deliver better and more equitable care to minority populations. In a flier that was distributed, NSC-131 targeted two doctors at Brigham and Women's Hospital who published an article detailing how to improve medical care for these underserved communities. The flyer included the doctors' names and photographs. In the flyer NSC-131 accused the doctors of "put[ting] non-white patients ahead of the line for life saving treatments." Elsewhere in the same flier, the group referred to the hospital's efforts to introduce racial equity in health care as "Anti-White" and "genocidal."[76]



Hate Group

A ***hate group*** is an organization, formal or informal, that promotes bias, animosity, hostility, or malice against persons belonging to a racial, religious, ethnic/national origin, sexual orientation, handicap, or gender group.[77]

Hate groups generally target entire classes of people based on shared member beliefs about race, religion, sexual orientation, etc.

Some hate groups participate in public marches, hold rallies and meetings, and commit criminal acts.

Hate groups can be loosely structured or highly organized at local, state and national levels.

Hate groups use intimidation, threats, false propaganda and violence to promote their agenda.

Some hate groups self-identify with unique slogans, logos and symbols, but many do not.



Prevalent Hate Groups in Massachusetts

Remember, not all hate crimes or incidents are committed by groups. Individuals can be perpetrators on their own. It is helpful to learn about hate groups in the area in order for officers to identify potential motives behind criminal acts. Not all hate groups are covered here - they differ by geographic area and can change over time. The groups covered in this following section are research backed and have been the most commonly identified by the

[76] SPLC. (2023). Nationalist Social Club (NSC-131). *Southern Poverty Law Center.* Nationalist Social Club (NSC-131) | Southern Poverty Law Center (splcenter.org)
[77] 501 CMR 4.02.

Massachusetts State Police HART Unit, the Anti-Defamation League (ADL), and the Southern Poverty Law Center (SPLC).

Nationalist Social Club (NSC-131)

The ***Nationalist Social Club*** is a neo-Nazi group that was founded in Massachusetts; this hate group is also referred to as NSC-131. Since 2021, the ***Nationalist Social Club/NSC-131***, has grown rapidly and is now one of New England's most active white supremacist groups; their presence is particularly significant in Massachusetts. [78]

Over the last two years, the NSC-131 has held at least 30 events in Massachusetts, including hanging antisemitic banners over highways, demonstrating against LGBTQ+ events, and public demonstrations. The NSC-131 has demonstrated an increased willingness to physically engage with their perceived enemies.[79]

Nationalist Social Club (NSC-131) Images

Instructors should refer to the images on the slides and encourage participants to call out identifiable traits and characteristics of this group in an attempt to establish stronger familiarity with this hate groups appearance.

Patriot Front

Patriot Front is a Texas-based white supremacist group with members all over the country, but they have become increasingly active in Massachusetts because of the state's ties to the founding of the United States.

Patriot Front was responsible for the overwhelming majority of white supremacist propaganda content being produced and distributed across Massachusetts. This group most frequently distributes banners, fliers, posters, and stickers in communities across the state. On July 2, 2022, approximately 100 members of Patriot Front marched through downtown Boston

[78] ADL. (2023). Hate in the Bay State: Extremism & Antisemitism in Massachusetts, 2021-2022. *ADL Center on Extremism.* Hate in the Bay State: Extremism & Antisemitism in Massachusetts, 2021-2022 | ADL

[79] ADL. (2023). Hate in the Bay State: Extremism & Antisemitism in Massachusetts, 2021-2022. *ADL Center on Extremism.* Hate in the Bay State: Extremism & Antisemitism in Massachusetts, 2021-2022 | ADL

carrying riot shields, Patriot Front flags, and banners reading "Reclaim America" and "Strong Families Make Strong Nations."[80]

Recent data indicates that Massachusetts is one of Patriot Front's most active areas. The Southern Poverty Law Center reports that the group was "really active" in Central Massachusetts, including in Worcester and areas to the west of the city; members will travel from Rhode Island and Connecticut to Western MA. The group posts racist flyers, stencil placements, banner drops, poster placements, training meets, hikes, food drives, road signs, and flyer handouts.[81]



Video- Patriot Front has Long History in MA



Video – Patriot Front Has Long History in MA (2:08 minutes)

The WBZ i-Team investigates the white supremacist hate group Patriot Front, which has shown an increasing prevalence in Massachusetts in recent years. They discuss incidents of hate that have been observed in Massachusetts and across the nation.



Discussion



After they have watched the video, use the two questions below as guiding points for discussion. Instructors may use their discretion on whether to address this discussion as a large group or have participants break off into conversation.



Facilitated Discussion Question

1. **What stood out to you the most as you watched this video?**

   Takeaways:

[80] ADL. (2023). Hate in the Bay State: Extremism & Antisemitism in Massachusetts, 2021-2022. *ADL Center on Extremism.* Hate in the Bay State: Extremism & Antisemitism in Massachusetts, 2021-2022 | ADL

[81] Buskirk, V., C. (2022.) Patriot Front Focused White Supremacist Activity in Mass. This Year; A Look at The Group and its Leaders. *MassLive.* Patriot Front focused white supremacist activity in Mass. this year; a look at the group and its leaders - masslive.com

- *Answers to these questions will vary. There is no right or wrong answer; these questions are meant to encourage officers to share their thoughts and opinions.*

2. **In your role as an officer in Massachusetts, how does this information help you moving forward?**

   Takeaways:

   - *Having familiarization with the Patriot Front group's uniform, signage/propaganda, logo, and catchphrases helps officers recognize this group if specific identifiable traits are reported by a victim.*



Proud Boys

The ***Proud Boys*** are a right-wing extremist group with a violent agenda. They are primarily misogynistic, Islamophobic, transphobic and anti-immigration. Some members promote white supremacist and antisemitic ideologies and/or engage with white supremacist groups. [82] The Proud Boys stage frequent rallies around the country. Many have descended into violent street riots where members openly brawl with counter protesters.

There are 119 active Proud Boys chapters across 46 states recognized by the national Proud Boys organization. Proud Boys have international chapters in Canada, Britain, Ireland, Germany, Norway, Sweden, Australia and the Philippines. [83]

Members frequently wear yellow-trimmed, black Fred Perry polo shirts, other black and yellow clothing, and tactical vests.

In 2021, Proud Boys latched on to anti-mask and anti-vaccine activism, showing up at school board meetings as well as related protests and rallies. On January 6, 2021, footage captured during the capitol insurrection showed New York Proud Boy Dominic Pezzola ripping a riot shield from the hands of a Capitol Police officer, before using it to smash a window through which rioters gained access to the building. Throughout the day, other individuals associated with the Proud Boys played key roles in the insurrection, engaging in numerous acts of destruction and violence, assaulting members of law enforcement and leading groups of rioters. Proud Boys members accounted for the highest number of arrestees in relation to the

[82] ADL. (2023). Proud Boys. *Anti-Defamation League*. Proud Boys | ADL
[83] ADL. (2023). Proud Boys. *Anti-Defamation League*. Proud Boys | ADL

insurrection, with over 57 members and affiliates of chapters across the country arrested to date. [84]

Some self-directed Proud Boys chapters have continued to engage in more localized on-the-ground activity, targeting school board meetings, public forums and local LGBTQ+ events, with a particular focus on drag-related performances.[85]



Proud Boys Images



Instructors should refer to the images on the slides and encourage participants to call out identifiable traits and characteristics of this group in an attempt to establish stronger familiarity with this hate groups appearance.



Antifa

Antifa is a contraction of the phrase "anti-fascist." It refers to a decentralized network of far-left militants that oppose what they believe are fascist, racist, or otherwise right-wing extremists. ***Antifa groups*** frequently conduct counter-protests to disrupt far-right gatherings and rallies. They often wear black clothing, ski masks, scarves, sunglasses, and other material to conceal their faces, use improvised explosive devices and other homemade weapons, and resort to vandalism. Antifa members organize their activities through social media, encrypted peer-to-peer networks, and encrypted messaging services such as Signal. [86]

In general, people who identify as antifa are known not for what they *support*, but what they *oppose*: Fascism, nationalism, far-right ideologies, white supremacy, authoritarianism, racism, homophobia and xenophobia. Some antifa activists also denounce capitalism and the government overall. [87]

Antifa groups have been increasingly active in protests and rallies over the past few years, especially ones that include far-right participants. In June 2016, for example, Antifa and other protestors confronted a neo-Nazi rally in Sacramento, California, where at least five people were stabbed. In February, March, and April 2017, Antifa members attacked alt-right demonstrators at the University of California, Berkeley using bricks, pipes, hammers, and

[84] ADL. (2023). Proud Boys. *Anti-Defamation League*. Proud Boys | ADL
[85] ADL. (2023). Proud Boys. *Anti-Defamation League*. Proud Boys | ADL
[86] Jones, G., S. (2020). Who Are Antifa, and Are They a Threat?. *CSIS.* Who Are Antifa, and Are They a Threat? (csis.org)
[87] Gornstein, L. (2021). What is Antifa? Is it a group or an idea, and what do supporters want?. *CBS News.* What is antifa? Is it a group or an idea, and what do supporters want? - CBS News

homemade incendiary devices. In July 2019, William Van Spronsen, a self-proclaimed Antifa, attempted to bomb the U.S. Immigration and Customs Enforcement detention facility in Tacoma, Washington, using a propane tank. He was killed by police. [88]



Antifa Images



Instructors should refer to the images on the slides and encourage participants to call out identifiable traits and characteristics of this group in an attempt to establish stronger familiarity with this hate groups appearance.



Moms for Liberty

Moms for Liberty (M4L) is a conservative "parents' rights" organization, that has emerged as a visible player in U.S. education politics. Moms for Liberty is a national organization that oversees dozens of semi-autonomous county chapters; amounting to about 103,000 members across 278 chapters in 45 states.[89]

Since its founding in 2021, M4L has engaged in local school board politics and elections across the country. An Indiana chapter of M4L was in the news after featuring an Adolf Hitler quotes in its newsletter. M4L has been at the forefront of the conservative movement targeting books that reference race and gender identity and electing right-wing candidates to local school boards nationwide. [90]

The Southern Poverty Law Center, designated Moms for Liberty as an "anti-government extremist" group in its annual report. Members use parents' rights as a vehicle to attack public education and make schools less welcoming for minority and LGBTQ+ students.[91]

[88] Jones, G., S. (2020). Who Are Antifa, and Are They a Threat?. *CSIS.* Who Are Antifa, and Are They a Threat? (csis.org)
[89] Valant, J., et. al. (2023). Moms for Liberty: Where are they, and are they winning?. *Brookings.* Moms for Liberty: Where are they, and are they winning? | Brookings
[90] Swenson, A. (2023). Moms for Liberty rises as power player in GOP politics after attacking schools over gender, race. *PBS.* Moms for Liberty rises as power player in GOP politics after attacking schools over gender, race | PBS NewsHour
[91] Swenson, A. (2023). Moms for Liberty rises as power player in GOP politics after attacking schools over gender, race. *PBS.* Moms for Liberty rises as power player in GOP politics after attacking schools over gender, race | PBS NewsHour



Super Happy Fun America

Super Happy Fun America is a right-wing, Massachusetts-based group which first drew national attention for organizing a 2019 Straight Pride Parade in Boston. [92] Based in Lexington Massachusetts, where the "shot heard round the world" was fired sparking the Revolutionary War, the group likes to consider themselves to be the re-founding fathers.[93]

This group has immersed itself in the right of center civil rights organization focusing on defending the Constitution, opposing gender madness and defeating cultural Marxism. This group has developed a 10-point plan to save America. These 10 ideals include:[94]

1. Return to constitutional rule
2. Defeat cultural Marxism
3. Reform elections
4. Regulate big tech
5. Establish a true free press
6. Return to a gold standard
7. Base immigration policy on American needs
8. Reform the public school curriculum
9. Establish term limits
10. Re- establish traditional values

Super Happy Fun America now boasts about 400 "card-carrying" members. Group leaders founded the group in 2019 and incorporated it as a Massachusetts nonprofit, telling the secretary of state's office that it would "advocate on behalf of the heterosexual community."[95]

The group adopted a similarly provocative motto, "It's great to be straight," which the groups leader said draws from its belief that heterosexuals and "the nuclear family" are under threat in America.

Beyond the claims of heterosexual victimhood, Super Happy Fun America's members embrace a broad set of right-wing values: [96]

- Do not want women to be able to obtain abortions.

[92] Hauslohner, A. (2021). 'This is a political prosecution': After its members were charged in the Capitol riot, one group says it is more popular than ever. *The Washington Post.* After its members were charged in the Capitol riot, the group Super Happy Fun America says it is more popular than ever - The Washington Post
[93] *Ibid.*
[94] SHFA. (2023). Our Ten Point Plan to Save America. *Super Happy Fun America.* Home | Super Happy Fun America
[95] Hauslohner, A. (2021). 'This is a political prosecution': After its members were charged in the Capitol riot, one group says it is more popular than ever. *The Washington Post.* After its members were charged in the Capitol riot, the group Super Happy Fun America says it is more popular than ever - The Washington Post
[96] *Ibid.*

- Do not want schools to teach children about racism because 'racism is no longer a problem in America.'



Super Happy Fun America Images



Instructors should refer to the images on the slides and encourage participants to call out identifiable traits and characteristics of this group in an attempt to establish stronger familiarity with this hate groups appearance.



Extinction Rebellion

"In the U.K., ***Extinction Rebellion (or XR)*** is a household name, able to generate enough pressure to reach milestones that traditional environmental campaigners spent decades chasing."[97]

Extinction Rebellion describes itself as "a politically non-partisan international movement that uses non-violent direct action to persuade governments to act justly on the Climate and Ecological Emergency."[98]

The group has four demands in the US: [99]

1. Tell the truth: The government must tell the truth by declaring a climate and ecological emergency, working with other institutions to communicate the urgency for change.
2. Act now: The government must take immediate action to halt biodiversity loss and to reduce greenhouse gas emissions to net zero by 2025.
3. Beyond politics: The government must create and be led by the decisions of a Citizens' Assembly on climate and ecological justice.
4. Just transition: There must be a just transition that prioritizes the most vulnerable people and establishes indigenous sovereignty and remediation led by and for communities suffering environmental injustice.

[97] Nugent, C. (2020). A Revolution's Evolution: Inside Extinction Rebellion's Attempt to Reform Its Climate Activism. *TIME.* How Extinction Rebellion Is Changing Its Climate Activism | TIME

[98] Palumbo, A. (2022). Boston Climate Protesters Block Traffic in Seaport District. *NBC 10 Boston.* Boston Climate Protest Disrupts Traffic, Results in 15 Arrests – NBC Boston

[99] Extinction Rebellion. (N/A). Our Demands. *Extinction Rebellion.* Extinction Rebellion Boston :: Join Us (xrboston.org)

Chapters of the Extinction Rebellion group have staged demonstrations across the globe. Members state that life on Earth is in crisis and facing a mass extinction.[100]



Extinction Rebellion Images



Instructors should refer to the images on the slides and encourage participants to call out identifiable traits and characteristics of this group in an attempt to establish stronger familiarity with this groups appearance.



No Coal No Gas

The ***No Coal No Gas*** campaign was formed in 2019 as a regional coalition of affinity groups, partner organizations, and individual humans. The group defines themselves as a direct-action campaign dedicated to ending the burning of fossil fuels in New England. [101]

The group argues that "climate change and air pollution from the continued burning of fossil fuels affect everyone - but the first and worst impacts are born by people in the Global South, poor folks, Black and Indigenous communities, and People of Color. Climate change is a justice issue that demands our immediate action." [102]



Why are we discussing this?

The focus on each of these hate groups and movements stems from the fact that these groups have been highly active across Massachusetts. Being able to recognize the groups logos, appearance, and having an understanding of their mission grants you the ability to recognize propaganda or harmful rhetoric when they occur in your community. Recognizing the signs and being in tune with what is going on/present in your community helps you better prepare for situations that may arise.

[100] BBC. (2022). What is Extinction Rebellion and What Does it Want?. *BBC.* What is Extinction Rebellion and what does it want? (bbc.com)
[101] NCNG. (N/A). About the Campaign. *No Coal, No Gas.* About the Campaign — No Coal, No Gas (nocoalnogas.org)
[102] NCNG. (N/A). About the Campaign. *No Coal, No Gas.* About the Campaign — No Coal, No Gas (nocoalnogas.org)

RESOURCES FOR OFFICERS

OBJECTIVE #4: Discuss the current resources made available to Massachusetts police officers and victims when investigating hate crimes.



Creation of HART Unit

In November 2023, the Healey-Driscoll Administration announced a new statewide initiative to confront and deter hate crimes. The Massachusetts State Police formed the Hate Crime Awareness and Response Team (HART). HART is assigned under the Department of Homeland Security, anti-Terrorism Unit and is comprised of 5 sworn Massachusetts State Police members that are geographically located across the state to be able to do appropriate outreach to all Massachusetts communities.[103]



HART Mission[104]

The HART team:

- Is dedicated to enhancing federal, state and local partnerships
- Works to strengthen relationships with community leaders for a more effective and efficient response to hate crimes and hate-based incidents
- Enhances statewide data collection and information sharing in order to identify statewide, national, and global patterns and trends
- Increases stakeholder collaboration and educational outreach
- Partners with the Municipal Police Training Committee to equip law enforcement with best practices for hate crime response

The HART team also aims to enhance relationships with local District Attorneys offices and the Attorney General's (AG) Office. Attorneys assigned to these offices are a great resource for officers to make sure charges for hate crimes are charged appropriately.

The ultimate goal is to develop this team approach across the Commonwealth. Through data collection, making sure crimes are being reported and recorded correctly, working with EOPSS and the MPTC to help streamline processes, and offering more training opportunities, we can

[103] HART Team. (2023). Hate Crime Awareness and Response Team (HART). *Massachusetts State Police.*
[104] HART Team. (2023). Hate Crime Awareness and Response Team (HART). *Massachusetts State Police.*

expand the knowledge of our law enforcement officers. When officers know more, they are better equipped to help their community.



Suspicious Activity Reporting Commonwealth Fusion Center (CFC) [105]

State and major urban area fusion centers serve as primary focal points within the state and local environment for the receipt, analysis, gathering, and sharing of threat-related information among state, local, tribal, territorial, and federal partners.

A suspicious activity report (SAR) is used to document any reported or observed activity or criminal act that an officer believes may reveal a nexus to terrorism. The information reported may be the result of observations or investigations by police officers or may be reported to them by private parties.



Reporting of SARs[106]

The CFC encourages all SARs, including threats to schools or houses of worship, be reported to the local police department.

Local police departments should report all SARs to their fusion center of jurisdiction.

Any SARs involving threats of an immediate nature should be reported to the fusion center of jurisdiction & Joint Terrorism Task Force (JTTF) immediately.



Role of the CFC & JTTF[107]

This graph illustrates what occurs when a SAR is reported by a local police department and how the FBI, JTTF, and Fusion center work in conjunction to access and/or investigate the threat or activity.

This system would not work efficiently without buy in from the public, business, local police departments etc. All of these relationships with the Fusion Center and JTTF are what enables the HART unit to access these threats as they come in.

[105] HART Team. (2023). Hate Crime Awareness and Response Team (HART). *Massachusetts State Police.*
[106] HART Team. (2023). Hate Crime Awareness and Response Team (HART). *Massachusetts State Police.*
[107] HART Team. (2023). Hate Crime Awareness and Response Team (HART). *Massachusetts State Police.*

An important thing to note is that while the HART unit would like to be notified of reports of hate crimes and hate incidents by local police departments, this protocol of reporting suspicious activity to the CFC should still be followed.



Attorney General's Office Criminal Bureau

Information and Resources surrounding the AGO's Anti Hate work is located at https://www.mass.gov/addressing-hate-in-our-communities

The Criminal Bureau has recent experience with referrals related to hate groups:[108]

- "Tagging" vandalism conduct by white nationalist organization, Patriot Front
- Military-style marching and parading by masked members of hate groups
- Violent confrontations in public spaces instigated by local neo-Nazi group, NSC-131



Attorney General Office Resources

After you document and complete your hate crimes investigation as an officer, you can direct the victim to the Office of the Attorney General ("AG"). There are actions the AG's office may be able to take on behalf of the victim.

The AG's office can file an Injunction in Superior Court, pursuant to MGL c 12 § 11H, which is an order of protection for a victim that prohibits the perpetrator from engaging in further acts of threats, intimidation, or coercion. An injunction is handed to the offender, much like a restraining or harassment prevention order. Violating the injunction is a criminal offense. An officer with probable cause to believe that a defendant has violated an injunction shall have the authority to arrest the defendant (MGL c 12 § 11J).

The Attorney General's Civil Rights Division provides information to residents and visitors in Massachusetts about civil rights and civil liberties, including answering questions from the public directly, making referrals to other organizations or government agencies, and offering information to assist residents in locating an attorney.

The AG's Civil Rights Division accepts, and reviews complaints alleging civil rights violations and brings enforcement actions under state and federal laws that prohibit discrimination in employment, housing, financial services, public education, and public accommodation on the basis of disability, race, national origin, gender, religion, gender identity, sexual orientation, age, veteran or marital status, and receipt of public assistance.

[108]HART Team. Hate Crime Awareness and Response Team (HART). *Massachusetts State Police.*

Individuals can file a civil rights complaint on the AG's website, or they can call with any questions: (617) 963-2917.

In August 2021, the US Attorney's Office announced the creation of the "End Hate Now" Hotline: 1-833-634-8669. Callers may leave their information or remain anonymous. It is available in English, Spanish, Cantonese, and French.



Conclusion

The First Amendment, with the few, narrow exceptions we identified earlier, protects the freedom of speech, even when that speech is filled with hate.

The image on the screen depicts a Black police officer working a security detail in front of a KKK rally in Charlottesville, VA, in 2016. As Officer Nash, a local school resource officer, worked this detail he protected the KKK's First Amendment rights. Officer Nash rejected commentary surrounding the photo*, "I swore to protect my city and that's what I was there to do. I don't think it makes me a hero, just doing what I believe in."*[109] Despite the discomfort he felt, Officer Nash remained impartial and protected his community members as he had sworn to do.

It is important to remember that no matter what your personal views on a particular topic may be, you took an oath and have a duty to uphold the Constitution, and to serve and protect your community. This duty includes protecting the First Amendment rights of people you disagree with.

Hate crimes and hate incidents, including hate speech, bring major challenges to law enforcement because of their unique impact on victims and the larger community. A swift and strong response from law enforcement can help stabilize and calm the community and aid in a victim's recovery. Failure to respond to hate crimes within department guidelines may jeopardize public safety and leave officers and departments open to increased scrutiny and possible liability. Officers should thoroughly document evidence in all bias-motivated incidents, even if criminal charges cannot be brought forward.[110]

[109] Katz, A. (2017, August 16). The story behind the viral photo of the officer and the KKK. *Time Magazine*. https://time.com/4899668/charlottesville-virginia-protest-officer-kkk-photo/.

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