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HATE CRIME REPORTING AS A SUCCESSFUL SOCIAL MOVEMENT OUTCOME

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Variation in compliance with public policies across local settings is examined through an analysis of the number of reported hate crime incidents in United States counties. Particular attention is given to the role that activist organizations play in promoting, or impeding, compliance with public policies. Each hate crime reported to the federal government is conceptualized as a successful outcome of social movement mobilization. Drawing upon political mediation theory and Fine’s model of discursive rivalry, the analysis shows how social movement resources, framing processes, political incentives, and features of local contexts combine to promote successful social movement outcomes. The presence of resourceful civil rights organizations in a county can lead to higher numbers of reported hate crimes, but the influence of civil rights organizations is contingent upon the political context and upon objective conditions that lend credibility to civil rights framing.

OVER THE PAST several decades, a growing number of researchers have studied ways in which public policy formation is influenced by socially constructed definitions of public problems (Burstein 1991; Burstein and Bricher 1997; Jenness and Grattet 2001). A core insight advanced by this research is that development of new public policy often has little to do with a change in objective circumstances that renders existing policies ineffective. Additionally, some conditions that cause pain and suffering for large numbers of people may never be defined as public problems and are therefore unlikely to be addressed by new policy initiatives (Edelman 1988). Within

policy domains, public problems are defined by political representatives, government officials, interest groups, and social movement organizations as part of a broader process of generating support for a particular political agenda (Burstein 1991).

To influence public policy, political actors must not only define a particular problem, but they must also offer a diagnosis of the problem and make a convincing case that the policy they are advocating will serve as an effective remedy (Cress and Snow 2000; Stone 1989). Stone (1989) argues that “problem definition is a process of image making, where the images have to do fundamentally with attributing cause, blame, and responsibility” (p. 282). Political actors develop

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causal arguments as a means of demonstrating the merits of their proposed policies (Burstein 1991; Stone 1989). Public policy emerges through a competitive process in which various political contenders attempt to generate interest in their particular problem and to persuade others that their proposed policy represents the optimal solution (Burstein and Bricher 1997; Gamson and Modigliani 1989; Laumann and Knoke 1987; Weiss 1989). Those who possess ample material resources or who hold institutionally based power have a distinct advantage in this competition because these resources can be used to formulate a persuasive causal argument and to ensure that the argument captures the attention of lawmakers and the general public (Burstein 1991; Jacob 1988; Lauman and Knoke 1987). Like any causal argument, arguments advanced on behalf of a public policy can potentially be falsified by empirical observations (Babb 1996; Dobbin 1993). To be effective, the arguments should appear plausible to targeted audiences (Best 1999; Gamson 1992a; Snow et al. 1986).

Although there has been an abundance of research on the social construction of public problems in policy formation, less attention has been given to what happens after policies are enacted. Does the enactment of a public policy represent the end of the contest, or is it merely the opening stage of an ongoing battle? We address two general questions: First, what determines compliance with a public policy once it is put into place? Second, what factors explain variation in compliance with public policy across local settings? We propose that the enactment of public policy represents merely one phase in an ongoing process of defining public problems. We are particularly interested in the role that activist organizations play in promoting, or impeding, compliance with public policies.

We address these general questions through an analysis of reported hate crime incidents in the United States. As previous research indicates, civil rights activist organizations played a vital role in promoting hate crime legislation at the state level and also in promoting federal legislation that requires the government to collect data on hate crime incidents (Jenness and Broad 1997;

Jenness and Grattet 2001). At the present time, however, hate crime laws are enforced much more diligently in some locales than in others (Boyd, Berk, and Hamner 1996; Franklin 2002; Nolan and Akiyama 1999). We develop a theoretical framework that allows us to identify several features of local contexts that contribute to higher numbers of reported hate crime incidents. We believe that the implications of our research extend beyond hate crime reporting, and we discuss these broader implications in the concluding section of the paper.

FEDERAL HATE CRIME LEGISLATION

The Hate Crime Statistics Act (HCSA) became law in 1990 after receiving broad bipartisan support in the United States House of Representatives and Senate and a ringing endorsement from President George H. Bush (Levin and McDevitt 1993:199). The President described the act as a "significant step to help guarantee civil rights for every American" (*Washington Post*, April 24, 1990, Section 1, page A6). The law requires the Attorney General to collect data "about crimes that manifest evidence of prejudice based on race, religion, sexual orientation, or ethnicity, including where appropriate the crimes of murder, non-negligent manslaughter, forcible rape, aggravated assault, simple assault, intimidation, arson, and destruction, damage, or vandalism of property" (U.S. Department of Justice 1997:2). In 1994, the HCSA was amended to include crimes motivated by bias against individuals with physical or mental disabilities.

Thirteen years after passage of the HCSA, it remains unclear how effective the law has been. Supporters of the bill believed it would provide a mechanism for gathering data that could be used to develop policy and provide information that could help law enforcement agents prevent, combat, and prosecute crimes of bias (Fernandez 1991; Jenness and Broad 1997:38). Prior to 1990, many states collected data on hate crimes, but state-level differences in defining and reporting hate crimes made it difficult to compare the data and form a comprehensive understanding of the problem (Grattet, Jenness, and Curry 1998;

Jenness and Grattet 2001). Yet even with a federal mandate for collecting hate crime data, comparisons across geographic boundaries remain problematic. For instance, a total of 1,943 hate crimes were reported to the federal government for the state of California in the year 2000, while not a single hate crime was reported for the state of Alabama, despite the fact that advocacy organizations identified several criminal acts of bias that occurred within that state (Southern Poverty Law Center 2001). Alabama, however, is only one example of a more widespread problem. A major study undertaken by researchers at the Center for Criminal Justice Policy Research (CCJPR) at Northeastern University has identified serious problems in the quality and accuracy of the hate crimes data (McDevitt et al. 2000).¹

Part of the problem stems from the fact that the HCSA requires the federal government to collect data on hate crimes, but it does not require local law enforcement agencies to participate. In addition, the act does not allocate any federal money to local agencies that could be directed toward enforcement of hate crime legislation or toward keeping records of hate crime incidents. And, the HCSA does not specify the mechanism for collecting hate crime data. The Attorney General placed the responsibility in the hands of the Federal Bureau of Investigation (FBI). Hate crime incidents were incorporated into the FBI's Uniform Crime Report (UCR) program, which already had procedures in place for collecting crime data. Local law enforcement agencies are not required to submit data to the UCR,

but participation rates tend to be high (Levin and McDevitt 1993:200–201).²

Since 1991, participation in the hate crime data collection program has increased steadily (McDevitt et al. 2000). In the year 2000 nearly 17,000 law enforcement agencies reported data to the UCR program, and 11,690 agencies submitted summary and incident-based reports to the Crime Data collection program (FBI 2000:1). According to the FBI, "Collectively, these agencies represented 236.9 million people in the United States, 84.2 percent of the population" (FBI 2000:1–2). These figures are deceptive, however, because many agencies simply "participate" by filing reports indicating that no hate crimes occurred, even when evidence refutes such claims or there is at least good reason to be skeptical (McDevitt et al. 2000).

Perhaps the most formidable barriers to effective hate crime enforcement and reporting are the difficulties that law enforcement agents face in determining whether an event qualifies as a hate crime incident. As Bell (2002) describes it, "Bias crimes require police officers to examine not only what happened, but also why it happened. Furthermore, the search for what happened is complicated by contested stories and by victims who are sometimes afraid to acknowledge the bias nature of the crime for fear of revictimization" (p. 13). The FBI does offer guidelines to local agencies on how to identify hate crime incidents. It advises agencies to adopt a two-tier approach in which the police officer on the scene makes an initial determination as to whether bias motivation is suspected. A second officer, or a special

¹ Despite the criticisms we enumerate, inter-societal comparisons conducted among various Western societies (e.g., Australia, Canada, England, France, and Germany) reveal that the United States has taken the lead in developing the most comprehensive reporting procedures, enforcement policies, and laws designed to combat bias-motivated behavior (Gilmour 1994). The leading role of the United States can be explained, in part, by the links between advocates of hate crime legislation and American social movement organizations, including the civil rights movement, the women's movement, and the victim's rights movement (Grattet and Jenness 2001; Jenness and Grattet 2001).

² As Levin and McDevitt (1993) describe, placing hate crime data collection into the hands of the FBI was somewhat controversial because many of the civil rights organizations that had promoted the bill were less than impressed with the FBI track record on civil rights. The FBI's efforts received high praise from these same organizations, however, in the early stages of implementation. More recently, activist organizations such as the Southern Poverty Law Center have begun to focus more attention on the inadequacies of the data collection program, but fault is directed toward the method of collection rather than toward the FBI's commitment to the task (see Southern Poverty Law Center 2000).

unit that has more expertise on hate crimes, then evaluates the case to determine whether it qualifies as a hate crime. If the case is determined to be a hate crime, information about the incident is included in Hate Crime Reports that are submitted to the FBI's Uniform Crime Report program (U.S. Department of Justice 1997). The UCR then publishes a complete summary of reported hate crime incidents for each year. These incidents may or may not involve arrests or convictions. It is important to keep in mind that the FBI suggests, rather than mandates, the two-tiered process. Most police departments do not have specialized units for enforcing hate crime laws or for collecting hate crime statistics (Bell 2002:28; Jenness and Grattet 2001).

The FBI also offers general guidelines for making decisions at both levels of the two-tiered process. Most of these guidelines require police officers to consider the broader context in which the incident took place in an effort to ascertain the offender's motive. For example, the training guide (U.S. Department of Justice 1997) instructs officers to consider questions such as the following:

Does a substantial proportion of the community where the crime occurred perceive that the incident was motivated by bias?

Were there indications that a hate group was involved?

Does a historically established animosity exist between the victim's and the offender's group? (P. 20)

Identification of hate crime incidents is heavily dependent on the way in which law enforcement agents interpret the event, and many law enforcement agents are less than enthusiastic about hate crime legislation (Bell 2002; Boyd et al. 1996).

The report prepared by the Center for Criminal Justice Policy Research identifies several factors that affect victims' willingness to report hate crimes and law enforcement agents' willingness to define incidents as hate crimes. Victims, for example, may fear that the police or criminal justice officials sympathize with the perpetrators. Or, victims may "fear secondary victimization due to a lack of sympathy or empathy on the part of the cultural majority" (McDevitt et al. 2000:30). Law enforcement officers may

be reluctant to define events as hate crimes because of a lack of commitment on the part of their supervisors, a personal belief that hate crime laws are unimportant or illegitimate, a concern over the political ramifications, or because of an "overt or covert message from government officials (mayor, county executive, etc.) not to report or to keep figures low" (McDevitt et al. 2000:30; also see Nolan and Akiyama 1999).

Political considerations weigh heavily on decisions about hate crime enforcement and reporting. As Bell (2002:3) notes, there is a strong disincentive for police to identify crimes as bias-motivated because a high number of reported incidents can tarnish the image of the community. Enforcing hate crime laws can also produce a political backlash in some locales because voters may perceive that government authorities are choosing sides in episodes of intergroup conflict (Bell 2002). Yet in other circumstances, failure to report hate crime incidents can be politically perilous. For example, the recent response of Los Angeles District Attorney Steve Cooley to a near-fatal beating of a gay man in West Hollywood sparked considerable controversy. The perpetrators were charged with attempted robbery, assault with a deadly weapon, and conspiracy to commit robbery, but were not charged with a hate crime. Cooley's decision not to pursue hate crime charges outraged many residents of West Hollywood. At a protest rally, West Hollywood City Manager Paul Arevalo vowed that the city of West Hollywood would call on "Governor Gray Davis and the State Attorney General's office to step in and lead in the prosecution of this hate crime" (CNN 2002).

HATE CRIME AS A SUCCESSFUL SOCIAL MOVEMENT OUTCOME

It is clear that differences in the number of hate crimes reported in various regions do not simply reflect differences in the number of criminal acts motivated by bias. They may instead reflect different incentives to call acts of bias to the attention of local authorities, as well as different incentives that influence law enforcement agents to respond to, and to report, hate crimes. In our analysis, we treat a reported hate crime as a mea-

sure of a successful social movement outcome rather than as a valid measure of a particular type of crime.

Recent research on hate crimes in the United States has drawn attention to the important role that civil rights and other advocacy organizations have played in the development of hate crime legislation (Grattet, Jenness, and Curry 1998; Jenness and Broad 1997; Jenness and Grattet 2001). Social movement organizations acting on behalf of racial, ethnic, and religious minorities, women, gays and lesbians, and other constituencies actively promoted hate crime legislation at the state and national level (Jenness and Broad 1997). These organizations were able to influence policy not only by applying direct pressure on legislators, but also by framing discussion about the issue. Interpretive frameworks offered by these social movement organizations (see Snow et al. 1986) were ultimately endorsed by politicians and law enforcement agents (Grattet et al. 1998; Jenness and Grattet 2001). The frames developed by these organizations not only influenced the debate about what constitutes a hate crime, but also helped to create a sense of urgency by promoting the view that crimes of bias are on the rise and reaching "epidemic proportions" (Jenness and Grattet 2001:124). While researchers disagree on whether such an increase has actually taken place (see Jacobs and Henry 1996; Jenness and Broad 1997; Levin and McDevitt 1993), lawmakers and judges have largely accepted the claims made by advocacy organizations and have used them to justify action based on the state's compelling interest in dealing with the problem (Jenness and Grattet 2001:124).

DEFINING SOCIAL MOVEMENT SUCCESS

In one of the first major studies of social movement consequences, Gamson (1975) operationalized movement success in two ways. A movement was considered to have been successful if it (1) gained acceptance and recognition from the state and/or (2) secured new advantages for constituents. More recent research on social movement outcomes has focused primarily on new advantages resulting from social movement efforts (Amenta, Carruthers, and Zylan 1992;

McCammon et al. 2001). As Amenta et al. (1992) point out, acceptance and recognition by the state can be unsatisfying if not accompanied by new advantages. In fact, recognition can be used as a tactic to avoid making real concessions to a movement. For example, recognition may be used as a way of persuading a movement to abandon militant tactics when militant tactics provide the primary source of leverage that the movement holds against the state.

It is clear that the social movement organizations promoting hate crime legislation successfully gained recognition and acceptance by the state. Yet proponents of hate crime legislation are concerned about more than gaining a symbolic victory (Gusfield 1963) and would also like to secure greater benefits for constituents—namely, real protection from violence and other crimes of bias. Problems in the enforcement and reporting of hate crimes pose a serious threat to the perceived legitimacy of the legislation and can limit the protection individuals receive. Each hate crime reported to the federal government, therefore, can be viewed as a successful social movement outcome. This is not to say that social movement activism is the direct cause of every reported incident. We are saying, however, that reported hate crimes can be viewed as successful movement outcomes because each reported incident represents a deliberate choice made by local authorities to take positive action on legislation that endorses the validity of claims and demands asserted by various civil rights organizations. In each case, an event occurred that could potentially be defined as a hate crime, the event came to the attention of local law enforcement agents, was defined by law enforcement agents as a hate crime, and was reported to the federal government. In a different context the same event could have gone unnoticed, been noticed by law enforcement agents but not considered to be criminal, or could have been treated as a criminal act but not a hate crime (e.g., see Kitsuse and Cicourel 1963).

In many respects, advocating stronger enforcement of hate crime legislation is a more difficult task than advocating the adoption of hate crime legislation. When applying pressure for hate crime legislation, activist organizations could concentrate their efforts on a

limited number of elected officials, first at the state level and then at the federal level. Organizational resources could be concentrated in a limited number of locations, such as the nation's capitol and state capitols, and could be directed toward influencing elected officials. As previously noted, enforcement and effective reporting of hate crimes are heavily dependent on law enforcement agents who must ultimately define whether an act constitutes a hate crime (Bell 2002; Franklin 2002; Haider-Markel 1998, 2002; Jenness and Grattet 2001:130; Kitsuse and Cicourel 1963; Martin 1996). Political motivations to prioritize hate crime enforcement can also vary substantially across geographic and political boundaries (Boyd et al. 1996; Haider-Markel 1998; Martin 1995; McDevitt et al. 2000).

EXPLAINING VARIATION IN REPORTED HATE CRIMES

In agreement with several other researchers, we believe it is useful to recognize that hate crimes are social constructions (Jenness and Broad 1997; Jenness and Grattet 2001; Martin 1995; Phillips and Grattet 2000;). We adopt what Fine (1996) describes as a "weak" version of the social constructionist perspective (also see Best 1989). In other words, we maintain that hate crimes are rooted in an objective reality. Indeed, the consequences of hate crimes can be all too real for the victims, their families, and their loved ones. Yet we also appreciate that the meaning attached to events and actions arises through processes of discursive contestation and struggle (Fine 1996), and ultimately it is the meaning attached to the action, rather than the action itself, that determines the response from legal authorities.

This weak version of the social constructionist perspective is frequently applied in studies of social movements and collective action. The central insight of the framing perspective in social movement research is that, regardless of objective circumstances, individuals are unlikely to participate in collective action unless they first come to view their circumstances in terms of a collective problem that could be solved through collective action (Gamson 1992b; McAdam 1982; Snow et al. 1986). Researchers utilizing the

framing perspective focus attention on how social movement organizers and recruiters attempt to generate support through interpretive processes, as they package or frame issues in a way that inspires individuals to join their cause and participate in a collective endeavor. Objective circumstances do come into play, however, as collective action frames are presumed to be more effective if they are consistent with what potential recruits observe in their daily lives (Babb 1996; McVeigh 2001; Snow et al. 1986; Snow and Benford 1988). Although the framing perspective has been applied in many studies of movement emergence and mobilization, little attention has been given to the role that framing processes play in determining the consequences of social movement mobilization (for exceptions, see Cress and Snow 2000; McVeigh 2001).

POLITICAL MEDIATION THEORY

Most studies of social movement consequences have focused primarily on the organizational strength of a movement (Gamson 1975; McCammon et al. 2001) or on the political context in which the movement operates (Giugni 1998; Goldstone 1980; Kitschelt 1986; Kriesi et al. 1995; McAdam 1982; McCammon et al. 2001). Political mediation theory (Amenta et al. 1992; Amenta, Dunleavy, and Bernstein 1994) combines these two approaches and proposes that it is the interaction between organizational strength and political context that affects the likelihood of movement success. According to the theory, social movement organizations are unlikely to win concessions from representatives of the state unless they are strong enough and resourceful enough to force state actors to take them seriously. But organizational strength, by itself, is insufficient to win concessions from the state if state actors are invulnerable to displacement.

Movements are able to exert more influence on elected officials when the withdrawal of the movement's support can determine the outcome of electoral contests. For example, McAdam (1982) notes that Richard Nixon had little incentive to take positive action on behalf of the civil rights movement because he was elected to the presidency while receiving a very small pro-

portion of votes from African Americans. In addition, Nixon recognized that endorsing the civil rights agenda could alienate traditional Republican voters and could interfere with his plan to gain new support for the Republican Party among white voters in southern states (also see Quadagno 1994). John Kennedy, on the other hand, could not have been elected to the presidency without the votes of African Americans. As a result, he was more vulnerable to pressure from civil rights movement leaders. Similarly, studies by Amenta and his colleagues (1992, 1994) have shown that state actors are most likely to grant concessions to movements when they are generally sympathetic to the goals of the movement and when support from a movement's adherents could potentially affect their chances of winning electoral contests.

In many respects, political mediation theory matches up well with our understanding of the processes involved in hate crime reporting. We expect that hate crime reporting should be highest in local contexts where activist organizations are able to apply concerted pressure on public officials. We also expect that hate crime reporting should be highest when there are political incentives for local officials to concede to the demands of activist organizations. Yet, in studying hate crime reporting as a successful social movement outcome, we also believe it is necessary to supplement political mediation theory with a theoretical framework that can account for how processes of meaning construction affect social movement outcomes. Hate crime reporting involves more than organizational strength and political vulnerability. It also involves social movement framing processes because enforcement of hate crime legislation requires an alignment between activist organizations' definitions of what constitutes a hate crime and the definitions held by local politicians and law enforcement agents.

DISCURSIVE RIVALRY

Fine's (1996) model of discursive rivalry illuminates the role that framing processes play in hate crime reporting. Fine developed the model to explain how reputations of public figures are shaped and solidified over

time. He argues that reputations reflect the outcome of a discursive rivalry, or contest, among various groups that act as "reputational entrepreneurs" in attempting either to impugn or defend the character of the public figure. These entrepreneurs battle over reputations for the sake of the symbolic significance of the outcome, as their own agendas may be linked to the reputation of the public figure. When there are no influential individuals or groups willing or able to defend the reputation, opponents are able to construct a one-sided, negative image of the public figure, which strongly influences the way in which he or she is ultimately perceived by the general public.

Fine's model builds on a broader literature on the construction of social problems (Becker 1963; Fine and Christophorides 1991; Gusfield 1981; Hilgartner and Bosk 1988; Johnson 1989; Kitsuse and Cicourel 1963; Pfohl 1977). This work highlights the extent to which the meaning attached to events and circumstances is an outcome of a competitive struggle that takes place in a public arena. The outcome of these contests depends largely on three elements—motivation, narrative facility, and institutional placement (Fine 1996:1162). Before individuals and groups become involved in struggles over meaning, there must be a motive to do so: Their own self-interest or the interests of the group must be linked in some way to the outcome of the contest. Narrative facility refers to the skills displayed by different actors as they attempt to shape perceptions of the event, object, or reputation. But the conceptualization also acknowledges that the success of these efforts is rooted in objective circumstances. Fine argues, for example, that a public figure's reputation is more difficult to impugn if she or he gives opponents little material to work with. The success of efforts to attach meaning to events depends largely on the availability of a credible narrative or a plausible story line (Fine 1996:1159). Institutional placement also plays an important role because not all voices have an equal chance of being heard in contests to establish the meaning of events, objects, or reputations. The resources and the institutional base available to actors involved in the struggle greatly influence their capacity to succeed in attempts to de-

fine the meaning of events and objects (Fine 1996:1161; Pfohl 1977).

In combination with political mediation theory, a theory of discursive rivalry can be used to generate predictions about how hate crime reporting varies across geographic and political boundaries. Both theories would predict that more hate crimes would be reported in local settings where resourceful activist organizations can apply pressure on local authorities. Both theories would also predict more reported hate crimes when local authorities have a political incentive to aggressively enforce and report hate crimes. Political mediation theory predicts that the combination of political incentives and the presence of resourceful civil rights organizations in local settings would produce especially high rates of hate crime reporting. Civil rights organizations would be ineffective, however, in settings in which political incentives to enforce hate crime legislation are absent. The model of discursive rivalry calls attention to the importance of narrative facility, which closely resembles the concept of "framing" used by social movement researchers. Both the enforcement and reporting of hate crimes depend heavily on the meaning attached to crimes of bias in local settings. Claims made by activist organizations about the importance of hate crime legislation will appear plausible only if they seem consistent with information that is available to individuals within a given setting. The resonance of social movement frames, in other words, depends to a great extent on the perceived empirical credibility of the frame (Babb 1996; Cress and Snow 2000; Gamson 1992a; McVeigh 2001; Snow and Benford 1988; Snow et al. 1986).

The presence of resourceful civil rights organizations and political incentives to enforce hate crime laws make it more difficult for local authorities to adopt the "safe" strategy of formally cooperating with the federal government's efforts to collect hate crime data without aggressively enforcing hate crime legislation. Although it may be in the interest of local authorities to participate in the program by filling out the required paperwork, there are several reasons why local authorities might be reluctant to enforce these laws. Some, for example, may be concerned that reports of hate crimes will bring

unfavorable publicity to the community and interfere with efforts to promote commercial growth and tourism (Bell 2002). Others might be concerned about alienating their own constituents by conceding to the demands of groups from outside their own community. If local political authorities cannot count on winning the votes and political support from groups promoting hate crime legislation, and if their own constituents tend to be opposed or indifferent to the legislation, there are strong disincentives for diligently enforcing hate crime laws.

High rates of hate crime reporting should also depend on objective features of local contexts that add credibility to claims made by activist organizations about the importance of hate crime enforcement and reporting. Racial and ethnic heterogeneity, for example, can contribute to the narrative facility of civil rights organizations in a number of ways. In an ethnically heterogeneous community there are more opportunities for interethnic conflict (Beck 2000; Olzak 1992; Soule and Van Dyke 1999; Van Dyke, Soule, and Widom 2001) but also opportunities for harmonious interethnic relationships such as intermarriage (Blau 1977; Blau and Schwartz 1984). Frames concerning the importance of hate crime legislation should resonate strongly in ethnically heterogeneous communities, therefore, because individuals residing in the community are likely to be aware of acts motivated by racial or ethnic bias and there should also be a ready-made base of support for collective responses to problems associated with interethnic conflict. Similarly, higher rates of interracial violence in local settings should contribute to higher numbers of reported hate crimes. Not all acts of interracial violence are motivated by racial bias, yet interracial violence within the community can add credibility to claims made by advocates of hate crime legislation.

Active white supremacist organizations within the local context can also add to the narrative facility of civil rights organizations. On one hand, members of racist groups may commit crimes of bias against members of the community, thereby contributing to the number of acts that could plausibly be defined as hate crimes (see Feagin and Vera 1995; Levin and McDevitt 1993).

In these cases, the criminal's identification with a racist organization can reduce ambiguities about the offender's motives. Racist organizations may also inspire nonmembers within the community to commit hate crimes. Even if members themselves did not commit crimes of bias or encourage others to do so, the extremist views that these organizations promote may be perceived by community members as a real threat, thereby adding credibility to claims made by civil rights organizations.

THE DATA

Our central goal is to account for variation in hate crime reporting across counties and county equivalents within the United States. While the choice of any ecological unit of analysis is open to valid criticism, there are several reasons why we have chosen to examine hate crime reporting at the county level. First, we see this approach as providing an improvement over state-level analyses because such analyses overlook substantial intrastate variation in features that are conducive to hate crime reporting. Because hate crimes occur in small towns as well as in large cities, we cannot restrict our analysis to Standard Metropolitan Statistical Areas. Comparable data appropriate for testing our arguments are available for almost all counties and county equivalents in the United States.³ We lose some of these cases to missing data, however, by including a measure of the crime rate. Even so, our analysis examines variation in hate crime reporting across 2,740 cases.⁴

³ A good argument could be made for using the jurisdictions of law enforcement agencies as the units of analysis. However, data are not available at that level of analysis for several of our key variables.

⁴ When the crime rate measures are excluded from the analysis, the main effects of ethnic heterogeneity and hate groups are substantially stronger, and interaction effects between hate groups and civil rights resources and between civil rights resources and white-on-black homicides fall just short of statistical significance. Otherwise, the results of our analysis are similar to those that we get when the crime measures are included. Our measures of party voting also force us to exclude all county equivalents in the state of Alaska.

THE DEPENDENT VARIABLE

We analyze the total number of hate crime incidents reported in the Uniform Crime Report data for the year 2000. Hate crime incidents are reported for various types of locales, including towns or cities, counties, police precincts, and colleges and universities. In almost all cases, we were able to place the reported hate crimes in a specific county. Some cases were problematic, however, because they were reported as having occurred within a particular city that crosses the boundaries of two or more counties. For some of these cases, we determined the precise county in which the hate crimes occurred by calling the local authorities who are responsible for collecting hate crime data and forwarding the information to the FBI. In several cases, however, the local authorities were either unable to help us place the crimes within a specific county or failed to return phone calls after numerous attempts to reach them.

Rather than drop these problematic cases from our analysis, we utilize a strategy developed by Tolnay, Deane, and Beck (1996: 799) in their study of lynching rates in southern counties. In their analysis they had to contend with the problem of changes in county boundary lines that occur over time. To deal with this problem, they aggregated the data for counties that experienced a boundary change and created new geographic units that they called "county clusters." We use the same strategy in dealing with cases in which hate crimes are reported for cities that spill across county boundaries. In all, we constructed 32 of these county clusters.⁵

According to the FBI's figures, a total of 8,063 hate crime incidents were reported for the year 2000. Eight of these are reported as multiple-bias incidents (e.g., motivated by both racial bias and sexual orientation bias). Of the 8,055 single-bias incidents, 53.8 percent were motivated by ra-

⁵ In separate analyses we estimated the models with the problematic cases excluded. The findings are not substantively different from the findings that we report, with one exception. An interaction between hate groups and the number of black-on-white homicides is not statistically significant when these cases are excluded.

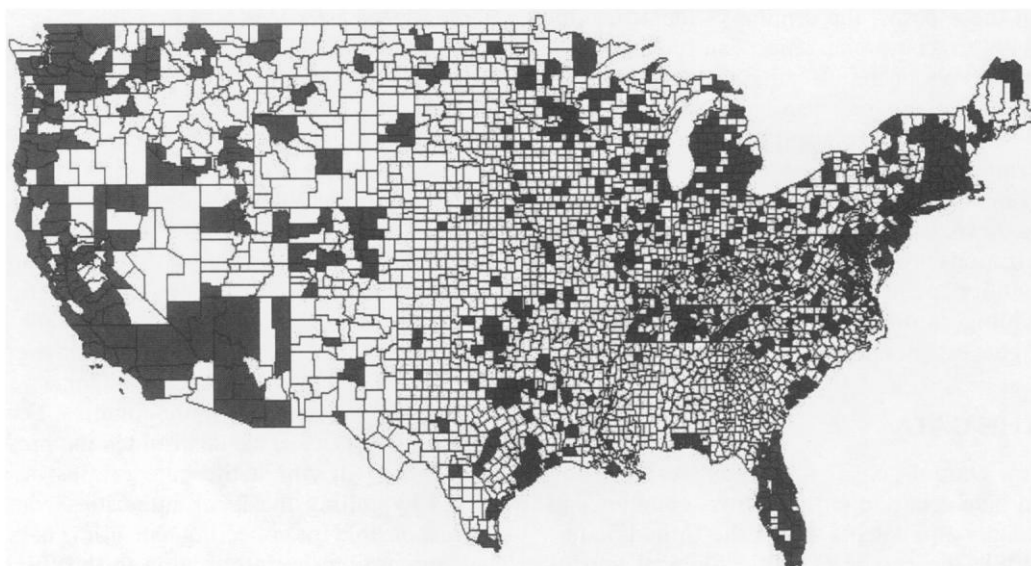


Figure 1. Reported Hate Crimes in the Year 2000

Note: Dark shading indicates that the county had at least one reported hate crime or is part of a county cluster with at least one reported hate crime.

Source: *Uniform Crime Reports* (FBI 2000).

cial bias, 18.3 percent by religious bias, 16.1 percent by sexual orientation bias, 11.3 percent by ethnic bias, and .5 percent by a bias against the disabled. The majority of hate crime offenses were crimes against persons (65 percent), with 34.4 percent being crimes against property. The most frequently reported offense is categorized as intimidation (34.4 percent), closely followed by destruction of property (29.3 percent). There were 19 reported homicides: 10 were motivated by racial bias, 6 by ethnic bias, 2 by sexual orientation bias, and 1 by religious bias (FBI 2000:5).

The geographic distribution of the dependent variable is presented in Figure 1. As can be clearly seen, hate crime reporting is not distributed uniformly across counties. It is notable, for example, that hate crime reporting is concentrated heavily in far-western states and in the Northeast, while few hate crimes are reported in midwestern states and in southern states such as Alabama, Mississippi, Louisiana, and South Carolina. It is also worth noting that the vast majority of counties did not report the occurrence of a single hate crime (76.4 percent). The variable has a range of 0 to 826 and a mean value of 2.62.

CIVIL RIGHTS ORGANIZATIONS

Data were obtained from the National Center for Charitable Statistics (NCCS) to construct two measures of civil rights activism in the counties. We used the NCCS 1999 Core Files data set in which Internal Revenue Service records are used to compile information on all nonprofit organizations that apply for tax exempt status each year. The nonprofit organizations are categorized by the NCCS according to the National Taxonomy of Exempt Entities classification scheme. To construct measures of civil rights activism, we first identified all organizations in the NCCS data file that are categorized from R20 to R30. The general category "R" includes nonprofit organizations involved in civil rights, social action, and advocacy. We include only those categorized from R20 to R30 because these organizations are most directly involved in activities that promote the objectives of hate crime legislation.⁶ As one measure of civil

⁶ Groups categorized from R20 to R30 are defined as "organizations that work for the passage and enforcement of laws or other social measures that will effectively protect the rights of specific groups" (NCCS, "Definitions, Major Group R,"

rights activism, we use the total number of these civil rights organizations located in the county. Higher numbers of organizations in a county indicate that more constituencies are represented, making it possible for civil rights organizations to exert influence on multiple fronts. We also expect that organizational resources should play an important role in determining the influence wielded by civil rights organizations. We calculated a measure of civil rights resources by summing the annual revenue reported by the civil rights organizations in each county and dividing that figure by the total population in the county. We calculate the variable in this manner because resourceful organizations should have greater influence on hate crime enforcement and reporting than would less resourceful organizations, and larger supplies of resources are typically required to exert influence on greater numbers of county residents.

POLITICAL INCENTIVES

Based on the logic of political mediation theory, we expect that political and legal authorities are more vulnerable to pressure from civil rights organizations when voters in the county tend to support the Democratic Party. Because members and adherents of civil rights organizations are considerably more likely to support Democrats than Republicans, local authorities in Democratic strongholds should be more responsive to the civil rights agenda. Withdrawal of political support from civil rights organizations could potentially result in electoral defeats. Republicans, on the other hand, are less vulnerable

to such pressure because, in many cases, they cannot count on support from civil rights groups and their adherents. In addition, proactive support for the civil rights agenda could potentially alienate traditional Republican voters. We measure Democratic voting as the percentage of votes cast for Democrat Bill Clinton in the 1996 presidential election (the election immediately prior to the year in which our dependent variable is measured).

Political mediation theory also suggests that political representatives are particularly vulnerable to pressure in competitive political environments. We expect, therefore, that local political and legal authorities tend to enforce hate crime legislation more diligently in politically competitive environments. To measure political competitiveness, we calculated the mean of the absolute difference between the percentage of voters voting Republican and the percentage voting Democratic for presidential elections held in 1992, 1996, and 2000. We multiplied this value by -1 so that higher scores indicate a more competitive environment.⁷

CREDIBILITY OF HATE CRIME FRAMING

Hate crime reporting, as argued above, should be higher in counties in which objective conditions add credibility to claims that emphasize the importance of enforcing hate crime legislation. Racial and ethnic heterogeneity is one such factor. Acts of racial bias, for example, would be unlikely to occur in counties in which all residents belong to a single racial or ethnic group. There would also be a relatively large base of support for hate crime legislation in heterogeneous counties. Racial and ethnic heterogeneity is measured as $1 - \sum P_i^2$, where P_i is the proportion of people in the following five racial and ethnic categories: (1) white, (2) black, (3) American Indian, Eskimo, Aleut, (4) Asian or Pacific Islander, and (5) Other. Data on racial and ethnic distributions were obtained from the 1990 United States Census (CD-ROM USA Counties).⁸

September 20, 2002). There are 555 of these organizations in the data set. Category 30 includes organizations that "work for increased harmony and understanding among diverse groups in the community to reduce or eliminate tensions and violence based on age, gender, race, color, sexual preference, creed, national origin, income level or stereotypical identification" (NCCS, "Definitions, Major Group R," September 20, 2002). There are 110 of these organizations in the data set. It is important to note that the NCCS data exclude religious organizations and organizations with less than \$25,000 in annual revenue because these organizations are not required to file for tax exempt status.

⁷ We use presidential voting because it provides us with a comparable measure across all counties. Voting data were obtained from *America Votes* (Congressional Quarterly 1996).

⁸ For the nation as a whole, 51.7 percent of in-

We use the Supplemental Homicide Reports to construct measures of interracial homicide. Although not all interracial homicides are motivated by racial bias, the number of white-on-black homicides committed in local communities should add to the credibility of claims made by those who advocate hate crime enforcement. Homicides tend to capture substantial coverage from local media outlets and can, therefore, shape public perceptions about the nature of crime and the nature of race relations within the community. We calculate a measure of the average number of homicides that involve a white perpetrator and a black victim (white-on-black homicides) for the years 1997 through 1999. We also calculate the average number of homicides in a county during the same time period that involved a black perpetrator and a white victim (black-on-white homicides).⁹ We suspect that white-on-black homicides can add credibility to civil rights activists' claims. Black-on-white homicides, however, could conceivably have the opposite effect. These homicides could generate fear and suspicion of minority group members as perpetrators of violence rather than engender the support and sympathy that would be directed toward minority group members as victims of violence.

The presence of racist hate groups can also add credibility to claims made by advocates of hate crime legislation. As a measure of hate group activism we use data compiled by the Southern Poverty Law Center's (SPLC) "Intelligence Project." The SPLC compiles annual lists of hate groups known by the organization to have been active during a given year. Information on the location of active hate groups is obtained through hate groups' publications, citizens' reports,

law enforcement agencies, field sources, and news reports. Although the SPLC makes a diligent effort to identify all active hate groups in the United States, the secretive nature of many hate groups makes it likely that some of them escape detection. We suspect, however, that those organizations that do not come to the attention of the SPLC are also unlikely to come to the attention of most residents within the community. Thus, SPLC's data do provide us with a count of the number of racist hate groups that are visible enough locally to add credibility to claims made by civil rights advocacy organizations. According to the SPLC, 602 hate groups were active in the year 2000.¹⁰

CONTROL VARIABLES

We control for several features of counties that could be related to hate crime reporting or that generally tend to be associated with crime. First, we include the county rate of serious criminal offenses using the annual county-level Uniform Crime Report data collected by the Inter-university Consortium for Political and Social Research (ICPSR). The Uniform Crime Report index consists of the total number of reports of the following crimes: murder, forcible rape, robbery, aggravated assault, burglary, larceny, and motor vehicle theft. A crime rate is calculated as the number of index crimes per 100 people in the county. Population figures are taken from the 2000 United States Census. ICPSR uses an imputation algorithm to adjust for incomplete reporting in some law enforcement jurisdictions. Cases in which agencies reported for zero months are excluded from the analysis. Higher numbers of reported hate

dividuals reporting that they are of Hispanic origin listed their race as "white," and 42.7 percent listed their race as "other." The remaining 5.6 percent selected one of the other three categories.

⁹ We calculate the average number of homicides over a three-year time span because interracial homicides are rare events, and each event can potentially have a lasting influence on public perceptions. The number of interracial homicides occurring in a single year may not offer an accurate portrayal of the normal level of interracial violence in any given year (see Jacobs and Wood 1999:166; Messner and South 1992:524).

¹⁰ In our analysis we exclude organizations categorized as "black separatist" because we would not expect black separatist organizations to have the same effect on hate crime reporting that White separatist organizations would have. We also excluded seven organizations that could not be located within a specific county. It is possible that these organizations may exert greater influence than more localized groups because they are not linked to a single county, yet these organizations may also have less influence at the local level because they claim to be representing states or broad geographic regions rather than cities or counties.

crimes may be due, in part, to higher rates of crime (in general) within the county. However, we expect the effects of the crime rate on the reporting of hate crimes to be curvilinear (inverted-U), as an extremely high volume of general offenses within a community could force local authorities to give less priority to the enforcement of hate crime legislation. We also control for the percentage of people in the county who were 18 to 24 years old in the year 2000 because this age group commits a disproportionate share of various crimes (see Felson 1994).

We include a measure of per capita income in 1989 because relatively prosperous counties may have more resources that could be directed toward the enforcement of hate crime laws (Franklin 2002; Haider-Markel 2002; Nolan and Akiyama 1999; Walker and Katz 1995). We also control for the percentage of the population age 25 years old or older that has completed at least 16 years of schooling. Previous research demonstrates that individuals in the United States with high levels of education are less likely to express attitudes reflecting racial prejudice or anti-Semitism (see Bobo and Kluegel 1993; Weil 1985). Because higher numbers of hate crimes should be explained in part by population size, we also control for the population in the county in the year 2000. Additionally, we control for the percentage of the population in rural locations. Predominantly rural counties are likely to have fewer incidents that could be defined as hate crimes, and rural communities typically have fewer resources available that can be directed toward hate crime enforcement and recordkeeping.¹¹

Finally, we recognize that there are state-level differences in the length of time since the passage of state-level hate crime legislation (a handful of states still do not have hate crime statutes), the number of groups protected by state statutes, and the amount of training in hate crime enforcement that is

provided to law enforcement agents.¹² There are likely to be other differences across states that might explain variation in hate crime reporting across U.S. counties. State-level dummy variables are included to control for these differences. In our analyses we find significant differences in hate crime reporting across states, but the state-level dummy variables explain relatively little of the county-level variation in hate crime reporting.¹³ Controlling for these state-level differences, however, should help us to identify differences in hate crime reporting that can be attributed to varying features of counties.¹⁴

¹² Currently 46 states have hate crime laws, and 44 states have statutory provisions for crimes of bias based on race, religion, and ethnicity, but only 29 states have provisions for hate crimes related to sexual orientation or disability. Data collection statutes exist in 24 states, and hate crime training for law enforcement agents is mandated in 11 states (Anti-Defamation League 2001). For an in-depth discussion of the development of state-level legislation see Jenness and Broad (1997) and Jenness and Grattet (2001).

¹³ When the models are estimated with OLS regression these variables explain roughly 7 percent of county-level variation in hate crime reporting.

¹⁴ In preliminary analyses we also explored the possibility that our variables operate differently in states with hate crime data collection statutes compared with states without such statutes. We constructed a dichotomous variable to capture this difference. When we included the variable in our statistical models, we found that it is not a significant predictor of hate crime reporting. We also tested for interactions between the state-level data collection variable and all of our theoretical variables (including the interaction terms that we used to test our theoretical argument). With just two exceptions, interactions that include the data collection measure are not statistically significant. We did find that ethnic heterogeneity has a negative effect on hate crime reporting in states with data collection statutes, while it has a positive effect on hate crime reporting in states without data collection statutes. Similarly, the number of hate groups has a negative effect on reported hate crimes in states with data collection statutes and a positive effect in states that do not have data collection statutes. We did not find any evidence indicating that the interactions that we use to test our theoretical argument operate differently in the two different contexts.

¹¹ Data on per capita income and the percentage of the population with 16 or more years of schooling are taken from the 1990 United States Census (CD-ROM USA Counties 1998). The measure of total population, percent rural, and the percent aged 18 to 24 are taken from the 2000 United States Census.

INTERACTION EFFECTS

We give special attention to interactions among our key variables. As our theoretical argument suggests, we expect to find that the impact civil rights organizations have on hate crime enforcement and reporting is contingent on several factors. In accord with political mediation theory, the positive influence of civil rights organizations should be strongest in counties where political incentives exist that would lead local authorities to be responsive to the civil rights agenda. As we argued above, civil rights organizations should have greater political leverage in Democratic strongholds. This is not to say that Republican politicians are necessarily unsupportive of hate crime laws. However, because members and adherents of civil rights organizations are more likely to support Democrats than Republicans, Republicans tend to have less incentive to be responsive to these groups, especially if doing so entails the risk of alienating traditional Republican voters. To test this argument, we examine interactions between our measures of civil rights activism and our measure of Democratic voting.

Based on our discussion of the model of discursive rivalry, we also expect to find that higher rates of hate crime reporting require a combination of resourceful civil rights organizations and objective circumstances in the county that lend credence to claims about the importance of hate crime enforcement. Therefore, we examine interactions of our measure of civil rights resources with our measures of ethnic heterogeneity, interracial homicide, and racist hate groups. Univariate statistics and a matrix of Pearson correlation coefficients for all of the variables are presented in Appendix A.

DATA ANALYSIS

The nature of our dependent variable poses estimation problems. First, the majority of counties (76.5 percent) reported zero hate crime incidents. In some of these counties, it could be the case that no criminal acts of bias occurred during the year. Yet previous research (discussed above) indicates that there are good reasons to believe that in many instances the absence of reported hate

crimes tells us as much about local authorities' willingness and capacity to enforce hate crime legislation as it does about the actual number of bias incidents that occurred in the county. Second, the dependent variable is severely skewed. Among those counties reporting at least one incident, 51.3 percent reported 1 to 2 incidents, 28.6 percent reported 3 to 10 incidents, 16 percent reported 11 to 50 incidents, and 4.1 percent reported more than 50 incidents. Los Angeles County is an extreme outlier, with 826 reported hate crimes.

Our dependent variable is a cumulative total of the number of discrete events (reported hate crimes) that took place in each county over the course of one year. We strongly suspect that the likelihood of any one of these events being reported depends heavily on the number of prior events that had taken place within the county. For example, if 20 hate crime incidents had already been recorded in a county by June of 2000, the odds should be relatively high that at least one more hate crime incident would occur and be reported by the end of the year. In such a case, law enforcement agents had already defined several incidents as hate crimes, and they had already demonstrated a willingness and capacity to report the incidents to the federal government. If, on the other hand, no hate crimes had been reported by June of 2000, the odds of a hate crime incident being reported by the end of the year would be considerably lower. Either because few acts of bias occurred in the county before June, or because law enforcement agents had been unwilling or unable to act upon them, it would be a good bet that similar conditions would prevail in the second half of the year.

These types of problems are typically handled by using techniques designed for event history analysis (see Allison 1984). Because information on the elapsed time between events is unavailable, however, we estimate our models with a continuation-ratio logit model. The continuation-ratio model is closely related to discrete-time methods used in survival analysis (Allison 1997:159), but was developed for use with ordinal dependent variables (Agresti 2002; Allison 1984:81, 1997; Fienberg 1980). The model is appropriate when the categories of the dependent variable reflect a progression

through stages (e.g., passing through several levels of educational attainment). In our case, before a fifth hate crime incident is recorded, it must be preceded by a fourth, by a third, and so on.

The method involves simultaneously estimating a series of binary logit models. In the first stage, counties with zero reported hate crimes are compared with all other counties. In the second stage, counties with zero hate crimes are discarded and counties reporting just one hate crime are compared with all counties that passed on to the next stage (e.g., two or more reported hate crimes). The process continues until all categories are exhausted. Gaps between categories are ignored (e.g., if some counties reported 50 hate crimes and some counties reported 52 hate crimes, but no counties reported 51 hate crimes). In our analyses, we have 73 distinct stages.¹⁵ The model includes a separate intercept for each stage, while constraining the coefficients to be the same across all stages. The technique allows us to estimate the effects of the independent variables on reported hate crimes, while dealing with problems involved when each event is dependent upon the number of similar events that preceded it. An additional advantage of the continuation-ratio model, for our purposes, is that it is not sensitive to extreme outliers. The unusual case of Los Angeles County, for example, is treated as having progressed one step beyond the county with the second highest number of reported incidents.

The model is specified in the following manner:

Assume that the categories are ordered in the sequence $j = 1, \dots, J$. Let y_i be the dependent variable that can take on one of these J values. Define A_{ij} as the probability that individual i advances to stage $j + 1$,

given that he made it to stage j . More formally,

$$A_{ij} = \Pr(y_i > j | y_i \geq j).$$

We then specify $J - 1$ logit equations,

$$\text{Log} [A_{ij}/1 - A_{ij}] = a_j + \beta \mathbf{x}_i, j = 1, \dots, J - 1,$$

Where $\beta \mathbf{x}_i = \beta_1 x_{i1} + \dots + \beta_k x_{ik}$.

(Allison 1997:152–53)

Beta coefficients represent the estimated effect of a one-unit increase in the explanatory variable on the log odds of proceeding to stage $j + 1$, given that the county is in stage j . An odds ratio can be formed by exponentiating the beta coefficient.

RESULTS

In Model 1 of Table 1, we present results with no interaction terms included in the statistical model. Among the control variables, we find that population, per capita income, and percent age 18 to 24 have a positive effect on hate crime reporting, and percent rural has a negative effect. The crime rate has the expected curvilinear relationship with hate crime reporting. Although the zero-order correlation between percent college-educated and hate crime reporting is positive (see Appendix A), percent college does not have a statistically significant impact on hate crime reporting when other variables are held constant. The results also show that the coefficient for racist hate groups is positive and statistically significant, while the coefficient for ethnic heterogeneity falls just short of statistical significance ($p = .053$). It is important to keep in mind, however, that our theoretical argument stresses the importance of interactions between civil rights activism and objective features of local contexts in producing higher numbers of reported hate crime incidents. The estimates of the effects of interracial homicide are particularly interesting. White-on-black homicides have a positive, statistically significant effect on hate crime reporting, but black-on-white homicides have a highly significant negative impact on the dependent variable. These findings are consistent with our argument that white-on-black homicides can add credibility to claims about the need for hate crime enforcement and reporting, while

¹⁵ In preliminary analyses we also collapsed the dependent variable into smaller categorical groupings before estimating the models. We created a separate category for counties with zero hate crimes and then collapsed the variable into intervals of ten for those counties with at least one reported hate crime. There were no substantive differences between the findings of models with the collapsed dependent variable and those obtained when the dependent variable is not collapsed into categories.

Table 1. Continuation-Ratio Logit Estimates of Reported Hate Crime Incidents in the Year 2000 for U.S. Counties and County Equivalents

Independent Variable	Model 1	Model 2	Model 3	Model 4	Model 5
Population (in 1,000s)	.002*** (.0002)	.002*** (.0003)	.002*** (.0003)	.002*** (.0003)	.002*** (.0003)
Percent rural	-.010*** (.002)	-.009*** (.002)	-.009*** (.002)	-.009*** (.002)	-.009*** (.002)
Per capita income (in \$1,000s)	.128*** (.034)	.122*** (.034)	.119*** (.034)	.129*** (.034)	.126*** (.034)
Percent college	-.0009 (.012)	.0008 (.012)	.002 (.012)	-.0009 (.012)	-.00007 (.012)
Percent age 18 to 24	.067*** (.015)	.068*** (.015)	.066*** (.015)	.069*** (.015)	.068*** (.015)
Crime rate	.690*** (.089)	.714*** (.090)	.714*** (.090)	.759*** (.089)	.755*** (.089)
(Crime rate) ²	-.047*** (.010)	-.049*** (.010)	-.049*** (.010)	-.054*** (.010)	-.053*** (.010)
Ethnic heterogeneity	.786 (.407)	.761 (.406)	.850* (.407)	.730 (.405)	.813* (.406)
Hate groups	.124* (.059)	.164** (.061)	.145* (.060)	.181** (.061)	.163** (.060)
White-on-black homicide	.234* (.116)	.079 (.123)	.079 (.119)	.085 (.123)	.065 (.121)
Black-on-white homicide	-.180*** (.050)	-.183*** (.049)	-.199*** (.049)	-.192*** (.050)	-.203*** (.050)
Democratic voting	-.004 (.006)	-.008 (.006)	-.006 (.006)	-.005 (.006)	-.004 (.006)
Party competitiveness	.010* (.004)	.013** (.004)	.011* (.004)	—	—
Civil rights organizations	.112** (.044)	-.416** (.151)	.061 (.045)	-.367* (.148)	.038 (.044)
Civil rights resources	.008 (.018)	.004 (.019)	-.244** (.079)	.008 (.018)	-.218** (.081)
<i>Interactions</i>					
Civil rights organizations × Democratic voting	—	.009*** (.002)	—	.007** (.002)	—
Civil rights resources × Democratic voting	—	—	.005*** (.001)	—	.005** (.002)
Log-likelihood	-2,496.8	-2,490.2	-2,491.1	-2,494.4	-2,494.4

Note: Numbers in parentheses are standard errors; N = 8,748. Coefficients for intercepts and for state-level dummy variables are not reported.
*p < .05 **p < .01 ***p < .001 (two-tailed tests)

black-on-white homicides can generate fear and suspicion of African Americans, thereby diminishing support for hate crime enforcement and reporting.

We also find that Democratic voting does not have a significant effect on hate crime reporting. As expected, though, after controlling for the other variables, more hate

crimes are reported in politically competitive counties than in noncompetitive counties. Finally, we see that the number of civil rights organizations in a county has a positive effect on hate crime reporting. Our measure of civil rights resources is not statistically significant. As we specified in our theoretical discussion, however, the effect of

civil rights resources on hate crime reporting should be contingent upon political incentives and upon objective features of local contexts that add credibility to movement framing.

In Models 2 and 3 of Table 1, we include interactions between Democratic voting and our measures of civil rights activism. In Model 2, the coefficient for the interaction of Democratic voting and the number of civil rights organizations is positive and highly significant. As expected, the influence of civil rights organizations on hate crime reporting is heavily dependent on the level of support for the Democratic Party. Democratic voting has little influence on hate crime reporting in counties that do not have a civil rights organization. The main effect of civil rights organizations is negative, indicating that civil rights organizations are ineffective in Republican strongholds. To gain a better sense of how this interaction operates, we calculated the predicted probability of an additional reported hate crime at varying levels of Democratic voting and varying numbers of civil rights organizations, when all other variables are set at their mean values. We find that the effect of civil rights organizations is negative when Democratic voting is less than 47 percent. The effect of civil rights organizations on hate crime reporting is positive when Democratic voting is 47 percent or higher, with that positive effect growing increasingly strong at higher levels of Democratic voting.

The interaction between Democratic voting and civil rights resources operates in a similar fashion. The coefficient for the interaction term is positive and highly significant, indicating that the effects of civil rights resources and of Democratic voting were being suppressed in Model 1 when these variables were not included in an interaction term. Democratic voting has little effect on hate crime reporting in counties that lack civil rights resources. The coefficient for the main effect of civil rights resources is negative, indicating that civil rights resources are ineffective in Republican strongholds. We calculated the point at which civil rights resources begin to have a positive effect on hate crime reporting in the same manner as described in the preceding paragraph. In this case we find that civil rights resources have

a negative effect on hate crime reporting when Democratic voting is less than 49 percent. Civil rights resources have a positive effect on hate crime reporting when Democratic voting is 49 percent or higher, and that effect grows stronger with higher levels of Democratic voting. In Models 4 and 5 of Table 1, we show that the results are similar when our general measure of party competitiveness is excluded from the models.

Our results are consistent with our claim that local authorities are more responsive to civil rights organizations in Democratic strongholds. In noncompetitive Republican counties, civil rights organizations actually have a negative effect on reported hate crimes. It is worth noting, however, that hate crime reporting tends to be quite high in noncompetitive Democratic counties. We believe that this is because local authorities in these counties have little to lose by enforcing hate crime laws when Democrats face little opposition, and much to gain by being responsive to civil rights organizations when adherents of these organizations are an important source of political support.¹⁶

Next, we examine interactions between our measure of civil rights resources and variables reflecting objective conditions that should add credence to civil rights framing. The results are presented in Table 2. In Model 1 we include an interaction between civil rights resources and ethnic heterogeneity.

¹⁶ Because there are very few civil rights organizations in noncompetitive Republican counties, we could obtain essentially the same substantive information by including interactions between party competitiveness and our measures of civil rights activism. These interactions show that civil rights organizations have a strong positive effect on hate crime reports in noncompetitive counties. It is noteworthy that there are only 12 civil rights organizations in the 574 counties with less than 35 percent Democratic voting. As political mediation theory suggests, we do find higher numbers of reported hate crimes in politically competitive counties. The effect of civil rights organizations on hate crime reporting, however, is strongest in noncompetitive Democratic counties. This latter finding is consistent with political mediation theory's claim that movements benefit when sympathetic allies are in positions of power and when the movement's adherents are an important source of political support for those allies.

Table 2. Continuation Ratio Logit Estimates of Reported Hate Crime Incidents in the Year 2000 for United States Counties and County Equivalents

Independent Variable	Model 1	Model 2	Model 3	Model 4	Model 5	Model 6
Population (in 1,000s)	.002*** (.0003)	.002*** (.0003)	.002*** (.0003)	.002*** (.0003)	.002*** (.0003)	.002*** (.0002)
Percent rural	-.009*** (.002)	-.010*** (.002)	-.010*** (.002)	-.009*** (.002)	-.008*** (.002)	-.009*** (.002)
Per capita income (in \$1,000s)	.122*** (.034)	.123*** (.034)	.120*** (.034)	.119*** (.034)	.119*** (.034)	.127*** (.034)
Percent college	.0001 (.012)	.0002 (.012)	.001 (.012)	.002 (.012)	.0006 (.012)	-.002 (.012)
Percent age 18 to 24	.068*** (.015)	.067*** (.015)	.066*** (.015)	.065*** (.015)	.069*** (.015)	.069*** (.015)
Crime rate	.707*** (.090)	.698*** (.089)	.695*** (.089)	.699*** (.089)	.709*** (.089)	.701*** (.090)
(Crime rate) ²	-.048*** (.010)	-.047*** (.010)	-.047*** (.010)	-.047*** (.010)	-.049*** (.010)	-.049*** (.010)
Ethnic heterogeneity	.714 (.408)	.857* (.407)	.825* (.407)	.839* (.407)	.668 (.410)	.658 (.409)
Hate groups	.138* (.060)	.079 (.063)	.131* (.060)	.132* (.060)	.195** (.064)	.193** (.065)
White-on-black homicide	.085 (.119)	.137 (.121)	.126 (.118)	.119 (.117)	.061 (.115)	.252* (.113)
Black-on-white homicide	-.202*** (.049)	-.196*** (.050)	-.192*** (.050)	-.209*** (.051)	-.120* (.058)	-.164*** (.049)
Democratic voting	-.004 (.006)	-.004 (.006)	-.004 (.006)	-.004 (.006)	-.004 (.006)	-.004 (.006)
Party competition	.009* (.004)	.009* (.004)	.009* (.004)	.009* (.004)	.010* (.004)	.011** (.004)
Civil rights organizations	.041 (.046)	.080 (.044)	.097* (.042)	.095* (.042)	.083* (.042)	.171*** (.048)
Civil rights resources	-.063* (.027)	-.009 (.020)	-.007 (.019)	-.010 (.020)	-.009 (.020)	.012 (.018)
<i>Interactions</i>						
Civil rights resources × Ethnic heterogeneity	.370*** (.100)	—	—	—	—	—
Civil rights resources × Hate groups	—	.043* (.018)	—	—	—	—
Civil rights resources × White-on-black homicide	—	—	.007** (.002)	—	—	—
Civil rights resources × Black-on-white homicide	—	—	—	.004*** (.001)	.004** (.001)	—
Hate groups × Black-on- white homicide	—	—	—	—	-.023*** (.007)	—
Civil rights organizations × Hate groups	—	—	—	—	—	-.038** (.014)
Log-likelihood	-2,489.7	-2,493.2	-2,493.3	-2,492.3	-2,487.4	-2,493.7

Note: Numbers in parentheses are standard errors; N = 8,748. Coefficients for intercepts and for state-level dummy variables are not reported.

p* < .05 *p* < .01 ****p* < .001 (two-tailed tests)

The coefficient for the interaction term is positive and highly significant, indicating that the effect of civil rights resources on hate crime reporting is contingent upon the level of heterogeneity within the county. Ethnic heterogeneity has little impact on hate crime reporting in counties lacking civil rights resources. The positive effect of heterogeneity on hate crime reporting grows stronger, however, with increasing levels of civil rights resources. Civil rights resources tend to be ineffective in homogeneous counties.

The interaction between civil rights resources and racist hate groups is also positive and statistically significant. The presence of racist hate groups in a county has little effect on hate crime reporting in counties that lack civil rights resources. Similarly, civil rights resources have little effect on hate crime reporting in counties that do not have a racist hate group. The combination of civil rights resources and racist hate groups, however, results in higher numbers of reported hate crime incidents. As can be seen in Model 3, the interaction between civil rights resources and white-on-black homicides is also positive and statistically significant. White-on-black homicides have little impact on hate crime reporting when civil rights resources are lacking, but the positive impact of these homicides on hate crime reporting grows stronger with increasing levels of civil rights resources. The coefficient for the interaction between civil rights resources and black-on-white homicides is also positive, suggesting that resourceful civil rights organizations can help counter negative public perceptions that can result from this type of interracial violence. When civil rights resources are lacking in a county, black-on-white homicides have a strong negative impact on hate crime reporting.

As the model of discursive rivalry suggests, negative, one-sided interpretations of events can sway public perceptions if resourceful and influential actors are unwilling or unable to offer a more positive interpretation of the same event. Further evidence in support of this claim is presented in Model 5 of Table 2. In this model, we add an interaction between racist hate groups and black-on-white homicides. The results indicate that black-on-white homicides have a negative effect on hate crime reporting, with

that negative effect becoming stronger with each additional hate group in the county. Civil rights resources in the county, on the other hand, diminish the negative effect of these homicides on hate crime reporting.

We expect that the resources available to an organization are especially important when it comes to a movement organization's capacity to shape perceptions of objective circumstances. Hence, we included our measure of civil rights resources in our interaction terms. In preliminary analyses we also tested for interactions between the number of civil rights organizations and objective features of counties. Interactions of civil rights organizations with ethnic heterogeneity and with both measures of interracial homicide were not statistically significant. However, we did find a significant interaction between the number of civil rights organizations and the number of hate groups (see Model 6 of Table 2). The main effect for each variable is positive, but the positive effect of civil rights organizations is diminished when increasing numbers of hate groups are present within a county. We suspect that this finding, coupled with the findings reported for Model 2 that show a positive interaction between hate groups and civil rights resources, indicates that civil rights resources are especially important for determining whether a civil rights organization's interpretation of local conditions will prevail when faced with organized opposition.

DISCUSSION AND CONCLUSION

When a new social policy is enacted, there is no guarantee that the policy will be enforced effectively, or enforced uniformly, across geographic and political boundaries. Enforcement of hate crime legislation has been particularly problematic. However, hate crime legislation represents only a recent example of the difficulties involved in gaining compliance with laws that are designed to protect individuals who experience discrimination, or who are at risk for violent attack, because of an ascribed status. For example, in 1870 and 1871, the United States Congress passed the Enforcement Acts in response to a rising tide of violence and oppression directed toward African Americans in southern states. The federal laws were de-

signed to deal with discriminatory practices used against African Americans, particularly in terms of electoral participation, and to protect African Americans from violence instigated by the Ku Klux Klan and by other groups. From 1871 to 1884, the courts handled 5,386 Enforcement Act cases, but only 28 percent of these resulted in convictions and a majority of cases were dropped before any verdict was reached (Cresswell 1987:422).

Northern Republicans and federal officials quickly learned that passing legislation to protect the rights of African Americans in the South would be easier than gaining compliance with the legislation. As one historian describes it, "White Southern Democrats insisted from the outset that the enforcement laws were unconstitutional, oppressive, and not worthy of respect. . . . With such a view widely held it was extremely difficult to gather evidence. Native whites were usually uncooperative, and Negroes were often reluctant to testify in the face of white hostility" (Swinney 1962:209). For a number of reasons, northern Republicans eventually lost interest in protecting the rights of southern blacks. As a result, African Americans faced extreme oppression and were, for many years, frequently victimized by mob violence (McAdam 1982; Tolnay and Beck 1995).

Tolnay and Beck (1995) note that during the lynching era civil rights organizations were unable to gain sufficient strength in southern states to exert influence on local authorities. Because African Americans were disfranchised, legal and political authorities had little incentive to act on their behalf (also see McAdam 1982). It is worth noting, however, that even in such an oppressive environment, southern whites constructed images of black men as violent sexual predators in an effort to justify their own brutal acts of violence against them (Wells-Barnett [1894] 1969). The lynching rate eventually declined, but only after lynching became detrimental to the economic interests of the southern elite (Tolnay and Beck 1995:202–43).

Contemporary proponents of hate crime legislation face a political environment that is considerably more open than that which confronted southern blacks in the early 1900s. Yet there is substantial variation across local contexts in terms of the strength

and influence of civil rights organizations, political incentives to grant concessions to civil rights organizations, and public perceptions of the validity and the necessity of hate crime laws. In some locales, resistance to laws offering protection from crimes based on sexual orientation bias has been particularly strong. As Green, McFalls, and Smith (2001) note, "legislators are frequently unsympathetic to laws designed to help gay men and lesbians or in any way 'legitimate their lifestyles'" (p. 481). Processes of meaning construction are important not only in the development of public policy, but also in gaining compliance with public policy. We have focused attention on the role that civil rights organizations play in promoting compliance. We proposed that civil rights organizations can play an important role, but only under certain conditions. The effectiveness of civil rights organizations depends upon the availability of resources, a favorable political context, and objective features of local communities that lend credibility to civil rights framing. The results of our statistical analyses support this argument. We have shown that the presence of civil rights organizations and the resources of civil rights organizations can contribute to higher numbers of reported hate crimes in counties, but only in counties with relatively high levels of Democratic voting. The effectiveness of resourceful civil rights organizations is also conditioned by the degree of ethnic heterogeneity that exists in the county, levels of interracial homicide, and the number of racist hate groups that are located in the county. We also find that hate crime reporting tends to be higher in politically competitive counties.

Rather than treating reported hate crime incidents as valid measures of bias crimes, we conceptualized each reported hate crime as a successful social movement outcome. We then assessed the extent that civil rights organizations operating in local contexts contribute to those outcomes. We believe that the theoretical approach developed here should be useful in studying the unintended as well as the intended consequences of actions taken by social movement organizations and other community-based organizations. Our primary contribution, in this regard, involves linking political mediation

theory with a weak version of the social constructionist perspective. Although the social movement framing perspective has been applied in many studies of social movement mobilization, it has only recently been applied by Cress and Snow (2000) in their study of social movement consequences. In that article, they claim that the neglect of framing processes in studies of social movement outcomes is one of the "more glaring oversights in the social movement literature" (p. 1101). They argue that a movement's success should depend, to a great extent, on "the development of coherent and well-articulated accounts of the problems and who or what is to blame (diagnostic framing), and what needs to be done in order to remedy it (prognostic framing)" (p. 1072).

Although we are in general agreement with Cress and Snow, our theoretical approach emphasizes the extent to which frame resonance can vary substantially across local contexts. Our approach can lead to an understanding of how coherent and well-articulated frames can fail in some circumstances, while incoherent and poorly articulated frames may succeed in other circumstances. For example, a coherent frame that correctly implicates powerful and resourceful actors as the source of an exploitative relationship can be met with strong resistance, particularly in communities in which a large proportion of residents benefit in some way from the exploitation (Gamson 1975; Gaventa 1982; McAdam 1982). On the other hand, a frame that is riddled with contradictions may be enthusiastically embraced if it is useful in obscuring the complexities of an exploitative relationship that allows the majority to benefit at the expense of the minority (Bonilla-Silva 2001; Gaventa 1982; Jackman 1994).

We believe that our theoretical approach applies to a wide variety of cases in which full compliance with public policy does not directly follow the enactment of the policy. More than 40 years ago, Kitsuse and Cicourel (1963) argued that sociologists should not avoid using official statistics (including those reported in the Uniform Crime Report) in their analyses because of the unreliability of such data. Instead, they suggested that it is precisely the unreliability of the data that make them

valuable and interesting for sociological research.

The theoretical conception which guides us is that the rates of deviant behavior are produced by the actions taken by persons in the social system which define, classify, and record certain behaviors as deviant. If a given form of behavior is not interpreted as deviant by such persons it would not appear as a unit in whatever set of rates we may attempt to explain. (Kitsuse and Cicourel (1963:135)

Over the past 40 years, few criminologists have heeded Kitsuse and Cicourel's call. Instead, they have analyzed official crime data while acknowledging some data limitations, or they have abandoned the use of official crime reports, relying instead upon self-report and victimization surveys. Studies utilizing victim surveys and self-reports have generated many important insights, yet reliance on these data sources has not come without cost. Many serious crimes are of great concern to citizens, yet they cannot be studied effectively with survey data because the crimes may be committed infrequently, the types of individuals who commit these offenses are unlikely to be included in the sample under study, or because victims and perpetrators may be unwilling to acknowledge the criminal act (Hagan 1992). With this in mind, we conclude by identifying several topics that could be studied using an approach similar to the one we have undertaken here. These include studies of domestic violence, sexual assault, sexual harassment, discrimination in the workplace, tax fraud, white-collar crime, drunk driving, discrimination in housing, the use of illegal drugs, and the implementation of affirmative action. As is true of hate crime reporting, variation in compliance with public policy in each of these cases may depend on variation in local configurations of institutional resources, motivations, and credible narratives.

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APPENDIX A

Pearson Correlation Coefficients and Univariate Statistics for all Variables: U.S. Counties and County Equivalents

Variable	Variable														
	(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)	(13)	(14)	(15)
(1) Reported hate crimes	1.000	—	—	—	—	—	—	—	—	—	—	—	—	—	—
(2) Population (in 1,000s)	.754	1.000	—	—	—	—	—	—	—	—	—	—	—	—	—
(3) Percent rural	-.210	-.365	1.000	—	—	—	—	—	—	—	—	—	—	—	—
(4) Per capita income (in \$1,000s)	.263	.362	-.520	1.000	—	—	—	—	—	—	—	—	—	—	—
(5) Percent college	.219	.309	-.525	.721	1.000	—	—	—	—	—	—	—	—	—	—
(6) Percent age 18 to 24	.046	.062	-.361	-.052	.357	1.000	—	—	—	—	—	—	—	—	—
(7) Crime rate	.123	.234	-.548	.201	.273	.239	1.000	—	—	—	—	—	—	—	—
(8) Ethnic heterogeneity	.126	.189	-.235	-.067	.050	.213	.384	1.000	—	—	—	—	—	—	—
(9) Hate groups	.361	.563	-.306	.265	.253	.082	.282	.173	1.000	—	—	—	—	—	—
(10) White-on-black homicide	.858	.749	-.174	.186	.154	.036	.146	.152	.396	1.000	—	—	—	—	—
(11) Black-on-white homicide	.682	.754	-.237	.223	.203	.053	.227	.202	.514	.875	1.000	—	—	—	—
(12) Democratic voting	.114	.145	-.157	-.093	-.026	.178	.211	.386	.066	.108	.137	1.000	—	—	—
(13) Party competitiveness	-.025	.010	-.113	.102	.003	.091	.096	.016	.045	-.046	-.038	.260	1.000	—	—
(14) Civil rights organizations	.569	.524	-.219	.287	.270	.054	.176	.144	.340	.566	.566	.170	-.112	1.000	—
(15) Civil rights revenue	.044	.021	-.018	.162	.039	.014	.006	.026	.017	.053	.055	.107	-.094	.181	1.000
Mean	2.62	91.40	60.39	11.08	13.40	8.85	2.62	.178	.178	.099	.239	44.0	-18.15	.218	.662
S.D.	19.75	320.17	30.82	2.66	6.45	3.54	1.71	.169	.595	.869	1.52	10.87	11.92	1.66	17.98
Minimum	0	.067	0	3.42	3.69	1.50	0	.001	0	0	0	9.7	-75.9	0	0
Maximum	826	9,519.3	100	28.38	53.42	46.00	22.01	.677	10	34.0	37.67	86.9	-1.09	61	9,72.8

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