

AB 412 (CARTER)
Hate Crimes: Nooses

March 31, 2009
Assembly Public Safety Committee
Room 126 / 9:00 a.m.

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Good Morning Mr. Chairman & Committee Members.

I am Malaki Seku-Amen, Legislative Advocate for the California State Conference of the National Association for the Advancement of Colored People – the NAACP. We are the Sponsor for AB 412.

The NAACP was established 100 years ago last month to ensure the political, educational, social, and economic equality of rights of all persons, and, to eliminate racial hatred and racial discrimination. We have been here many times on behalf of the 62 branches and 30 youth and college units in California NAACP supporting civil and human rights.

We'd like to thank Assemblywoman Carter for introducing AB 412, and for her incredible wisdom and courage in promoting public policy that reaffirms every human beings right to obtain an education, earn an income and live in peace without the terror of a threat to his or her life and personal safety.

AB 412 would apply the same principles as laws in 20 states do to prohibit cross-burning, to noose hangings.

In no way, are we advocating for an infringement of free speech rights. We are simply dealing the fact that many crimes can consist solely of spoken words or symbols. The high court has acknowledged that, as speech strays further from the values of persuasion, dialogue and free exchange of ideas, and moves toward willful threats to perform illegal acts, the state has greater latitude to regulate expression.

Hanging a noose is a well established hate crime that represents a serious and racially motivated intent to threaten, terrorize and end life.

According to the 2007 California Attorney General's Hate Crime (AGHC) report, hate crimes are not separate distinct crimes but rather traditional offenses motivated by the offender's bias.

The terrorism of lynching African-Americans, spanned from the late 1800s, and extended well into the 20th Century. Lynching was an institutional method of terror employed against blacks to maintain white supremacy. According to the [Tuskegee Institute](#), between the years 1882 and 1951, 3,437 African-Americans were lynched in the United States.

Recent 2008 incidents of noose hanging at Cal Poly University and the City of Redondo Beach, along with the suspicious nature of actual noose hanging deaths of certain jail inmates, all in California, are reminiscent of the racial hatred, murder and terror in American history.

Also in 2008, at the University of Kentucky, 2 men were arrested for hanging a life-sized likeness of an African-American from a tree on the campus.

A 2007 high profile march, which drew national attention to Jena, Louisiana, stemmed partly from that state's refusal to prosecute those who terrorized students of color by hanging nooses from a tree in the Jena High School courtyard.

Those who don't learn from the past are doomed to repeat it.

The courts have determined that there is a difference between speech and behavior. No one has the freedom to engage in behavior that represents a real threat to life and safety, and terrorizes another person.

Thank you Mr. Chairman and members for allowing me to testify today on this important issue and I respectfully urge an aye vote for AB 412.