Hate Crime Victims
Chapter Six

Matthew Shepard
- Laramie, WY – OCT 1998
- Gay 21 yr old freshman at University of Wyoming
- Meets Russell Henderson and Aaron McKinney in a bar in Laramie

Matthew Shepard (cont.)
- Lure him into going with them by pretending to also be gay
- Shepard is driven to a remote location in the desert outside of town
- Shepard is then tied to a fence post, brutally beaten, and left for dead
- Dies from injuries and exposure
Matthew Shepard (cont.)
- Henderson pleads guilty to avoid death penalty
- McKinney attempts to use "Gay Panic Defense"
- Both receive two consecutive life sentence
- Shepard’s murder becomes a rallying point for Gay Rights groups and hate crime law advocates

Matthew Shepard (cont.)
- Was Matthew Shepard targeted because he was gay?
- Evidence/testimony exists that:
  - Robbery was the motive
  - Shepard was targeted because he was drunk, well-dressed, and assumed to have money
  - McKinney beat Shepard in a fit of "methamphetamine rage"
  - McKinney and Shepard knew each other through the campus party scene

Hate Crime Victims
- Hate crime murders are rare
  - 2008: 7 hate crime murders nationwide
- However, in 2008 the FBI counted nearly 10,000 hate crime victims nationwide
  - The actual number may be three times that
Problems in Identifying Hate Crime Victims: *Difficulties in Reporting*

- Several factors make it difficult to determine the victims of hate crimes
  - The most important is severe underreporting
  - Furthermore, underreporting is not equal among different victim groups
    - Members of certain groups are particularly unlikely to report a hate crime

Problems in Identifying Hate Crime Victims: *Difficulties in Recording*

- Even when hate crimes are reported, there are serious difficulties in interpreting the data
  - Agencies differ in how they record the data so accounting may be different
  - Agencies may have trouble determining the group of the victim
    - Post 9/11 hate crimes

Problems in Identifying Hate Crime Victims: *Difficulties in Recording* (cont.)

- Attacks against institutions are only counted as one victim
- Some private interest groups also track hate crime data; e.g. - ADL
  - Problems with reliability
    - Sometimes also count non-criminal hate incidents
    - Do not represent the full range of hate crime victims;
      Tend to focus on victims from a particular group
    - Advocacy groups are not neutral observers
Problems in Identifying Hate Crime Victims: *Difficulties with Self-Reports*

- Another source of info comes from self-reports.
  - The most comprehensive work of this kind has been conducted among gays and lesbians.
  - Virtually impossible to obtain a representative sample to survey because some members of the group are much more likely to participate.
  - Those who do participate may:
    - Have faulty or incomplete memories.
    - Misunderstand what constitutes a hate crime.

Official Hate Crime Data

- Despite limitations, there is still value in examining the data for trends and patterns.
  - Most striking is that in every jurisdiction, the most common hate crime victim is African American.
    - More than one in three (FBI).
  - Nationally, Jews are the second most common hate crime victim.
  - Whites are the third most common victim.

Official Hate Crime Data (cont.)

- Gays and Lesbians are also frequent victims.
  - One in five hate crimes was committed because of the victim’s sexual orientation.
  - Crimes against gay men are more common than those against lesbians.
  - 2000 and 2001 data show a spike of hate crimes against Americans who are Muslim, Arab, or Middle Eastern.
Advocacy Group Data

- Several advocacy groups attempt to monitor hate crimes and related events
- Data can have several advantages over those collected by law enforcement
  - Victims may feel more comfortable talking to these groups than police
  - Captures data that may not be captured elsewhere

Advocacy Group Data (cont.)

- But there are disadvantages as well
  - Often relies on victims contacting the groups via telephone hotlines or online
  - Many victims may not be aware of these programs or choose not to use them
  - No way to verify false or mistaken reports
  - Tend to include non-crime hate incidents
  - Also tend to show higher victimization rates than official data

Advocacy Group Data (cont.)

- National Coalition of Anti-Violence Programs (NCAVP) found one possible reason for underreporting
  - Reported that it had found that 11% of hate crime victims claimed to have been subjected to verbal abuse and slurs by police pertaining to their sexual orientation
- Reports from advocacy groups indicate that the annual number of victims in general is not increasing
Hate Crimes Against African Americans
- Appear to be the most common victim of hate crimes
- Also appear to be victimized at a disproportionate rate
- Long history of discrimination and deprivation in the US
- Little research focused on hate crimes against African Americans

Hate Crimes Against African Americans (cont.)
- Possible reasons for lack of research
  - No advocacy groups appear to monitor and focus on specifically antiblack crimes
  - Most academics are interested in topics that have some personal relevance
    - African Americans are badly underrepresented in academia
  - Research is taken for granted
    - Belief may be that much is known about it, thus research focus is on more exotic or controversial issues

Hate Crimes Against African Americans (cont.)
- Bottom line – very little research on antiblack hate crime
- Forced to rely on historical treatments or hate crime data, both of which are of dubious validity
- Don’t know:
  - The scope of the problem
  - Number of victims and their experiences
  - Types of criminal acts
  - Characteristics that separate them from other hate crime offenses/offenders
  - Reporting rates
Hate Crimes Against African Americans, Yesterday

- Petrosino (1999) has argued that the enslavement in America of millions of Africans and their descendants ought to be considered a hate crime.
- However, supported by law at the time.

Hate Crimes Against African Americans, Yesterday (cont.)

- Also argues that lynching should be classified as hate crimes.
- Not permitted by law.
- Estimated between 2,500 and 3,400 lynchings between 1882 and 1951.
- Law enforcement often turned a blind eye or even assisted.

Hate Crimes Against African Americans, Today

- Hate crimes continue against African Americans because prejudice continues.
- Affects the way blacks are perceived and treated.
- Many Americans harbor stereotypes of blacks as:
  - Inferior
  - Dangerous
  - Economically damaging to others.
- Not surprising that blacks are the most common hate crime target.
A few studies have been conducted on the wave of arsons of black churches that occurred in the 1990s:
- 1996: 297 churches bombed or burned
- Between Jan. 1, 1995 and Aug. 15, 2000: 945 attacks
- ~ one third of the targets were predominantly black churches
- Most of the offenders were white
- In response, the Church Arson Prevention Act was passed in 1996

The destruction of black churches was especially distressing because the church plays a central role in many African American communities:
- These kinds of crimes devastate not just a few individuals, but often entire groups
- After 1996 the number of church burning decreased sharply
  - In 1999 there were only 140 cases
    - Unclear if this was due to the enactment of the federal law, the prosecution efforts of the federal task force, a strong national economy, a shift in media focus, or other factors

However, it has been shown that these studies have serious flaws/errors:
- In some cases where cause of a fire was unknown, cause was assumed to be arson
- In arson cases where motivation or suspect was unknown, assumed to be bias-motivated
- Lack of consistent reporting year to year
- Included cases where fires were set for reasons other than bias motivation
Hate Crimes Against African Americans, Tomorrow

- One thing that distinguishes most African Americans from many other potential hate crime targets is that they are immediately identifiable.
- Does this lead to a difference in the ways in which hate crimes are perpetrated against members of different groups?
  - Are attacks against blacks likely to be more personal and random?
  - Are attacks against other groups more likely to be institutional and planned?

Hate Crimes Against African Americans, Tomorrow (cont.)

- In many communities, relations between African Americans and law enforcement have been poor.
- As a result, have blacks been reluctant to report hate crimes?
  - What proportion of blacks have actually experienced hate crimes?
  - What forms did those crimes take?
  - What was the impact on the victims?

Anti-Semitic Hate Crimes

- The persecution of Jews has occurred for thousands of years.
  - Pre-Christian era by the Egyptians, Greeks, and Romans
  - Blamed for Christ’s death
  - Massacres during the Crusades
  - Spanish Inquisition
  - Blamed for the plague
Historically, anti-Semitism took many forms
- Jews were often confined in ghettos and prohibited from owning land
- As a result, many Jews earned a living as merchants, traders, and bankers
  - Helped fuel the stereotype of Jews as being greedy and wealthy
- In addition, when governments were in need of cash, they often seized the property of Jews
  - Defamation of Jews was often promoted to justify these seizures
  - Those who owed money to Jews did not protest

Jews constituted a minority in every country in which they lived
- Had different religion, dress, customs, and language
- Jews’ loyalty to ruling governments was always questioned
  - Perpetually considered outsiders
  - Were often denied citizenship—even in their own countries
- Suffered many forms of discrimination and restrictions

On many occasions they were forced to convert to Christianity
- Expelled from many countries and refused entry to others
- Sometimes communities were destroyed and they were exterminated
  - 100K killed in Eastern Europe, 1648-1658
  - Pogroms against the Jews in the late 19th and early 20th centuries were a major factor in substantial Jewish migration to the US
Anti-Semitic Hate Crimes (cont.)

- Next to the enslavement of blacks, the Holocaust could be considered the second greatest hate crime
- Millions of European Jews were:
  - Stripped of citizenship, property, and civil rights
  - Subjected to a large array of sanctions and discriminations
  - Forced into ghettos and then concentration camps
  - Ultimately deliberately murdered
- An estimated 6 million Jews died as a result of the “Final Solution”
  - ~2/3s of Europe’s Jewish pop.
  - 90% of the Jews in Germany and Poland were killed

Anti-Semitism in the US Today

- Jews make up about 3% of the US population
  - Many Americans are not personally acquainted with any Jews and know little about them
- Anti-Semitism forms the core of almost all white supremacist dogma
  - Blamed for economic woes, communism, disloyalty to America
  - Claim that a Jewish conspiracy runs the country’s/world’s banks, media, businesses, and governments, as well as the civil rights and feminist movements

Anti-Semitism in the US Today (cont.)

- The picture is quite positive for today’s American Jews
  - As a group, they are well above the average on measures of socioeconomic status
  - Disproportionately represented in Congress and among high status professions such as physicians and attorneys
  - Significant reduction in anti-Jewish feelings and stereotypes
Anti-Semitism in the US Today (cont.)

- However, anti-Semitism is hardly extinct
  - 17% of Americans who were polled held hard-core anti-Semitic beliefs
  - An additional 35% were moderately anti-Semitic
  - Some stereotypes have persisted
  - Anti-Semitism increased after 9/11
- Their success has also caused problems
  - Lends credence to allegations they are too powerful or have too much influence on government
  - May also stir up resentment among minority groups in lower socioeconomic positions

Anti-Semitism in the US Today (cont.)

- Some researchers have found that anti-Semitism is more common among blacks/Hispanics than whites
  - Possibly see them as to blame for their situations
    - Maintaining the hierarchy
  - Could be related to religious reasons
  - Resentment because of shared claims of oppression
- No systematic study of this phenomenon has been done
- Some researchers have argued that hate crime laws exacerbate tensions between minority groups
  - Encourages identity politics

Why the Jews?

- Why have so many people hated the Jews for so long?
  - No simple answer
- Continuing popularity of anti-Semitism due to a number of factors
  - Long history
  - Religion
  - They can easily “pass” so they represent a threat to white supremacy
    - Socioeconomic success
    - Little exposure to Jewish people and beliefs
  - Christian Identity adherents believe that the Jews are not the chosen people and are literally the offspring of Satan
  - Zionism
Hate Crimes Against Gays

- Homophobia has a long history
- Antigay hate is unique in several respects
  - Often not covered under hate crime legislation
  - Unlike virtually any other targets of hatred, gays are usually a minority within their own family
  - Unlike other forms of bigotry, antigay bias is still socially acceptable
    - Discrimination based on sexual orientation is still legal
    - In several states homosexual activity remains a criminal act

Hate Crimes Against Gays (cont.)

- Antigay hate is unique in several respects (cont.)
  - Many gays choose to remain closeted to various extents
    - Barrier to reporting
  - Sexual orientation is not always obvious
    - Victim targeting takes place differently than other hate crime victims
  - Opposition to homosexuality remains the official doctrine of many mainstream religions
    - Helps to rationalize people’s views
  - Male homosexuality remains associated in many people’s minds with AIDS
    - Disease becomes another way to rationalize hate

How Common are Antigay Hate Crimes?

- Difficult to estimate
  - Few antigay hate crimes reported to police
  - Measuring the rate of antigay crimes is difficult because the precise size of the gay population is unknown
- Official data imply that gays are one of the primary victims of hate crimes
  - 15% (FBI, 2000)
  - Proportion higher in cities with large gay populations
How Common are Antigay Hate Crimes? (cont.)

- Research has found high rates of victimization
  - Berill (1992)
    - 80% of respondents were verbally harassed
    - 40% threatened with violence
    - 33% chased or followed
    - 25% pelted with objects
    - 19% experienced vandalism
    - 17% physically assaulted
    - 13% were spat upon
    - 9% assaulted with an object or weapon

How Common are Antigay Hate Crimes? (cont.)

- There has been less research on perpetrators
  - Franklin (2000) surveyed 489 community college students in Northern California
    - 10% threatened or physically assaulted someone they thought was homosexual
    - Men reported much higher levels of offending
      - 76% of the threats
      - 92% of the physical assaults

How Common are Antigay Hate Crimes? (cont.)

- Research also gives some indication of patterns of victimization:
  - Gay men are victimized more frequently than lesbians
  - Lesbians and gay men of color experience more hate crimes than whites
  - Threats and physical violence are more common than property crime
  - Most perpetrators are young males
  - Although most hate crimes against gays are committed by lone assailants, they are more likely than ordinary crimes to involve multiple perpetrators
  - Crimes against gay men tend to happen in public
  - Crimes against lesbians tend to happen in private locations
  - Reporting rate is low
How Common are Antigay Hate Crimes? (cont.)

Like official data, self-report studies have their flaws
- Extremely difficult to obtain a representative sample
- Participants obtained from:
  - Gay clubs and bars
  - Community centers and organizations
  - Fliers
  - “Snowball” sampling

How Common are Antigay Hate Crimes? (cont.)

Methods tend to result in respondents who:
- Live in urban areas
- Are open about their sexual orientation
- Are active in the gay community
- Are of higher socioeconomic levels
- As a result, those who are more closeted or live in more rural areas or are poorer or less educated will not be included in the research

How Common are Antigay Hate Crimes? (cont.)

There are other potential problems with such surveys as well
- Questions may be poorly worded
- May fail to distinguish between hate crimes and non-criminal harassment
- Respondents may:
  - Misunderstand questions
  - Be confused about the legal definitions of various acts
  - Have faulty memories
  - Purposely over- or underreport
Why Homophobic Hate Crimes?

- No simple answer
- Likely cause is the frequency and social acceptability of antigay bias in the US
- Attitudes towards gays have improved in recent years
  - Positive images of gays are much more common in the media
  - Majority of states now include sexual orientation in hate crime statutes
- However, antigay bias is still a problem

Why Homophobic Hate Crimes? (cont.)

- A large portion of the population continues to feel personal discomfort about homosexuality or express religious or moral condemnation of it
- Levels of homophobia particularly high among students planning on going into law enforcement
- Large numbers of people still report engaging in noncriminal antigay behaviors

Why Homophobic Hate Crimes? (cont.)

- Antigay ideology remains institutionalized throughout the US
  - Many religious organizations and prominent public figures condemn it
  - In the vast majority of jurisdictions gays:
    - May be discriminated against in housing and employment
    - Are prohibited from marrying their partners
    - Are denied benefits that spouses receive
    - Are prohibited from adopting children
  - US military “don’t ask, don’t tell” policy
    - Pres. Obama signed the repeal law on 22 DEC 2010
Why Homophobic Hate Crimes? (cont.)

- Despite improvements, American society remains heterosexist
- Cultural attitudes and images have an important impact on hate crime behavior
- Those who are already homophobic can justify their behaviors
  - To those who are not especially biased but who are seeking thrills and excitement may believe that gays are acceptable targets
  - Surveys have suggested that college students who reported having committed antigay hate crimes are more likely to believe their friends are opposed to homosexuality

Why Homophobic Hate Crimes? (cont.)

- A second likely source of antigay hate crimes is religion
  - While many religions renounce both homosexuality and violence, this point may be lost on some people
  - Religious views color individuals' perception and attitudes of gays, and therefore their behavior towards them
  - Some conservative religious organizations have pursued a specifically antigay agenda
    - 1996 Defense of Marriage Act
    - 2000 California constitutional amendment
  - Official sanctions can put an implied seal of approval on antigay bigotry

Why Homophobic Hate Crimes? (cont.)

- Another reason that some people may commit antigay hate crimes is that it is a way to prove their own masculinity
- By attacking a gay man, the perpetrator demonstrates:
  - That he rejects homosexuality
  - That he is "man enough" to behave violently
- There is some empirical data to support this
- There is also some evidence to suggest that men who are homophobic may be unconsciously sexually attracted to men
Why Homophobic Hate Crimes? (cont.)

- Some antigay hate crimes may be incited by the association many people have between homosexuality and AIDS
- Extremist literature against gays usually contains the following arguments:
  - Homosexuality is morally and biblically wrong
  - Gays have gone too far in their push for "special rights"
  - Gays are responsible for the spread of AIDS, which endangers innocent people
  - AIDS becomes a way of rationalizing antigay bias

Why Homophobic Hate Crimes? (cont.)

- Antigay violence may also come from offenders’ perceptions that gays have violated gender roles
  - Offenders believe that gays must be punished because they refuse to "do gender appropriately"
- How does male homosexuality transgress gender roles?
  - Gay men have voluntarily relinquished the privilege of male domination over women
  - Poses a threat to the established order
  - To allow oneself to be penetrated sexually is viewed as permitting subjugation

Why Homophobic Hate Crimes? (cont.)

- Stereotypes about gays, especially gay men, also likely fuel some hate crimes
  - Gay men are perceived to be weak
    - Easy target
    - Will not fight back
  - Also believed that gay men are unlikely to report an attack to the police or that the police will not do anything
    - Decreases chances of getting caught/punished
Why Homophobic Hate Crimes? (cont.)
- Antigay violence may be fueled in part by the gay rights movement
  - Whenever a subordinate movement is perceived to be gaining influence, some members of the dominant group act to quash these advances
  - The issue is power

Other Victims - Ethnicity
- The crimes are also committed against people because of their heritage
  - Often committed against people of Latino, Asian, or Middle Eastern heritage
  - Hatred against these people has a long history in the US, often officially sanctioned
    - Restrictions against Chinese immigration late 1900s
    - State laws prohibiting non-citizens from owning land
    - Internment of Japanese-American during WWII

Other Victims – Ethnicity (cont.)
- One thing that distinguishes victims chosen because of their ethnicity from other victims—they are viewed as perpetual foreigners regardless of how long their family has lived in the US
  - This perpetual "otherness" means that hate crimes against members of these groups often have a particularly symbolic nature
    - Once again, there may be a desire to retain power
    - Also a xenophobic component
Currently, only about half the states include disability in hate crime legislation.

Little research in this area

In 2000, the FBI reported only 36 hate crimes based on disability.

- True number probably much higher

Reasons:
- Unable to report
- Police may be unlikely to categorize crime as bias motivated

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Glen Ridge, NJ - 1998

- Four members of the local high school football team lure a mildly retarded 17 year-old girl into a basement
  - 13 other boys are waiting there
- Girl is sexually assaulted
- Four teens are charged
  - Charges were upgraded to “aggravated” sexual assault because of the girl’s mental impairment
- Three are convicted

Reasons why hate crimes against the disabled deserve scrutiny:

- Compared with other potential victims, these victims are truly in a vulnerable position
  - More likely to rely on other people for daily necessities
  - May be physically or mentally unable to protect themselves
- People with disabilities make up one of the country’s largest minority groups
  - 20% of Americans have some sort of disability
  - 10% have a severe disability
  - Anyone could become part of this group at any time
Other Victims – Gender

- Inclusion of gender within hate crime legislation has been controversial.
- Only 21 states currently cover gender/sex.
- FBI crime data does not include gender-based hate crimes.
- In California, only 15 hate crimes (<1% of the total recorded) were reported in 2001.

Other Victims – Gender (cont.)

- If one were to take an expansive view, the numbers would be considerably greater.
  - 9,882 forcible rapes reported in California in 2001.
  - 90,000 rapes reported to the FBI in 2000.
- Arguably, there are valid reasons for considering most rapes as hate crimes.
  - Offenses often committed to subjugate the victim.
  - Express perpetrator’s masculinity and power.

Other Victims – Gender (cont.)

- On the other hand, there are potential dangers in treating gender-based crimes as hate crimes.
  - Sheer number of such crimes.
    - Other forms of bias-motivated crime might not get the attention they deserve.
    - Conversely, rape and domestic abuse could conceivably be subsumed and forgotten under the broader rubric of hate crime laws.
Other Victims – Homelessness

- Recently gained more attention
- Advocacy groups maintain that violence against the homeless is a serious problem and they should be included in hate crime laws
- Few jurisdictions include homelessness as a protected category or are considering doing so

Other Victims – Homelessness (cont.)

- Virtually no empirical study of extent and nature of problem
- Possibly due to difficulties of studying this population
  - They move often and can be difficult to contact
  - Often distrust police/authorities
  - Often suffer from challenges—mental illness/addiction
  - May have particular difficulties in access to assistance when they are victimized
  - May find it difficult to find a platform to voice their concerns