

Chapter 2

The Legacy of Hate Crimes in American History

Hate motivated violence is steeped in both American and European culture and history. In Europe, hate victim groups such as Roma, Gypsies, Travelers, and Jews have experienced centuries of hate motivated violence. Similarly in American history, African-Americans, Hispanics, Native Americans, Jews and lesbian, gay, bisexual, transgendered, and queers persons and generally non-white persons have often been the victims of prejudice and hate-motivated violence (Petrosino 1999). Hate crimes in the United States can be dated back to colonial America. Conceivably, establishing a historical timeline between past and present hate crimes can assist in developing public policy that includes an understanding of the origins and nature of hate victimizations. Recall one of the problems with using statutory definitions of hate crimes is the implicit assumption that hate crimes were either nonexistent or not a serious problem before the enactment of hate crime legislation (Petrosino 1999). Petrosino (1999) posited the predominance of American jurisprudence throughout history reflects the political nature of lawmaking and its functional role to keep powerless groups from making moral, ethical, and legal claims of hate crimes. In this regard, two factors contribute to our misunderstanding of the origins and nature of hate victimizations. First, normative values of past eras denied personhood to hate crime victims because of the absence of constitutional, statutory, and legal redress for victims. Second, the U.S. government itself has held a complicit and direct role in perpetrating hate crimes (Petrosino 1999). Consider the legacy of four centuries of slavery (King et al. 2009); the near genocide of the Yuki and Cheyenne Indian (Petrosino 1999); law enforcement tolerance and participation in lynching (Wells-Barnett 1969); and hate crimes perpetrated against Asian Immigrants (Chen 2000). In many state constitutions, non-white races and ethnicities were disallowed full legal redress in matters that accused Whites persons. The net effect of this type of historical amnesia has been that the nature and severity of hate crime victimizations has not been recognized because racism and xenophobia was largely, normative. Hate crime atrocities against non-white persons did not alarm the consciousness of citizens because the internal ethical and moral

compass throughout most of American history guaranteed rights, privileges, and protection of personhood only to White citizens.

Here, we recall the history of hate crimes in America and Europe to provide both a context and continuity between past and the present hate motivated violence. Arguably, historical accounts of hate-motivated violence throughout American history may serve to explain why certain hate-motivated behaviors and types of victimizations continue to be so prevalent and robust within American culture over the last three centuries. (Chen 2000). By no means exhaustive, four significant eras of hate-motivated violence is presented to contextualize our understanding of contemporary hate crimes.

Interestingly, when we recount hate victimization throughout American history, it is not just ironic that the most prevalent bias victimization categories today are race, religion, and sex orientation. Even more interesting, and not so ironic, within these generalized categories, history provides evidence of specific types of hate that have sustained prevalence over time. Recall the history of American lynching of African-Americans; racial atrocities that paralleled the birth and rebirths of the Ku Klux Klan; anti-Semitism and the holocaust; and the history of gay and lesbian bashing. These episodes of hate violence are historically significant and not so ironically link to contemporary prevalence of historic and specific types of bias.

American Lynching

The practice of lynching in American history is perhaps the most obvious evidence of the historical continuity between hate-motivated violence in the past and contemporary hate crimes (Gabbidon and Greene 2016). Lynching was quite prevalent during the nineteenth and early twentieth century. Comparable to contemporary hate crimes, lynching served the same purpose as defined by sociologist Oliver Cox (1945). Cox (1945) defined “lynching” as:

an act of homicidal aggression committed by one people against another through mob action for the purpose of suppressing either some tendency in the later to rise from an accommodated position of subordination or for subjugating them further to some lower social status. (p. 576)

Named after Charles Lynch during the nineteenth century, lynching was practiced in the American Revolutionary war when vigilante patriots lynched loyalist. Moreover, lynching was prevalent in the history of the American West where horse and cattle thieves, murderers, claim jumpers, and people of Hispanic descent were lynched (Jacobs and Potter 1998). However, lynching became more prominent and a settled form of unofficial justice after the civil war, particularly when it was directed at African-American victims (Chalmers 1981; Howard 2005). Both the threat of lynching and lynching prevented by friendly White persons served to maintain White dominance. Petrosino (1999) described lynching as the execution of

an accused individual without due process of law. However, the history of lynching in the United States indicates that it is very much more purposeful and complex. Lynching, to a large extent, is an exemplary and symbolic act. Cox (1945) noted that it is an attack principally against all African-Americans in some community rather than against an individual African-American. Its purpose was not to eliminate dangerous individuals from society, but to make the occasion as impressive as possible to the entire population of both African-Americans and Whites. In essence, it was designed to reaffirm White dominance.

The practice of lynching often occurred with the tacit approval of legal authorities. Occurring primarily in areas where discrimination and prejudice was quite prominent, the administrative judicial machinery frequently facilitated the act of lynching (Cox 1945). Lynching for all intents and purposes was not a crime in the south during the era of lynching and offenders who practiced lynching were not viewed as criminals (Gabbidon and Greene 2016). To be a crime, lynching had to be considered an offence against the state. However, the predominant assumptions and prevalent thinking of the community during the era of lynching did not consider lynching against the law. To this point, Raper (1933) asserted:

Mobs do not come out of nowhere; they are the logical outgrowths of dominant assumptions and prevalent thinking. Lynchings are not the work of men suddenly possessed of strange madness; they are the logical issue of prejudice and lack of respect for law and personality. (p. 47)

Consequently, lynch mobs seldom feared legal repercussions. Although lynching was never statutorily advocated, it was taken for granted in the south that Whites could use force against any African-American who became overbearing. Raper (1933) further noted that the rationale for lynching rested on the assumption of the unlimited rights of White men and the absence of any rights on the part of African-Americans. Therefore, it was not uncommon for African-Americans to be taken from police custody or from a courtroom because of the assumption that the law was not available to African-Americans because they were not equal in standing to White persons. Further, lynch mobs were composed of people indoctrinated in the primary social institution of the region to conceive of African-Americans as extra-legal, extra-democratic objects, without rights which White person were required to respect. The indoctrination into the hierarchy of southern race relation was also facilitated by bringing White children to the occasion of a lynching and allowing them to view the bleeding and or burning corpses of African-Americans (Raper 1933). Largely, lynching was an institution maintained by prominent White people of the South to support the ruling class (Cox 1945). Interestingly, Cox (1945) noted that it would be foolhardy for African-Americans to seek the protection of the police, sheriff, or courthouse because that would further infuriate the lynch mob because of the assumption that the African-American was seeking to use the law to safeguard their rights which is antithetical to the lynchers' objectives. Lynching was quite effective in serving the purpose of keeping African-Americans in their place as an easily exploitable

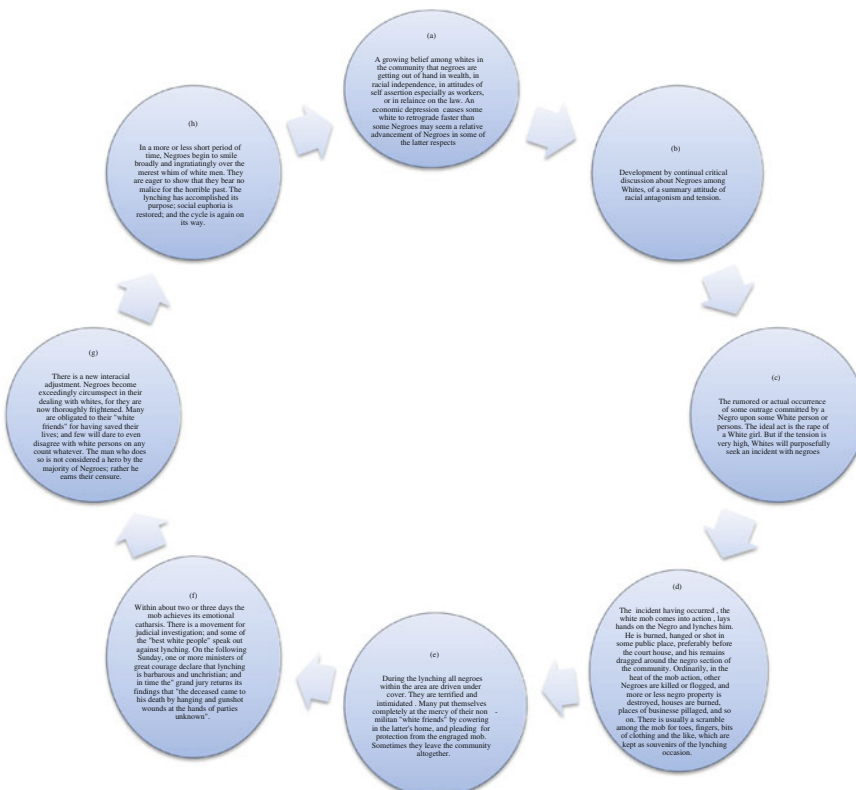


Fig. 1 The Lynching Cycle, *Source Cox (1945: p. 576) Lynching and the status quo. Reproduced with permission of the Journal of Negro Education, copyright, 1945; Howard university*

common labor reservoir (Cox 1945). Figure 1 illustrates the purpose and cycle of lynching as depicted by (Cox 1945).

However, victims of lynching were not always African-American. Other historically victimized groups by contemporary hate crime standards including Latinos, Native Americans, and Asian Americans were also lynched (Gonzales-Day 2006). Delgado (2009: p. 299) noted that “Mexicans were also lynched primarily in Arizona, California, New Mexico, and Texas, for like African-Americans, acting uppity, taking away jobs, making advances toward a white woman... with one exception, Mexican were lynched for acting to “Mexican”—“speaking Spanish’ or defiantly reminding Anglos of their Mexicanness.” Delgado (2009) noted the prevalence of lynching Latinos during and just after reconstruction was comparable to the rate of lynching African-Americans. To this point, Carrigan and Webb (2003) found that more than 400 Latino/Mexicans were lynched between 1848 and 1890.

Between 1882 and 1968, 4743 people were lynched of which the majority was African-American (Jacobs and Potter 1998). Between the years 1889 and 1918, the

five most active lynching states were Mississippi (350), Louisiana (264), Texas (263), and Alabama (244) and these numbers include only recorded lynching (Jacobs and Potter 1998). The exact number of lynching is probably severely underestimated. To this point, Perlmutter (1992) asserted “Lynching was so common it was impossible to keep accurate records” (p. 151). Still, according to Cutler (1969), African-American lynching was so prevalent in the southern states that African-American lynching victim rates exceeded Whites by 350 %. Raper (1933) reported that between 1889 and 1932, there were 3745 reports of people lynched, of which 2954 were African-Americans and 791 were White persons.

The Chicago Tribune reported that between 1882 and 1903, a total of 3337 African-Americans were lynched by White mobs (Cutler 1969). Lynching of African-Americans was so prevalent during this period that, in a single year, 1892, a total of 200 African-Americans were lynched (Jacobs and Potter 1998). Lastly, the Equal Justice Initiative released a report in 2015 on lynching in America. Focusing primarily on lynching in southern states between 1877 and 1950, they identified 3959 people who were lynched including 700 that were previously unknown and what they describe as “terror lynching”.

Although these numbers are disparate and underlie the lack of specificity regarding prevalence of lynching, they confirm the practice of lynching as the origins of contemporary hate crimes. Moreover, the practice of lynching denotes the mindset of the perpetrators similar to hate offenders today. Lynching victims, primarily African-Americans were not worthy or of equal standing to require due process of law in the form of trial. The humanity of African-Americans was not considered equivalent to White persons to require the ethical consideration of basic human rights afforded to persons. To a large extent, lynching served comparable purposes that are quite similar to the objectives of hate offenders detected in contemporary hate crimes.

It is important to note that lynching proliferated in the South just after President Abraham Lincoln signed the emancipation proclamation and the Thirteenth amendment was enacted. History indicates African-American Lynching was a response to the federal government efforts to remove legal constraints on African-American participation in America’s social, legal, and economic systems. History also reveals evidence of the increasing prevalence of lynching during times when African-Americans were perceived to have succeeded socially and economically at the expense of Whites. Lynching historically and hate crimes contemporarily is a message of terror, intimidation and an effective reminder of past atrocities to direct and vicarious victims alike and larger society for victims to staying in their place of inferiority.

Ida B. Wells, the avowed anti-lynching journalist, noted that John Hughes of Missouri, Isaac Lincoln of South Carolina and Will Lewis of Tennessee was lynched for the serious charge of being “saucy” to White people (Wells-Barnett 1969). Brundage (1997: p. 2) noted lynching was a “powerful tool of intimidation” used by the White population to subordinate and subjugate the Black population. Similarly, King et al. (2009: p. 292) noted “lynching was perhaps the most egregious expression of overt prejudice and demands for white supremacy during the Jim

Crow era” that also “depicts the state’s failure to protect a racial minority group from violent extra-legal social control”.

It is in this tradition, that hate crime continues today as message crimes to primary victims, secondary members of the victim’s group and society at large. Lynching and the message of White Supremacy were never more evident than in the birth and rebirths of the Ku Klux Klan.

The Birth and Rebirth of the Ku Klux Klan

Recall that lynching was most prevalent during brief periods of African-American social and economic prosperity. History also reflects that the birth and numerous rebirths of the Ku Klux Klan (KKK) also coincided with these periods of African-American economic, social, and political progress. The Ku Klux Klan was formed during the reconstruction era only two years after the passage of the Emancipation Proclamation in 1863. Two years later, in 1865, the Thirteenth Amendment was enacted abolishing and proscribing slavery in the United States. During this post civil war reconstruction period, Klansmen in white hooded robes terrorized southern Blacks so much that Blacks went into semi-permanent hiding (Chalmers 1981). Although African-Americans were legally free and slavery outlawed, the KKK’s singular purpose was to intimidate African-Americans into not accessing social, political, and economic rights afforded them as free men and women. Klan membership and activity peaked during the reconstruction era as anger toward the abolition of slavery was followed by equally divisive reconstruction amendments requiring equal protection under the law for all citizens (Thirteenth Amendment) and prohibiting Federal and State governments from denying a citizen the right to vote based on “race, color or previous condition of servitude” (Fifteenth Amendment). During this era, the Klan’s reign of terror effectively dispirited African-Americans who were previously buoyed by the possibilities of equality pursuant to the reconstruction amendments. Chalmers (1981: 14) noted:

Unless there were federal troops at hand, the safest thing for Negroes to do was to hide during period of Klan activity or after outbreaks of violence. It was reported that in some region of South Carolina, more than a majority of the Negroes slept in the woods during the Klan’s active winter of 1870-1871.

Not unlike contemporary hate offenders, the KKK’s purpose was to prevent de facto implementation of the thirteenth, fourteenth, and fifteenth amendments through physical violence and psychological terror (Chen 2000). On one such occasion, Swinney (1987) described a race riot in March of 1871 during the trial of three Blacks accused of making incendiary speeches. While most of the Blacks escaped to the woods, 20 to 30 Blacks were shot and killed, and the KKK took the three Blacks on trial from the courthouse and hanged them.

During the last century, the KKK experienced several rebirths and a philosophical renaissance. Sadly, these rebirths reflect the stability and popularity of the KKK as an organizational and ideological vehicle of hate against a number of minority groups. Interestingly, the KKK membership has alternately waned and increased consistent with sociopolitical and economic equality rights advances. Klan membership in the 1920s has been estimated at 4–5 million; however, in 1974 its membership was estimated at a low of 1100; still, in 1981 membership increased to 11,000. Finally, between 1988 and 1997 Klan membership was reported at 5000 official members (ADL 1988; Baudouin 1997).

Although Klan membership waned in the late twentieth century, a plethora of other extremist organizations has emerged with Klan type extremist agendas. These include Neo-Nazis, The Christian Identity, Skinheads, and anti-tax, anti-government groups dedicated to espousing and acting on hate ideologies (Levin 2001). Comparable to the broader appeal of the contemporary KKK agenda, these groups also target an increasing number of diverse victim groups including African-Americans, Jews, LGBTQ persons, and immigrants. Jacobs and Potter (1998) noted that after the overturning of *Plessy v. Ferguson* (1896) with the U.S. Supreme Court Decision in *Brown v. Board of Education* (1954) violence against Blacks and Jews flared across the south with hundreds of homes, churches, and synagogues experiencing firebombing. Consistent with the history of spikes in violence and Klan activity during periods of African-American social and economic progress, African-American students who attended newly desegregated schools required National Guard protection from angry White mobs livid and prepared to react violently over the *Brown v. Board of Education* decision. The births and rebirths of the Ku Klux Klan and its progeny again reflects the deep roots of hate-motivated behavior particularly during period of economic downturns where White persons perceived themselves as less fortunate than African-Americans and other minorities. The births and rebirths of the KKK provide an interesting temporal trajectory of hate-motivated behaviors in America.

Anti-semitism and Holocaust Denial

Next to the 400-year enslavement of African-Americans, perhaps the most notorious evidence of hate-motivated conduct in modern history is reflected in the genocide against Jewish people (Gerstenfeld 2013: p. 188). Some historians and scholars have described the genocidal victimization of Jewish people as the greatest holocaust in the history of civilization. Thus, the infamous name “The Holocaust” aptly describes the systematic extermination of approximately 6 million Jews between the years 1942 and 1945. Historical evidence inclusive of orders, documents, and testimonial evidence of the genocide were provided to interrogators at the Nuremberg trials in 1946. Levin (2001) noted that during the trials, defendants did not deny the genocide, but claimed they were obeying orders. Rudolf Hoess’ testified in 1946 that he “personally arranged on orders received from Himmler in

May, 1941, the gassing of two million persons between June–July 1941 at the end of 1943, during which time I was Commandant of Auschwitz” (Stern 1003: p. 69).

Further, evidence of the holocaust estimates that, nearly 6 million Jews were asphyxiated, gassed, shot or used as anatomical subjects for human experiments throughout 17 concentration camps located throughout Eastern Europe. Often, those who were too young, weak or old, or unable to work in forced labor camps were immediately segregated and promptly sent to the concentration camps described as the most efficient killing machines in world history (Levin 2001). Those victims who could work, after a period of forced labor, were rounded up, stripped and herded in large enclosures where they knowingly awaited death from the administration of the insecticide zyklon b or carbon monoxide (Berenbaum 1993; Obrien and Palmer 1993).

Despite the physical and testimonial evidence, anti-Semitism reflected by the denial of the holocaust continues and has been revived nearly six decades after the end of the World War II. The Anti-Defamation League (ADL) describes holocaust denial as part of anti-Semitic propaganda movement active in the United States, Canada, and Western Europe that seeks to refute the evidence of the Nazi regime’s systematic mass murder of 6 million Jews during World War II (www.adl.org). The ADL explains that holocaust denial, otherwise known as holocaust revisionism, is a propaganda campaign to rewrite history that has origins at the end of the World War II when it was apparent that Germany would lose the war (Lipstadt 1993). Lipstadt (1993) noted in her research on holocaust denial, that Heinrich Himmler, the infamous Third Reich leader, attempted to cover up the atrocities by instructing his camp commandants to destroy records, crematoria, and other signs of mass destruction of human beings. However, evidence of his 1943 speech at Poznan to his SS Generals directing that the mass murder of the Jews should be secreted and never recorded was found. Moreover, in 1945, fearful of testimonial evidence by Jews, Himmler signed an official order directing that the concentration camps never be surrendered and no prisoner should be allowed to fall into the hands of the enemies alive. This order remains a part of the physical evidence and historical record of the holocaust today. Himmler’s unsuccessful attempt to conceal and cover up the genocide was his clear understanding and acknowledgement that the Nazi policy of hate and extermination as the final solution to the “Jewish Problem” would never be justified in the court of world opinion. Therefore, his veiled attempt to erase the record of “crimes against humanity” and eliminate witnesses was perhaps the first of overt and covert acts to deny the holocaust.

After the war, Nazi SS leaders who escaped immigrated to other parts of the world to ideal relocation venues where holocaust denial could thrive. Almost immediately, former Nazis began to employ their adept skills of propaganda to deny the holocaust and rewrite history (Stern 1993: p. 6). Friedrich Meinecke (1950) authored one of the early holocaust denial publications entitled “The German Catastrophe” which essentially attempted to neutralize the blame on Germany suggesting it was the work of industrialist and Semites. In addition, Frenchman former internee and avowed anti-Semite, Paul Rassinier was one of the most significant contributors to early holocaust denial propaganda. Rassinier’s

concentration camp experience as an internee at Buchenwald, the very first Nazi concentration camp, gave his voice and written word a veneer of credibility with contemporary holocaust deniers. However, Lipstadt (1993) pointed out that Buchenwald, Germany was only one of 17 concentration camps that happened to not have a gas chamber. Consequently, Rassinier's view is less credible and his claim "I was there and did not see a gas chamber" is discredited because he was not at any of the other 16 concentration camps.

Still, in 1948, just a few years after the war, Rassinier's (1948) published "*Le Passage de la Ligne*". Two years later, in 1950, he published "*The Holocaust Story and the Lie of Ulysses*". Both publications claimed the holocaust did not happen. A decade and a half later, Rassinier (1964) published "*The Drama Of European Jewry*" wherein he attempted to discredit what he called "the genocide myth". Rassinier authored numerous holocaust denial publications over the next three decades but these three are still employed by contemporary anti-Semitic holocaust deniers with two recurrent themes: denial of the existence of the gas chambers and the number of Jews who died.

Perhaps more detrimental, Rassinier's voice and written word continues today to suggest that holocaust allegations are a fabrication of a Jewish/Soviet/Allied conspiracy to swindle Germany out of billions of dollars in reparation. More importantly, Rassinier's (1978, 1978a) publications and his rationale of disingenuous benefactors of the holocaust hoax are still embraced by anti-Semites primarily in France but also in the United States.

It is important to note that the freedoms protected by the constitution in the United States also offer fertile ground for anti-Semitism in the form of holocaust denial. The United States with its staunch First Amendment purists and protectors of free speech also tangentially allow holocaust revisionism to grow unfettered in a manner proscribed by statutes in many European countries. Consequently, holocaust denial, unlike many countries in Europe and in Canada flourished and delivered quite effectively the message of anti-Semitism.¹

American holocaust deniers operating under the protection of the First Amendment are empowered to proclaim Rassinier's recurring denial themes and the rationale of disingenuous reparation benefactors of a holocaust hoax. Nearly 50 years later, these themes are still embraced and reverberate in the hate philosophies of many extremist hate groups and want to be holocaust deniers.

Levin (2001) enumerated a number of factors that converged to give holocaust denial new life in a modern day denial philosophies embraced by an assortment of extremist groups. First, he explained that the evidence of the holocaust was so overwhelming and accepted throughout mainstream academia, theologians, and mass media, it became necessary for denial promoters to diversify their message to other extremist groups. Consequently, the shrinking KKK was willing to work with neo-Nazis against their common enemies. Levin (2001: p. 192) posited:

¹Both Germany and Canada employ statutes that proscribe holocaust denial and race rhetoric likely to result in violence.

“The younger new, “Nazified” Klan did not share it previous leaders’ distrust of neo-Nazis and were thus more susceptible to the denial message”. In addition, the first generation 1950 and 1960s KKK lost it appeal and membership to a growing number of extremist splinter groups. Though African-American remained the targets of disdain, Jewish and anti-government conspiracy theories were now at the center of hate-related extremism. The leaders of these new groups such as Tom Metzger and David Duke and Richard Kelly Hoskins promoted their own extremist versions of holocaust denial (Levin [2001](#)).

How does holocaust denial link to hate crimes? First, it is important to note that anti-Semitism as a specific type of bias constitutes the majority of the annually reported federal bias category of religion. Moreover, anti-Semitism is the one ubiquitous characteristic of all holocaust deniers that binds them together. Attack upon the truth under the guise of scholarship is an attempt to justify anti-Semitic viewpoints promoted by Nazis. Holocaust denial the foundation for modern day hate mongers to sustain their anti-Semitic beliefs, expand their ideologies and increase the likelihood of transferring these beliefs into hate crime conduct. The deep roots of hate lie firmly in European and American history and again on a trajectory that leads to contemporary hate crimes.

Gay and Lesbian Bashing

Homophobia or sexual prejudice (Herek [2000a](#)) has a history as long as racism and anti-Semitism but not nearly as well documented (Gerstenfeld [2013](#)). In fact, for most of the twentieth century, the stigmatization of homosexuality was taken for granted and largely unquestioned (Herek and Capitanio [1999](#); Herek [2000a](#)). Homosexual persons were, and arguably still are, harassed and subjected to disdainful prejudice by offenders. Moreover, official policies and public sentiment reflected by law enforcement agencies sanctioned harassment of gay persons during the regular course of law and order maintenance in the first half of the twentieth century. It is in this historical context that homosexual persons today are subjected to the highest rate of violent victimizations. Worse, violence against homosexuals has been found to reflect the most heinous and physically injurious hate crime victimizations (Berrill [1990](#); Herek et al. [2002](#)).

However, nearly 46 years ago, gay and lesbian persons grew tired of the mistreatment and harassment and made their voices of opposition heard. The Stonewall Inn rebellion sparked the modern day Gay Liberation Movement. That day, on June 28, 1969 at 1:20 AM in the morning eight New York City police officers (NYPD) raided the Stonewall Inn, a bar in New York’s West Village frequented by gays and lesbian persons. The raid, typical of previous raids of the Stonewall Inn, was characteristic of the regular, tolerated, city-sanctioned harassment of gay persons by NYPD. Typically, upon entry into the bar, lights were turned on, music stopped and police officers proceeded to check customer conduct customer IDs. Employees, managers and patrons without ID or those patrons

dressed in full drag² were immediately arrested. In 1969, it was illegal to serve gay persons alcohol or for gays to dance with one another.

However, unlike previous raids, gay and lesbian persons refused to cooperate with the police. Those who were asked to leave the bar congregated outside. As those persons who were the subjects of arrests complained of mistreatment, other patrons vociferously objected and loudly proclaimed allegations of harassment. Consequently, the eight officers decided to arrest all 200 patrons of the bar. While awaiting the patrol wagon, the perceived injustice caused a crowd of over 600 sympathizers outside to swell outside the bar. The angry crowd began to throw things at the police and forcing the eight police to barricade themselves inside the Stonewall Inn and await backup help from additional police officers. After numerous arrests and injuries to police and protesters, peace prevailed but the modern day gay and lesbian liberation rights movement was launched. Today the protest by the gay community at the Stonewall Inn is considered the Rosa Parks moment of the Gay Liberation Movement. No longer would gay and lesbian person just tolerate injustice and harassment. The launch of gay liberation movement became synonymous with gay pride, characterized by the rainbow flag proclaiming to all that the negative stereotype of homosexuality was no longer acceptable. In fact, one of the major victories of the gay rights movement was to eliminate diagnoses of homosexuality as a mental disorder in the Diagnostic and Statistical Manual³ (Herek 2000a). Another victory credited to gay and lesbian activist is the radical change from treating homosexuality as a mental disorder to treating anti-gay hostility as a disorder. Herek (2000a) noted this was crystalized in the term “homophobia” coined originally by George Weinberg. Weinberg (1972) defined homophobia as the dread of being in close quarters with a homosexual or for homosexual themselves, self-loathing.

However, even with the social and political progress made through the advocacy of gay and lesbian activism since the Stonewall rebellion, hate crimes directed towards homosexual persons are still quite prevalent. Prejudice towards gay and lesbian person is endemic throughout mainstream America. A number of studies between 1984 and 1989 of various sample sizes, characteristics, and research methodologies found that harassment and violence against gay persons was quite pervasive (Berrill 1990). These studies generally lacked systematic data collection. However, almost 30 years after the launch of the gay and lesbian rights movement, Herek (2000b), found that 54 % of American felt that homosexual behavior is always wrong. Additionally, 44 % of Americans surveyed considered homosexuality an unacceptable life style. Franklin’s (2000) study found that 10 % of high school and college students admitted to physical assault or threat to a homosexual. Moreover, 95 % reported witnessing verbal or physical abuse by friends. In a comprehensive study by National Gay and Lesbian Taskforce (1991) a sample of 2074 gay and lesbian male subjects from major cities in the United States including

²Denotes Men wearing women’s clothing or women wearing Men’s clothing.

³Prior to the DSM IV, homosexuality met the criteria as a mental disorder.

Boston, New York, Atlanta, St. Louis, Denver, Dallas, Los Angeles, and Seattle were surveyed. The study found that 19 % of the gay victims had been punched, kicked or beaten at least once in their lives because of their sex orientation. Forty-four percent had been threatened with physical violence and 94 % experienced verbal abuse, physical assault, police abuse, weapon assault, vandalism, and or being spat on. Eighty-four percent knew of other gays who had been victimized and 92 % experienced anti-gay epithets more than once. In addition, anti-gay violence had a major impact on the attitudes and future behavior of those surveyed. Eighty-three percent of those surveyed thought they would be victimized in the future and 62 % feared for their safety.

It should be noted that LGBT official hate crime victimization rates are likely underestimated because of fear of retaliation, public disclosure of the sex orientation, or secondary victimizations by police (Herek et al. 2002). Therefore, estimates of anti-gay violence are most likely conservative and not representative of the dark figure of LGBT victimizations. However, reports by advocacy groups and law enforcement agencies do suggest a growing trend in anti-gay violence (Berill 1990; Herek 1989; Herek et al. 1999, Herek et al. 2002; Dunbar 2006). In 2010, Klanwatch of the SPLC (2010) analyzed 14 years of FBI hate crime data to assess hate crime prevalence rates of minority groups most victimized by violent hate crimes. Using a computation method that compared each minority groups' percentage of violent victimizations to their percentage in the population, they found that gay persons were most victimized at 8.3 times the expected rate of victimization. Comparatively, Jews, Blacks, Muslims, and Latinos were victimized at 3.5, 3.2, 1.9, and 0.6 times, respectively, the expected rate of victimization. Further, when they compared gay violence victimization rates to other minority groups, gay persons were 2.4 times for likely to suffer a violent attack than Jews; 2.6 times more likely than Blacks; 4.4 times more likely than Muslims and 13.8 times more likely than Latinos⁴ (www.splc.org).

In a subsequent study conducted by the Human Rights Campaign (2012), disparate relative rates of violent victimization of gay persons were reported. They found that LGBT youth were twice as likely as their straight peers to be verbally harassed or physically attacked. Moreover, a significant increase in prevalence anti-gay and Lesbian hate crimes was recently reported by the 2012 UCR report. Other studies have found that anti-gay violence appears particularly heinous and physical injuries are more severe than comparable nonbias crimes or bias crimes against other minorities (Herek et al. 1999; Millers and Humphrey 1980; Pezzella and Fetzer 2015). Millers and Humphrey (1980) studied homosexual victims of assault and murder and reported:

An intense rage is present in nearly all homicide cases of gay victims. A striking feature... is their gruesome, often vicious nature. Seldom is the homosexual victim simply shot. He is more apt to be stabbed a dozen or more times, mutilated and strangled. (p. 179)

⁴Figures for Latino victimization rates do not include undocumented immigrants who fear reporting because of the possibility of deportation. Therefore the figures are less reliable.

So what explains the sustained prevalence and severity of anti-gay violence throughout American history? Several factors including the institutionalization of anti-gay ideology, social acceptance of anti-gay prejudice, and societal backlash to political and social gains achieved by the Gay and Lesbian liberation movement may explain the continuity of anti-gay violence. Gerstenfeld (2013) asserted that the institutionalization of anti-gay ideology is reflected by the actions and policies of several mainstream staples in American society. First, within the institution of politics, conservative anti-gay politicians and nonpolitical public figures openly voice their opposition to homosexuality under the guise of advocating mainstream traditional American values. In addition, religious institutions espousing anti-gay religious views on moral grounds have also adopted anti-gay political agendas. For instance, in 1996, Congress enacted the Defense of Marriage Act that authorized states to refuse to recognize same sex marriages from other states. In 2000, California passed a constitutional amendment authorizing the state to exclusively recognize only marriages between men and women. Other states have followed suit and only 11 states have enacted same sex marriage legislation via representatives from their respective states legislatures or by popular vote. Today, same sex marriage is legal in 37 states. However, 26 states derived legal authority via court decisions. Thirteen states still have constitutional amendments or state laws banning same sex marriages of which seven have had the bans overturned with appeals in progress. The U.S. military represents another major American institution that legitimated anti-gay bias and bigotry. To this point, just 4 years ago, the U.S. military sustained and enforced their “Don’t Ask, Don’t Tell” policy regarding sex orientation in the military which was eventually repealed by President Barack Obama in 2011.

In summary, victim accounts of historic eras of hate-motivated prevalence reflects the legacy of hate violence that is firmly entrenched in American History. Undoubtedly, historical evidence of other eras and episodes of hate exists that also serve to remind us of the historic and deepest antipathy that man has toward fellow man. Without recognizing the legacy associated with intergroup group animus, how can we devise effective policies that diminishes hate-motivated violence?

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