

# **HATE CRIMES**

**Confronting Violence Against  
Lesbians and Gay Men**

**Gregory M. Herek • Kevin T. Berrill**  
editors

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## **Confronting Violence Against Lesbians and Gay Men**

Edited by

Gregory M. Herek

Kevin T. Berrill



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## Foreword

In recent years, the number of reported attacks against Americans because of their race, religion, sexual orientation, or ethnic origin has increased dramatically. These hate crimes are carried out by organized groups as well as by individuals. They are intended to harm their victims and also to send a message of intimidation and fear to entire communities of people. The fact that such offenses still occur in the United States is an indication that we must be vigilant to protect the democratic values in which we take such great pride.

In 1865 the Ku Klux Klan formed and began attacking and intimidating African Americans. Its members used terrorism as a weapon to reestablish the old plantation social and economic order. The Klan's efforts were designed to prevent African Americans from exercising their constitutional rights to vote and hold office.

Today the targets of the Klan and other hate groups such as White Aryan Resistance and the Skinheads also include gay men and women, religious groups, and other minorities. Although some of their members use more sophisticated methods, they continue to rely on hate crimes as their principal weapon of

intimidation. They have declared war on the U.S. government and the principles of equality and democracy that it represents.

Hate crimes are extraordinary in nature and require a special governmental response. As a starting point, we need to understand the dimensions of the problem. For this reason, I introduced in 1988 the Hate Crimes Statistics Act, which requires the Department of Justice to collect and publish annual statistics on crimes that manifest prejudice based on race, religion, sexual orientation, and ethnic origin. The bill was passed by both houses in the 101st Congress and finally signed by President Bush on April 23, 1990, as Public Law 101-275.

The Hate Crimes Statistics Act generated controversy in part because it included "sexual orientation" as a category upon which hate crimes are often based. This was in recognition of the rising tide of anti-gay violence that has been documented by the National Gay & Lesbian Task Force and such local groups as San Francisco's Community United Against Violence and the New York City Gay and Lesbian Anti-Violence Project.

Before the Hate Crimes Statistics Act, no federal statute specifically addressed anti-gay violence. Nor do current federal laws protect the rights of gay men and lesbians from discrimination in employment, housing, or services. Consequently, federal law enforcement response to anti-gay violence was virtually nonexistent until 1990. At the local level, law enforcement has historically been deficient. Although some agencies are now sincerely trying to do a better job in responding to this violence, in most areas of the country, the issue is treated as insignificant at best. At worst, the victims are blamed as though they brought the violence on themselves.

It was against this backdrop that I, acting in my role as then-chairman of the House Judiciary Subcommittee on Criminal Justice, convened the first congressional hearings on anti-gay violence on October 9, 1986. The testimony provided at those hearings clearly documented the problem of anti-gay violence, the importance of research into its scope and sources, and the immediate need for action to respond to it and prevent it.

The editors of this volume, Dr. Herek and Mr. Berrill, both testified at those hearings. Since then, they have been active in efforts to increase our understanding of this serious problem and to help formulate effective responses to it. The papers they have

collected here represent an important milestone, the first anthology devoted exclusively to serious discussion of what is known about anti-gay prejudice and violence. It is a most thorough and thoughtful book, one that should be read by all Americans who wish to understand the specific dimensions of anti-gay violence and the general problem of hate crimes in our society. It will be especially useful to law enforcement personnel, legislators, and policymakers.

Whether based on sexual orientation, race, religion, or ethnicity, bigotry and the violence it inspires pose a grave threat to the peace and harmony of our communities. The need to alert Americans to this threat is great. We need especially to educate our youth about tolerance and about appreciating the benefits that we enjoy as a result of our culture's rich diversity of peoples, beliefs, and ways of living. This ground-breaking book sounds an alarm and provides tools for understanding the dimensions of hate violence. It deserves your careful study.

THE HONORABLE JOHN CONYERS, JR.  
U.S. HOUSE OF REPRESENTATIVES

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## Introduction

Violence against lesbians and gay men is not a new problem. People who call themselves gay or whose sexual partner is of their own gender have long been subjected to physical brutality. Historically, such violence has often represented official state policies, as in thirteenth-century Europe, where the crime of sodomy was punishable by castration, torture, and death (Boswell, 1980). Similar laws in the American colonies mandated the death penalty, castration, or mutilation as early as the 1600s (Katz, 1976). In the twentieth century, between 5,000 and 15,000 of those forced to wear the pink triangle, which identified them as homosexual, are believed to have died behind the barbed wire of Nazi camps (Adam, 1987; Plant, 1986).

Private citizens also have perpetrated anti-gay violence. In the United States in the twentieth century, police often have looked the other way while young men preyed on gay people outside bars and in other public settings. And lesbians and gay men have often been harassed and brutalized by their relatives, co-workers, and schoolmates. The stigma attached to being gay usually prevented them from reporting their victimization, while public officials and law enforcement personnel typically remained indifferent to the problem.

Indeed, the victims themselves often have been blamed. For example, following the murder of a gay man in Miami in 1954, local newspapers "demand[ed] that homosexuals be punished for tempting 'normals' to commit such deeds" (Taylor, 1982, quoted in Adam, 1987). Lacking the safety of numbers and community, being assaulted has been a price one paid for being visible. It is not surprising, therefore, that the vast majority of gay men and women opted for invisibility as a way to avoid stigma and violence (see also Comstock, 1991; D'Emilio, 1983).

But many gay people are no longer willing to remain hidden. Since World War II and with even greater intensity since the 1969 Stonewall rebellion, lesbians and gay men have become increasingly visible in public life. They have organized for equality and challenged long-standing stereotypes. They have created an unprecedented community infrastructure, one that is still growing and helping to foster significant social and political gains. And, in the course of coming out as a community, they have gained respect from others and have increased their own self-esteem (see, for example, Bérubé, 1990; D'Emilio, 1983).

These gains have been achieved at a price. By coming out, lesbians and gay men also make themselves easier targets for those who hate and wish to harm them. In the last decade, as lesbians and gay men became more visible than ever before in American society, an unprecedented number of attacks against them were reported. During that same decade, the AIDS epidemic hit the United States, inflicting personal losses on gay people that resembled those of wartime. Tens of thousands of Americans died, most of them gay or bisexual men, a disproportionate number of them African American or Hispanic. With AIDS came an epidemic of stigma directed at those who were diagnosed and those who were suspected of being infected with the human immunodeficiency virus (HIV). AIDS was used to rationalize prejudice, discrimination, and violence against gay men and lesbians.

The widespread anti-gay violence of the 1980s coincided with a rising number of reported attacks against religious, racial, and ethnic minorities and women. Police departments and advocacy groups have documented thousands of racist, sexist, and anti-Semitic attacks, including episodes of murder, arson, bombings, assault, cross burnings, vandalism, and harassment.<sup>1</sup> Many of the perpetrators have also engaged in anti-gay violence. In 1983,

for example, members of a neo-Nazi group who torched a Jewish community center in Indiana also firebombed a gay Christian church in Missouri (Berrill, 1986). The Klansman who lynched Michael Donald, a heterosexual Black man, in Mobile, Alabama, in 1981 had previously kidnapped and beaten a gay man (Segrest & Zeskind, 1989).

Every such incident carries a message to the victim and the entire community of which he or she is a part. Each anti-gay attack is, in effect, a punishment for stepping outside culturally accepted norms and a warning to all gay and lesbian people to stay in "their place," the invisibility and self-hatred of the closet. But in recent years, as the community's consciousness about hate crimes and its unwillingness to tolerate them has grown, anti-gay attacks increasingly have failed to enforce the cultural codes of silence and invisibility. Instead, new organizations have been formed in the past decade through which gay people have encouraged each other to speak out about their experiences of violence.

These trends were dramatized in 1978 when Harvey Milk, San Francisco's first openly gay supervisor, was assassinated by fellow supervisor Dan White, a law-and-order conservative who epitomized the "old" San Francisco that opposed the burgeoning lesbian and gay community. Many observers felt that White's light prison sentence<sup>2</sup> reflected the low value placed on the lives of gay people by the citizens of that old San Francisco. But part of Harvey Milk's legacy was a new way of responding to anti-gay violence. Anticipating that he might someday be a target for assassination, Milk left several tape recordings in which he called upon gay people to respond to his death with increased visibility. He pleaded, "If a bullet should enter my brain, let that bullet destroy every closet door" (Shilts, 1982, p. 372).

Many have heeded his call. Rather than retreating or hiding or accepting attacks as inevitable, lesbians and gay men have gotten angry and gotten organized. They have created organizations that can act collectively to confront violence and help those who are victimized. In San Francisco, the Community United Against Violence was formed soon after Milk's death. In other communities across the United States, lesbians and gay men similarly have established programs that provide counseling and advocacy for victims, sensitize and work with police and prosecutors, and educate the public about the causes and consequences



of anti-gay violence. They have launched street patrols, documented anti-gay violence, initiated antiviolence projects, built coalitions with other groups to oppose hate violence, and lobbied for hate crime laws. They have participated in public forums, rallies, demonstrations, civil disobedience, and other political actions.

At the national level, efforts against anti-gay violence commenced with the establishment in 1982 of the Anti-Violence Project of the National Gay Task Force (NGTF), which, in 1986, changed its name to the National Gay & Lesbian Task Force (NGLTF). Early Task Force attempts to enlist government support usually met with a wall of indifference and ignorance. In 1983, for example, the NGTF contacted the National Institute of Justice (NIJ), the research arm of the Department of Justice, to secure assistance in addressing the problem. An NIJ official asked NGTF's Jeff Levi, "Is there violence against gays?"

Nevertheless, progress was made. The Democratic party's 1984 national platform included a plank condemning anti-gay violence. Lesbian and gay groups participated in congressional hearings in 1983 on police abuse. The NGLTF and other groups successfully conducted victimization studies, all of which documented the extent of the problem. Armed with statistical data and anecdotal reports, the NGLTF asked the Honorable John Conyers (D-MI) to convene a special hearing of his Criminal Justice Subcommittee of the House Committee on the Judiciary to examine the problem of anti-gay violence. On October 9, 1986, the subcommittee heard testimony from law enforcement personnel, community activists, academics, and victims of anti-gay violence.

In important respects, the current volume had its genesis in those hearings. By 1986 the two editors had corresponded with each other and exchanged information. Berrill had directed the NGLTF Anti-Violence Project since its inception, compiled annual reports on anti-gay violence around the country, lobbied government officials, made numerous public appearances, and assisted numerous local groups in organizing against violence. In 1984 he coordinated and cowrote the NGTF's first major survey on anti-gay violence (NGTF, 1984) and in 1985 began issuing annual reports based on information collected from local groups across the country.

Herek had written his doctoral dissertation on anti-gay prejudice, had begun to publish academic papers on the topic, had