

# TALKING ABOUT



## Inclusive Hate Crimes Laws



Authors



Contributing Editors



## Overview

Hate crimes occur when a perpetrator targets a victim because of his or her membership in a certain social group, usually defined by race, religion, color, national origin (or ethnicity), age, disability, sexual orientation, gender, or gender identity. Hate crimes are different because they're not directed simply at an individual but are meant to cause fear and intimidation in an entire group or class of people.

Despite the claims of anti-gay activists, hate crimes laws are a mainstream issue. Hate crimes laws already exist, and Gallup reports that 78% of Americans support the existing federal hate crimes law. And according to a 2007 Gallup poll, 68% of Americans favor expanding the existing federal hate crimes law to include sexual orientation, gender, and gender identity.

## Hate Crimes Messages

Discussions about inclusive hate crimes laws benefit from a straightforward approach. Expanding hate crimes laws to include sexual orientation and gender identity is about sending a message that violence against gay, lesbian, bisexual and transgender people isn't okay. Opposing an inclusive law sends a message that LGBT people are still legitimate targets for violence—which is something that very few Americans would support.

### Emphasize Common Ground

Americans support this issue. They agree that hate crimes against LGBT people aren't okay, and they support a strengthened federal hate crimes law that includes sexual orientation and gender identity.

**1) This issue has been decided—hate crimes laws are necessary.** Hate crimes aren't a new category of laws. They already exist federally and in over 45 states. They're supported by law enforcement and the American public. While hate crimes against any group are wrong, the issue is that the current federal law (like many state laws) protects other groups, but doesn't protect gay and transgender people.

**2) There's overwhelming public support for gay- and transgender-inclusive hate crimes laws.** Americans agree that hate crimes against LGBT people are wrong. Gallup polling shows that nearly 70% of Americans favor a strengthened federal hate crimes law that includes gay and transgender people. Expanding the existing federal hate crimes law to cover gay and transgender people is a mainstream issue.

**3) There's strong law enforcement support for a strengthened federal hate crimes law.** Efforts to strengthen the existing federal hate crimes law are supported by 26 state attorneys general and some of the most respected law enforcement organizations in the nation—including the National Sheriffs' Association, the International Association of Chiefs of Police, and groups like the U.S. Conference of Mayors.

### Illustrate Concrete Harms

Establish that violent hate crimes against LGBT people are a pervasive problem that hurts many people. Failing to protect gay and transgender people under existing laws sends a message that violence against them is okay.

## Talking About Inclusive Hate Crimes Laws

**"It's about saying violence against gay and transgender people is not okay."**

### Emphasize common ground

1. This issue has been decided—hate crimes laws are necessary.
2. There's overwhelming public support for gay- and transgender-inclusive hate crimes laws.
3. There's strong law enforcement support for a strengthened federal hate crimes law.

### Illustrate concrete harms

4. Violent hate crimes against LGBT people are a pervasive issue.
5. Tell vivid stories to illustrate how hate crimes hurt gay and transgender people.
6. Excluding LGBT people from hate crimes laws sends a message that violence against them is okay.

**4) Violent hate crimes against LGBT people are a pervasive problem.** FBI statistics tell a powerful story about hate crimes targeting gay people. Anti-gay hate crimes are the third most frequent kind of hate crimes in America after race and religion. The FBI's 2006 reporting on hate crimes found that, out of 7,722 incidents, 52% were based on the victim's race, 19% on religion, 16% on sexual orientation, and 13% on ethnicity or national origin.

**5) Use vivid stories to illustrate how hate crimes hurt gay and transgender people.** Hate crimes are real—and often involve the kind of extreme violence and overkill that is terrifyingly brutal. Share the stories of hate crime victims. For example, in 2002, Gwen Araujo, a 17-year-old transgender teen, was brutally murdered by four men who beat her with a shovel, a frying pan and a barbell; partially strangled her; and buried her alive in the desert—just because she was transgender. This is only one of far too many similar stories.

Talk about the fact that hate crimes are intended to send a message that a person, and others like them, won't be tolerated. As a result, hate crimes usually leave the victim and others in the community feeling vulnerable, unsafe, and afraid. Hate crimes can make gay and transgender people afraid to walk home at night, or afraid to go to the supermarket or the gas station alone, even if they weren't the victims of the attacker.

**6) Systematically excluding LGBT people from existing hate crimes laws sends a message that violence against them is okay.** Hate crimes laws send a societal message that it's not okay to target, intimidate, harass, or commit acts of violence against people based on who they are. Existing federal law already covers hate crimes based on a person's race, religion, color, and

national origin. Supporting the expansion of this law to include LGBT people sends a message that violence against gay and transgender people isn't okay. By contrast, when we systematically exclude gay and transgender people from the protection of those laws, it sends an implicit message that harassment, abuse, and violence toward LGBT people is acceptable.

### Talking About Hate Crimes Legislation

**Talking about freedom of religious expression.** Hate crimes laws don't affect the freedom of religious expression. No hate crimes law can criminalize or penalize a pastor (or anyone else) for preaching or speaking out against gay people. The proposed federal hate crimes law only applies when a violent physical act (not speech) is combined with an intention to hurt or intimidate a certain group of people. In fact, the proposed federal hate crime law contains an explicit provision clarifying that the act does not interfere with any activity protected by the First Amendment.

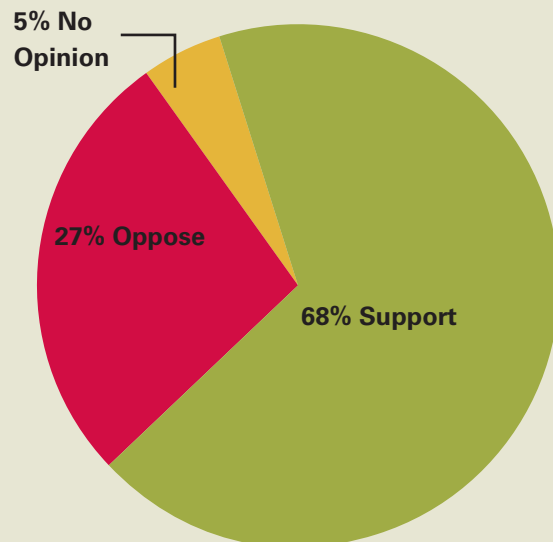
**Talking about penalty enhancements.** There's mixed public support for penalty enhancements, a concept that is frequently and deceptively exploited by anti-gay activists. However, the Matthew Shepard Act, and most state legislation, simply strengthens existing hate crimes laws by adding sexual orientation and gender identity to the hate crimes laws already on the books. In other words, inclusive hate crimes legislation doesn't generally create penalty enhancements where there were none—it simply adds gay and transgender people to whatever law is already in place. The Matthew Shepard Act didn't include penalty

#### ABOUT THESE APPROACHES

The *Talking About* series uses two interconnected approaches for discussing LGBT issues. The first approach, *Emphasize Common Ground*, helps reduce the sense of "otherness" that some Americans feel when they think about gay people by focusing on the common values and beliefs that gay and straight Americans share. The second approach, *Illustrate Concrete Harms*, helps people understand and connect with the specific and pervasive injustices that LGBT Americans face.

For additional information, see the *Talking About* document titled *Overall Approaches for LGBT Issues*.

#### Support for Expanding Federal Hate Crimes Law to Include Sexual Orientation, Gender and Gender Identity



Source: 2007 CNN/Opinion Research Corporation poll

enhancements at all. Rather than getting off track with this discussion, stay focused on the fact that excluding sexual orientation and gender identity from existing hate crime laws sends a message that violence against gay and transgender people is okay.

**Talking about law enforcement resources.** Americans are supportive of law enforcement and believe that law enforcement personnel should have the necessary resources to do their jobs well. The Matthew Shepard Act expands law enforcement resources for investigating and prosecuting hate crimes. It also extends the Justice Department's ability to provide assistance to local law enforcement and provides funding to help state and local agencies pay for investigating and prosecuting hate crimes.

**Addressing enumerated categories (i.e., who's covered by these laws).** Federal hate crimes law currently addresses violent crimes committed based on a victim's race, religion, color, or national origin. States that enumerate categories of victims also include at least these same four classifications. This is an important fact – and particularly important when speaking with religious audiences. Adding sexual orientation and gender identity simply ensures that the same laws that address crimes based on race, religion, color, and national origin, also cover crimes against gay and transgender people.

## Things to Avoid

**1) DON'T get caught up in the language of anti-gay activists.** Don't repeat misleading terms like "thought crimes," "special protections," "special rights," "some victims are more equal than others," or "muzzling pastors." Instead, focus on the crucial fact that hate crimes laws already exist—and opposing expansion of these laws to make them inclusive sends a message that violence against gay and transgender people is acceptable. If anti-gay activists make inaccurate claims, briefly correct the record (e.g., "No hate crimes law in this country can penalize a pastor for what he preaches") and then move back to your discussion.

**2) DON'T link everyday anti-gay rhetoric to violent hate crimes.** While anti-gay rhetoric can feed hate violence, there is no legal connection between this rhetoric and hate crimes laws. Linking these two issues encourages false arguments by anti-gay activists that they'll "be muzzled" and that hate crimes laws target speech, not violent criminal acts.

## SHARING THE STORIES OF HATE CRIME VICTIMS

Bottom line: The terrible reality of hate crimes cannot be adequately captured or illustrated with statistics. We help Americans connect with the issue of hate crimes most clearly when we share the names and stories of those who've been murdered because they were gay, lesbian, bisexual or transgender: Matthew Shepard, Brandon Teena, Gwen Araujo, Sakia Gunn, Angie Zapata, Lawrence King, Michael Sandy, F.C. Martinez, PFC Barry Winchell, Rita Hester, Scotty Joe Weaver, Eddie Garzon, Tyra Hunter, and Billy Jack Gaither, among countless others. The Human Rights Campaign's *A Chronology of Hate Crimes: 1998-2002* contains a detailed list of violent hate crimes against gay and transgender people and provides detailed descriptions that may be helpful when offering examples.

## Hate Crimes Glossary

### This is about:

- hate crimes
- hate violence
- violence/violent crimes
- a pervasive problem

### Hate crimes laws:

- already exist
- are supported by law enforcement and the American public
- already cover race, religion, color and national origin
- should not systematically exclude gay and transgender people from their protections

### We want to:

- expand existing hate crimes laws
- strengthen existing hate crimes laws
- strengthen the ability of law enforcement to respond to violent crimes

**3) DON'T make comparisons to other countries' hate crimes laws.** Foreign countries' hate crimes laws aren't subject to America's First Amendment and therefore aren't really relevant comparisons.

### ABOUT THIS SERIES

This is one in a series of documents on effectively talking about lesbian, gay, bisexual and transgender issues, including: Overall Approaches, Marriage & Relationship Recognition, Inclusive Employment Protections, Inclusive Hate Crimes Laws, Adoption & Gay Parents, and Ending Don't Ask, Don't Tell. For additional information, please email [talkingaboutseries@glaad.org](mailto:talkingaboutseries@glaad.org). © 2009 Gay & Lesbian Alliance Against Defamation and Movement Advancement Project.