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HATE VIOLENCE: SYMPTOM OF PREJUDICE

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This speech will discuss violence targeting lesbian and gay people in this country. Although I am focussing on the violence faced by lesbians and gays, I in no way want to ignore or deny that prejudiced-based violence, in its many manifestations, is faced by many other people as well, and I will refer to that violence also. I will define hate violence and detail the extent of the problem, then I will focus on the sources of such violence, the effects on individuals and communities, and solutions to the problem.

I. Definition

First, a definition. Hate violence is an altercation against a person or persons motivated, in part or in whole, by a hatred of the group the person is a part of, or thought to be a part of. This contrasts with other violence, attacks motivated by personal animosity, material gain (robbery), or attacks without motivation.

Hate violence is not motivated by a desire to steal, nor is it motivated by a personal dislike of an individual. A hate attack, however, may include robbery or may be perpetrated by someone known to the victim, but, to be hate violence, there must also be an indication of attacking the actual or perceived group that a person belongs to.

In addition, not all hate violence is a crime. Certain types of harassment or verbal assault may not be criminal but the intent and the effect may be every bit as serious as that of a hate crime.

II. Extent of Hate Violence

There is an enormous amount of documented hate violence

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against lesbian and gay people, but before reviewing the statistics, I must give two disclaimers.

First, lesbian and gay people do not need numbers to understand the problem. We have known about the violence for so long, and we have known the violence so intimately, that our knowledge has become intuitive. We have heard our school classmates talk about beating up "sissies"; our friends have been raped by men who say they will "change" them; we have seen gay characters brutally murdered in plays and in movies. We have not come out of our closets for fear of our lives, our families and our jobs.

The second disclaimer is that the statistics which are available are not always reliable. They represent only what is reported or what is remembered. Even so, the various surveys are generally consistent and can be best understood as an indication of the breadth of the problem.

In each year of 1987, 1988 and 1989, the National Gay and Lesbian Task Force (Task Force) in Washington, D.C., received over 7,000 reports of anti-lesbian, anti-gay hate violence. This violence included verbal assault, vandalism, physical attack, arson and homicide. From 1985 through 1989, the Task Force received 234 reports of gay-related or anti-gay homicides nationwide. ¹

In San Francisco, thought to be something of a pro-gay mecca, there were more reports of anti-lesbian, anti-gay physical assaults than anywhere else in the country in 1987, 1988, and again, in 1989. Community United Against Violence received 228 reports of such assaults in 1987, 253 in 1988, and a huge jump of 67% in 1989, to 331 total reports. ²

The violence is, in a very real way, nationwide. The 1989 Task Force Report showed the states with the highest number of reported incidents to be North Carolina (1,204), Texas (997), California (563), Illinois (529), and Ohio (387).³ The cities reporting the highest number of physical assaults after San Francisco were New York (90), Chicago (79), Boston (42),

³. These statistics have been attributed to the National Gay and Lesbian Task Force (NGLTF) but have not been verified by the William Mitchell Law Review. Copies of the reports may be obtained from NGLTF, 1517 U Street, N.W., Washington, DC 20009.
Fort Worth (31), Los Angeles (25), and Denver (25). These statistics only show what is reported, and are often characterized as the "tip of the iceberg." In order to receive reports, there must be local organizations or, in a very few cases, law enforcement agencies able and willing to hear the stories. The statistics just cited are therefore biased to areas with better organized lesbian and gay communities.

Two broader surveys are probably more accurate than these reports. The first major study to survey anti-lesbian, anti-gay hate violence was conducted by the Task Force in 1984. The Task Force found that fully 94% of all lesbians and gays had experienced some form of hate victimization in their lives. Abuse included verbal assault, physical assault, police abuse, weapon assault, vandalism, or being chased, spat upon, followed, or pelted with objects. Of those surveyed, 19% had been physically assaulted at least once because of their sexual orientation, 44% had been threatened, and 84% knew other lesbian and gay people who had been victimized.

The most comprehensive national survey was performed in 1989 by the San Francisco Examiner. The Examiner found that 6.5% of all Americans identified themselves—to a stranger over the telephone—as lesbian, gay or bisexual. Of those so identified, 7% reported being the victim of an anti-gay physical assault in the past year. Twelve percent had been the victim of such an assault at least once in their lives.

This translates to something over 1,000,000 anti-lesbian, anti-gay physical assaults every year in the United States. In short, the statistics demonstrate the universal victimization of lesbian, gay and bisexual people. These surveys correspond to my nonscientific experience: essentially every lesbian and gay person has been harassed, threatened or attacked because of his or her sexual orientation.

The attacks we saw at Community United Against Violence in 1989 included:

A high speed car chase near Yosemite National Park involving three male youths who screamed anti-gay threats and hurled beer bottles from their truck at three gay men in a car. The youths pulled off the road at one point and threw

4. Id.
5. Berrill, supra note 1, at 274-75.
6. Id. at 278-79.
a lit flare at the gay men’s automobile. The youths also attempted to drive the gay men off the road and succeeded in ramming their car into a guardrail with a steep cliff just beyond.

In Napa Valley, a male driving a jeep nearly struck two lesbian pedestrians. The jeep then returned with others who looked for the women, calling out, “Where are the dykes?” The lesbians hid.

Two gay men were attacked in the famed Haight-Ashbury district of San Francisco by skinheads who yelled anti-gay epithets throughout the assault. One suspect used a spiked ring as a weapon, hitting one of the victims at least four times on the head.

One San Francisco schoolteacher’s room was vandalized by assailants who carved the words “lesbian bitch” into her bulletin board.

In November, a group of teenagers surrounded two gay men. One woman used her fist and a belt to beat one of the gay men, and boasted that she had “beat up the fag.”

In another San Francisco incident, a man was beaten by several police officers. The officers made racial slurs, as well as anti-gay comments, to the victim.

III. Causes of Violence

The question, then, is why? Why are lesbian and gay people targeted for these destructive and hateful attacks?

Whenever I reach this point, I feel as though the answer is so obvious and so simple that it could not be much of a revelation.

Why the violence? We are attacked as a logical and, indeed, anticipated result of the hatred people are taught. People learn to hate lesbians, gay men and bisexuals. Some individuals act on that hatred by attacking us.

The next question is, where does the message of hatred come from? Such hatred, and the resulting violence, is a part of the overall system of prejudice which lesbian and gay people face. Likewise, the violence faced by other groups is also a part of systematic bias.

The final question, then, is what causes the underlying prejudice? Not necessarily what causes the prejudice found in any particular individual, but the prejudice within the society as a whole?

Scholar Gregory Herek explains that “the modern concept
of 'the homosexual' developed more in opposition to 'normalcy' than to heterosexuality per se, and was stigmatized as 'sinful, illegal, and sick.'

This sense of not being "normal" can be found in most individuals from any "oppressed" group. We know we are not normal because churches define us as "sinful," legislators define us as "illegal," and doctors define us as "sick." A concept of normalcy exists, even if it is completely divorced from what is truly normal, and that concept of normalcy is enforced by major cultural institutions. Normalcy is enforced institutionally through the process of institutional hatred.

I will review some of the more familiar forms of institutional prejudice people face in this country so that when I talk about institutional prejudice against lesbians and gays it will be in context.

The primary form of institutional hatred faced by African-Americans, for example, could be said to be economic. We have relegated the majority of the black population to the role of permanent underclass. We keep black people "in their place" by providing the poorest schools in the country, developing policies which undermine stable families, and creating a climate which perpetuates violence and fear in black communities.

Institutional hatred faced by Latinos is often educational and/or linguistic. Many Latinos are recent immigrants with limited English capabilities. We deny full bilingual education for children and provide inadequate language instruction for adults. Traditional gauges of success become difficult, if not impossible, to attain.

Institutional hatred of women can be more subtle, such as teachers who inadvertently spend less time teaching math to little girls than to little boys. Or such hatred can be more obvious, such as the incredibly high rate of sexual assault and incest to which women are subject.

Institutional prejudice teaches the individual that he or she will be treated as a member of a perceived group, rather than as an individual. And the groups each person is part of are stereotyped in various ways. Hence, each individual becomes subject to the broader beliefs about his or her group, rather

than to the particulars of his or her own self. Individuals from "marginalized" groups are thought to be "abnormal"—in color, in activity, in intelligence.

We need to always remember these differences. What I face as a white gay man is different from what members of other groups face. I can go into a job interview and "pass" as straight. I can walk through an upper class neighborhood and not be thought a criminal. Chances are more likely that I will have come from a wealthier home than if I were black or Asian or Latino, and, subsequently, that I will have received a better schooling. As long as I wear the right clothes, I will be presumed to be businesslike, rational, and a leader. As a white man I have been taught what the right clothes, the right words, the right intimations are.

In other words, in many instances I do not face the prejudice faced by members of other "marginal" groups, and I certainly do not face the prejudice lesbian and gay people of color must face.

But as a gay person I do face hateful forms of institutional prejudice:

Homosexuals and bisexuals have no protection from on-the-job discrimination in most places.

A majority of religious groups teach that lesbian and gay people have rejected God, that we undermine civilization, that we are evil. We are forbidden from entering the church leadership.

In the schools, lesbian and gay history does not exist. We are never told which writers, businesspeople, politicians, warriors, teachers, scientists, and artists were lesbian or gay.

We face overt hostility in every legislative body. Our rights are restricted or denied in the areas of jobs, housing, immigration, military service and public legal services. Funding for our health needs, arts and physical protection is limited or nonexistent. And gay-baiting is a common election technique, as seen recently in the gubernatorial race in Texas and the senatorial race in North Carolina.

The media ignores lesbian and gay news, pretending that we did not create the largest civil rights march in the history of the country, or forgetting to list us as victims of hate violence. Successful comedians, including Sam Kineson and Arsenio Hall, make gay people the butt of their jokes. And when network television finally presents positive lesbian or gay portrayals, advertisers pull their all-important dollars.
Our most intimate relationships are denied, attacked and outlawed across the country. We can marry nowhere. We cannot have consensual sex in twenty-five states or the District of Columbia. We are denied tax options, insurance advantages and “family discounts” in nearly every case. It is difficult or impossible for lesbian and gay people to adopt children or serve as foster parents.

And, finally, we are rejected by our own families. In the worst cases, our parents throw us out and our siblings ostracize us. In less dramatic but no less painful cases, our families become cool, emotionally distant and unwilling to share our lives fully, selectively ignoring major parts of who we are.

In short, our churches, our schools, our government, our own families tell us and tell the world that we are bad. That we are evil or wrong or dangerous or sick. And some people act upon that message and attack us. They yell at us. They burn our churches. They attack us. And they murder us.

Parenthetically, evidence for viewing hate violence as a symptom of broader social attitudes can be found in a review of who perpetrates hate violence. The stereotype is that the violence comes from “fringe” groups: neonazis, skinheads and others. In fact, only five percent of the assaults reported to Community United Against Violence in 1989 involved organized hate groups. The majority of assailants are more likely to be the proverbial “boys next door.” The attacks come from people both well- and poorly-integrated into society, and from assailants from every economic, social and racial class. Anti-gay violence is not a social aberration but, in fact, is a regular, broad-based social phenomenon.

IV. IMPACT OF HATE VIOLENCE

The impact of hate violence is felt most strongly, of course, by the individuals who are attacked. Victims are injured, suffer from posttrauma fears and depression, and must deal with the sense of having lost control of their lives and environments.

One of the worst postattack issues is self-blame. The victim blames himself or herself, thinking, “If only I hadn’t been in that neighborhood,” or “If only I hadn’t worn those pants or that jacket.” After a lifetime of being viewed as worthy of hate, the victim believes the message and takes on the blame for being attacked.
To understand hate violence, however, we must also understand the impact such attacks have on a community. Hate violence is meant to communicate a message to a group of people, not to an individual. The message is "Your type does not belong in this neighborhood," or "You should stay in the closet," or "You shouldn't be openly gay." Hate violence is meant to enforce the codes of proper conduct and homogeneity upon individuals from "foreign" communities. Hate violence reinforces the stereotypes of how some shadowy broader community expects individuals to behave. Hate violence is a constant reminder that we are different and, therefore, bad.

V. Solutions

We have seen that hate violence against lesbians and gays is widespread, universal in fact, and we have seen that such violence grows from the prejudiced base of social norms. The final question, then, is why we should end the violence and how we can do it.

The violence is damaging not only to the individual who is attacked, and not only to the community which is assaulted, but also to the broader population, and it is for this reason that we should work together to find solutions.

The promotion of "normal" and submersion of "different" creates cultural standards which are based on a fiction. In fact, differences in people, whether of sexual orientation, gender, color or religion, are normal. The first reason for finding ways to end hate violence is to create a culture based upon reality.

In addition, a system penalizing differences does not allow individuals to live up to their full potential. The broader culture loses the creativity, knowledge and personal experience of individuals when their individuality is suppressed. This also weakens the culture.

We then turn to solutions. We can, over time, reduce the extent of the problem. One solution is to develop a sense of self-defense in affected groups. Community United Against Violence in San Francisco, for example, has promoted self-defense courses and the use of whistles as an easy and inexpensive self-defense tool: community members blow whistles when there is trouble or when they feel threatened. This tool, incidentally, came from Chinese laborers in the nineteenth cen-
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...tury, was borrowed by the women’s anti-rape movement in the 1970s, and borrowed again by the lesbian and gay community.

There are also legal responses. We must eliminate statutes outlawing consensual adult sex. Nondiscrimination laws, which are universal on the basis of race, religion, and, just recently, disability, must be expanded to fully include gender and sexual orientation.

There are three other specific anti-violence laws: reporting and statistics, enhanced penalties and civil recourse.

Laws requiring local police departments and state departments of justice to identify and keep statistics on hate incidents are vital in creating an institutional opposition to such violence. The Federal government recently passed a hate crimes statistics law with implementation just beginning, but state and local jurisdictions still need to move in this direction.

One caveat on statistics collection is that out of distrust and ignorance, many, if not most, individuals will not report hate violence to authorities. It is important that any local efforts at collecting attack reports must be accompanied by intensive and ongoing police sensitivity training and community outreach.

Laws allowing or requiring enhanced penalties for hate crimes are also important. In California, the law creates a "wobbler," whereby a prosecutor may choose to prosecute a misdemeanor incident as a felony if hate motivation can be shown. In addition, some laws allow increased penalties when bias is shown as a motivation to crime. Enhanced penalty laws reinforce the state’s interest in protecting all residents by sending out a message that these crimes, which intimidate a whole community, are especially heinous and will not be tolerated.

Laws allowing civil recourse are valuable because prosecutors often do not have the time or ability to adequately pursue cases, especially those that are not physical assaults. Civil recourse allows the victims of violence to fight back, thereby reclaiming some sense of power.

One problem in applying hate crime laws is that prosecutors often do not use the laws. It is easier to prove an assault than it is to prove a motivation of bias for the assault. Passage of hate crime laws is not a panacea and must be accompanied by adequate training at each level of the criminal justice process.

Police need intensive and ongoing sensitivity training and aggressive outreach programs before individuals will report hate incidents. Prosecutors need adequate staffing and training on using particular bias-crime laws. Judges need training to understand the impact hate crime has on a community and the need to sentence under hate crime laws.

Community self-defense, bias-crime laws and criminal justice training are all, really, small responses to the huge problem of hate violence. These responses are important, though, and can be the first step in addressing the problem. In addition, community support groups and counseling centers are virtually nonexistent and must be developed.

The most important response to hate violence, though, is to begin concerted efforts to change attitudes and to change institutions. Any community that is seriously interested in reducing hate violence must embark on a serious and hard-hitting educational campaign to reduce intergroup tensions and to raise the level of appreciation for the different peoples who live in the community. We need to teach that the “abnormal” is good.

This means antiprejudice programs in the schools. This means ads on the sides of buses and on television. This means special events to showcase the cultural diversity of an area. This means a sophisticated effort to create a culture which welcomes and encourages differences.

Such solutions will not work in one year or even two. In fact, we can expect strong resistance and some so-called backlash. But in the long run, over the years and the decades, change in basic societal attitudes towards human difference must take place.

**Conclusion**

Hate violence is an epidemic facing the lesbian and gay community and each lesbian, gay and bisexual person in the nation. In looking for ways to end the violence we must go directly to the root of the problem. Hate violence is a symptom of the “marginalized” existence of lesbian, gay and bisexual people. We must create new acceptance and broader participation within our institutions and within our culture for sexual minorities. Until we learn to celebrate our differences, the violence will continue.