

The Nature of Hate Crimes

A Literature Review

By Patty Alvarez

Hate violence crimes are defined as being directed “against persons, families, groups or organizations because of their racial, ethnic, religious or sexual identities, their sexual orientation or disability (Barnes & Ephross, 1994). Barnes and Ephross (1994) examine the nature of hate violence and the impact that these crimes have on their victims. The authors cite an increase in the amount of hate violence on college campuses although little research exists on the impact experienced by victims. They find similarities in the emotional and behavioral responses of victims of hate violence with those of personal crimes (assault and rape). Emotional responses include anger, fear of injury, sadness, powerlessness and an increased suspicion of other people (Barnes and Ephross, 1994). The authors say social workers must be knowledgeable about characteristics of hate violence, victims’ reactions to attacks and community resources that address hate violence.

Stage and Downey (1999) say the increasing amounts of violence and hate crimes are threatening the sense of community on college and university campuses. A hate crime is defined as a “criminal offense committed against an individual, group of individuals or their property because of their race, religion, sexual orientation or ethnicity” (Stage & Downey, 1999). The most common type of offender is the “thrill seeker” followed by the “reactive.” The least likely type of offender is the organized hate group perpetrator (Stage & Downey, 1999). The authors say the number of reactive hate crimes could grow as campuses become more diverse. A conflict arises with regards to hate speech policies because of the First and Fourteenth Amendments. Institutions must balance “the rights of individuals to be free from racial and other forms of harassment and the rights of members of the academic community to express themselves freely, regardless of the content of their expressions” (Stage & Downey, 1999). Stage and Downey (1999) write that administrators must be aware of significant court cases in order to address hate speech and hate crimes on campus. Institutional and individual responses to hate crimes also should be developed.

Ruffins (1999) discusses the guide developed by the U.S. Department of Education entitled, “Protecting Students from Harassment and Hate Crimes.” The guide assists schools in recognizing and defining racial and

sexual harassment, developing comprehensive, long-term strategies to address the problem and devising support strategies for victims (Ruffins, 1999). Colleges also can use the general recommendations. The report includes “best practices” from both large and small school systems as well as the anti-harassment policies implemented in various school districts (Ruffins, 1999).

Winbush (1999) asserts that the U.S. is seen as one of the most violent societies on earth and that violence is often related to color (the darker you are the more violent you are) (Winbush, 1999). The author says that many universities prefer not to report hate crimes because it may hinder their recruitment of students of color. Most hate crimes are racially motivated and involve perpetrators who are white males while most victims are either black males or females (Winbush, 1999). Gays and lesbians are listed as the second largest group of victims. Winbush (1999) offers a list of do’s and don’ts for campus administrators.

Prutzman (1994) examines the increasing number and severity of bias-related incidents and hate crimes, the role of conflict resolution in education and what schools can do to stem bias-related conflict. Conflict resolution is not recommended for hate crimes that occur in the schools because these crimes are handled by other legal agencies (Prutzman, 1994). A check list is provided to assist in further defining hate crimes, including symbols or words, and the presence of activities historically associated with threats to groups (burning crosses, swastikas, etc.) (Prutzman, 1994). The author states that violence prevention, conflict resolution and bias awareness are proactive measures that can help to prevent hate crimes. A more supportive environment is developed when teachers respond to bias incidents as they occur as well as the presence of school policies that state bias will not be tolerated (Prutzman, 1994).

Nicklin (1999) discusses President Bill Clinton’s request of the U.S. Department of Education to collect and publish data on hate crimes that occur at colleges and universities. The President’s decision was made to place more emphasis on the collection and dissemination of this information as requested by Congress the previous year. The 1998 legislation required colleges and universities to “report crimes involving ‘bodily injury,’ in which victims were intentionally selected because of their actual or perceived race, gender, religion, sexual orientation, ethnicity or disability” (Nicklin, 1999). Colleges must now submit information to the Education Department in addition to the Federal Bureau of Investigation.

Winbush (1998) defines a hate crime as being committed by “a person whose motive is discrimination against another person or persons on the

basis of race, religion, sexual orientation or national origin or whose act against a person, or persons, grows out of bigotry in race, religion, sexual orientation or national origin.” The author offers three theories to explain the increase in the number of hate crimes. Winbush (1998) feels the increase is due in most part to “an outgrowth of a general sense among non-African-Americans that people of color and other groups are eroding the fabric of America economically and morally and that violence towards them is justified.” Many campuses ignored the Federal Campus Security Act of 1990 requiring campuses to report crimes (Winbush, 1998). Winbush (1998) says incidents should not be kept private because the development of rumors can be more damaging than the truth.

Bodinger-deUriarte (1991) summarizes the Southwest Regional Laboratory’s (SWRL’s) work entitled, “Hate Crime: A Sourcebook for Schools Confronting Bigotry, Harassment, Vandalism and Violence.” The authors review the varying definitions of hate crimes, the primary characteristics, the causes of hate crimes and the role schools can play in alleviating hate crimes. “Those groups most likely to be victimized by hate crimes are (in alphabetical order): African-Americans, Arabs, Asians, gay males, Jews, Latinos, lesbians, Native Americans and white women in interracial relationships” (Bodinger-deUriarte, 1991). Incidents of hate should not be ignored because most acts of bigotry that begin in “minor” ways usually end in tragedy (Bodinger-deUriarte, 1991).

The U.S. Department of Justice (2000) discusses the Community Relations Service (CRS), a specialized Federal conciliation service that assists state and local officials in resolving and preventing racial and ethnic conflicts. “As directed by the Civil Rights Act of 1964, CRS conciliators use specialized crisis management and violence reduction techniques to provide assistance in identifying the sources of conflict and violence and creating a more cohesive community environment” (U.S. Department of Justice, 2000). The U.S. Department of Justice (2000) identifies three distinct types of hate episodes on college campuses: reactive, impulsive and premeditated. School officials can request mediation and reconciliation services from CRS. Case studies and procedures at various institutions are highlighted as well as the contact information for various national civil rights organizations and CRS headquarters (regional and field offices) are provided (U.S. Department of Justice, 2000). Victim assistance should include physical and medical evaluation as well as include peer, community and university support resources (U.S. Department of Justice, 2000).

Franklin (1998) examines three aspects of bias crime against sexual minorities: the perpetration rates among young adults, perpetrators’

motivations and factors that prevent some people from committing hate crimes. Five hundred noncriminal young adults in the greater San Francisco Bay area were studied, the majority of all respondents either participated or witnessed antigay incidents (Franklin, 1998). Franklin (1998) found that assailants were motivated by four factors: self defense, ideology, thrill seeking and peer dynamics. Young adults who did not engage in bias-driven violence were deterred by social tolerance, moral beliefs, having personal contacts with gays and lesbians, fear of adverse consequences and a lack of opportunity (Franklin, 1998). The author states that the values underlying these incidents of harassment are instilled at an early age and are reinforced in group contexts such as schools. Prevention efforts should focus on promoting tolerance and an appreciation of diversity as early as kindergarten and continue through high school (Franklin, 1998).

Barnes, A., & Ephross, P. (1994). The impact of hate violence on victims: Emotional and behavioral responses to attacks. Social Work, 39, (3), 247-251.

Berk, R. (1990). Thinking about hate-motivated crimes. Journal of Interpersonal Violence, 5, 334-349.

Bodinger-DeUriarte, C., & Sancho, A. (1990). Hate crime: Sourcebook for schools. Los Alamitos, CA: Southwest Center for Educational Equity.

Bodinger-DeUriarte, C., & Sancho, A. (1991). Hate Crime: The rise of hate crime on school campuses. Phi Delta Kappa, 10, 2-6.

Brown, V. (1994). Birth of consciousness: Hate crimes (and hate speech) on campus: A review of *Wisconsin v. Mitchell*. West's Education Law Quarterly, 3, (4), 532-540.

Brown, V. (1993). Hate speech in colleges and universities - - the aftermath of *R.A.V. v. City of St. Paul, Minnesota*. West's Education Law Quarterly, 2, (2), 318-328.

Collison, M. N. K. (1987, March 18). Racial incidents worry campus officials, prompt U. of Massachusetts study. Chronicle of Higher Education, 41-43.

Craig, K. (1999). Teaching students about hate and changing awareness. Teaching of Psychology, 26, (1), 44-45.

Data on hate crimes to offer gauge of quality of life on campus. (1999). Academe, 85, (4), 8-9.

D'Augelli, A. (1989). Lesbians' and gay men's experiences of discrimination and harassment in a university community. American Journal of Community Psychology, 17, 317-321.

Doe v. University of Michigan, 721 F. Supp. 852, (1989).

Farrell, W., & Jones, C. (1988). Recent racial incidents in higher education: A preliminary perspective. The Urban Review, 20, 211-233.

Franklin, K. (1998). Psychosocial motivations of hate crimes perpetrators: Implications for educational intervention. Paper Presented at the Annual Convention of the American Psychological Association (106th, San Francisco, CA, August 14-18).

Hartman, R. (1993). Hateful expression and First Amendment values: Toward a theory of constitutional constraint on hate speech at colleges and universities after *R.A.V. v. St. Paul*. Journal of College and University Law, 19, 343-371.

Heiser, G. & Rossow, L. (1993). Hate speech or free speech: Can broad campus speech regulations survive current judicial reasoning? Journal of Law and Education, 22, 139-154.

Kaplin, W. (1992). A proposed process for managing the First Amendment aspects of campus hate speech. Journal of Higher Education, 63, 517-538.

Kit, L. (1998). Most colleges appear unaware of requirement that they track hate crimes. Chronicle of Higher Education, 44, (35), A57.

LeClerc, P. (1993). Hate is a campus crime. Trusteeship, 1, (3), 24-26.

Manatt, R., & Drips, J. (1994). Hate crimes: Bigotry, harassment, vandalism, and violence on campus. International Journal of Education Reform, 3, (4), 481-490.

Nicklin, J. (1999). Clinton calls for government to collect and disseminate campus hate-crime data. Chronicle of Higher Education, 45, (32), A42.

Nicklin, J. (2000). Crime data from 481 U.S. colleges and universities. Chronicle of Higher Education, 46, (40), A51 (8p).

Olivas, M. (1992a). Introduction: Special issue on racial harassment on campus. Journal of Higher Education, 63, 479-484.

Palmer, C., Penney, S., Gehring, D., & Neiger, J. (1997). Hate speech and hate crimes: campus conduct codes and Supreme Court rulings. NASPA Journal, 34, (2), 112-122.

Prutzman, P. (1994). Bias-related incidents, hate crimes, and conflict resolution. Education & Urban Society, 27, (1), 71-81.

R.A.V. v. City of St. Paul, 112 S. Ct. 2538 (1992).

Responding to hate crimes and bias-motivated incidents on college/university campuses. (2000, June 1). U.S. Department of Justice, Community Relations Service.

Ruffins, P. A guiding insight. Black Issues in Higher Education, 15, (26), 24-25.

Stage, F. & Hamrick, F. (1994). Diversity issues: Fostering campuswide development of multiculturalism. Journal of College Student Development, 35, 331-336.

Stage, F., & Downey, J. (1999). Hate crimes and violence on college and university campuses. Journal of College Student Development, 40, (1), 3-9.

UWM Post, Inc. v. Board of Regents of University of Wisconsin System, 774 F. Supp. 1163 (E.D. Wis., 1991).

Winbush, R. (1999). Campus hate crimes: Fruit on the American tree of violence. Black Collegian, 30, (1), 145-149.

Winbush, R. (1998). Covering up hate-crimes on college campuses. Black Collegian, 98, (29), 152-155.

Wisconsin v. Mitchell, 61 L.W. 4575 (1993).