

HATE HOMICIDES

In June 2017, a 48-year-old man plowed his van into a crowd of Muslims as they left the Finsbury Park Mosque in north London. One man died, two were treated at the scene by medical personnel, and eight others were hospitalized with injuries, some very serious. The assailant was arrested at the scene. A witness told police that he shouted, "I want to kill all Muslims."

It is likely that the attack on members of London's Muslim community was committed in response to a couple of recent terrorist episodes in London perpetrated by Islamic radicals. Whatever its precipitant, the episode constitutes a hate crime. According to the traditional FBI definition, hate or bias crimes, including homicides, involve "criminal offenses committed against persons, property, or society that are motivated, in whole or in part, by the offender's bias against a race, religion, disability, sexual-orientation, or ethnicity/national origin."¹

Thus, the FBI definition specifies the motivation for committing the offense; it requires that a racial, religious, ethnic, or some other identified difference between victim and offender play at least some role in inspiring a criminal act. For example, someone who falsely considers immigrants from Latin America as polluting the stream of intelligence and culture in American society might assault Latinos as they exit a neighborhood restaurant. The perpetrator seeks to send a message to all newcomers from south of the border: Leave the United States now or you will be next. Or, an individual who illegally takes money to buy illicit drugs may decide to rob only Asians because of some stereotype the person holds regarding this group of people. If part of the motivation for the robbery involves the victim's Asian identity, then the offense can be regarded as a hate crime.²

The term *hate crime* was coined in the late 1980s in response to a racial incident in the Howard Beach section of New York City, in which a black man was killed while attempting to evade a violent mob of white teenagers shouting racial epithets. Although widely used by the federal government, the mass media, and researchers in the field, the term is somewhat misleading because it suggests incorrectly that hatred is invariably a distinguishing characteristic of this type of offense.³ Although it is true that many hate crimes involve intense animosity toward the victim, many others do not. Conversely, many crimes involving hatred between an offender and a victim are not "hate crimes" in the sense intended here. For example, an assault that arises out of a dispute between two coworkers who compete for a promotion might involve intense hatred, even though it is not based on any racial or religious differences between them. Similarly, a love triangle may provoke intense emotions, having nothing at all to do with race or religion.

CHARACTERISTICS OF HATE HOMICIDE

Estimates of the prevalence of hate crimes vary widely. According to the FBI, there were some 7,321 bias offenses in 2016, including 4,720 involving some form of personal violence. Among the victims of hate-motivated violence, 41.3% were intimidated and 54.2% were assaulted. In 2016, 9 murders and 24 rapes were reported as hate crimes. Of course, the FBI count is based on a voluntary reporting system to which many local jurisdictions refuse to contribute, causing hate offenses of all kinds to be underreported. In 2016, almost 15,255 law enforcement agencies representing more than 289 million Americans, or 88% of the country's population, participated with the FBI's program, but only 1,776 agencies (or 12%) actually reported any hate crimes occurring in their jurisdictions. Some notable ostensibly cooperative but actually nonparticipating jurisdictions included the state of Mississippi, where no hate crimes were reported. Wyoming reported only two, Arkansas only five. Moreover, an offense may not be recorded as a hate crime because of lack of evidence that it was motivated by bias. The perpetrators might not have used a racial slur or written hate graffiti, might never have confided their intent to the police or an acquaintance, or might remain unknown to law enforcement. It is even less likely that a hatermonger will be prosecuted and convicted. Lack of evidence at the crime scene is only part of the problem. In many cases, victims who initially cooperate with the police to identify an assailant will become anxious and reticent about giving testimony in court.⁴

In October 2006, a mother of six wearing a hijab (the head scarf of a devout Muslim woman) and carrying a 3-month-old infant in her arms was gunned down while walking on an affluent residential street in Fremont, California. Because her assailant did not leave any indication of his intent at the crime scene, the motivation for this murder could not be definitively identified. Yet relatives of the victim as well as local Muslim leaders who have been able to rule out such other possibilities as robbery and revenge were convinced that the motive was hate.

Moreover, when it comes to determining whether a hate crime has occurred, perception trumps reality. In November 2016, a 42-year-old woman wearing a head scarf returned to her parked car in Fremont after hiking up Mission Peak only to find that her car windows had been smashed and her purse stolen. A note left by the assailants read: "Hijab wearing Bitch. This is our nation now. Get the f... out." Actually, the victim, who suffered from the autoimmune disease known as lupus, only wore a bandana to protect her head from the sun and not for any religious purpose. She was born in the United States, was not an immigrant, and was not of the Islamic faith. Still, that did not stop the police from classifying the episode as a hate crime. The perpetrators obviously believed they were attacking a Muslim newcomer to the United States.⁵

It is difficult to assess exactly, or even approximately, how many hate-motivated homicides occur each year in the United States because the underlying circumstances are often not especially clear-cut. In 2016, for example, the FBI, using federal criteria, reported only 9 hate-motivated homicides out of a total of more than 15,000 murders for the year. Without much doubt, the 9 homicides classified as hate crimes represent a significant undercount.

Part of the challenge in classifying homicides as hate-motivated is that a key participant in the crime—the victim—is not alive to tell his or her side of what transpired. For less serious forms of hate crime, we know that victim reports, based on confidential surveys, far outnumber official police statistics. Even victim reports probably underestimate the actual prevalence of hate offenses. It isn't

only law enforcement personnel who are reluctant to report hate attacks. There are apparently numerous victims who also prefer not to inform anyone—and especially not the police—that they have been targeted. Also according to the Justice Department report, hate crimes involve much greater violence than other offenses. Some 84% of all hate attacks included robbery, sexual assault, aggravated assault, or murder.

According to a study by criminologist Jack McDevitt, many high school students refuse to report hate crimes to the police, a parent, or a teacher.⁶ If they inform at all, it is more likely to a friend, which means that their report never gets official attention. Only 3% of the youthful victims of hate crimes reported their offense to the police. Moreover, immigrants may come from states where the police are seen as part of a repressive regime and not trusted. Racial minorities and the LGBT community may feel the police are the “enemy of occupation.” Such victims never report hate crimes against them. One survey found that almost 80% of Shiite Muslims in the United States who were victims of post-9/11 discrimination failed to report the incidents to the police.⁷

After 9/11, hate crimes targeting Muslims (and anyone who might possibly have been a Muslim) increased some 1,600% from the year 2000, making them the second-most likely religious group (behind Jews) to be victimized. Many were victims of arson, vandalism, or assault. A few were murdered, not to rob them but simply because they wore a turban or spoke with an accent. In Mesa, Arizona, a 49-year-old Sikh Indian wearing a turban was shot down in front of his gas station. In Dallas, a Pakistani Muslim was found shot to death in his convenience store. In San Gabriel, California, an Egyptian Christian was killed in his grocery store.

The influence of group membership can hardly be exaggerated in the case of murders inspired by hate. As a cultural phenomenon, there may be literally millions of Americans who have adopted ethnocentric attitudes. They may tell racist jokes, use racial epithets, and verbalize their dislike of immigrants, gays, Jews, or people of color. Most Americans, however—notwithstanding their bigoted beliefs—would never dream of translating their hate into the commission of a crime, especially not murder.

But for someone who is angry and hate filled, membership in an organized group can make all the difference. For one thing, the hatemonger's group teaches him that he is not alone in his bigotry. He knows, perhaps for the first time, that other people share the depths of his concern and his revulsion about the state of the nation and the decline of his “heritage” or race. Joining up gives him the inspiration needed to translate his attitudes into activism, to risk his personal safety in order to take a strong stand against race mixing, communism, or the so-called Zionist conspiracy. Second, if a hatemonger works together with other members of a group, then there often is some sharing of tasks that weakens his sense of personal responsibility. He has only driven the car or gone along for the ride; he only kicked or hit the victim, but never delivered the fatal blow. Moreover, owing to what social psychologists call a group effect, he may also be able to take risks with his personal safety that he would have regarded as unthinkable before taking membership in a group of like-minded comrades. Finally, hate groups tend to be apocalyptic, preaching to their members that global war is inevitable. The battle cry of the racist and anti-Semitic Creativity Movement, for example, is “Rahowa”—standing for racial holy war. The bible for many hate groups is Andrew Macdonald's novel *The Turner Diaries*, a fictionalized account, written by a white supremacist (the late William Pierce) under a pseudonym, in which a bloody racial war is waged and won by the Aryan good guys.

TYPES OF HATE HOMICIDE

Hate homicides, not unlike hate crimes generally, seem to fall into one of categories in terms of their perpetrators' motivations: thrill, defense, retaliation or mission.

Thrill Hate Crimes

Thrill hate crimes are typically perpetrated by groups of teenagers or young adults who, bored and idle, decide to go out together looking for someone to attack. The sadism and excessive brutality involved in many thrill homicides suggest that at least some of the killers—perhaps the leaders of the group—have an excessive need to feel powerful at the expense of their victim. It takes only a sadistic bigot with power to exercise his will in a group of young people who are eager to please their peers and be accepted. Most thrill offenders might not fit the label, offered by political scientist Meredith Watts, of “fellow traveler.” They may not harbor intense hatred toward their victim, but they also can bear the idea of being rejected by their friends. These are typically marginal and alienated youngsters, whose thrill attack gets them little more than bragging rights and a vague sense of their own importance. And that is apparently enough to provide the inspiration for singling out a vulnerable victim. Almost half of all attacks can be regarded as thrill hate crimes.⁹

Most thrill attacks take the form of vandalism, desecration, and assault. Occasionally, however, a group of young people looking for some excitement attack their victim with lethal force. It is no coincidence that many thrill crimes are committed by a group of friends who support and encourage another in their quest for excitement.

An appropriate example is the tragic case of 37-year-old Marcelo Lucero, an Ecuadorean immigrant who came to the United States and settled in Long Island City, New York, at the age of 21, only to be stabbed to death on a dark street in the neighborhood of Patchogue by seven teenagers who decided to go “beaner jumping,” as they called it. For more than a year, the seven friends had, on a number of occasions, set out to locate a Hispanic to attack. Earlier in the day of Lucero's slaying, they had targeted another Hispanic man with a BB gun, shooting him from their passing car.

The state of New York sentenced Jeffrey Conroy, who was 17 at the time, to 25 years for plunging a knife into Lucero's chest, to 25 years for the crime of manslaughter by assault as a hate crime. Conroy's six companions received prison terms of 7 years each.

The vulnerability of people with disabilities tends to make them easy targets for thrill-seekers. According to anonymous victim accounts from the Bureau of Juvenile Statistics data, individuals with a disability (especially those with a developmental disability), in 2015 alone, were victims of about 47,000 rapes, 79,000 robberies, 114,000 aggravated assaults, and 476,000 simple assaults. The victimization rate for serious violent crime for persons with disabilities (12.7 per 1,000) was more than three times the rate for persons without disabilities (4.0 per 1,000).¹⁰

Over the years, police departments around the country have increased their sensitivity to hate crimes based on race, religion, or sexual orientation, but they still may not recognize disablist bias in the motivation for an assault. In 2015, 88 of the 6,820 hate offenses reported by the police to the FBI targeted people with physical, emotional, or intellectual disabilities. Obviously, this represents a tremendous underestimate of the problem. In 2015, 20% of all disabled victim crime victims believed they were targeted because of their disability.¹¹

Many hate crimes committed against victims who are intellectually or emotionally challenged are committed by a group of friends looking for a sadistic thrill. In February 2010, for example, Jennifer Daugherty, a 30-year-old intellectually disabled woman in rural Pennsylvania about 30 miles east of Pittsburgh, was stabbed to death allegedly by six individuals who were simply out to have some fun at her expense. But before taking Jennifer's life and dumping her remains in a garbage can, her killers first tortured her in the most sadistic manner imaginable. Pretending to be her good friends, they abducted Jennifer and kept her as a prisoner for several days. During this time, they forced her to ingest spices, vegetable oil, detergent, urine, and various medications. They shaved Jennifer's head, bound her with Christmas decorations, beat her with a towel rack, a vacuum cleaner hose, and a crutch. Then, after forcing her to write a suicide note, they stabbed her in the chest, neck, and side.¹²

Defensive Hate Crimes

In contrast to thrill offenses motivated by a need to be accepted and feel important, *defensive hate crimes* are, from the perpetrators' viewpoint, designed to protect their turf, territory, neighborhood, women, job, reputation, school, or campus—in general, their birthright. In some precipitating episode, the victims are perceived to threaten what the offender regards as belonging to him: members of a black family moving onto a previously all-white block, the first Asian student in a college dormitory, or a gay man attending a party. The attack is typically aimed at particular victims, those who dare challenge or threaten the security or well-being of the offender. When the threat subsides, so does the attack.

Defensive hate crimes may begin with relatively harmless acts designed to alert the victim that he or she is trespassing on private property. If, however, the original message is disregarded—if the black family remains on the block, if the Asian student fails to change residence halls, or if the gay man refuses to leave the party—then the offense may escalate into violence, until the desired result has been achieved.

During the 1990s, the majority of hate crimes could be characterized as thrill-motivated.¹³ Since the September 11th terrorist attack on New York City, Washington, D.C., and rural Pennsylvania, however, hate crimes have become much more defensive from the hater's point of view, targeting a particular group of outsiders in response to some threatening episode. In defensive hate crimes, the perpetrator tends to be somewhat older. Rather than operate in a group, he more often attacks alone. He feels as though he is a victim, someone whose economic well-being, cultural/religious identity, neighborhood, or very survival is being threatened by outsiders.¹⁴

Thus, there was a dramatic increase in hate crimes against Muslim and Arab Americans following the 9/11 terrorist attack in 2001 that killed almost 3,000 people, against gays and lesbians following the passage of the first gay marriage law by the state of Massachusetts in 2003–2004, against African Americans following the first election of President Obama in 2008, and against immigrants when the unemployment rate peaked in 2010. Moreover, an increase in hate-tinted rhetoric espoused by our national political leaders in the face of soaring income inequality across the decades has contributed recently to a substantial growth of hate crimes in the United States. According to Brian Levin at California State University in San Bernardino, in 2016, there were 1,037 incidents, a more than 23% increase from the previous year in the nine areas he researched: New York; Washington, D.C.; Chicago; Philadelphia; Montgomery County, Maryland; Columbus, Ohio; Seattle; Long Beach, California; and Cincinnati.¹⁵

On occasion, more than one stigmatized characteristic defines the identity of a hate crime victim, causing a perpetrator's defensive need to escalate to a fever pitch. In August 2010, a 21-year-old college student and aspiring film producer, apparently in a drunken stupor, allegedly slashed the neck, arms, and face of New York City cab driver Ahmed Sharif. While a customer in the cab, the college student engaged in what was initially a friendly conversation. He asked the cabbie where he was from and how many years he had been in the United States. Then he wanted to know whether Sharif was Muslim. When the driver responded that he was, his passenger attacked him with a utility knife.

The motive was not to rob the cabbie. Moreover, the two men—driver and passenger—had been total strangers, so personal issues were not involved. The college student was charged with attempted second-degree murder as a hate crime. The precipitant for the passenger's enraged attack was, at that time, constantly on the minds of New Yorkers. Observers suggested that the assailant had become angered by the national debate as to whether or not an Islamic community center and mosque should be erected on a site only two blocks from Ground Zero. Thus, the passenger wasn't looking for a thrill; instead, he felt a need to rid his community of what he perceived to be a threat to our country. Unfortunately, the assailant was not deterred by reason or logic. His victim had absolutely nothing to do with the tragic September 11 attack on the World Trade Center; he was, instead, a patriotic American.

Retaliatory Hate Crimes

In *retaliatory hate crimes*, a single hate-motivated attack is often followed by a number of follow-up attacks by members of the victimized group. Retaliatory attacks tend to have the greatest potential for fueling additional hate crimes on both sides. Unlike defensive hate crimes designed to eliminate a particular "outsider" from a neighborhood, a workplace, or a school, retaliatory offenses often target not the original offender but anyone from the offender's group. Thus, the victim of a retaliatory crime is selected at random, as long as he or she is perceived to belong to the perpetrator's group.

This was certainly the case with respect to Ronald Taylor. In a suburb not far from the city of Pittsburgh, the 39-year-old black resident of Wilksburg was at his wit's end. After a lifetime of suffering racial discrimination, insults, and slights, Taylor felt that he could no longer tolerate what he believed to be the continuing racist neglect by his white maintenance man, John DeWitt. The front door of Taylor's apartment unit had remained broken for some period of time without being repaired, and Taylor fixated on his white maintenance man as the source of the problem.

On March 1, 2000, racial revenge was on Taylor's mind. Leaving his apartment, he remarked to a black neighbor living nearby that he wasn't going to hurt any black people, that he was just "out to kill white people." Taylor was true to his word. Not finding John DeWitt, he instead fatally shot a carpenter who had been working in the building. Then, he walked to a fast-food restaurant in the Wilksburg business district, where he shouted, "White trash. Racist pig," and opened fire again, killing two and injuring two more.¹⁶ At one point in his rampage, while waving his gun and making threatening gestures toward a group of people, he yelled at a black woman, "Not you, sister." All of Taylor's victims were white.

Mission Hate Crimes

Mission hate crimes are the rarest and also the most dangerous category of offenses. They are the most likely to involve the members of an organized hate

group as well as severe mental illness on the part of the perpetrator. They are also the most likely to result in a murder. Mission hate offenses represent no more than 5% of all hate crimes but probably a much larger proportion of hate homicides.¹⁷

The mass murder at a Sikh temple in suburban Milwaukee on Sunday, August 5, 2012, was referred to as an act of "domestic terrorism" by the Oak Creek police chief, meaning that the attack was perpetrated by a resident of this country rather than a foreigner. The killer, Wade Michael Page, was a white army veteran approximately 40 years of age who committed suicide after taking the lives of six people and wounding another four. The Southern Poverty Law Center reported he participated in a neo-Nazi punk rock band and was a long-standing member of white supremacist groups in the local area.

Page's rampage was the first mass murder but hardly the first violent episode aimed at Sikh Americans during more than a decade after the September 11, 2001, attack on America. Hate can be quite diffuse, targeting a broad range of innocent victims, including those who are mistaken for other groups. Sikhs, for example, are often mistaken for Muslims because they wear turbans and have beards. Just four days after 9/11, Balbir Singh Sodhi, a 49-year-old immigrant from India who wore a turban and a beard, was shot down and killed while in front of his gas station in Mesa, Arizona. The gunman, Frank Roque, then opened fire on a man of Lebanese descent and an Afghan family nearby. He was angry about the terrorist attack on America and was looking to retaliate against anyone who might possibly have been Muslim or Middle Eastern, or who had dark skin and spoke with a foreign accent. His reward? Serving a life sentence in a maximum security prison.

Hate can remain dormant in a culture, emerging without warning from the darkness in response to some threatening episode. In the weeks after September 11, the FBI reported more than 40 anti-Arab and anti-Islamic hate crimes across the country. In addition, there were more than 300 reports of harassment and abuse filed with the Council on American-Islamic Relations. For several months after the attack on America, hate crimes directed against Muslim Americans increased by 1,600%, according to 2001 FBI statistics.¹⁸

Unfortunately, the tit-for-tat mind-set has not ended almost two decades after the horrendous 2001 attack on New York City, rural Pennsylvania, and Washington, D.C. The thinking is "You got us; now we will get you." Thus, one hate crime can inspire large-scale, ongoing violence between groups. As has happened repeatedly in Northern Ireland, Israel, Syria, and India, an act of violence committed by one side can easily escalate into multiple acts of terrorism on the other side. It can happen, and has happened, in the United States of America.

Unlike most other vengeful killers, when someone goes on a rampage based on hate against an entire group, he is not aiming to eliminate a particular set of individuals. Any Sikh American is at risk. Indeed, anyone who has dark skin, speaks with a foreign accent, or wears a turban is regarded as the enemy. The killer isn't interested in whether the victims are married or single, have children, follow a favorite baseball team, or have the same personal problems that he has. He has dehumanized his potential victims long before he arrives at his crime scene. To him, their only important characteristic is their cultural or physical difference.

The massacre in Wisconsin might not have targeted Sikh Americans, in particular. It is more likely the act of an individual who despises anyone who is not in the mainstream of American society. For a period of time, the police in Chicago and New York paid particular attention to Sikh temples, just in case another bigoted individual decided to settle a gripe through the barrel of a gun. Yet the next set of victims might just as easily have been Muslim, Jewish, Catholic, Hindu, or Buddhist.

Or African American. One of the most horrific hate-inspired mass murders in recent history occurred in the year 2015 at the historic Emanuel African Methodist Episcopal Church in Charleston, South Carolina. Twenty-one-year-old Dylann Storm Roof, a budding white supremacist, attempted to start a race war when he shot to death nine black congregants as they participated in a Bible study group at the church. For an hour, Roof had a conversation with his eventual victims, suggesting to them falsely that he had come to pray rather than kill. Then he stood up and announced to members of the group that he was there “to shoot Black people.” All of Roof’s victims were shot multiple times.

The killer had purchased a Glock handgun using the gift his parents had given him for his 21st birthday. He had practiced marksmanship in his backyard, where he also took numerous selfies with Confederate flags. Roof never joined a white supremacist group. Instead, he learned to hate online, by logging onto hate websites and researching crimes by blacks against whites.

Unlike thrill, defensive, and retaliatory attacks, mission hate crimes tend to be broad in scope and extend over time. Their perpetrators generally have no particular person or persons in mind to victimize; instead, they seek to destroy each and every member of a particular group. As a result, they may kill indiscriminately within a category, targeting a number of people simultaneously or going on a killing spree in a number of venues. For those who have made a career of bigotry, they might continue their killing spree until such time that they are finally apprehended by law enforcement.

In November 1995, four young men affiliated with the Nazi Lowriders of Lancaster, California, brutally murdered Milton Walker, a 43-year-old black homeless man in a vacant lot behind a fast-food restaurant. While shouting racial slurs at their victim, the young, white attackers repeatedly bludgeoned him with a wooden board, kicked him, and then smashed him in the face with a pipe. The assailants were at least partially inspired by a desire to impress other members of their group. All of the perpetrators were devoted to the cause of eliminating minorities from their town. But their motivation went far beyond the bragging rights bestowed on those who kill.

Indeed, the attack resulting in the slaying of Milton Walker was no isolated incident committed by dabblers, but one episode in a much larger series of offenses carried out by the Lancaster Nazi Lowriders, whose members had sought for years to eliminate minorities and create an all-white community. Their group had a long record of intimidating and attacking minorities for the purpose of leaving the impression that Lancaster was not safe for blacks, Latinos, or Asians. Members had taken part in a number of racially motivated beatings, stabbings, and threats.

Not every mission killer is connected, of course, with some organized hate group. Included in the mission category are also the relatively rare individuals who, acting out of severe mental illness, go gunning for victims who are representative of a group they despise. In 1989, for example, Patrick Purdy murdered five Southeast Asian children as they congregated on the playground at the Cleveland Elementary School in Stockton, California. Having drifted from place to place and unable to hold a steady job, his mental health deteriorated rapidly. In his distorted thinking, Purdy came to blame the immigrants who had recently moved into his community for all of his personal problems.

The extent of human destruction perpetrated by someone on a mission depends on his or her ability to avoid apprehension. Shortly after midnight on February 2, 2006, 18-year-old Jacob Robida walked into Puzzles Lounge, a popular gay gathering place in the city of New Bedford, Massachusetts, 50 miles south of Boston, and ordered a drink at the bar. Then, after having one more shot

of whiskey, he walked to the back of the room near a pool table and removed a hatchet from his black trench coat. Two men were able to grab the hatchet from the assailant's hands, but not before Robida had slashed both of them in the face. He then pulled out a 9-mm pistol and shot a third man in the stomach. Next, he put the gun to his own head and squeezed the trigger, but when it failed to fire, Robida ran out the front door of Puzzles Lounge and into the night.

Robida's rampage had just begun. After escaping from the gay bar where he left three men seriously wounded, he drove to Charleston, West Virginia, and picked up 33-year-old Jennifer Bailey, a woman with whom he had previously lived. The couple drove to Gassville, Arkansas, where Robida confronted police officer James Sell, who asked him to pull over to the side of the road in a routine traffic stop. Robida first gunned down Sell, then shot to death his female companion, and finally turned the gun on himself, taking his own life as the police closed in on him.

It was no coincidence that Robida had initiated his rampage targeting gays. The first thing he had asked the bartender before slashing and shooting patrons was "Is this a gay bar?" According to those who knew him well, he hated gays and lesbians, but he also despised blacks and Jews. His Myspace website contained a photograph of Robida wielding a firearm; behind him, his bedroom walls were covered with anti-Semitic writings and swastikas. Robida had an extensive collection of Nazi memorabilia, including books about the Third Reich, Nazi flags, and a sword. Among his books was a copy of *The Turner Diaries*.

Murderous mission hate crimes are planned, sometimes far in advance. Typically, they are intended to maximize the loss of human life and to generate widespread publicity among a population. The killer has a message to send. He is angry and frustrated, he blames the members of a certain group, and he is willing to sacrifice his personal well-being for the sake of a larger cause. In July 2006, a 30-year-old Muslim American who had developed an intense anger toward Jews forced his way through the front door of the Jewish Federation in Seattle and opened fire with two semi-automatic handguns, killing a 58-year-old woman and injuring five others. The intruder blamed Jews for the war in Iraq and U.S. cooperation with the state of Israel. He had bought his weapons and ammunition days earlier and searched the internet for Jewish organizations before settling on the Jewish Federation as a target. Ending his rampage, the perpetrator was convinced by one of his wounded victims to phone 9-1-1. He told the operator that he had a gun to the head of a hostage and asked her to contact the media. Within minutes, the police arrived on the scene to apprehend the gunman, bringing an end to his deadly mission of hate.

ORGANIZED HATE GROUPS

In April 2014, 73-year-old neo-Nazi Frazier Glenn Miller went hunting for Jews. The former leader of the KKK-linked Carolina Knights and the White Patriot Party had been sentenced to 3 years in prison on weapons charges and participation in a plot to assassinate Morris Dees, the cofounder of the Southern Poverty Law Center in Montgomery. Now Miller, who carried a Remington 870 shotgun and a handgun for the task at hand, drove to the Jewish Community Center and a Jewish retirement home down the road in Overland Park, Kansas, where he parked and waited for Jewish victims to come his way. A few minutes later, the gunman had shot to death Dr. William Corporon and his 14-year-old grandson at the Jewish Community Center and 53-year-old Terri LaManno in the parking lot of the retirement home where her mother resided. Unknown to Miller, all

three of his victims were Christians, not Jews: Corporon and his grandson were Methodists, and LaManno was a Catholic. At the end of August 2015, Miller was found guilty of capital murder. Two months later, he was sentenced to death.

Most Americans are at least somewhat acquainted with the objectives of white hate groups such as the Ku Klux Klan and neo-Nazis. Those who are familiar with U.S. history know that the Klan has risen and fallen time and time again in response to challenges to the advantaged position of the white majority. During a short period of post-Civil War Reconstruction, for example, many whites were challenged by newly freed slaves who sought some measure of political power and began to compete for jobs with white working-class Southerners. As a result, the Klan, responding with a campaign of terror and violence, lynched thousands of blacks. Klan-initiated violence increased again during the 1920s, as some Americans sought "protection" from an unprecedented influx of immigrants from eastern and southern Europe. During the 1950s and 1960s, uniformed members of George Lincoln Rockwell's American Nazi Party gave the Nazi salute and shouted, "Heil Hitler!" Over the same period, Klansmen in their sheets and hoods marched in opposition to racial desegregation in schools and public facilities.

By contrast, the more recently organized hate groups operating since 1990 aren't necessarily known for bizarre uniforms or strange rituals. Followers of such white supremacist groups as Tom Metzger's White Aryan Resistance (aka The Insurgent) have shed their sheets and burning crosses in favor of more conventional attire. They often disavow the Klan and the neo-Nazi movement in favor of a brand of "American patriotism" that tends to play better among average Americans.¹⁹

Metzger's suspicion about the declining appeal of the Klan seems justified. They now wear shirts and ties, not sheets or hoods. Some of their most influential followers are former KKK members who recognize the futility of looking deviant, perhaps even anti-American. The new groups talk in code words and phrases about the very issues that concern Middle America. They preach that the heritage (meaning race) of white Christians is being eroded by foreign (meaning Jewish/communist) influence; they lament the rise of government interference (meaning Jews in high places who supposedly force racial integration down the throats of white Americans) in the lives of average citizens (meaning white Christians); and they condemn welfare cheating (meaning blacks and Latinos), which they incorrectly perceive as being rampant. In addition to wearing business suits, some get facelifts (like former Klan leader David Duke did) or don hairpieces (Tom Metzger had one).

Several have run for public office. For example, Duke once ran for governor of Louisiana, and Christian Identity's former spiritual leader, Richard Butler, entered the race for mayor of Hayden, Idaho. Even in their support of bizarre-looking skinhead youth, they themselves are more concerned with projecting a respectable public image. They realize that younger people often reject the robes and ritual in favor of paramilitary dress. Concerned with the reaction of both the public and the police, some white-power skinhead groups have recently taken a cue from their mentors by wearing their hair conventionally and getting rid of their black leather jackets.

Even some Klan leaders have changed their tune, at least in the way it is played for recruiting purposes. The leader of the Knights of the Ku Klux Klan in North Carolina, for example, actually barred violent neo-Nazis from its meetings. The head of the Klan in Florida urged its members to become a group "known for hating evil, instead of being a group known for hating Negroes." He has repeatedly suggested that his group does not hate anyone but "loves the white race."

In 1978, after leaving his position as national director of the KKK, David Duke launched the National Association for the Advancement of White People. More recently, after spending a term of office in Louisiana's House of Representatives, Duke inaugurated a "civil rights group" for the purpose of fighting the "massive discrimination" against "European Americans" and in favor of blacks, Latinos, Jews, and gays. But, according to the Anti-Defamation League, Duke's organization represents nothing more than an obvious attempt on the part of a "leading racist" to pitch himself in a more socially acceptable manner as a civil rights leader. Then, on March 29, 2004, more than 300 white supremacists came together in New Orleans to celebrate the return of Duke, who was released from federal prison after serving time for fraud. Almost two years later, on December 11, 2006, Duke attended the Holocaust Denial Conference in Tehran, sponsored by the Iranian Foreign Ministry. More recently, he again made his presence known on national television in August 2017, when he condemned counter-demonstrators at the Charlottesville, Virginia, rally in support of maintaining confederate statues, calling the opposition "leftist terrorists."

According to the Southern Poverty Law Center, there may be no more than 50,000 members of white supremacist groups across the nation. Considering that the United States is a country whose residents number more than 320 million, this is a relatively small total. To place this figure in historical perspective, consider that during the 1920s 4 million Americans were members of the Ku Klux Klan.

On the other hand, the Southern Poverty Law Center estimates that the number of hate groups has been on the rise. Currently, this watchdog organization is tracking as many as 917 organized hate groups around the country, roughly a 50% increase over the number in the year 2000. At the same time, thanks to a vacuum of leadership, the influence of certain neo-Nazi organizations seems to have declined during the past few years. Several of the leading organizations in the hate movement—the National Alliance, David Duke's European-American Unity and Rights Organization, Matt Hale's Creativity Movement, and Aryan Nations—suffered setbacks of major proportions. By contrast, hard-core anti-immigrant groups whose members confront or harass suspected newcomers grew from 173 in 2008 to 319 in 2010. There have also been membership gains for such groups as the Ku Klux Klan, the National Socialist Movement, the Council of Conservative Citizens, and neo-Nazis.²⁰

THE ROLE OF THE MILITARY

Twenty-year-old James Burmeister and his two buddies were soldiers stationed at the Ft. Bragg army base outside of Fayetteville, North Carolina. They were also racist skinheads who hated blacks, Latinos, and Jews. The three friends didn't belong to any nationally organized hate group. By day, they completely immersed themselves in the disciplined military training required of all recruits on base. But at night, they shed their military uniforms in favor of the steel-toed boots and green jackets associated with the Nazi movement.

During the early morning hours of December 7, 1995, the three soldiers drove their Chevrolet Cavalier into a black neighborhood located in the heart of town. They had spent the night drinking, playing pool, and watching topless dancers at a local sports bar.

All the while, Burmeister had made his intentions clear enough. He talked incessantly to his friends about wanting to find the enemy and have a little fun, about wanting to earn a badge of honor in the form of a spider web tattoo worn only

by those members of the movement who had killed in order to further the Nazi cause. He liked the excitement, the thrill, and the bragging rights. Shortly after midnight, the three spotted the victims, Michael James, 36, and Jackie Burden, 27, who were walking together along a dirt road, totally unaware of the danger lurking just ahead. Burmeister jumped out of the car and, without warning, immediately opened fire on the black couple with his 9-mm Ruger handgun, killing them both. The three then sped away from the scene of the crime, leaving the bodies of their two victims to be discovered by passersby.

A 2008 FBI review identified 203 individuals in the white supremacist movement from October 2001 to May 2008 who had served in the military at some point during this period of more than 7 years. Compared against the almost 24 million veterans in the population of the United States in 2008, the number of hate group members with military experience is admittedly miniscule, even if you include those who never expressed their racist beliefs and remained beneath the radar while serving their country. Moreover, these 203 individuals who could be identified as white supremacists represent only a small percentage of the thousands of Americans who belong to hate groups.²¹

Yet the influence of hatemongers who have military backgrounds seems to be much greater than their small numbers suggest. Sociologist Pete Simi has suggested that the extremist strategy to infiltrate the military and law enforcement has existed "for decades." In a study they conducted of individuals indicted for far-right terrorism-related activities, Simi and Futrell found that at least 31% had military experience.²² According to the FBI, most extremist groups have at least some members with military experience. They tend to hold leadership positions and have enormous prestige within the organization, owing to their knowledge of firearms and explosives and their access to weapons. White supremacists who have served in the military are widely regarded by their associates as playing an important role in preparing for an anticipated war against Jews, people of color, and the federal government.

There is reason to believe that the U.S. Department of Defense has recently increased its efforts to eliminate violent racists from its ranks. Yet the number of white supremacists in the military may have increased since the FBI review was reported. As enlistment rates have declined and the military has struggled to meet its recruitment objectives, the U.S. Army has loosened its recruiting standards. Veterans suffering from posttraumatic stress disorder have been ordered back to Iraq for an additional tour of duty. Americans with criminal records have been allowed to sign up. Lax recruiting standards have similarly opened the door to larger numbers of gang members, neo-Nazis, and other white supremacists. In August 2017, a white supremacist group known as Vanguard America rallied in Charlottesville, Virginia, where one of its members drove his vehicle through a crowd of counter-demonstrators, killing 32-year-old Heather Heyer and injuring dozens more. Vanguard's leader was Dillon Hopper, a military veteran who, until 2011, had served as a marine recruiter and also had been deployed to Iraq and Afghanistan during his term of service.²³

CURRENT STATE OF HATE CRIME LAWS

It is not surprising that so many states have chosen to enact legislation that targets hate violence. Not unlike less serious hate offenses, hate-motivated homicides impact not just a particular individual but every member of a victim's group.

In a sense, they are crimes against society at large, causing intergroup hostility to increase and incivility to thrive and prosper at the expense of peace and tranquility. Even hate-motivated murders occurring decades earlier have become deeply entrenched in the collective memory of our country as well as its federal legislation.

The murder of James Byrd is an appropriate example. Three white supremacists met behind bars, where they joined the Aryan Brotherhood, a penitentiary hate group for white inmates who, after serving their time, are frequently recruited by white supremacist groups on the outside. The three perpetrators also had connections to the Ku Klux Klan. Indeed, they had planned to start a local chapter in the community of Jasper, Texas. In June 1998, after being released from prison, the three dragged Byrd, a black man, to his death behind their pickup truck for more than two miles down a rocky country road in Jasper, Texas. Whether intended or not, the killers sent an unmistakable message to every black American regarding their vulnerability.

Similarly, the vicious murder in October 1998 of 21-year-old gay college student Matthew Shepard by two young men in Laramie, Wyoming, was a warning to every gay person not to exercise their constitutionally guaranteed rights. For his “sin,” Shepard was beaten into a coma and left tied to a fence in the desert. He died 5 days later.

The brutal murders of Byrd and Shepard foreshadowed a major change in federal law that continues in force to the present day. On October 28, 2009, President Obama signed an important federal bill named the Matthew Shepard and James Byrd, Jr. Hate Crimes Prevention Act, which expanded the protected categories to include not only race and religion but also sexual orientation, gender, gender identity, and disability status. This law also extended the areas that federal authorities are able to investigate and prosecute, and provided assistance in cases at the state level, even where local law did not protect the category of residents who were being victimized.

We have come a long way from the days when legislation at the federal level did nothing more than mandate the identification of incidents of hate crime. In 1990, the Congress of the United States passed the Hate Crime Statistics Act, which required the reporting of statistics on hate crimes nationally. When it comes to providing legal protection to vulnerable groups, however, until recently, the task was mostly left up to the states. Specifically, 45 states and the District of Columbia have statutes criminalizing various types of bias-motivated violence or intimidation. Each of these statutes covers bias on the basis of race, religion, and ethnicity; 30 cover disability; 31 cover sexual orientation; 26 cover gender; 9 cover transgender/gender-identity; 13 cover age; 5 cover political affiliation; and 5, along with Washington, D.C., cover homelessness.²⁴

The question arises as to where you draw a line with regard to which groups deserve additional protection and which do not. Hate crime laws were originally designed to cover those groups whose members possessed extraordinary vulnerability as likely targets of violence. Recent events have inspired some changes in our thinking as to who should and should not be included in hate crime legislation. In July 2016, five white police officers were gunned down on the streets of downtown Dallas and three white police officers were shot to death in Baton Rouge, as “payback” for a string of unarmed African American men who were killed by local law enforcement in cities and towns across the country. Two months earlier, the state of Louisiana added police officers to its list of protected categories in its “Blue Lives Matter” hate crime legislation. Many other states debated doing the same but declined to make a change in the law. At the same time, it was widely

known that most states already enhance the penalties for attacking a member of the police force. In New Hampshire, for example, the intentional killing of law enforcement personnel, including sheriffs, city police, state troopers, correctional officers, and probation officers, is punishable by death. The same criminal act committed against a civilian is likely to result in a prison sentence rather than an execution.

Notwithstanding their value in combating bias and bigotry, hate crime laws have been recently challenged by legal scholars and social scientists who suggest that by punishing speech, the statutes violate the First Amendment. Yet hate crime laws do not punish constitutionally protected hate speech. Most of these statutes only increase the penalty for behaviors that are already illegal—vandalism, harassment, assault, and the like. Moreover, using the words of a perpetrator who utters racial slurs or ethnic epithets to establish motivation is nothing new or unusual in criminal law. For example, the difference between killing someone in self-defense versus committing first-degree murder may rest largely on what the defendant has said. Criminal law has always taken into consideration the motivation and intent of the offender.²⁵

The United States has chosen not to follow the lead of many European countries, where anti-hate speech legislation has been passed. Countries including Canada, France, Great Britain, and Germany have all passed laws prohibiting at least some forms of hate speech. In Germany, these forms of prohibition have been applied most broadly, particularly in the area of Nazi propaganda and symbols that are illegal to own or display. Consistent with its long tradition of free speech protections, the United States has, except on college campuses, decided not to develop similar legislation. Even in the area of campus speech codes, moreover, efforts in the United States to control offensive speech have been met with significant resistance and debate.²⁶

Another argument often espoused in opposition to hate crime laws is that they apply only to “special groups.” In reality, however, each and every American potentially receives protection from hate crime statutes that criminalize acts motivated by a characteristic of the victim. Thus, Christians who are targeted are as likely as Jews and Muslims to be protected by the law. Whites are as likely to be protected as blacks, Asians, and Latinos. Straights are as likely to be protected as gays and lesbians. In fact, some 20% of all racially motivated incidents reported to the FBI involve white victims targeted by members of another racial group.

When a bias crime results in murder, opponents of hate crime laws take the opportunity to emphasize that enhanced penalties are meaningless when applied to a crime for which a life sentence or the death penalty is already the only option. How is it possible, some argue, for hate crime legislation to have deterred the killers of Matthew Shepard or James Byrd?

The arguments surrounding hate crime legislation are much more complex than some have suggested. First, as noted earlier, most hate crimes do not rise to the level of murder; rather, they are intimidations, vandalisms, and assaults. Second, bias-motivated murders may be committed by several individuals. For example, a leader who possesses sadistic tendencies and fellow travelers who join in because they fear being rejected by their friends. Although hate crime laws may not discourage a sadist who plays a leadership position in a group, they may at least well dissuade those who are on the fence about going along for the ride and helping out. In the beating death of Matthew Shepard, for example, the two perpetrators were accompanied by their girlfriends, who were accused of serving as accomplices by, among other things, helping to dispose of the killers’ bloody clothes.

Finally, even if they fail to deter a single homicide, hate crime laws send a symbolic message of some importance, first, to members of vulnerable groups who are eager to know that not every American is a hater and, second, to good people everywhere who disavow hate and intolerance but are not always so sure that they have company. In sum, from the perspective suggested decades ago by French sociologist Émile Durkheim, hate crime legislation plays a symbolic function by reflecting and reinforcing the values—tolerance and respect for diversity—that Americans claim to cherish.

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