

**The Increase of Hate Crime
In Michigan**

**Michigan Advisory Committee
to the United States
Commission on Civil Rights**

July 1992

A report of the Michigan Advisory Committee to the United States Commission on Civil Rights prepared for the information and consideration of the Commission. This report will be considered by the Commission and the Commission will make public its reaction.

THE UNITED STATES COMMISSION ON CIVIL RIGHTS

The United States Commission on Civil Rights, first created by the Civil Rights Act of 1957, and reestablished by the United States Commission on Civil Rights Act of 1983, is an independent, bipartisan agency of the Federal Government. By the terms of the 1983 act, the Commission is charged with the following duties pertaining to discrimination or denials of the equal protection of the laws based on race, color, religion, sex, age, handicap, or national origin, or in the administration of justice; investigation of individual discriminatory denials of the right to vote; study of legal developments with respect to discrimination or denials of the equal protection of the law; appraisal of the laws and policies of the United States with respect to discrimination or denials of equal protection of the law; maintenance of a national clearinghouse for information respecting discrimination or denials of equal protection of the law; and investigation of patterns or practices of fraud or discrimination in the conduct of Federal elections. The Commission is also required to submit reports to the President and the Congress at such times as the Commission, the Congress, or the President shall deem desirable.

THE STATE ADVISORY COMMITTEES

An Advisory Committee to the United States Commission on Civil Rights has been established in each of the 50 States and the District of Columbia pursuant to section 105(c) of the Civil Rights Act of 1957 and section 6(c) of the United States Commission on Civil Rights Act of 1983. The Advisory Committees are made up of responsible persons who serve without compensation. Their functions under their mandate from the Commission are to: advise the Commission of all relevant information concerning their respective States on matters within the jurisdiction of the Commission; advise the Commission on matters of mutual concern in the preparation of reports of the Commission to the President and the Congress; receive reports, suggestions, and recommendations from individuals, public and private organizations, and public officials upon matters pertinent to inquiries conducted by the State Advisory Committee; initiate and forward advice and recommendations to the Commission upon matters in which the Commission shall request the assistance of the State Advisory Committee; and attend, as observers, any open hearing or conference that the Commission may hold within the State.

Letter of Transmittal

Michigan Advisory Committee to the
U.S. Commission on Civil Rights

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The Michigan Advisory Committee submits this report, The Increase of Hate Crime in Michigan, as part of its responsibility to advise the Commission on civil rights issues within the State.

The Advisory Committee and staff of the Midwestern Regional Office held a community forum on July 18, 1991, in Detroit, Michigan, to obtain various perspectives and facts on hate crime in Michigan. Those invited to participate included government officials, elected leaders, representatives of community organizations, law enforcement agencies and other knowledgeable citizens in the community.

The Committee believes that there has been an increase in the level of hate crime in recent years in Michigan. Further, it believes that there are three major reasons for this increase:

- a lack of leadership in denouncing such activity,
- the recent downturn in the economy, and
- the segregation of the races and ethnic groups from one another.

Although the report does not reflect an exhaustive analysis of the subject, the Committee hopes the Commission will find it of value in its monitoring of racial, ethnic, and religious tensions nationwide.

Respectfully,



Janice Frazier, Chairperson
Michigan Advisory Committee

Michigan Advisory Committee to the
U.S. Commission on Civil Rights

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Definitions of Hate Crime

A person is guilty of ethnic intimidation if that person maliciously, and with specific intent to intimidate or harass another person because of that person's race, color, religion, gender, or national origin, does any of the following:

(a) Causes physical contact with another person.

(b) Damages, destroys or defaces any real or personal property of another person.

(c) Threatens, by word or act, to do an act described in subdivision (a) or (b), if there is reasonable cause to believe that an act described in subdivision (a) or (b) will occur.

Ethnic Intimidation Act of Michigan
Michigan Public Act No. 371, Sec. 147b.(1) (1988)

* * * * *

Under the authority of section 534 of title 28, United States Code, the Attorney General shall acquire data, for the calendar year 1990 and each of the succeeding four calendar years, about crimes that manifest evidence of prejudice based on race, religion, sexual orientation, or ethnicity, including where appropriate the crimes of murder, non-negligent manslaughter, forcible rape; aggravated assault, simple assault, intimidation; arson; and destruction, damage or vandalism of property.

Hate Crime Statistics Act, Pub. L. No. 101-275
28 U.S.C.A. §534 note (West Supp. 1991)

* * * * *

A criminal offense committed against a person or property which is motivated, in whole or in part, by the offender's bias against a race, religion, ethnic/national origin group, or sexual orientation group.

United States Department of Justice
Federal Bureau of Investigation
Hate Crime Data Collection Guidelines, p. 4

Chapter 1

AN OVERVIEW OF HATE CRIME IN MICHIGAN

In 1981, with an evident nationwide rise in hate crime and hate group activity, the United States Commission on Civil Rights began its Project on Bigotry and Violence. Because of widely reported incidences of hate crime in the State, the Michigan Advisory Committee, in conjunction with the Commission's project, conducted an investigation of racially and religiously motivated violence. As the result of staff research, field investigation, and a factfinding meeting, a report, Hate Groups In Michigan: A Sham or a Shame, was published in 1982. The report focused on the viewpoints of governmental officials and community organizations. The following findings and recommendations are from that report.

FINDINGS

"1. Racially and religiously motivated violence in Michigan is a serious problem, one which will be exacerbated if specific and direct actions are not taken by public officials at all levels of government.

"2. Officials can expect problems associated with racially and religiously motivated violence to increase if the Michigan economy should slip into an even deeper recession....

"3. Reductions in Federal funds for domestic social programs and the retreat in Federal civil rights enforcement efforts may have given a signal to many that acts of overt bigotry will be ignored, if not condoned, by society. Policy statements to the contrary have created mixed signals but have not eliminated the message that the federal government will tolerate acts of violent bigotry.

"4. Prompt response by police to reported incidents of racially and religiously motivated violence is essential to keep them from escalating. Enforcement of existing laws ensuring citizens their constitutional rights and prohibiting the misuse of firearms can significantly minimize the appeal of racial and religious hate groups and acts of overt bigotry.

- The Detroit Police department has been particularly effective in responding promptly to reported incidents, in part because the racial and ethnic composition of the personnel reflects that of the community they serve.

"5. Use of informants and domestic surveillance by the FBI have been effective deterrents to hate group activity. Guidelines implemented by the Attorney General

in 1976 governing such investigative techniques have created conflicting interpretations within the Department of Justice on the use of these tactics.

- The FBI claims the 1976 guidelines virtually preclude domestic surveillance or the use of informants.

- The Department's Civil Rights Division claims the guidelines do not impede utilization of these tactics for purposes of investigating the Ku Klux Klan and similar organizations.

"6. The media may have given undue attention to hate groups in some instances, perhaps contributing to some proliferation of their activities. However bigotry and violence constitute serious dangers to the community that will not disappear simply with more 'responsible' media coverage.

"7. Education is critical in any effort to combat bigotry and violence. The state of Michigan has taken an important step by planning to incorporate into all public school curricula studies on the holocaust, American slavery, mistreatment of American Indians and the meaning of discrimination against minorities in general.

"8. Legislation has been introduced and enacted in some states which declare cross burnings and related forms of property damage and harassment as felonies, prohibit wearing of masks by those engaged in illegal acts, prohibit meetings for purposes of advocating violence, and prohibit para-military training camps where instruction is provided on the use of firearms for the purpose of creating civil disorders.

- In Michigan the only proposal introduced in the legislature is a bill banning para-military training camps."

RECOMMENDATIONS

"1. State and local officials should take every precaution to assure that if further budget cuts become necessary burdens do not fall inequitably on minorities and the poor in general.

"2. All police and law enforcement agencies in Michigan should implement affirmative action plans, or carefully monitor previously implemented plans, to assure their work forces are representative of the communities they serve. If budget reductions necessitate layoffs, officials should assure that personnel cuts do not

eliminate progress made through affirmative action taken in recent years.

"3. Cities should develop procedures for promptly responding to and fully investigating any incident of racial or religious harassment or violence. Officers should be trained in those procedures, as well as in human relations in order to better understand the experiences and perceptions of the diverse racial and ethnic groups in their communities.

"4. The Department of Justice and all divisions within that Department, including the FBI, should develop a precise understanding regarding when informants may be used and where domestic surveillance may be conducted.

"5. The media should accurately reflect the activities of hate groups when reporting on them. Reports on activities of hate groups should not overshadow more significant events.

"6. Public and private schools should incorporate into their curriculum at all grades studies of racial and religious discrimination; including the holocaust."¹

¹ Michigan Advisory Committee to the United States Commission on Civil Rights, *Hate Groups in Michigan: A Sham or a Shame* (1982), pp. 34-38.

In September 1990 the United States Commission on Civil Rights published Intimidation and Violence: Racial and Religious Bigotry in America. The 1990 report was a followup to its 1981 project. The second report was issued because of the large number of shootings, assaults, and vandalism motivated by racial, religious, and ethnic bigotry that continued to occur throughout the Nation during the 1980s.

The Commission reported that:

[It] remains deeply concerned...about acts of violence perpetrated against racial and religious minorities. The media bring recurring accounts of intimidating and violent activities, which include cross burnings; defacement, destruction, and desecration of religious property, infliction of personal injury, and, in some cases, the deaths of human beings.²

Michigan is part of this national phenomenon and continues to experience an alarming number of violent hate crimes and bias-related incidents. These offenses against fundamental civil rights are occurring throughout the State and against all minority groups.

Newspaper accounts give an illustration of just some of the recent racial and ethnic violence that has occurred in Michigan.

² United States Commission on Civil Rights, *Intimidation and Violence: Racial and Religious Bigotry in America* (Clearinghouse Publication 96, 1990), p. 1.

1988

In March, windows are broken in the West Bloomfield home of a Jewish family. Car tires are slashed and the word "Jew" is scratched into the car's paint.³

On November 9 and 10, windows are smashed in Oakland County on the fiftieth anniversary of Kristallnacht, a Nazi-inspired program that started the Holocaust.⁴

On November 12, a group of Portland skinheads known as "East Side White Pride" attack and beat three Ethiopians.⁵

On November 29, Birmingham Groves High School students identified as skinheads start a brawl with black students in the school hallway.⁶

On December 10, anti-Semitic graffiti is painted on a store of a Jewish merchant.⁷

³ *Detroit Free Press*, Jan. 26, 1988, p. 1A.

⁴ *Detroit Free Press*, May 12, 1989, p. 8A.

⁵ *The Oakland Press*, July 22, 1990, p. 1A.

⁶ *Detroit Free Press*, May 12, 1989, p. 1C.

⁷ *The Oakland Press*, July 24, 1990, p. 1A.

1989

On January 19, a black student at Walled Lake Western High School is attacked by a group of white students in a restroom. The student later returns to the school with a group of black youths and assaults a white student in retaliation.⁸

On April 15, white youths assault and shout racial slurs at an interracial group entering a Seven-Eleven Store in Auburn Hills.⁹

During the 1988-89 academic year, there are several incidents on the University of Michigan campus. The radio station is shut down after a student disk jockey broadcasts racist jokes. A flier declaring open hunting season on blacks is slipped into a room where black students are meeting. Black students report to the administration a number of racially motivated assaults and verbal harassment.¹⁰

⁸ *Detroit Free Press*, May 12, 1989, p. 1A.

⁹ *Detroit Free Press*, Apr. 16, 1989, p. 1A.

¹⁰ Isabel Wilkerson, "U. of Michigan Fights Its Legacy of Racial Trouble," *The New York Times*, Jan. 15, 1990, p. 8.

1990

In April, a cross is burned on the front lawn of a black family living in an all white neighborhood in Warren.¹¹

In May, a black man is shot by whites in Detroit after a car accident.¹²

On September 5, a group of white youths shouting racial slurs beats a black youth in a parking lot outside a Detroit night club.¹³

On September 8, a black teenager is clubbed to death in Roseville by a gang of whites.¹⁴

1991

In January, Arab Americans in the Detroit area receive bomb threats and harassment as the War in the Persian Gulf begins.¹⁵

¹¹ *The Detroit News*, May 22, 1990, p. 1A.

¹² Robert McTyre, "Race-hate literature is on the rise," *Michigan Chronicle*, Mar. 28-Apr. 3, 1990, p. 1.

¹³ *The Detroit News*, Sept. 7, 1990, p. 1A.

¹⁴ *The Detroit News*, Sept. 9, 1990, p. 1A.

¹⁵ *Detroit Free Press*, Feb. 23, 1991, p. 1C.

In June, a white man in Muskegon shoots and kills a black man after a racial dispute in a parking lot. In retaliation, three white teenagers are attacked by black youths.¹⁶

Witnessing these renewed episodes of racial and ethnic violence, the Michigan Advisory Committee decided to revisit the issue of hate crime. On July 18, 1991, the Committee held a briefing forum on the topic in Detroit, Michigan. The purpose of the forum was to receive information on the current scope and level of hate crime in Michigan. The forum had 33 participants and included:

- (1) government officials,
- (2) community organizations,
- (3) representatives of the gay and lesbian community,
- (4) law enforcement and public utility officials, and
- (5) members of the public.

This is a summary report of that briefing forum. Its focus is on the nature, extent, and possible explanations for hate crime and whether there has been a recent increase in such violence in the State.

¹⁶ *Detroit Free Press*, June 30, 1991, p. 1A.

Chapter 2

EXTENT OF THE PROBLEM

There is no one definitive source of evidence on the extent of hate crime in Michigan. No one group monitors the total number of complaints, investigations, and reports of such bias-related incidents. There is, nevertheless, evidence of continuing hate crime activity in Michigan. Two government agencies, the Michigan Department of Civil Rights and the Federal Bureau of Investigation, have partial statewide sets of data. In addition, several community organizations have reports of hate crimes. The compilation of information from these various sources gives an imprecise yet consistent picture on the extent of hate crime in the State.

Evidence From Government Agencies

The Michigan Department of Civil Rights

The Michigan Department of Civil Rights (MDCR) investigates charges of alleged discrimination and works to secure the equal protection of civil rights for the State's residents. The Community Services Bureau (CSB) of the MDCR develops and implements programs that prevent and eliminate discrimination. As part of those activities the CSB intervenes and monitors incidents of racial and ethnic tension and violence.

In 1988 the CSB noticed a sharp rise in the number of hate crimes reported to the agency. As a consequence, that office began to formally maintain data on bias-related incidents so that a base of information could be established. The director of the MDCR, John Roy Castillo, told the Committee:

It is my recollection that prior to fiscal year 1988, the quarterly reports of this Bureau to the Michigan Civil Rights Commission would only infrequently include descriptions of staff involvement in a hate crime or other forms of violence and intimidation motivated by bigotry or prejudice.¹

The hate crime data of the MDCR now cover 3 years, but Castillo cautioned the Committee about concluding that this was a complete data set. He said, "In no way [does] the Michigan Department of Civil Rights claim to have information on every hate bias incident committed in this State."² Nevertheless, the evidence from the MDCR suggests that, (1) there was a negligible level of hate crime in the middle eighties; (2) a sharp increase in hate crime in Michigan started in 1988, continued in 1989, and peaked in 1990; and (3) a high level of hate crime continued in 1991 at levels much higher than observed in the middle 1980s.

¹ Transcript of the Michigan Advisory Committee Community Forum on Hate Crime; July 18, 1991; Detroit, Michigan; p. 23 (hereafter cited as Forum Transcript).

² Forum Transcript, p. 25.

During the 21 month period of January 1, 1988, to September 30, 1989, 24 incidents of hate crime were known to the MDCR. From October 1989 through September 1990, 59 incidents were reported to the MDCR. From October 1990 through September 1991, 44 reports of hate crime and incidents of civil rights tension were noted.

The 59 incidents in the second reporting period are double the number of incidents observed in the first period. The third period shows a slight downward movement, but it is still a level nearly double that of 2 years earlier.

The MDCR data also shows hate crime activity throughout the State. Castillo testified:

During fiscal year 1990, 59 incidents were reported in 27 (different) counties. There was one incident reported in each of 15 counties; 5 in 2 counties; 3 in 4 counties; and in 3 other counties, there were 4, 7 and 11 incidents recorded.³

The diverse number of geographic areas having hate crime continues to be observed in 1991. Data collected by the MDCR in 1991 show 10 counties and 17 cities with reported incidents of hate crime.⁴

³ Ibid., p. 26.

⁴ Preliminary Report to the USCCR, Michigan Department of Civil Rights, Nov. 4, 1991.

Table 1 shows the MDCR data. The number of hate crimes reported by the MDCR in 1990 and 1991 is clearly higher than the number reported in the 1988-1989 period. This is evidence documenting that there has been a recent increase in hate crime in Michigan.

Table 1
Incidents of Hate Crime and Racial Tension
Monitored by the Michigan Department of Civil Rights
January 1988 - September 1991

60		(54)	
55		██████████	
50		██████████	(44)
45		██████████	██████████
40		██████████	██████████
35		██████████	██████████
30	(24)	██████████	██████████
25	██████████	██████████	██████████
20	██████████	██████████	██████████
15	██████████	██████████	██████████
10	██████████	██████████	██████████
5	██████████	██████████	██████████
	Jan. '88 - Sept. '89	10/89 -- 9/90	10/90 -- 9/91

1. Numbers in Table 1 are rounded to the nearest five; the actual number of incidents is in parenthesis at the top of the column.
2. The first column represents a period of 21 months. The second and third columns represent a period of 12 months.

The types of hate recorded by the MDCR are also varied. They include:

Death at the hands of a police officer, a middle-aged person, [and] a youth of a different race, gang rowdiness, and outright violence, cross burnings, citizen pressure exerted on local governments to prevent housing and services to a specific ethnic minority, leafletting of hate literature and verbal slurs on the airwaves, arson and physical damage to property, and physical assaults.... Incidents are occurring in neighborhoods, public facilities such as malls, movies and restaurants, the workplace, and schools and colleges.⁵

The Federal Bureau of Investigation

Hal Helterhoff, special agent in charge of the Detroit Federal Bureau of Investigation (FBI) office which includes the State of Michigan, told the Committee that the FBI conducts preliminary investigations into alleged violations of the civil rights statutes. This includes hate crime and police brutality. He underscored, however, that civil rights investigations do not necessarily correlate to hate crime and that hard data on hate crime in Michigan were not currently available. He also refused to speculate on whether this type of crime was on the increase in Michigan.

⁵ Forum Transcript, p. 28.

Helterhoff stressed the importance of hate crimes data to understanding the overall crime problem in a given geographical area. Currently the Uniform Crime Reporting Section at FBI Headquarters in Washington, D.C., is starting to train local law enforcement officials to recognize and report hate crime. The process is just beginning to provide statistics on the number and nature of hate crimes.

The Attorney General developed and delegated to the FBI the responsibility for the development and implementation of a national program of gathering hate crimes statistics. The Uniform Crime Reporting Section at FBI Headquarters in Washington, D.C., developed ...a system [and] began training law enforcement officers throughout the United States. And on January 1, 1991 [the FBI] began reporting the statistics....The data received is partial and sketchy....Thus far the Uniform Crime Reporting Section has received partial data from [just] 11 states.⁶

Helterhoff stated that the majority of the Bureau's civil rights caseload is police brutality. He further testified that many of these alleged brutality matters are not considered hate crimes, because there is no manifest evidence that bigotry or prejudice was the motivation for the officer's actions.

⁶ Ibid., pp. 226 and 228.

The FBI conducts preliminary investigations in alleged violations of the civil rights statutes within [its] jurisdiction, which includes police brutality cases, which is the highest majority of [its] caseload. Any of these alleged brutality matters, although very serious, would not be considered hate crimes, because there is no manifest evidence that race, religion, sexual orientation, or ethnic involvement has motivated the officer's alleged acts.⁷

The FBI presented evidence to the Committee from the last 3 years on the number of civil rights investigations initiated by the Bureau's Detroit office.

In fiscal year 1989 the Detroit FBI office conducted 117 civil rights preliminary investigations. In fiscal year 1990 the FBI conducted 82 preliminary investigations...[and through June] 1991 there have been 121 civil rights cases initiated.⁸

Helterhoff pointed out that allegations of civil rights violations increased significantly in early 1991 as a result of the Persian Gulf War. It was at this time the Bureau announced publicly that it would investigate acts or threats of acts of retaliation against the Arab American community. Table 2 displays the number of FBI investigations in the last 3 fiscal years.

⁷ Ibid., pp. 228-29.

⁸ Ibid., p. 229.

Table 2

Civil Rights Investigations by the Detroit FBI Office

FY 1989, FY 1990, FY 1991

			(137)
140	(117)		████████
120	████████		████████
100	████████	(82)	████████
80	████████	████████	████████
60	████████	████████	████████
40	████████	████████	████████
20	████████	████████	████████
Investigations	FY 1989	FY 1990	FY 1991

1. The table portrayed is rounded to the nearest twenty; actual numbers are in parenthesis at top of the column.

The number of investigations is fairly stable for the 3 most recent fiscal years, averaging 113 inquests. The Committee also requested and received data on the number of civil rights investigations conducted by the Detroit FBI office for fiscal years 1986, 1987, and 1988. That data is set out below:

FY 1988	69
FY 1987	92
FY 1986	81

The average for these 3 years is 81 investigations. There has been a 40 percent increase in civil rights investigations in the most recent 3-year period (FY 1989-FY 1991) compared to the previous 3-year period (FY 1986-FY 1988). This is another indication of increasing hate crime.

The Community Relations Service of the United States

Department of Justice

The Community Relations Service (CRS) is a public service agency of the U.S. Department of Justice. One of its statutory responsibilities under Federal law is to provide assistance to communities and persons in resolving disputes, disagreements, or difficulties relating to discriminatory practices based on race, color, or national origin.

Conciliators with the CRS first file "alerts" when they identify conflicts or tensions resulting from actual or perceived discriminatory practices based on race, color, or national origin. CRS is alerted to community racial problems or violence through news media reports, by direct observation of the staff, or through requests for assistance from State and local officials and community leaders or individuals.

The headquarters of the CRS provided the Committee with the number of "alerts" in Michigan for the last 5 fiscal years. Those numbers are shown below:

CRS ALERTS IN MICHIGAN

FY '87: ■■■■■■■■■■ (33)
FY '88: ■■■■■■■■ (24)
FY '89: ■■■■■■ (18)
FY '90: ■■■■■■■■■■ (30)
FY '91: ■■■■■■■■■■■■■■■■■■■■ (54)

1. Fiscal years run from October 1-September 30.
2. Each block represents three alerts.

Alerts are not necessarily incidents of hate crime. They are, however, known incidents of racial and ethnic tension. FY '90 and FY '91 show an increase in the number of alerts from the previous 2 fiscal years and FY '91 shows the highest number of CRS alerts in Michigan in the last 5 years.

The Michigan State Police

The Michigan State police do not have records on hate crime. Under the mandate of the Hate Crimes Statistics Act of 1990 they are now implementing a program to begin tracking such crimes. They offered no evidence on the level of hate crime in the State.⁹

⁹ The Midwestern Regional Office of the United States Commission on Civil Rights contacted the State police for information on hate crime. The Commission was referred to the central records and the uniform crime records sections of the State police. Both offices said that no specific hate crime information was available.

Evidence From Community Groups

Perspectives and Evidence from the African American Community

Leaders of the Michigan chapters of the Urban League and the National Association for the Advancement of Colored People (NAACP) told the Committee they believed that hate crime in Michigan was increasing. The NAACP also testified that hate group activity was on the rise in the State.

Joann Watson, the executive director of the Detroit chapter of the NAACP, presented some partial data on the extent of hate crime against the black community. She said, "An average of 200 cases per month come into the [Detroit] NAACP office. Roughly one-fifth of these cases are categorized as hate activity."¹⁰

Watson's testimony alludes to 40 allegations of hate crime against African Americans in the Detroit area every month. That translates into 480 incidents in a single year.

Thomas Rickman, president of the Macomb County Branch of the NAACP, gave the Committee an overview of complaints received by his office in the last 18 months.¹¹ There were 22 reported incidents. They included:

¹⁰ Forum Transcript, p. 98.

¹¹ Macomb County lies directly north of Wayne County in the eastern section of Michigan. Detroit is in Wayne County.

Three harassments at home dealing with blacks moving into traditionally all white neighborhoods....There have been 10 cases of harassment or beatings or fights; one resulting in the death of a young black man....[There have] been three cases of harassment, of passing by vehicles where persons passed by and shouted out racial slurs....Three cases of harassment by whites towards blacks in housing...signs placed on cars, "nigger go home," [and] paint spray painted on cars, "nigger we don't want you here."...There are more cases that are out there in Macomb County, but we can only deal with the cases that are brought to our attention.¹²

Both Watson and Rickman told the Committee that such incidents were increasing in the State. Watson said, "Hate crime activity is on the increase in metropolitan Detroit."¹³ Rickman concurred, telling the Committee, "Hate groups are definitely on the rise in Macomb County."¹⁴

This alleged rise in the number of incidents in eastern Michigan is consistent with a recent survey of registered voters in the Detroit area concerning the state of race relations in the community. That poll showed nearly 40 percent of blacks believed that race relations had gotten worse in the last 5 years.¹⁵ In

¹² Forum Transcript, p. 84.

¹³ Ibid., p. 100.

¹⁴ Ibid., p. 85.

¹⁵ Detroit Free Press/WXYZ-TV poll; published in the Detroit Free Press, Saturday, Sept. 29, 1990; p. 5A. The poll was conducted September 21-23 by Market Opinion Research. The poll asked, "In the past five years, do you think race relations in your area have improved, gotten worse, or stayed the same?" The results

that same poll, 46 percent of the blacks said they had personally experienced discrimination in housing, employment, or in a social setting in the last 5 years.

N. Charles Anderson, president of the Detroit Urban League, also said that incidents of hate crime were increasing and had been increasing during the 1980s:

It is our opinion that there has been a rise in racial hate crimes in Michigan as well as in America. Furthermore, it is our opinion that much of this increase in hate crime has been somewhat encouraged by the lack of presidential leadership...the kind of leadership that did not come from President Reagan when numerous racial incidents began to plague our nation in the early eighties.¹⁶

broken down by race were:

	Blacks	Whites
Improved	22%	27%
Gotten Worse	39%	18%
Stayed the Same	38%	51%
Other Response	1%	4%

Michael Dawson, an assistant professor of political science and African American studies at the University of Michigan, was quoted as saying the responses of whites in the poll were "not too surprising [because] those who think it's better or stayed the same probably have not had that much contact with black people" and that his research shows that whites have a "rosier-than-reality" impression of what life is like for blacks.

¹⁶ Forum Transcript, pp. 59 and 60.

Perspectives and Evidence from the Arab American Community

Jessica Daher, the regional coordinator of the Arab American Anti-Discrimination Committee (AAADC), spoke to the Committee about hate crime against Arab Americans living in Michigan. Currently there are approximately 250,000 Arabs and Arab Americans living in Michigan. They are nearly 4 percent of the State's population and are a very visible minority. She explained that Arab Americans frequently serve as scapegoats for national frustrations with Middle East politics. Moreover, actions of the Federal Government have sometimes fostered negative stereotypes of Arabs. Both types of action have played a part in creating an environment conducive to hate crime against the Arab American community.

Daher alleged that the following are examples of the government's complicity in negatively stereotyping Arab Americans:

Operation Boulder, instituted by the Nixon administration in 1972 was the first public policy directed against Arab Americans. This program was designed to "combat terrorism" in the United States [and it] focused on ethnic Arabs....The result of this so-called terrorism program was a world spread surveillance of thousands of Arab Americans and Arabs living in the United States, whose affiliations were anything but suspect....

The second incident...was the FBI sting operation called Arab scam, ABSCAM, for short. This program was formulated in the late 1970s and employed another popular stereotype of Arabs, the oil-rich sheik. The oil sheik image...depicts Arabs as greedy, seeking to control the financial markets in this country....

Arabs remain pretty much fair game for bigots, anywhere, anytime. Politicians find that Arab bashing is good politics...Walter Mondale and Gary Hart...would have nothing to do with Arab American campaign contributions...Congressman Bob Davis...(told) jokes about the ugliness of Iraq women at a gathering in this State....

In popular culture, whether television, film, or novels, the sleazy Arab as stock villain has become the tool of the trade....

Federal agencies have contributed to the perception that Arabs are to be feared by conducting wholesale interrogations based on ethnic or national origin....This was certainly the case this year when the FBI announced its program of questioning Arab Americans about hate crimes and terrorism.¹⁷

The Committee was told by Daher that the same hostility had occurred in 1980 during the Iran hostage crisis. She argued that there was a clear pattern: external conflicts with governments of the Middle East jeopardize the welfare of Arab American citizens in this country.

¹⁷ Ibid., pp. 108-10 and 112-13.

Hard factual evidence of the extent of hate crime activity against Arabs and Arab Americans is limited. This is partially a result of a cultural fear in reporting such incidents. As Daher related:

It is hard to break the habit of viewing government as the enemy. In the Middle East...it is the police who often cause the people to disappear, and intelligence agencies have been known to kill and torture citizens.¹⁸

This makes unwarranted police harassment and government surveillance even more frightening to the Arab community. Such activity exacerbates latent stereotypes and leads to isolating the Arab community from the agencies designed to protect them from hate crime. Daher cited two recent cases of government harassment.

In Dearborn, two FBI agents knocked on the door of a couple who are a doctor and medical social worker...One agent asked, "We know you both are prominent members of the Arab community. Tell us about terrorism within your community?"...

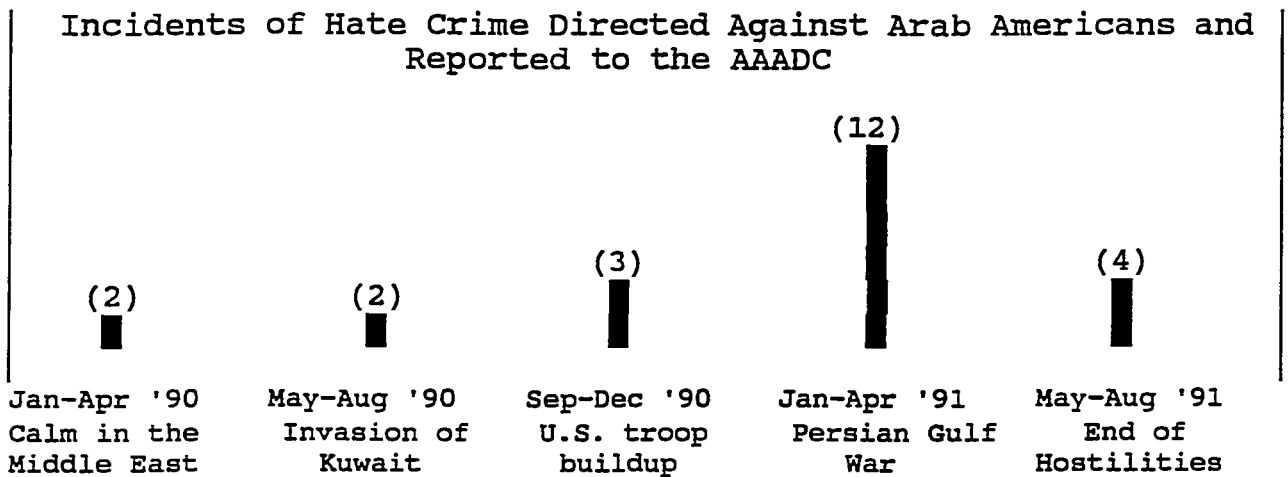
A professor, who has no history of political activism and happens to be Chaldean, [was] shocked to have FBI agents show up in his office at a major university and ask him about terrorism.¹⁹

¹⁸ Ibid., p. 114.

¹⁹ Ibid., pp. 115 and 116.

The AAADC has a partial list of hate crimes directed against Arab Americans in the last 2 years. These are only the incidents that have come to the attention of the AAADC. The figures show a strong relationship between threatening events in the Middle East and local hate crimes against Arab Americans. The data are graphed below in table 3.

Table 3



Perspectives and Evidence of the Asian Community

Hate crimes against Asians have been occurring in Michigan throughout the 1980s. The most infamous case was the Vincent Chin murder on June 19, 1982. Chin, a Chinese American, was beaten to death by two unemployed autoworkers who thought Chin was Japanese.²⁰

Rebecca Lo, executive director of American Citizens for Justice, told the Committee that hate crimes against Asians do occur in Michigan but for the most part they tend to go unreported.

The Asian American community...has had a real hard time finding documented evidence of hate crimes. The reason, or some of the reasons are because of the community cultural experience, we tend not to report it. This is a general case. For every crime reported there is probably another 90 that are not reported.²¹

²⁰ The victim, Vincent Chin, was confronted inside a lounge in Detroit by two unemployed autoworkers. He was verbally assaulted with racial epithets and comments were made that because of him they (the two autoworkers) were out of work. One of the men left the lounge, went to his car and got a baseball bat. He returned to the lounge with the bat. The two men chased Chin outside and into a parking lot where they cornered and clubbed him in the knees, chest, and head. The victim died 4 days later from the beating.

The two men were charged with second degree murder. One of them pled guilty to manslaughter and the other pled *nolo contendere* to the same charge. The circuit court judge gave the defendants no prison time and sentenced each of them to three years probation and fined them \$3,780. The light sentences outraged the Asian community.

²¹ Forum Transcript, p. 146.

Lo put into the record a listing of 41 hate crimes that were known to American Citizens for Justice that occurred in the last 3 years against Asians.²² They included:

Beatings	9
Physical assaults	12
Robbery	3
Arson	1
Verbal abuse	15
Vandalism	1

To illustrate the violence directed against Asians, Lo cited several recent incidents.

In the fall of 1990, a 17-year-old boy in Westland, Michigan, was beaten by 10 other people....He was beaten to the point where when he arrived in emergency, the primary medic noted that he had severe head injuries, loss of consciousness, and possible death. He was in ER for several hours before regaining consciousness....The 17-year-old boy refused to press charges and the family packed up and left 2 weeks after the investigation....²³

In 1988 there was a case in Okemos....An immigrant family [had] a domestic quarrel in which the police were asked by the neighbors to come in and break it up....The police ended up breaking in, arresting the son, and taking him to jail. The son refused to sign forms for fear of being deported [and] if he did not sign the forms he would not get an attorney.... So he was incarcerated for 3 months without a trial....²⁴

²² Data presented to the Midwestern Regional Office, USCCR, by Nati Jenks, American Citizens for Justice.

²³ Forum Transcript, pp. 147-48.

²⁴ Ibid., pp. 148-49.

In Riley Center, Michigan, neighbors were boycotting the grocery store. When that did not work, what they did was they started to do violence....There was damage to the property. What finally ended up there was some type of fire of the grocery store. It was gutted and it is suspected that the arsonists were the people who were trying to stop the grocery store owners....This couple has finally left that area.²⁵

Lo told the Committee that college campuses are particularly rife with bigotry against Asians. Here, too, much of the hate violence goes unreported. "We have lots of incidents in terms of students, but the problem is that students tend not to say anything."²⁶ She gave examples of campus hate crime:

In the fall of 1990 at the University of Michigan two Asian American students walking in the daylight hours were approached by 10 white fraternity members. There was a verbal exchange and the 10 proceeded to jump on the two....The two were afraid to press charges and stated that they were afraid of retaliation....

[At] Michigan State University [there] have been continuing incidents. It is an ongoing thing. Asian students are harassed.²⁷

²⁵ Ibid., p. 149.

²⁶ Ibid., p. 149.

²⁷ Ibid., p. 150.

Where there is reporting on the campuses, the emerging picture is one of increasing bigotry in recent years. Lo referred to information from Nan Kim, the coordinator of student affairs at Michigan State:

The [student affairs office] has gotten an increase in terms of cases reported as to Korean and Japanese....There are cases in which Asian American students are hired as staff members in halls...and the tension in terms of racial jokes goes on to the point where the staff members have a definite hostility. On the bulletin boards [there are] cute little pictures that have slanted eyes and buck teeth caricatures on them.²⁸

Not only is there an increase in terms of cases reported, but Lo said that the coordinator feels that the racism on campus against Asians seems to be getting more belligerent.

There is a trend to be more overt, more aggressive in terms of racism and in terms of what people say....One of the [Asian] leaders at the University of Michigan indicated that it is getting to the point where it is very common for any Asian American to pass by a group of non-Asians and hear things like "gook head" or "oriental baby." Asian women are [also] being harassed more.²⁹

²⁸ Ibid., p. 151.

²⁹ Ibid., p. 152.

Asians are not seen as part of the culture but as invaders, aggressive outsiders undermining things. As a group they are easily identified and quickly stereotyped. Consequently, when bad things happen in the economy, when fears about "Pacific rim" dominance rise, when jobs are lost, Asians are used as scapegoats.

Asian cultural patience with white oppression and a willingness to be industrious have given a false impression that there has been an assimilation. It is assumed that Asians have been immune to the nationwide rising tide of bigotry and violence. Lo told the Committee:

The problem is every time we have a downturn in the automobile industry and hear or see or read in the newspaper that Japanese are buying up property or things like golf courses or factories or property and using gold bullion...it affects us. We are being used....We are the concept of the invaders....It is something like a threat that people have the psychology that we are being aggressive and undermining things. That is the real problem....Most of the problem is a misunderstanding. For us, the hatred has been created in the last 50 years.³⁰

³⁰ Ibid., p. 154.

Perspectives and Evidence of the Hispanic Community

Members of the Hispanic community did not report an increase in hate crime. They did, however, maintain that problems of violence and intimidation do exist and that these crimes were vastly underreported.

The Hispanic community seemed to represent a unique experience. They did not express a fear of increased hostility from the general white population. Instead, their concerns regarding hate crime were more directed at government agents and other minority groups.

Members of the Hispanic community told the Committee that their experiences with hate crime currently fall into three categories. The three problem areas are the farm-labor situation, harassment by agents of the Immigration and Naturalization Service (INS), and police intimidation.

Speaking about the farm-labor situation, Jose Cuello, director of the Center for Chicano-Boricua Studies at Wayne State University, argued:

A form of physical violence that should not be overlooked ...is the status of the...[migrant] farm worker....The farm labor situation, in terms of us, is a violent situation in terms of the conditions that exist.... Basically what you have is a slave labor force that migrates and has to sustain itself. The farmers...do not have the obligation to support them throughout the year.³¹

³¹ Ibid., p. 168.

Secondly, several Hispanics mentioned incidents of unwarranted harassment and intimidation by the Department of Immigration and Naturalization Services. Randy Pacheco, president of the Lakeshore Spanish Forum, related:

A Hispanic person was stopped in front of the Catholic church in our hometown and spread eagle right there....One of our local ministers in the area has been stopped twice [by INS agents] and been given a pretty hard time....In one of the migrant camps, an INS agent pulled a gun on an immigrant in the camp....[It] sends the wrong message....³²

People [are] followed home from work after their shift by the police who have taken on the role of the INS.³³

Stephen Pablo Davis, a Hispanic member of the audience supported these allegations, telling the Committee:

When the Greyhound bus station moved from downtown over to Lafayette and into the southwest community, the Immigration Department began to make sweeps and arrests of who they assumed were either Latino and/or Arab, and pick them up and put them in prison. It was so widespread that we appealed to the city council.³⁴

³² Ibid., p. 255.

³³ Ibid., p. 257.

³⁴ Ibid., p. 169.

Although there is little actual violence in these episodes, the Government and its agents were accused of singling out Hispanics for this type of intimidation and harassment. Presenters at the hearing considered these hate crimes. Complaints and lawsuits have been filed against the INS, but often it is the case that complainants are afraid to come forward for fear of more harassment.³⁵ Pacheco stated:

A lot of the [Hispanics] have been harassed and are reluctant to come out and report the incidents to just anybody, because what happens in some cases that leads to more problems with individuals. The INS can make things difficult for that individual by going to a lot of the paperwork sometimes on the people.³⁶

Police harassment was a third category mentioned as a form of ethnic-motivated bias. The Committee was told about police sweeps in Hispanic areas and drivers routinely stopped without cause and verbally harassed. Cuello testified:

For example, a little while ago when it looked like there was a cutback in the police force in Detroit, they needed...an excuse to

³⁵ The Migrant Legal Aid Society in Grand Rapids has filed 16 separate lawsuits against the INS for civil rights violations. In 1989, a U.S. Court of Appeals enjoined the INS from unwarranted vehicle stops. In addition, the INS was required to record and report all detentions and all stops both of legal citizens and illegal aliens. According to Phil Riley of the MLAS, this court action has diminished the number of INS harassment complaints from the Hispanic community.

³⁶ Forum Transcript, p. 256.

be important so they made sweeps of Hispanic neighborhoods and arrested hundreds of kids in just a matter of weeks or months...One parent [told] me her son was arrested several times in front of his own home.³⁷

In addition, an ominous note was sounded on the underlying tension that currently exists between the Hispanic community and the African American community. The Hispanic community is a minority community within a minority community. In Michigan, the black population is 13 percent of the population; the Hispanic community is approximately 2 percent of the State's population.³⁸

1990 Census: Population of Michigan

Resident Population:	9,295,000	
Black Population:	1,292,000	13%
Hispanic Origin:	202,000	2%

Cuello warned the Committee that if the economy worsens, some blacks may view Latinos as economic competitors and vent their frustrations on the smaller minority group.

The blacks...justifiably feel that they are just barely getting a hold of power and here come the Latinos...to share the pie. [The Latinos] are perceived not as another ethnic group, but really surrogates for whites....[The Latinos become] just one more group to come over and try to step over what the blacks have achieved.

³⁷ Ibid., p. 159.

³⁸ *Population Today*, (A publication of the Population Reference Bureau, Inc.) vol. 19, No. 4, Apr. 1, 1991, p. 10.

It is a very racial situation....There is a danger that you could have a chain effect in which white racism leads to a struggle by the blacks, but the blacks still struggling to get a piece of their pie become black racists looking at the Latino population because they are viewed as a threat.³⁹

A comment was made to the Committee about the diversity of the Hispanic community. There are distinct urban and rural segments as well as different nationalities. Cuello said: "One of the things that makes the Latino issue so confusing is that Latinos do not really identify in terms of race as much as in terms of ethnicity....Hispanics can be either black or caucasian."⁴⁰

Elena Herrada made a final point to the Committee:

We are not a culture of protest, and not a culture of instigating. Latinos tend to kind of retreat and not fight in terms of what other people would find as blatant racism. These are the kinds of problems that are applied upon our own culture.⁴¹

³⁹ Forum Transcript, pp. 161-62.

⁴⁰ Ibid., pp. 171-72.

⁴¹ Ibid., p. 167.

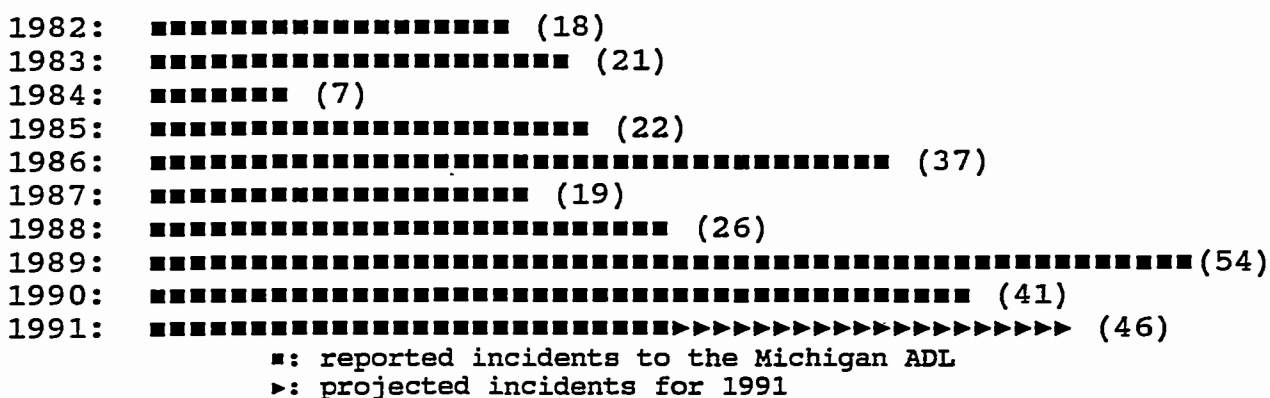
Perspectives and Evidence of Anti-Semitic Hate Crime

Norman Beitner, president of the Michigan regional board of the Anti Defamation League (ADL) of B'nai B'rith, said that in recent years there has been an increase in anti-Semitic hate crime. The ADL specifically monitors incidents of anti-Semitic hate crime and has records of such crime for the 1980s. He said, "Last year we reported 16 incidents of vandalism and 25 incidents of threats and harassments against Jews....We are already up to 25 incidents [in the first half of 1991]."42

A rise in anti-Semitic hate crime in 1989 and 1990 is supported by the ADL data. Anti-Semitic incidents of hate crime from 1982 through 1990 are displayed below.

Anti-Semitic Incidents in Michigan

1982 - 1991



42 Ibid., pp. 128 and 142.

The increasing tide of anti-Semitic hate crime during the 1980s is visually obvious. Moreover, the last 3 years represent the highest level of this type of criminal activity in 10 years.

Beitner told the Committee that the ADL data are currently the only systematic data collection of hate crime in the country. Even if they are not a catalogue of hate crime against other groups, the ADL data do give a sense of both the general trend of hate crime and the enormity of the problem:

ADL's own data collection on incidents against Jews is the only systematic effort to gather such information, and falls far short of being definitive. We receive reports on about 10 percent of all actual incidents. After that, all of the incidents against members of other groups, the actual numbers, are...not known. But one gets a sense of the enormity of the problem.⁴³

⁴³ Ibid., p. 128.

General Crime Trends and Hate Crime

Over the last 5 years, the level of crime in Michigan has been stable. In fact, the years 1986 through 1990 show a slight decrease in the number of crimes in Michigan.⁴⁴ The rate of crime to the population for total crimes, major crimes, and crimes that could include hate crimes are shown below in table 4.

Table 4

Crime Rates in Michigan, 1986-1990

	<u>Total Crime Rates¹</u>	<u>Major Crime Rates²</u>	<u>Crimes Including Hate Crimes³</u>
1990	11.93%	5.99%	6.47%
1989	11.93%	5.96%	6.38%
1988	12.16%	6.08%	6.51%
1987	12.91%	6.45%	6.89%
1986	12.98%	6.49%	6.92%

1. Total crime rates are the total number of crimes committed per 100 citizens.

2. Major crime rates are the number of major crimes committed per 100 citizens.

3. The categories of crime in the Uniform Crime Report are violent crime, property crime, murder, rape, robbery, aggravated assault, burglary, theft, motor vehicle theft, and arson. Of these, violent crime, property crime, murder, and aggravated assault could include hate crimes.

⁴⁴ Uniform Crime Reports, 1986, 1987, 1988, 1989, and 1990. The actual numbers of crimes for each year for Michigan are:

1990:	1,109,464
1989:	1,106,884
1988:	1,131,694
1987:	1,188,032
1986:	1,187,288

In every crime category, the rate of activity has dropped. This includes categories of crime that encompass hate crime. Evidence from two sources, the MDCR and the ADL, each with different information, indicates a rise in hate crime in Michigan from 1986 to 1991. Yet statewide criminal activity categories that include hate crimes have declined in that period.

The rise in hate crime that is being alleged in Michigan does not appear to be part of a general increasing crime pattern. If hate crime has been increasing in recent years, it is apparently a phenomenon independent of general criminal activity.

Hate Groups in Michigan

Representatives of the NAACP and the ADL presented specific information at the hearing on the nature and extent of hate group activity in Michigan. Beitner told the Committee:

Today Michigan is home for a variety of hate groups and hate entities. Here we are speaking only about the organized hate groups, the individuals that band together specifically for the purpose of engaging in bias-related activity against religious, racial, ethnic, or nationality minorities.⁴⁵

Testimony from the NAACP and the ADL identified the following groups as being active in the State. The list includes 27 different organizations.

The REM Confederation,
Church of the Creator,
Confederate Alliance,
Identity Church,
Iron Guard of Holland,
White Unification Project,
Jew Watch,
Ku Klux Klan,
Grand Realm of Michigan,
Michigan White Unity Coalition,
Northern Hammer Skinheads,

⁴⁵ Forum Transcript, p. 129.

United White Youth of Clio,
Downriver Skins,
Aryan Learners League,
National Association for the Advancement
 White People (NAAWP),
SS Action Group,
National Alliance,
Storm Troopers of Death,
White American Freedom Fighters,
White Patriot Party,
Wite Folks,
Michigan Populist Party,
White Aryan Resistance,
Taxpayers Organized to Restore Our Cultural
 Heritage (TORCH),
Detroit Area Skinheads,
The Aryan Youth Movement, and
Posse Comitatus.⁴⁶

Beitner stressed to the Committee, though, that many individuals may belong to several of the groups:

Many of these groups are the same people, some of the people are in more than one group, many of the groups are merely post office boxes....The strategy...is on the one hand to give the impression that the racist movement is seething, teeming, alive, and growing. On the other hand to obfuscate the actual groups, the size, and the place enrolled in the hate movement.⁴⁷

⁴⁶ Ibid., pp. 95-7 (groups listed by Joann Watson of the NAACP) and pp. 129-38 (groups listed by Norman Beitner of the ADL).

⁴⁷ Ibid., p. 135.

The presenters on hate groups differed on the extent of the problem of hate groups in the State. The NAACP felt that such groups were active, organized, and growing. The ADL considered the groups dangerous, but currently a minor political movement.

Watson, of the NAACP, said:

The white supremacist movement is alive, well, and growing. And they are less visibly robed than Klansman and we should not let that fool us. They have become very sophisticated. They are subtle. They use high-tech....They recruit and propagandize. They are far more cohesive and Nazified in this county at this point than they were in the 1960s.⁴⁸

In contrast, Beitner of the ADL, stated:

In truth, the hate movement is alive and well but does not really represent more than an undercurrent of the political scene, exacerbated by individual flareups and occasional and irregular violent acts.⁴⁹

But the two agreed on the types of violence and hate crime perpetrated by the groups. Murder, harassment, threats, firebombs, property damage, shootings, assaults, and vandalism were mentioned.

⁴⁸ Ibid., pp. 93-94.

⁴⁹ Ibid., p. 135.

In addition to the commission of hate crime, the NAACP and the ADL representatives also addressed four other areas of activity by hate groups. These included:

- (1) the publication and distribution of leaflets,
books, and magazines,
- (2) participation and sponsorship of programs on radio
and television and telephone hate messages,
- (3) political campaigning, and
- (4) recruitment.

Among the magazines published by different hate groups are:

A magazine called The Spotlight...[with] 113 thousand subscribers nationwide,...The Thunderbolt magazine [which] is anti-black [and] anti-Semitic....A publication Crusade Versus Corruption that says "the cause of AIDS is blacks, gays and Jews."...The flagship newspaper of the [hate] movement is published by the Liberty Lobby based in D.C....[There is also] a monthly magazine called Inspiration...[published] by a core of intellectuals who provide ideological leadership...continuity, innovation, and money....⁵⁰

The Church of the Creator [also works in this area.] Its activity...includes leafletting [and] nocturnal anonymous distribution of their tabloid newspaper entitled Racial Loyalty.⁵¹

⁵⁰ Ibid., pp. 94, 95, and 96.

⁵¹ Ibid., p. 132.

Producing and airing television programs, radio shows, and telephone messages are other activities of hate groups. In addition to production, members are also active in participating in national and local television and radio shows.

These organizations have sought to place [the] racist television program, "Race and Reason," on local cable television stations, albeit, largely without success...The Church of the Creator [maintains] two telephone hot line hate message operations. One titled COTC Hotline and the other titled White Ranger Hotline.⁵²

The movement also makes regular use of electronic media including radio and national television....[They] appear on *Donahue* and *Geraldo*....There are 20 AM and FM stations in every region of the country that have paid broadcast weekly sermons by Christian Identity leaders.⁵³

Phil Jones, of Michigan Bell, told the Committee that hate messages were generally delivered through a telephonic device known as an "electronic mailbox."

Electronic mailboxes are provided by private companies for various businesses....In these [hate group] cases, you dial a number and...[get] a recorded number....which is racial and ethnic in nature. Over the past 18 months, [Michigan Bell] has had only two reports of any kind of hate messages....In [one of those cases] a

⁵² Ibid., pp. 131 and 132.

⁵³ Ibid., pp. 90, 94, and 95.

computer hacker apparently gained the codes necessary to get into the mailbox and had planted the message within the box.⁵⁴

Hate groups have actively entered the political process of the country. They have infiltrated mainstream parties, formed their own political parties, and are active in supporting amenable political candidates and policies.

Watson and Beitner told the Committee:

Political racism is the third strategy of these new hate movements. The political arm of the Liberty Lobby which organized the Populist Party has run a number of candidates in the last three elections... [The] Democrats and Republicans...have been infiltrated by this new political racism by the white nationalist trend.⁵⁵

The NAAWP here tries to fundraise for David Duke's political campaign....In response to a negative article appearing about David Duke in the Detroit Free Press, four letters to the editor appeared [later] supporting and defending David Duke....[One] was from an Edwin Merkowski, Metro Detroit Chairman of the National Association for the Advancement of White People.⁵⁶

⁵⁴ Ibid., p. 249.

⁵⁵ Ibid., pp. 95-96.

⁵⁶ Ibid., pp. 133-34.

Recruitment is another area of intense activity by hate groups. Speakers at the forum said that most personal recruitment is directed at high school students. However, the media campaigns and the political process are designed to attract followers to the movement from all age brackets.

Beitner testified, "The vigorous and organizing efforts [of the hate groups] usually use local high schools as the focus of their endeavors."⁵⁷

Ray Plowden, chief of staff for Congressman John Conyers, agreed. In testimony received by the Congressman's committee during hearings on the Hate Crimes Statistics Act, evidence was presented about hate crime and hate groups in the country. Drawing on this information, Plowden told the Committee:

New [hate] organizations have blossomed such as the White Aryan Resistance, the Invisible Empire, and Skinheads. These groups have stepped up recruiting on college campuses as well as high schools. Although they may not have the membership they desire, their message is getting through and is resulting in an increase in unorganized hate activity.⁵⁸

⁵⁷ Ibid., p. 131.

⁵⁸ Ibid., p. 9.

Chapter 3

CONTRIBUTING CIRCUMSTANCES

Local and National Leadership

If elected leaders are parties to or implicitly endorse group-based exclusionary practices, this can be perceived as a signal by some that increased hostility against a less powerful minority group is acceptable. A number of presenters made this argument to the Committee. Several specifically blamed recent national administrations for setting a current perception that racial hatred is somehow okay and that hate crime is no longer a reprehensible act.

Charles Anderson, president of the Urban League, said:

It is our opinion that much of this increase in hate crime has been somewhat encouraged by the lack of presidential leadership and the tacit approval of such actions....The kind of leadership that did not come from President Reagan when numerous racial incidents began to plague our nation in the early eighties....When the problems arose in Forsythe County, Georgia, or the racial mob killings occur[ed] in New York, the President was conspicuous by his loud silence....He chose not to say anything, giving sanctuary and tacit approval to racists everywhere in America including Michigan and Detroit.

The current President has not done much to turn around this trend since he [too] exploited the Willie Horton issue during his presidential campaign in 1988 and constant[ly] label[s] attempts to pass Civil Rights Bills in 1990 and 1991 as quota bills.¹

Plowden also suggested that recent national leadership has spurred an increase in hate crime.

I think the data...showed that over the last 10 years in the eighties, it was not just [that] there was an increase in reporting, but also...there was [an] increase in actual violence. There was a tone set in the country that allowed people to show their displeasure with other groups much more than just being verbal about it.²

John Roy Castillo implied the same thing.

There appears to be tacit approval, again, to display prejudice and racism in overt ways. There is a belief in the minority community that more and more people act as if they will be immune from punishment.³

Representatives from the ADL and the NAACP added that they too felt that recent national leadership had exacerbated the specter of hate crime and racial intolerance. Beitner told the Committee:

¹ Forum Transcript, pp. 59-61.

² Ibid., pp. 16-17.

³ Ibid., p. 29.

We must guard against the message of intolerance or impatience with minorities being transmitted by persons of influence. Certainly Willie Horton has been analyzed for the impact on human relations in this country, as have President Reagan's antipathy to minorities and minority aspirations, and the implications of President Bush vetoing last year's Civil Rights [Act] and his opposition to the current bill. Whether those are causes or effects, the impact of racially intense politics are certainly unmistakable.⁴

Watson was direct in her testimony that the morality of the national leadership had changed. This change in the moral climate at the national level had fanned a renewed outbreak of overt racism.

There was a shift, quite frankly, in the kind of moral leadership that we deserve and we ought to get from national leadership. It is a sense [that] it is okay to be racist again in this country.... Affirmative action and any pieces which have been designed to redress wrongs have been categorized as special privilege, rather than redress. It serves to manipulate and also serves to create and fan racist fears and also polarization.⁵

Exploiting racial bigotry for political gain has potential support within the community. The Detroit Free Press ran an article on David Duke, "The Duke Hazard," depicting him as a

⁴ Ibid., p. 137.

⁵ Ibid., p. 101.

candidate who espouses racial separation.⁶ The Free Press article provoked a number of letters sympathetic to Duke and his philosophy.⁷

It is very sad that you have to spend so much space attacking a man who represent the views of tens of thousands of voters. David Duke is a symbol of the awakening resentment of working class whites, who know that they are being left out of the American dream by a system that is both corrupt and uncaring.⁸

Duke appeals to whites because he is not afraid to tell the truth, i.e., affirmative action is reverse racism and whites should not have to accept second-class citizenship.⁹

⁶ Detroit Free Press Magazine, Mar. 10, 1991, p. 9.

⁷ Detroit Free Press Magazine, Apr. 21, 1991, p.11.

⁸ Ibid., letter of Edwin Murkowski, p. 12.

⁹ Ibid., letter of Ed Swanson, p. 12.

The Economy

Several speakers at the forum said the performance of the economy was a critical factor in explaining the number of hate crime incidents. An economy that is struggling breeds frustration and anger. These stresses can unfurl latent hostilities and spur violence against others competing for shrinking resources.¹⁰

John Roy Castillo, told the Committee:

As we have moved into the 1990s there are fewer and fewer job opportunities, not only in Michigan, but across the Nation; and more and more people regardless of previous socioeconomic and educational status are either standing in unemployment lines or are underemployed in positions which can be frustrating....People of color, women, and persons with disabilities instinctively become the scapegoat; and once again, the victim is blamed.¹¹

Norman Beitner of the ADL supported this view:

In our studies, our statistics would indicate that in a general period of economic downturn there is increased level of intolerance, increased hate activity against Jews, Hispanics, or Arabs or any minority group....Johns Hopkins sociologist Harvey Brennan has

¹⁰ The Vincent Chin murder discussed in chapter 2 is an example of this type of frustration and anger exploding into violence.

¹¹ Forum Transcript, p. 30.

documented the increase of these kinds of activities for each one percent rise in unemployment.¹²

Ray Plowden, chief of staff to Congressman Conyers, also addressed the theme that hate crime is a product of competition and distrust between groups.

Our society remains essentially divided along racial lines...which are suspicious and often fearful on one another....Hate violence is the product of the tension existing between these communities.¹³

¹² Ibid., pp. 143 and 137.

¹³ Ibid., p. 8.

Segregated Communities

Housing discrimination was cited as a factor that generated both hate crime and hate groups. Hate crime is spawned in an atmosphere of distinct social boundaries and impersonal victims. Robert Arcand, Greater Detroit Interfaith Roundtable, put this perspective forward, admonishing the Committee:

Housing is crucial because we can sit here and talk all we want, but when we go home, if we go home to segregated neighborhoods, we have created distance as a factor, an unknown factor...It is a lot easier to call a person a name when that person is not living next door to you.¹⁴

Arcand continued that these segregated patterns of housing are not accidental.

The growth of the [Detroit] suburbs has been a natural growth with some unnatural things occurring, notably the inability of minority communities to have the same access to housing in the metropolitan Detroit area....[It] is a major problem...[and] despite the fact that this nation has outlawed restricted covenants, restrictive covenants are going on as we speak.¹⁵

¹⁴ Ibid., pp. 241 and 244.

¹⁵ Ibid., pp. 240 and 241.

In the State of Michigan there is a great deal of segregation in housing. Just 9 of the State's 83 counties hold 93 percent of the black population. There is further segregation within those counties, with blacks clustered into one or two major cities and with segregated areas existing within those cities. Seven of those counties are shown in table 4 with the major city in which blacks are concentrated.¹⁶ These statistics show a State divided and polarized along racial lines.

Table 4

**Michigan Counties and Cities With
Significant African American Concentrations**

COUNTIES WITH BLACK CONCENTRATIONS	PERCENT OF COUNTY BLACKS LIVING IN ONE MAJOR CITY	MAJOR CITY IN THE COUNTY	MAJOR CITY'S BLACK POPULATION
Berrien	47%	Benton Harbor	92%
Geneese	80%	Flint	48%
Ingham	79%	Lansing	18%
Kent	87%	Grand Rapids	18%
Muskegon	93%	Muskegon	70%
Saginaw	76%	Saginaw	40%
Wayne	92%	Detroit	76%

¹⁶ 1990 census, U.S. Department of Commerce.

Chapter 4

COUNTERMEASURES AND STRATEGIES TO COMBAT HATE CRIME

Hate crime is a problem in Michigan and seems to have grown in scope and magnitude in recent years. The forum elicited two types of countermeasures and strategies to stifle this form of bigotry. One group of measures involves direct punishment of perpetrators with an emphasis on civil liabilities. The other set of actions moves against the root causes of hate crime.

Punishments for Perpetrators of Hate Crime

Criminal and Civil Penalties

Senator Honigman, a State Senator in the Michigan Senate and sponsor of Michigan's Ethnic Intimidation Act, said that punitive punishments should not be the sole form of retribution society enacts from those found guilty of hate crime activity.¹ Moreover, he suggested that this form of punishment was a relatively weak tool in deterring potential bias crimes. Instead he felt that a much more effective deterrent of hate crime was the imposition of civil monetary damages. To this end he has introduced an amendment to his original legislation that would

¹ Punitive penalties are regarded as sentences incurred as a result of a criminal proceeding. These types of penalties include incarceration and fines.

allow victims of hate crime to sue for treble damages under a civil remedy. He explained that the amendment emanated from a hate crime incident in Alabama:

The Alabama Ku Klux Klan had kidnapped a young black man and lynched him. There was action brought by the Alabama NAACP and the young man's family after his death to sue the Klan and to recover damages. In the civil suit they recovered a \$7 million dollar judgment against the Klan in Alabama....

The judgment was used by the U.S. marshall to seize all of the assets of the Klan, the businesses they laundered money through, cars, guns....As some of the members of the Klan were going to prison they remarked that it was not so much they were going to prison that they regretted but the fact that all of their assets had been seized and sold.²

Apprehension of Hate Criminals

It was emphasized that the mere presence of laws and statutory penalties is not enough. Concomitant with punitive and civil penalties is the need for the perpetrators to be apprehended. Several presenters including Joann Watson of the NAACP and John Roy Castillo of the MDCR of Civil Rights offered specific measures in this regard.

² Forum Transcript, p. 42.

- ▶ Establish a bias commission with broad powers to halt, prevent, and intervene in incidents of race-related violence and overt racist acts.

- ▶ Develop and disseminate an "Incident Watch" publication that lists known instances of racial and ethnic violence.³ This alerts groups and neighborhoods to potential problem areas and heightens the awareness of the local citizenry.

- ▶ Develop a program among Federal, State, and local law enforcement agencies for joint investigations and the sharing of information about hate crimes.

- ▶ Make hate crime a priority so that reports receive swift police reaction and thorough investigation.

- ▶ Give sensitivity training to the law enforcement agents and police. Such training should have three purposes:
 1. to eliminate police harassment of minorities,
 2. to better equip police to deal with the victims and obtain the information necessary for prosecution, and
 3. to allow police to recognize a "hate crime" so that statistics can be gathered in order that an accurate picture of this activity is ascertained.

³ Ibid., recommendation of John Roy Castillo, p. 31.

Attacking the Causes of Hate Crime

Data Collection

Recommended as an essential ingredient in any effective attack on hate crime is the need for knowledge about the subject. Without accurate information and data on hate crime, the causes and contributing circumstances will never be understood with certitude. William Plowden emphasized this point:

There is still much about the nature and scope of this problem that we do not know, such as whether some parts of the country are experiencing more hate crimes than others and are there patterns evident in the background of the perpetrators and victims. I believe that such information would be of great value to law enforcement personnel and legislators concerned about the eradication of this problem.⁴

A complete and thorough compilation of the incidents, the circumstances and the parties involved requires implementation of the Hate Crimes Statistics Act by all law enforcement agencies and a support for the fact gathering activities by local officials. Once the data base is established, it can be analyzed so that theories about causes and efforts to eliminate such causes are based on substantive evidence.

⁴ Ibid., p. 13.

Breaking Down Barriers

The breakdown of barriers between groups comes about through education and dialogue. A number of groups in the Detroit area are and have been working to open a real dialogue between groups. The Detroit Roundtable and New Detroit were two such organizations mentioned. These efforts require publicity and active support from State and local leaders to succeed.

Robert Arcand told the Committee:

We have built a 100-member coalition of agencies that are involved in race relations or want to start projects in Detroit. Quarterly calendars are produced and mailed to every elementary and high school in the tricounty area. The same is mailed to every synagogue and mosque and 500 hundred agencies in this area. It doesn't have to be our agency activity, it could be an agency like the NAACP or somebody else's project. We want to promote that activity. We have not gotten any press on this thing....The media owes it to their various constituencies to report on these programs just as they report on murders and other community concerns.⁵

Several individuals said that education begins the process and the dialogue that breaks down artificial color and group barriers. Nor is this strategy limited to elementary and secondary schools.

⁵ Ibid., p. 244-45.

The Michigan Department of Civil Rights published a report on civil rights in higher education. It recommended a number of educational programs to improve race relations.

Implement sensitivity training for boards of trustees, administrators, faculty, staff, campus security/police, students and the surrounding community to improve awareness of the issues and concerns of racial and ethnic minorities, women, individuals with disabilities, and gay men and lesbians.⁶

The NAACP called upon the Committee to implement the education recommendations of the United States Commission on Civil Rights:

Parents, educators, leaders of religious institutions and others -- other opinion makers should work together to develop educational programs designed to produce cognitive and emotional changes with respect to racism, anti-Semitism and other kinds of religious bigotry.⁷

⁶ Michigan Department of Civil Rights, Civil Rights in Higher Education (December 1989), p. 34.

⁷ Forum Transcript, p. 76.

Political Leadership

Political leaders can have a real impact in diminishing the level of hate crime. Forceful statements supported by action that this type of criminal activity will not be tolerated in the country, in the State, or in the community sets the tone of moral commitment against any type of bigotry. This has a profound effect on the behavior patterns of citizens.

Representatives of the NAACP reiterated this point, citing recent recommendations of the United States Commission on Civil Rights in its 1990 report, *Intimidation and Violence: Racial and Religious Bigotry in America*:

The President of the United States should continue to take a lead in denouncing overt acts of racism and anti-Semitism and other kinds of religious bigotry as being the epitome of intolerance and irresponsible behavior on the part of an American.⁸

⁸ Ibid., p. 76.

Eliminate Housing Segregation

De facto segregation does not happen by accident. Recent investigations by the Federal Reserve state that there is discrimination by lending institutions for home loans. The study found financial institutions and mortgage bankers turned down 33.9 percent of conventional mortgage applications by blacks and 21.4 percent by Hispanics. The rejection rate for comparable whites was just 14.4 percent.⁹

Arcand told the Committee:

I think we have to look at aggressive support for housing equal opportunity....The United States Commission on Civil Rights should be pushing agencies to enforce equal opportunity in housing because indirectly, that has a direct bearing on hate groups rising up in our towns.¹⁰

Realtors, financial and lending institutions and all other players in the housing industry must practice equal housing opportunity. Those that are not practicing equal housing opportunity need to be investigated and penalized. Communities with walls are communities that are divided. Such division fuels

⁹ Glenn B. Canner and Dolores S. Smith, "Home Mortgage Disclosure Act: Expanded Data on Residential Lending," Federal Reserve Bulletin, Nov. 1991, p. 868.

¹⁰ Forum Transcript, p. 244.

Jeff Montgomery of the Michigan Foundation for Gay and Lesbian Rights talked to the Committee about the first aspect:

We are an invisible minority. Outward characteristics do not immediately identify a gay person. A gay person has to tell you that he or she is gay....Homophobia related to discrimination or recrimination against gays is so prevalent and often so vicious that many if not most homosexuals are reluctant and even terrified to be open about their sexual orientation.³

The homosexual community has no national or State legal protection from discrimination. State and Federal prohibitions against discrimination do not include sexual orientation. Presently just five cities in Michigan, Ann Arbor, Detroit, East Lansing, Flint, and Oak Park, prohibit discrimination on the basis of sexual orientation. Saginaw prohibits such discrimination only in housing. Henry Messer, board member of the Lesbian Gay Foundation of Michigan, expounded on the civil rights issue:

Right now in Ferndale there is a civil rights bill pending before the city council. Five members of the council have already spoken against that bill because it contains two little words, "sexual orientation."⁴

³ Ibid., p. 202.

⁴ Ibid., p. 213.

Chapter 5

HATE CRIME AGAINST THE HOMOSEXUAL COMMUNITY

Almost 1 million gays and lesbians live in Michigan.¹ They are 10 percent of the State's population, making it the largest adult minority group. It is a minority group with relatively high financial, professional, and educational status.

- ▶ Fifty percent of lesbians and gays have college degrees as compared to 18 percent of the general public.
- ▶ Fifty percent of positions held by gays and lesbians are managerial or professional in nature.
- ▶ Twenty percent of the disposable income in the economy is accounted for by lesbians and gays.²

It is a minority group, however, distinct from other minority groups in two respects. First, it is an invisible minority. Outward characteristics do not identify a gay or lesbian person. Second, there is no civil rights protection for members of this group.

¹ Forum Transcript, p. 200, evidence presented to the Committee by Harriet Arnowitz, representative of Parents and Friends of Lesbians and Gays.

² Ibid. p. 200, figures provided at the forum by the Lesbian Gay Foundation of Michigan.

Because there is no legal discrimination protection for homosexuals, gays and lesbians are particularly vulnerable to hate crime. If harassment, intimidation, or violence occurs, it is dangerous to prosecute because it jeopardizes the person's professional life. Representatives of the gay and lesbian community explained:

The major concern that most people who are victims have, is the fear of exposure, because they have absolutely no civil rights when it comes to protecting their jobs, when it comes to protecting their employment.⁵

The overwhelming majority of our society still makes being out or self avowed about one's sexuality a risky threatening position. As children homosexuals are humiliated, beaten, and turned out from their homes. As adults, insult and injury are added to insult and injury. Exposed gays lose their jobs, their homes, their churches, their friends, their children, and not infrequently their lives.⁶

This is further evidenced by the very small percentage of homosexual men and women who are completely open about their sexual orientation.⁷

⁵ Ibid., p. 199, testimony of Mark Loveless, project coordinator, Michigan Lesbian and Gay Anti-Violence Task Force.

⁶ Ibid., pp. 202-03, testimony of Jeff Montgomery.

⁷ During background interviews by the Midwestern Regional Office of the USCCR with leaders of the Lesbian Gay Foundation of Michigan, board members estimated that only 0.1% of all homosexuals are totally open about their sexual orientation.

*The Nature and Scope of Hate Crime Against the
Homosexual Community*

The gay and lesbian community suffers a great number of hate crimes both in the total number of incidents and in terms of crimes per capita. The crimes against the homosexual community are similar to those against other minority groups and include murders, assaults, beatings, and other forms of intimidation and harassment.

A national survey found that 20 percent of the homosexual community admitted being the victim of a hate crime based upon their sexual orientation.⁸ The Gay-Lesbian Task Force of Michigan told the Committee that documented incidents of violent hate crime against the homosexual community in Michigan in the last 5 years have been increasing:

Anti-gay violence has increased since 1981. In some areas of the country it has increased like 50 percent....883 incidents are documented by our fact sheet, the Michigan Gay Lesbian Anti-Violence Project....It shows the incidents and the rate of violence and the types of violence that have increased.⁹

⁸ National Gay & Lesbian Task Force Policy Institute, "Anti-Gay/Lesbian Violence, Victimization & Dafamation in 1990 (1991) p. 2.

⁹ Forum Transcript, p. 194.

Sixty-six respondents in a 1991 Detroit survey of the homosexual community reported 106 incidents of hate crime. The gay and lesbian homicide rate in Michigan has increased from 3.5 percent in 1987 to 4 percent in 1989.¹⁰ Reported incidents of harassment and assaults rose from 30.5 percent to 48 percent during the same period.

These increases of hate crime against the homosexual community in Michigan are occurring during a period of stable crime rates.¹¹ This implies that the alleged rise in hate crime against the gay and lesbian community is a marked increase in hate crime against the homosexual community and not one connected to a general increase in criminal activity.

The perpetrators of hate crime against gays and lesbians were generally identified as young males. These individuals go to areas where gays and lesbians are believed to congregate and then ruthlessly engage in random acts of violence. Since homosexuality is not a readily identifiable characteristic, some of the victims in these random attacks are not homosexuals.¹²

¹⁰ The meaning of this statistic is that 4 percent of the hate crimes committed against the homosexual community in 1989 were murders. A similar interpretation holds for the next statement concerning harassment and assaults.

¹¹ The stable crime rates for Michigan over the last 5 years are set out in chapter 2.

¹² Forum Transcript, pp 212-13. Henry Messer testified to the Committee on the brutal assault and killing of Wayne Watson, a Kalamazoo man incorrectly assumed to be a homosexual.

In addition, presenters told the Committee that often the police were a part of the problem. Maryann Mahaffey, president of the Detroit City Council, testified about police harassment:

There is continuous evidence of examples of discrimination [by law enforcement officials]. It is everything from the...police officer who hangs around Rouge Park on Sunday morning because that is when some gay men play volleyball and he can figure out a way to write a few tickets to help his tally [to]...stopping someone on the basis that [he is] trespassing when he is only walking across the sidewalk or the path.

I get reports every so often about officers in the precinct that services Woodward Avenue....There are a lot of gay people that patronize some very fine restaurants there. Sometimes the police hang out there. It is a handy way to write some tickets....It is not a physical beating, but it is very much of a psychological trauma for the people who are at the brunt of it, because they know it is because of their sexual orientation.¹³

The Committee was told by others that police harassment is a serious and ongoing problem. Messer said, "One of the biggest problems we have is ongoing police harassment."¹⁴ He presented to the Committee a petition to end police harassment against lesbians and gays. There were 1,823 signatures on the petition.¹⁵

¹³ Ibid., pp. 175 and 177.

¹⁴ Ibid., p. 214.

¹⁵ Ibid., p. 214.

Messer also cited a recent example of police harassment:

Just a couple of days ago in Redford, the police stopped a car for a driving violation and there were two men in it, and they said, "If you two fags don't get out of here we are going to run you in."¹⁶

Mentioned to the Committee was a subtype of hate crime against the homosexual community needing exposure. It is homophobic acts within minority communities. Mark Loveless of the Lesbian Gay Foundation told the Committee this was a serious problem:

There is another portion of this problem that I cannot leave...and that is anti-gay violence within communities of color. What I mean is homophobia and heterosexism within the black community, Arab, Latino, and Asian Pacific communities; that is something that is killing us. You have to put yourself in a position of a black gay person, a person not only [who] has to address and deal with racism within society as a whole [but] still has to deal with anti-gay sentiments, homophobia, and physical assault when [he] goes home.

Our silence is broken. We are not tolerating anti-gay violence within the black community. If [there is] a black social action group or civil rights group that has not addressed the issue of black lesbians and gays, it has not addressed the issues of all of the back community. As people of color and ethnic diversity, we [the homosexual community] are not settling, we are not accepting second place for anyone....¹⁷

¹⁶ Ibid., p. 214.

¹⁷ Ibid., pp. 197-98.

Causes and Contributing Circumstances

The single leading contributing circumstance for hate crime against the homosexual community appears to be the high degree of public support and toleration of discrimination against the homosexual community. Karen Sundberg, board member of the Michigan Organization for Human rights, spoke to that issue:

A major reason most gay people feel oppressed is because they must hide their homosexuality. The problem is that we are forced to live in fear that we will be found out and fired from jobs or lose children, not to mention loss of life or limb, homes, money, or possessions....And given the repressive atmosphere and climate right now there is a general perception that it is okay to treat us any way at all, and to commit any violence against us even to the point of murder.¹⁸

Resulting from community support for discrimination based upon sexual orientation, a chain of causality occurs. It starts with no societal support and no legal redress for gays and lesbians encountering discrimination. This causes members of the homosexual community to be hidden and fearful regarding their lifestyle. This desire to remain hidden makes them reluctant to come forward with allegations of criminal and civil wrongs committed against them.

¹⁸ Ibid., p. 208.

As a consequence, perpetrators of hate crime against the homosexual community can act with virtual impunity. Many members of the homosexual community more willingly accept an anonymous beating, police harassment, and physical threats than risk public exposure which may cause them their professional and community standing.

Effective Countermeasures

Several countermeasures were suggested and some were partially in place. Two primary countermeasures are the reporting and tracking of hate crimes against the homosexual community and the expansion of civil rights protection to the gay and lesbian community.

The national Hate Crime Statistics Act of 1990 includes sexual orientation as a recognized motivation for hate crime in its reporting requirements. Five Michigan municipalities outlaw discrimination on the basis of sexual orientation and another bans discrimination in housing on the basis of sexual orientation.

Current Michigan law, however, does not ban discrimination on the basis of sexual orientation nor does Michigan's Ethnic Intimidation Act include "sexual orientation" as a protected category. Montgomery told the Committee:

Exclusion of lesbians and gay men from the benefits and protection of civil rights legislation forces millions of Americans to live lives that are lies, shameful, and life threatening.¹⁹

State Senator Honigman is attempting to include sexual orientation in his Ethnic Intimidation bill. Individuals from the gay and lesbian community who made presentations to the Committee, though, do not expect the measure to pass. Moreover, presenters at the forum demonstrated the current weak support for gay and lesbian rights, alleging that no one in the Michigan House of Representatives was currently willing to sponsor a civil rights measure protective of the rights of the lesbian and gay community.

Messer testified:

We have been unable to find [one] member of the Michigan House of Representatives who is even willing to introduce a bill for civil rights for gays and lesbians.²⁰

We do not get a chance to be listened to very often. The courts do not listen. The police do not listen. The legislature does not listen. Most of the city councils do not listen....There are only 5 cities in Michigan that have protection for gays and lesbians.... If you do not happen to be in one of those cities, live in one of the cities then you are just out of it.²¹

¹⁹ Ibid., p. 203.

²⁰ Ibid., p. 211.

²¹ Ibid., p. 224.

The National Gay & Lesbian Task Force Policy Institute issued a set of recommendations to curb hate crime against the homosexual community. Those recommendations were formally presented to the Committee at the forum. The Policy Institute recommendations include:

(1) adequate funding for implementation of the Federal Hate Crimes Statistics Act and other anti-hate crime measures;

(2) passage of State and local laws to curb anti-gay violence and other bias crimes;

(3) training programs for law enforcement personnel to ensure competent and sensitive handling of bias crimes, and

(4) educational programs in the schools, churches, and wider community to counteract anti-gay prejudice and other forms of intolerance.²²

²² National Gay & Lesbian Task Force Policy Institute, "Anti-Gay/Lesbian Violence, Victimization & Defamation in 1990 (1991), p. 3.

Chapter 6

COMMITTEE OBSERVATIONS

The Committee offers its observations in three areas:

- (1) whether hate crime is increasing in Michigan,
- (2) the causes of hate crime in the State, and
- (3) recommendations made to the Committee to prevent hate crime.

1. *Is Hate Crime Increasing in the State of Michigan?*

It is the Committee's observation that hate crime is increasing in the State. The 1982 report, *Hate Crime in Michigan: A Sham or a Shame*, stated that the Michigan Department of Civil Rights and local police agencies disagreed with the assessment of community leaders and Federal agencies that hate crime was on the rise. Today, however, there is a consensus that there has been an increase.

Groups appearing at the Forum appeared to have little contact with each other, yet virtually all of them independently reported an increase in hate crimes and bias-related incidents and tensions. Moreover, the sets of data that were available, statistics from the ADL, the MDCR, the AAADC, and the gay and lesbian community, all showed increases in hate crime.

In addition, the Committee notes that hate crime is not merely a black-white problem. It observes a level of intolerance and conflict among the different minority ethnic and racial groups. The Committee also understands the incidents of hate crime in Michigan particularly appear to have increased among the youth.

The increase in hate crime that the Committee observes does not appear linked to a general increase in crime. The Uniform Crime Report for Michigan shows statewide stable crime rates for the past several years. Yet that is precisely the time frame when a noticeable increase in hate crime is observed. This implies that rising hate crime activity is a phenomenon independent of other criminal activity.

Finally, the Committee sees hate crime against gays and lesbians in Michigan as a real and significant problem. As a group, they are not protected by State or Federal civil rights statutes. They are not passive victims of hate crimes, but hapless targets without support either from the society or from its institutions.

2. Causes for the Increase in Hate Crime

Many causes for the rise of hate crime were given to the Committee. Without comment on the validity of all the reasons set out at the forum, three primary causes emerged as the principal precipitancies of hate crime:

- (1) the perception that bigotry and racism is condoned,
- (2) economic downturns, and
- (3) segregated neighborhoods.

THE PERCEPTION THAT BIGOTRY AND RACISM IS CONDONED

Several presenters at the hearing emphasized that those in national leadership positions have communicated a message implicitly condoning racial intolerance. The Committee recognizes that vigorous leadership is undoubtedly needed to counter hate crimes. It also observes, however, that society as a whole is becoming less sympathetic to different minority groups and that this, too, is leading to higher levels of bias-related incidents.

The Committee recognizes that State and national leaders have the right to express their opinions on civil rights issues and on legislation pertaining to civil rights. Some of these views may be in opposition to established policies or proposed legislation. The Committee notes that such opposition may be incorrectly construed by some as condoning bigotry and racism, and therein lies the problem.

ECONOMIC DOWNTURNS

Difficult economic times seem to contribute to an increase in hate crime. A general decline in the standard of living leaves many Americans of all racial groups and religious persuasions without the incomes and life styles once easily within their grasp. It is convenient for the individuals involved to seek scapegoats to allay their frustrations and hopelessness.

This, however, is not a necessary causality. Hard economic times may indeed exacerbate the problem of hate crime, but they are not the sole cause.

SEGREGATED NEIGHBORHOODS

Ray Plowden, chief of staff to Congressman Conyers, remarked that the races do not play together and they do not live together. Physical segregation makes it impossible for individuals to learn that others from different ethnic, religious, or racial groups have the same desires and concerns. Neighborhoods in Michigan are segregated by race and ethnicity. This racial, ethnic, and religious separation heightens suspicions, misunderstandings, and fear, which are the seeds of hate crime.

CAUSES OF HATE CRIME AGAINST
THE HOMOSEXUAL COMMUNITY

The exact motivations for hate crime against the homosexual community are not clear to the Committee. It is clear, though, that this group does not enjoy basic civil rights protection. Without such protection and coupled with societal intolerance, the gay and lesbian community is particularly vulnerable to hate crime. It appears that this vulnerability has translated into a high level of hate crime.

The Committee also notes that hate crimes against the homosexual community are a potential danger to every adult. Sexual orientation is not an observable trait. As a consequence, heterosexuals as well as homosexuals are potential victims of hate crime.

3. Recommendations

The community forum on hate crime evoked reports similar to those heard and witnessed in the decades of the sixties, seventies, and eighties. This rising tide of racial and ethnic intolerance and bias-related violence is quickly eroding the fabric of the community.

The Committee wishes to focus on a series of recommendations received at the forum. It prefaces those recommendations with two statements.

HATE CRIME IS A VERY SERIOUS PROBLEM IN MICHIGAN.

HATE CRIME CAN BE DISCOURAGED, REDUCED, AND PROSECUTED.

► Racial progress has only been made when there has been positive leadership. Strong statements and actions reflecting intolerance of bigotry and support for equal opportunities and civil rights must be expressed by the President, the Governor, and each and every Federal, State, and local governmental officials.

When State and national leaders oppose traditional civil rights policies or proposed civil rights legislation, it is

imperative that such actions are not perceived as condoning racial, ethnic, or religious bigotry. Political leaders, issuing public statements on civil rights issues and/or legislation that some might perceive as being unsympathetic to the civil rights of minorities, should juxtapose those positions with a specific and explicit repudiation of all forms of bigotry and a disavowal of acts of racial and ethnic hatred.

▶ Children must be provided with a truly multicultural education beginning in the primary schools and continuing through college. These programs should include not only sensitivity training for different racial, ethnic, and religious groups but also teach the history of the civil rights struggles in this country.

▶ Education programs that teach racial harmony work. There are many groups in Michigan that have excellent programs available for use in the public schools. Schools should avail themselves of these resources and use them as a regular part of their curricula.

▶ Improve economic conditions. There may be disagreements over the optimal strategy to revitalize the area's economy, but the effort itself must be a principal focus of the public and private sector.

► The reporting of hate crimes under the Federal Hate Crimes Statistics Act of 1990 must be implemented so that a true assessment of the problem can be made.

► There should be an aggressive effort to apprehend and prosecute offenders. Penalties should include civil damages as well as criminal punishment. Part of this effort should involve police sensitivity training in reporting hate crimes and in responding and investigating incidents. Further, commitments and action are needed from elected officials to remove any law enforcement complicity in hate crime.

► Integrate neighborhoods. Federal and State agencies charged with enforcing equal opportunity in housing and lending must force the implementation of fair housing laws. The isolation of racial, ethnic, and religious groups breeds fear, distrust, and misunderstanding.

► Foster better organization and coordination of government and community groups to counter the organized network of hate groups. This includes the creation and maintenance of intervention groups, e.g., the community services bureau of the Michigan Department of Civil Rights, to ease tensions and promote racial harmony. Productive intervention by such groups is cost efficient; their efforts prevent hate crime and saves local governments the costs of investigating, prosecuting, and punishing the perpetrators.

▶ Publicize and use the State's Ethnic Intimidation Act.

▶ Enact legislation that prohibits discrimination on the basis of "sexual orientation." Without this legislation, the homosexual community remains a minority without civil rights protection. This situation makes gays and lesbians particularly susceptible to hate crimes.

CHAPTER 7

CONCLUDING REMARKS

In the last 10 years the Michigan Advisory Committee has conducted two studies on hate crime. Despite a decade of time separating the two reports and a different set of Committee members for the two inquiries, the two studies are mirror images.

In 1982 the Committee reported that hate crime and hate groups were serious problems and that if nothing was done the problem would get worse. Little was done in the next ten years and in 1992 the Committee reports that the problem is worse.

In 1982 the Committee advised the Commission that cuts in funding for domestic social programs and a retreat in the enforcement of civil rights laws was sending a signal that acts of violent bigotry would be tolerated. The signals stayed in place through the eighties and the data received at the 1992 community forum indicated hate crimes in the early nineties reached all-time highs.

In 1982 the Committee reported to the Commission to expect an increase in hate crimes if the economy moves into a recession. The Michigan economy moved into a recession and hate crimes increased.

In 1982 the Committee reported that education is critical in any effort to combat bigotry and violence. In 1992 the Committee repeats that message with a renewed urgency and advises all primary, secondary, and postsecondary schools that effective programs to combat racism and bigotry are available from a number of community groups.

On a positive note, in 1982 the Committee advised the Commission that prompt police response to reports of hate crime would keep the incidents from escalating. An analysis of recent major incidents consistently shows prompt responses from the police and intense involvement by the local authorities in major incidents of hate crime. In recent years, no single hate crime escalated into an outburst of widespread violence.

It is time that definitive actions on race relations begin--actions reaching all strata of society, schools, factories, offices, churches, city halls, and neighborhoods--so that 10 years from now this report is not rewritten for the third time.

APPENDIX

*Survey of Violence Against the Gay
and Lesbian Community*

The 1988 Michigan Ethnic Intimidation Act

The 1990 Hate Crimes Statistics Act

Survey of Violence Against the Gay and Lesbian Community

A preliminary report on hate crime against the homosexual community was released by the Triangle Foundation, 19641 W. Seven Mile Road, Detroit, Michigan, December, 1991.

The report included data results obtained from 1,000 survey questionnaires sent on a random sort of zip code prefixes. One thousand questionnaires generated 66 responses.

The respondents were: 7 females, 58 males, and 1 not indicated. The age data was: minimum 23, maximum 76, average age 72. Sexual orientation was: 8 lesbian, 54 gay male, 3 bisexual, and 1 heterosexual. Relationship status was: 26 single, 23 in a homosexual couple, 3 married, and 4 not reporting.

The 66 respondents reported a total of 106 incidents in which one or more crimes were committed. A total of 232 crimes was reported for an average of 2.2 per incident. The following is a listing of the individual crimes:

MURDER	7	AGGRAVATED ASSAULT	16
VEHICLE THEFT	4	INTIMIDATION	28
UNEQUAL LAW ENFORCEMENT	14	THREATS	23
RAPE	8	ENTRAPMENT	8
BLACKMAIL	2	BURGLARY	9
ROBBERY	8	VERBAL HARASSMENT	49
SIMPLE ASSAULT	11	LARCENY	7
		OTHER	1

Of the above crimes, only 46, 19.8 percent, were reported to the police, and of those only 16, 34.7 percent, were reported by the informants as having had a satisfactory resolution. Informants indicated the primary reasons for not reporting crimes were:

- (1) fear or reaction by the law enforcement officers,
- (2) fear of exposure to family, employers, coworkers, etc.,
- (3) police apathy or hostility because of the sexual orientation of the victim.

Twenty respondents indicated they had been mistreated or harassed by police officials. Eighteen of those were reported to the officer's supervisory authority. There were no disciplinary or other actions taken as a result of those reports.

Forcible sexual activity was reported by 16 respondents. The following is data on those assaults:

FORCED THROUGH FEAR	9	PERPETRATOR KNOWN	8
AUTHORITY OVER VICTIM	4	SAME SEX	15
OPPOSITE SEX	1	THREAT INVOLVED	6
INJURY RESULTING	1	CONSIDERED RAPE	9

Of the above 16 cases only one was reported to the police. The same reasons as enumerated above were given for not reporting.

Act No. 371
Public Acts of 1988
Approved by the Governor
December 20, 1988
Filed with the Secretary of State
December 21, 1988

**STATE OF MICHIGAN
84TH LEGISLATURE
REGULAR SESSION OF 1988**

Introduced by Reps. Honigman, Berman, Gubow, Munsell, Smith, Stabenow, Willis Bullard, Fitzgerald and Martin

ENROLLED HOUSE BILL No. 4113

AN ACT to amend Act No. 328 of the Public Acts of 1931, entitled "An act to revise, consolidate, codify and add to the statutes relating to crimes; to define crimes and prescribe the penalties therefor; to provide for the competency of evidence at the trial of persons accused of crime; to provide immunity from prosecution for certain witnesses appearing at such trials; and to repeal certain acts and parts of acts inconsistent with or contravening any of the provisions of this act," as amended, being sections 750.1 to 750.568 of the Michigan Compiled Laws, by adding section 147b.

The People of the State of Michigan enact:

Section 1. Act No. 328 of the Public Acts of 1931, as amended, being sections 750.1 to 750.568 of the Michigan Compiled Laws, is amended by adding section 147b to read as follows:

Sec. 147b. (1) A person is guilty of ethnic intimidation if that person maliciously, and with specific intent to intimidate or harass another person because of that person's race, color, religion, gender, or national origin, does any of the following:

(a) Causes physical contact with another person.

(b) Damages, destroys, or defaces any real or personal property of another person.


(c) Threatens, by word or act, to do an act described in subdivision (a) or (b), if there is reasonable cause to believe that an act described in subdivision (a) or (b) will occur.

(2) Ethnic intimidation is a felony punishable by imprisonment for not more than 2 years, or by a fine of not more than \$5,000.00, or both.

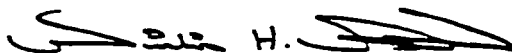
(3) Regardless of the existence or outcome of any criminal prosecution, a person who suffers injury to his or her person or damage to his or her property as a result of ethnic intimidation may bring a civil cause of action against the person who commits the offense to secure an injunction, actual damages, including damages for emotional distress, or other appropriate relief. A plaintiff who prevails in a civil action brought pursuant to this section may recover both of the following:

(a) Damages in the amount of 3 times the actual damages described in this subsection or \$2,000.00, whichever is greater.

(b) Reasonable attorney fees and costs.



Clerk of the House of Representatives.



Public Law 101-275
101st Congress

An Act

Apr. 23, 1990

[H.R. 1048]

Hate Crime
Statistics Act.
28 USC 534 note.

To provide for the acquisition and publication of data about crimes that manifest prejudice based on certain group characteristics.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) this Act may be cited as the "Hate Crime Statistics Act".

(b)(1) Under the authority of section 534 of title 28, United States Code, the Attorney General shall acquire data, for the calendar year 1990 and each of the succeeding 4 calendar years, about crimes that manifest evidence of prejudice based on race, religion, sexual orientation, or ethnicity, including where appropriate the crimes of murder, non-negligent manslaughter, forcible rape, aggravated assault, simple assault, intimidation, arson, and destruction, damage or vandalism of property.

(2) The Attorney General shall establish guidelines for the collection of such data including the necessary evidence and criteria that must be present for a finding of manifest prejudice and procedures for carrying out the purposes of this section.

(3) Nothing in this section creates a cause of action or a right to bring an action, including an action based on discrimination due to sexual orientation. As used in this section, the term "sexual orientation" means consensual homosexuality or heterosexuality. This subsection does not limit any existing cause of action or right to bring an action, including any action under the Administrative Procedure Act or the All Writs Act.

(4) Data acquired under this section shall be used only for research or statistical purposes and may not contain any information that may reveal the identity of an individual victim of a crime.

(5) The Attorney General shall publish an annual summary of the data acquired under this section.

(c) There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this section through fiscal year 1994.

SEC. 2. (a) Congress finds that—

(1) the American family life is the foundation of American Society,

(2) Federal policy should encourage the well-being, financial security, and health of the American family,

(3) schools should not de-emphasize the critical value of American family life.

(b) Nothing in this Act shall be construed, nor shall any funds appropriated to carry out the purpose of the Act be used, to promote or encourage homosexuality.

Approved April 23, 1990.

Research and
development.

Appropriation
authorization.

28 USC 534 note.