

The Northwest Coalition for Human Dignity is dedicated to sending out the message that it is unacceptable to victimize someone because of that person's race, religion, color, national origin, sexual orientation, gender, or disability. In the aftermath of the horrible torture and murder of Matthew Shepard in Laramie, Wyoming on October 6, 1998, a public discussion on the meaning and value of bias crimes laws occupies talk shows, newspapers, and dining room tables. Unfortunately, too often the discussion is based on misinformation; ironically, in some cases the confusion about bias crimes laws is itself used to promote a hate filled agenda. A society that is committed to equity and justice must focus this important bias crimes discussion on fact, not myth.

Myths and Facts About Bias Crimes

Myth: All crimes involve hate; hate crimes laws are redundant and unnecessary.

Fact: The crimes in question are accurately identified as "bias crimes;" the term "hate crimes" is misleading unless it is used with a clarifying addition – "hate crimes motivated by bias." A bias crime is an act that is motivated by the perpetrator's bias against the group to which the victim belongs. Obviously, not all crimes that involve hate are included in this definition of a bias crime.

Myth: Bias crimes laws violate free speech rights by criminalizing thoughts and beliefs.

Fact: Bias crimes laws criminalize the action that is motivated by bias, not the bias isolated from the action. The United States Supreme Court defined the perimeters of bias crimes laws in relation to free speech issues in decisions in 1992 (*R.A.V. v. City of St. Paul*) and 1993 (*Wisconsin v. Mitchell*).

Myth: A murder is a murder; a murder committed out of bias is no different from other murders.

Fact: Not all murders are treated equally in criminal law. The difference between first degree murder and second degree murder, for example, is the intent of the perpetrator. Society has determined in its laws that the intent of the perpetrator changes the nature of the crime committed and therefore a different penalty is appropriate. Enhancing the penalty for a crime involving bias reflects the fact that the harm done by an assault motivated by bias is more serious than the harm from an assault itself.

Myth: An assault committed against a Caucasian person is as serious as one committed against an African-American person; bias crime laws say one is more serious than the other.

Fact: The crimes are equally serious if in both cases assault is all that is involved. However, if the assault is a bias crime, additional harm is done. First, bias crimes tend to be more violent. Moreover, the harm done to the victim is deeper. The attack is aimed at

the very identity of a person, wounding the spirit as well as the body. Second, the effect of fear and intimidation is long lasting. Bias crime victims frequently change their daily patterns of action and sometimes even their residence out of fear; the aftermath of the crime thereby often affects the victim economically. Third, a bias crime intimidates the whole community to which the victim belongs. Finally, bias crimes drive wedges between groups of people and thereby have a serious societal impact.

Myth: Bias crimes laws grant special rights to certain groups.

Fact: Bias crimes laws identify certain categories such as race, not specific communities of people such as Native American. The Bias Crime Law in Washington State, for example, identifies the categories of race, color, religion, ancestry, national origin, gender, sexual orientation and physical, mental or sensory handicap (RCW 9A.36.080). The law does not identify specific groups within those categories such as African-Americans, Jewish people, or gays and lesbians. Indeed, bias crime charges have been filed in cases where the victim was white.

Bias crimes laws increase the penalty not because of the race etc. of the victim, but because of the bias of the perpetrator. Hence, if a straight man is attacked because the perpetrator perceives him to be gay, the bias crime law may apply.

Myth: Bias crime laws are promoted to further the agenda of certain groups.

Fact: The laws protect everyone within the defined categories: white as well as black, Christian as well as Jew, straight as well as gay. The “special rights” and “gay agenda” attacks of the extreme religious right are dishonest attempts to utilize misinformation and confusion to further their own homophobic agenda. Would a bias crimes law in Wyoming have stopped the perpetrators from killing Matthew Shepard? Probably not. But neither do laws criminalizing robbery stop all robbers. We need inclusive bias crimes laws that are clearly understood and resolutely enforced. Such action sends a loud message that it is unacceptable to victimize someone because of that person’s race, religion, color, national origin, sexual orientation, gender, or disability. Bias crime law convictions bring justice which helps the healing process for the survivors of the crime, including the community to which the victim belonged.

The confusion and misinformation about bias crimes must be cleared up so that we can focus on the real problem, namely, the prejudice and bigotry that gives rise to bias crimes.