

## Violence and the LGBT community

### **Key Words**

Hate Crimes, Identity Politics, Don't Ask Don't Tell; Lesbian, Gay, Bisexual and Transgender (LGBT).

### **Description**

This issue brief discusses violence against the LGBT community in the United States as reinforced by societal norms and governmental legislation, which support hetero-normativity and stigmatize homosexuality as the "other." In addition, this brief will also address the politicization of violence against the LGBT community as a mechanism in political campaigns.

### **Key Points**

- Government legislation has supported the stigmatization of homosexuality and intrinsically has engaged in hate crimes against the LGBT community
- Only 31 states in the United States have hate crime laws which include acts committed against individuals based on their sexual orientation, and only 12 states have statutes which mandate hate crimes as those committed against individuals based on their sexual orientation and gender identity.<sup>1</sup>
- Under the federal law hate crimes are currently defined acts that are motivated by bias against the victim's race, color, religion, or their national origin. This neglects to address crimes committed against individuals based on their sexual orientation, gender identity or disability.
- Politicizing of hate crimes against the LGBT community
- Gay Activism has been galvanized by acts of violence against white gay men, such as Harvey Milk and Matthew Shepard.

### **Issue Brief**

In a 2008 report released by the National Coalition of Anti-Violence Programs the number of hate crimes reported by individuals that identify as LGBT was 2,424, which indicates a 2% increase from the figures reported by the FBI in 2007 and a 26% increase in a period of two years.<sup>2</sup> Rather than deterring hate crimes committed against the LGBT community government legislation has only served to institutionalize homophobia and the stigmatization of homosexuality, thus intrinsically contributing to these acts of bias. In 1993 under the Clinton Administration, Don't Ask Don't Tell (DADT) was implemented in the military. This policy prohibits an individual that identifies as homosexual or bisexual from openly disclosing their sexual orientation or, discussing homosexual relations and or marriage, while they serve in the United States armed forces.<sup>3</sup> Often times hate crimes are perceived as acts of physical violence, however, the true definition of a hate crime is an *act of bias* committed against an individual.<sup>4</sup> Although federal law does not include sexual orientation or gender identity within hate crime

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<sup>1</sup> [http://www.hrc.org/laws\\_and\\_elections/5660.htm](http://www.hrc.org/laws_and_elections/5660.htm)

<sup>2</sup> [http://www.ncavp.org/common/document\\_files/Reports/2008%20HV%20Report%20smaller%20file.pdf](http://www.ncavp.org/common/document_files/Reports/2008%20HV%20Report%20smaller%20file.pdf)

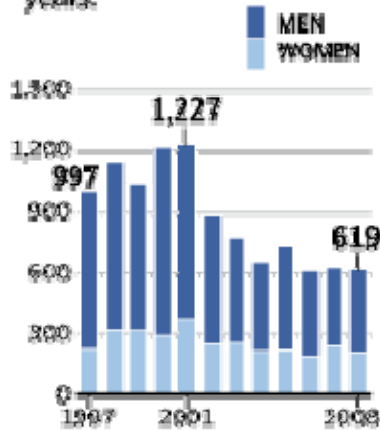
<sup>3</sup> <http://www.cmrlink.org/HMilitary.asp?docID=336>

<sup>4</sup> [http://www.usatoday.com/news/nation/2008-10-27-hatecrimes\\_N.htm](http://www.usatoday.com/news/nation/2008-10-27-hatecrimes_N.htm)

statues, the DADT policy represents a form of bias against the LGBT community. Since 1993 more than 13,000 troops have been discharged from the military because they identified as LGBT. Although the number of individuals released from service as a result of their sexual orientation has dropped since 2001, and has remained at a relatively low rate, the number of troops discharged every year is over 600. Government policies such as DADT contribute to hate crimes committed against individuals that identify as LGBT.<sup>5</sup>

### **DON'T ASK**

The number dismissed from the military under the "don't ask, don't tell" policy has held steady in recent years.



SOURCE: Department of Defense

[http://www.boston.com/news/nation/washington/articles/2009/05/20/continued\\_discharges\\_anger\\_dont\\_ask\\_dont\\_tell\\_critics/](http://www.boston.com/news/nation/washington/articles/2009/05/20/continued_discharges_anger_dont_ask_dont_tell_critics/)

Violence committed against the LGBT community has also been politicized during and before (re)election. For instance, in 2009 Arnold Schwarzenegger, the governor of California, signed a bill for a day of recognition for Harvey Milk, the gay San Francisco Politician that was killed in 1977.<sup>6</sup> This bill was originally introduced in 2008 by State Senator Mark Leno; however, it was rejected by Schwarzenegger who claimed that Mr. Milk should be commemorated locally. The release of the Oscar winning film about Mr. Milk's life and his induction into the California Hall of fame is said to have persuaded Schwarzenegger to support the passing of the bill. The re-election of California state governor is a year away, indicating that Schwarzenegger's motives is to the vote of LGBT communities, which represents a significant portion of California voters.<sup>7</sup>

<sup>5</sup>[http://www.boston.com/news/nation/washington/articles/2009/05/20/continued\\_discharges\\_anger\\_dont\\_ask\\_dont\\_tell\\_critics/](http://www.boston.com/news/nation/washington/articles/2009/05/20/continued_discharges_anger_dont_ask_dont_tell_critics/)

<sup>6</sup> Berrill, Gregory, and Kevin Herek. *Hate Crimes: Confronting Violence Against Lesbians and Gay Men*. London: Sage Publications Ltd., 1992.

<sup>7</sup>[http://www.nytimes.com/2009/10/13/us/13milk.html?\\_r=1&sq=arnold%20schwarzenegger&st=cse&adxnnl=1&scp=3&adxnnlx=1255410145-JmBS9hL/YYLiLmq/oe+5fA](http://www.nytimes.com/2009/10/13/us/13milk.html?_r=1&sq=arnold%20schwarzenegger&st=cse&adxnnl=1&scp=3&adxnnlx=1255410145-JmBS9hL/YYLiLmq/oe+5fA)

This was also a prevalent argument in the presidential election when, Obama advocated against violent and discriminatory acts committed against the LGBT community as a part of his campaign. This politicization of violence has been used by various politicians as a tactic to gain



the LGBT vote.

<http://vbprogressives.com/2009/10/15/pictures-from-the-national-equality-march-2009/>.

Activism within the gay community has often been galvanized by acts of violence towards white gay males, creating a neutralized homosexual identity and disregarding racism and sexism as part of the anti-homophobic agenda.<sup>8</sup> The 1977 murder of Harvey Milk, the first openly gay man to be elected to public office in California dramatized the movement against violent acts committed against the LGBT community. The 1998 murder of gay college student Matthew Sheppard also resulted in increased anti-gay violence campaigns. White males have functioned as the face of anti-homophobic actions. This generalized representation of gay people has failed to address the complexity of the homosexual identity as comprised of other marginalized groups (racially and based on gender); who have also been victim to homophobic acts of violence. Recently proposed legislation via the Matthew Shepard and James Bryd Jr. Act otherwise known as The Local Law Enforcement Hate Crimes Prevention Act, seems to attempt to address this disconnect in the anti-homophobic movement. Bryd Jr. was a black man killed as a result of race-based hatred in the same year as the death of Mathew Sheppard. This act seeks to make hate crimes based on sexual orientation, gender identity and disability a federal crime in addition to hate crimes based on race, color religion and or national origin.<sup>9</sup>

In October 2009 gay rights activists from various grass roots organizations collaborated to plan and participate in a National Equality March on Washington.<sup>10</sup> Although gay rights remains marginalized in United States legislation these civil liberties are beginning to gain recognition by the federal government as is evident by the passing of the Matthew Sheppard and James Bryd Jr. Act.<sup>11</sup>

<sup>8</sup> <http://cwillse.net/wp-content/uploads/2008/01/hate%20crimes.pdf>

<sup>9</sup> [http://www.hrc.org/laws\\_and\\_elections/5660.htm](http://www.hrc.org/laws_and_elections/5660.htm)

<sup>10</sup> <http://www.hrc.org/news/13372.htm>

<sup>11</sup> <http://www.cnn.com/2009/POLITICS/10/28/hate.crimes/index.html>

### General References

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